

VERDICT FORMS (FAULT CASES)

Introduction

There were no changes to the RAJI (CIVIL) 7th Verdict Forms

Although many jurisdictions submit questions of relative degrees of fault to a jury by special interrogatories, the Committee favors giving the jury alternative forms of verdict.

Three forms are provided for single defendant cases, and three are provided for cases with multiple defendants/others.

The first form in each set is for a plaintiff's verdict without application of comparative fault to plaintiff. The second is for a plaintiff's verdict with application of comparative fault to plaintiff. The third is for a defense verdict. Thus, the jury will indicate the nature of its decision not only by what it may insert on the form it returns, but also by which form it chooses to return.

Each verdict form has in its caption some instructive language, *i.e.*, "Use if you find for plaintiff and apply comparative fault." The Committee recommends that this language be included in the caption of the verdict forms themselves, to make the purpose of the forms especially clear to the jury.

In a multi-defendants/others case, Form 3 is a verdict for *all* defendants. If the jury finds for one or more defendants but against one or more defendants or others, it should return Form 1 or 2 (depending upon application of comparative fault to plaintiff) and place a zero on the line to the right of the name of those in whose favor it has found.

Standard Instruction 8, the standard closing instruction, should be supplemented or modified as appropriate from case to case to inform the jury what the various forms or sets of forms of verdict denote. Where more than one set of forms is provided, the trial judge should separately label each set and advise the jury to return one form of verdict from each set.

The Committee recognizes that other forms of verdict might be as appropriate as those offered in this Section.

The forms will need to be modified or replaced for punitive damages cases, and for fault cases involving jury issues on willful or wanton conduct.

A combined verdict form has been added in comparative fault cases.

SINGLE DEFENDANT — FORM 1
(Use if You Find for Plaintiff and
You Do Not Apply Comparative Fault.)

We, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find in favor of plaintiff (*insert name of plaintiff*) and find the full damages to be \$_____.

1. _____

5. _____

2. _____

6. _____

3. _____

(7) _____

4. _____

FOREPERSON

SINGLE DEFENDANT — FORM 2

**(Use if You Find for Plaintiff and
You Apply Comparative Fault.)**

We, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find in favor of plaintiff (*insert name of plaintiff*) and find the full damages to be \$_____.

We find the relative degrees of fault to be:

Plaintiff (Insert name) _____%

Defendant (Insert name) _____%

Total 100%

1. _____ 5. _____

2. _____ 6. _____

3. _____ 7. _____

4. _____ _____

FOREPERSON

SINGLE DEFENDANT — FORM 3

(Use if You Find for Defendant.)

We, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find in favor of defendant (*insert name of defendant*).

1. _____

5. _____

2. _____

6. _____

3. _____

7. _____

4. _____

FOREPERSON

MULTIPLE DEFENDANTS/OTHERS — FORM 1

**(Use if You Find for Plaintiff and
You Do Not Apply Comparative Fault to Plaintiff.)**

We, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find in favor of plaintiff (*insert name of plaintiff*) and find the full damages to be \$_____.

We find the relative degrees of fault to be: (If a party [or nonparty] listed below is not at fault, put a zero (0) on the percentage line for that party [or nonparty].)

Defendant (Insert name) _____%

Defendant (Insert name) _____%

[Other (Insert name)]¹ [_____]%

Total: 100%

1. _____ 5. _____

2. _____ 6. _____

3. _____ 7. _____

4. _____ _____

FOREPERSON

¹ See Comment to RAJI (CIVIL) 4th Fault 5 regarding when the jury apportions relative degrees of fault of “others.”

MULTIPLE DEFENDANTS/OTHERS — FORM 2

**(Use if You Find for Plaintiff and
You Apply Comparative Fault to Plaintiff.)**

We, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find in favor of plaintiff (*insert name of plaintiff*) and find the full damages to be \$_____. We find the relative degrees of fault to be: (If a party [or nonparty] is not at fault, put a zero (0) on the percentage line for that party [or nonparty].)

Plaintiff (Insert name) _____%

Defendant 1 (Insert name) _____%

Defendant 2 (Insert name) _____%

[Other (Insert name)]¹ [_____]%

Total: 100%

1. _____ 5. _____

2. _____ 6. _____

3. _____ 7. _____

8. _____ _____

FOREPERSON

¹ See Comment to RAJI (CIVIL) 4th Fault 5 regarding when the jury apportions relative degrees of fault of “others.”

MULTIPLE DEFENDANTS/OTHERS — FORM 3
(Use if You Find for All Defendants.)

We, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do find in favor of defendants (*insert names of all defendants*).

1. _____

5. _____

2. _____

6. _____

3. _____

7. _____

4. _____

FOREPERSON

**SINGLE FORM OF VERDICT COMBINING
PLAINTIFF AND DEFENDANT FORMS OF VERDICT
IN COMPARATIVE FAULT CASES — FORM 4**

JOHN DOE,

NO. CV20__-00000

v.

VERDICT

JANE DOE,

I. PLAINTIFF'S VERDICT

(Use if you find for Plaintiff and you do not apply comparative fault)

___ We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find in favor of Plaintiff (insert name) and find the full damages to be \$_____.

II. PLAINTIFF'S VERDICT

(Use if you find for Plaintiff and you apply comparative fault)

___ We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find in favor of Plaintiff (insert name) and find the full damages to be \$_____.

We find the relative degrees of fault to be:

Plaintiff (insert name) ___%

Defendant (insert name) ___%

Total 100%

