

GUIDELINES FOR JURY INSTRUCTIONS IN CIVIL CASES

Judge John J. Tuchi

The parties shall submit a joint list of proposed jury instructions. The list shall contain four sections.

Section I shall contain Ninth Circuit Model Civil Jury Instructions Used by All Arizona Judges as found at www.azd.uscourts.gov under Judges' Information > Orders, Forms & Procedures. If a model instruction is requested by both parties, the instruction shall be preceded by "ST" (Stipulated To). If the instruction is requested by only one party, the instruction shall be preceded by either "PL" (Plaintiff) or "DF" (Defendant).¹ *If a standard instruction is modified, add "[Modified]" after the description. Modifications shall be underlined in the text of the instruction for easy identification.* The jury instructions shall also be grouped as to "Preliminary," "During Trial," and "End of Trial." For example:

PRELIMINARY INSTRUCTIONS			
	ST	§ 1.4	Duty of Jury (Court reads and Provides Written Instructions at End of Case)
	ST	§ 1.5	Claims and Defenses [Modified]
	DF	§ 1.8	Two or More Parties - Different Legal Rights
	ST	§ 1.9	Consideration of Evidence – Conduct of the Jury
DURING TRIAL INSTRUCTIONS			
	DF	§ 1.11	Evidence for Limited Purpose [Modified]
	PL	§ 1.14	Credibility of Witnesses
	DF	§ 2.8	Foreign Language Testimony
	DF	§ 2.13	Expert Opinion
END OF TRIAL INSTRUCTIONS			
	ST	§ 2.14	Charts and Summaries Not Received in Evidence
	ST	§ 2.15	Charts and Summaries in Evidence
	DF	§ 2.19	Impeachment Evidence – Witness
	PL	§ 5.3	Damages – Mitigation

The parties shall include the full text of all model instructions both in the filed joint pleading *and MS-Word version emailed to chambers* at Tuchi_chambers@azd.uscourts.gov .

Section II shall contain any non-model instructions to which the parties have stipulated.

¹If multiple Defendants, identify which Defendant.

Section III shall contain any non-model instructions requested by Plaintiff (numbered consecutively, e.g. Plaintiff No. 1, No. 2, etc.). Plaintiff shall include citation to authority to support the requested instruction. Defendant shall state all objections to such instruction **immediately following** the instruction and Plaintiff's authority. Defendant shall support any objection with citation to authority. If Defendant offers an alternative instruction, such alternative instruction shall immediately follow Defendant's objection.

Section IV shall contain any non-model instructions requested by Defendant (numbered consecutively, e.g. Defendant No. 1, No. 2, etc.). Defendant shall include citation to authority to support the requested instruction. Plaintiff shall state all objections to such instruction **immediately following** the instruction and Defendant's authority. Plaintiff shall support any objection with citation to authority. If Plaintiff offers an alternative instruction, such alternative instruction shall immediately follow Plaintiff's objection.

Each proposed instruction shall begin on a new page.

The parties should note that absent a showing of good cause, the failure to submit a proposed instruction or make an objection **in the joint pleading** by the deadline set forth in the Order Setting Final Pretrial Conference shall result in the instruction being refused or the objection being deemed waived.