

NOTICE TO THE BAR

MODEL CIVIL JURY CHARGES REORGANIZED AND RENUMBERED

Over time, the Model Civil Jury Charges have become less than optimally organized and, in that regard, not particularly user friendly. Accordingly, as a service to the bench and the bar, the Supreme Court Model Civil Jury Charge Committee has reorganized and renumbered the Model Civil Jury Charges. The table of contents for the reorganized jury charges is appended to this Notice.

Effective as of the date of this notice, the Model Civil Jury Charges are reorganized and renumbered into chapters, sections and charges based on a three-factor decimal and alpha numbering system. The new organization is a flexible system that will allow for the integration of new charges into the appropriate sequence in the compilation of charges as they are prepared and approved by the Committee. Chapters and sections are organized by subject matter. Chapters are arranged in the order in which they commonly are presented to a jury; for example, Chapter 1 includes all general instructions. Chapter numbers appear to the left of the decimal; section numbers appear to the immediate right of the decimal. Sections are consecutively numbered within a chapter by tenths (.10, .20, .30 *et cetera*) leaving available numbers between sections so that new, related charges may be inserted without extension of the section number. As a result, charges with a similar focus now will have a common chapter and section number; for example, all medical malpractice charges begin with the chapter and section number 5.5. The new numbering system no longer will have sequential numbers for dissimilar charges. Thus, the current charge relating to a supermarket's duty to business invitees will now no longer be located immediately before the verbal threshold charge for automobile negligence.

The internal cross-references in the model charges have been amended to reflect the new numbering system. The substance of the charges is not being materially revised at this time. The reorganized and renumbered charges may be downloaded in Adobe Acrobat or Microsoft Word formats from the Judiciary's Model Civil Jury Charge site at www.njcourtsonline.com. To assist with Shepardizing, KeyCiting and historical research, the Judiciary's civil jury charge web page links to a cross-reference table showing for each new jury charge its corresponding, superseded charge number(s).

Any questions regarding this Notice, the appended table of contents for the reorganized jury charges, or the Model Civil Jury Charges themselves may be directed to Kevin M. Wolfe, Esq., Chief, Civil Practice Division, at 609-292-8470.

/s/ Philip S. Carchman

Philip S. Carchman, P.J.A.D.
Acting Administrative Director of the Courts

Dated: October 15, 2007

MODEL CIVIL JURY CHARGES

TABLE OF CONTENTS (REVISED 10/2007)

New Charge Number		Old Charge Number
	CHAPTER ONE - GENERAL INSTRUCTIONS	
	Instructions To Jurors Before Voir Dire	
1.10 A	Welcome and Explanation of Nature of Case	4.10
1.10 B	Duty of Citizens to Serve as Jurors	4.10
1.10 C	Excusing Jurors for Personal Reasons Based on Length of Trial	4.10
1.10 D	Number of Jurors to be Selected and Procedure for taking Position in Jury Box	4.10
1.10 E	Counsel's Right to Peremptory Challenges	4.10
1.10 F	Introduction of Parties, Counsel and Potential Witnesses	4.10
1.10 G	Identification of Potential Witnesses	4.10
1.10 H	Particularized Questions	4.10
1.10 I	Excusing the Balancing of the Jury after Selection is Complete	4.10
	Preliminary Charge (After Jury is Sworn in but before the Openings)	
1.11A	Role of Jury, Court and Attorneys	4.11
1.11B	Prohibition against Discussing the Case	4.11
1.11C	Jurors Not to Visit the Accident Scene or Do Investigations	4.11
1.11D	Note-Taking	4.11
1.11E	Outline of Order of Events	4.11
1.11F	Jury of Six — Alternates	4.11
1.11G	Settling Defendants	4.11
1.11H	Scheduling	4.11
1.11I	Cell Phone, Pager and other Wireless Communication Devices	4.11
1.12(Intro)	General Provisions and Standard Charge Introduction	4.12
1.12A	Purpose of Charge	1.12A
1.12B	Role of the Judge	1.12B
1.12C	Role of the Attorneys	1.12C
1.12D	Role of the Jury	1.12D
1.12E	The Evidence	1.12E
1.12F	Contention of the Parties	1.12F
1.12G	Burden of Proof	1.12G
1.12H	Preponderance of the Evidence (<i>short version</i>)	1.12H
1.12I	Preponderance of the Evidence (<i>long version</i>)	1.12I
1.12J	Direct and Circumstantial Evidence or Inferences	1.12J
1.12K	Credibility (<i>short version</i>)	1.12K
1.12L	Credibility (<i>long version</i>)	1.12L
1.12M	False in One – False in All	1.12M
1.12N	Liability	1.12N
1.12O	Damages	1.12O

1.12P	No Prejudice, Passion, Bias or Sympathy	1.12P
1.12Q	Deliberations	1.12Q
1.12R	Alternates	1.12R
1.12S	Verdict	1.12S
1.12T	Jury Verdict Sheet	1.12T
1.12U	Communications with Court (long version)	1.12U
1.12V	Communications with Court (short version)	1.12V
1.12W	Thanking the Jury	1.12W
1.12X	Exceptions of Counsel	1.12X
1.12Y	Reduce Jury to Six	1.12Y
1.12Z	Designate the Foreperson	1.12Z
1.12AA	Swear the Attendants	1.12AA
1.12BB	Lawyers Check Exhibits	1.12BB
1.12CC	Send Jury to Deliberate	1.12CC
1.12DD	Receiving Verdict	1.12DD
1.12EE	Thanking and Discharging Jury	1.12EE
1.13	Expert Testimony	4.15
1.13A	Optional Charge Concerning Hypothetical Questions	1.13A
1.13B	Optional Charge in Case of Conflicting Expert Testimony	1.13B
1.13C	Optional Charge Concerning Fee Paid to Expert	1.13C
1.13D	Optional Charge Concerning Statements from Publications	1.13D
1.14	Instructions to the Parties, Counsel and Spectators Who Have Been Closely Following Trial, After Jury Has Retired to Deliberate (Regarding Outbursts)	4.13
1.15	Note-Taking By Jurors	4.14
1.16	Alternate Juror Empanelled After Deliberations Have Begun; R. 1:8 2(d)	1.16
1.17	Instructions To Jury In Cases In Which One Or More Defendants Have Settled With The Plaintiff	1.17
1.18	Witness: Failure of A Party To Produce	4.18, 1.18A, 4.18B, 4.18C, 1.18D
1.19	Burden Of Proof — Clear and Convincing Evidence	1.19
1.20	Supplemental Instructions As To Further Deliberations By Jury	4.20, 1.20A
1.21	Instructions To Jury In Hit-And-Run Cases In Which The Commissioner Of Insurance is Impleaded As A Defendant	1.21
1.22	Expedited Jury Trials (Preliminary and Post Trial Instructions)	1.22
1.23	Preliminary Instructions Regarding Juror's Questions	1.23
1.24	Final Instructions Regarding Jurors' Questions	1.24
	CHAPTER TWO - EMPLOYMENT LAW	
	Common Law Employment Claims	
2.11	Wrongful Discharge In Violation Of A Public Policy	2.11
2.12	Personnel Manual Creating A Contract	2.12
2.13	Oral Promises Creating An Enforceable Contract	2.13
2.14	Exceptions To The Employment-At-Will Doctrine: Unwritten Personnel Policy Regarding Termination of Employment	2.14
2.15	Defamation and Employment	2.34

	Statutory Discrimination and Retaliation Employment Claims	
2.21	New Jersey Law Against Discrimination (LAD)	2.21 2.22A, 2.22B, 2.22D 2.23
2.22	LAD Retaliation	2.22C
2.23	Discriminatory Layoff or Reduction In Force (RIF)	2.22E
2.24	Wage Disparity Under The NJLAD	2.22F
2.25	Hostile Work Environment (Sexual, Age and Other Harassment)	2.22G
2.31	Wage Disparity Under The Equal Pay Act [29 U.S.C. 206 (D)(1)]	2.31
2.32	New Jersey Conscientious Employee Protection Act (CEPA)	2.32
2.33	Wrongful Discharge; Mitigation of Economic Damages	2.33
	CHAPTER THREE - INTENTIONAL TORTS	
3.10	Assault And Battery	3.10
3.11A	Public Defamation	3.11A
3.11B	Private Defamation	3.11B
3.12	Malicious Prosecution (Prior Criminal Proceeding)	3.12
3.13	Malicious Prosecution (Prior Civil Proceeding)	3.13
	False Imprisonment (False Arrest)	
3.20A	General Rules To Be Charged In All Cases	3.14A
3.20B	Defense Or Legal Authority For Confinement	3.14B
3.20C	Citizen's Arrest For A Crime Without A Warrant	3.14C
3.20D	Police Arrest Without A Warrant	3.14D
3.20E	Arrest Without Warrant For Disorderly Person's Offense Or Breach Of Peace	3.14E
3.20F	Shoplifting (<i>N.J.S.A. 2C:20-11</i>)	3.14F
3.30A	Unlawful Interference With Prospective Economic Advantage	3.15
3.30B	Tortious Interference With Contractual Relations	3.16
3.30C	Unlawful Interference With Contractual Relations	3.17
3.30D	Abuse Of Process	3.18
3.30E	Fraud — Deceit	3.19
3.30F	Intentional Infliction Of Emotional Distress	3.20
	CHAPTER FOUR - CONTRACTS CHARGES	
	Bilateral Contracts	
4.10A	The Contract Claim — Generally	4.10A
4.10B	Third Party Beneficiary	4.10B
4.10C	Existence Of A Legally Enforceable Contract	4.10C
4.10D	Form Of Contract	4.10D
4.10E	Express Or Implied Contract	4.10E
4.10F	Contingent Contract	4.10F
4.10G	Contract To Be Memorialized In Writing	4.10G
4.10H	Interpretation Of Contract Terms	4.10H
4.10I	Modification	4.10I
4.10J	Implied Terms	4.10J

4.10K	Promissory Estoppel	4.10K
4.10L	Claims Of Breach	4.10L
4.10M	Anticipatory Breach	4.10M
4.10N	Affirmative Defenses	4.10N
4.20	Time Of Performance Where Contract Is Silent	4.11
4.21	Breach Of Express Warranty On Sale Of Goods	4.15
4.22	Breach Of Implied Warranty Of Fitness For Particular Purpose Under U.C.C.	4.16
4.23	Duress	4.17
4.24	Third Party Beneficiary	4.18
4.25	Anticipatory Breach Of Contract	4.19
	Building Contracts	
4.30A	Building Contracts - Substantial Performance Of Builder	4.12
4.30B	Building Contracts - Extras	4.13
4.30C	Builder Fails To Prove Substantial Performance And Sues In Quasi-Contract	4.14
	Other Contract Actions	
4.40	Real Estate Brokers Commission - Statute Of Fraud (N.J.S.A. 25:1-9)	4.20
4.41	Bailment	4.21
4.42	<i>Intentionally Left Blank</i>	
4.43	Consumer Fraud Act	4.23
4.44	Deficiency — Sale of Collateral As Commercially Reasonable	4.24
4.45	Motor Vehicle Lemon Law (Includes Lemon Law Model Jury Verdict Sheet)	4.25
	CHAPTER FIVE - NEGLIGENCE CHARGES	
5.10A	Negligence And Ordinary Care - General	5.10
5.10B	Forseeability (As Affecting Negligence)	5.11
5.10C	Undertaking Voluntarily Assumed	5.12
5.10D	<i>Res Ipsa Loquitur</i>	5.13
5.10E	Act Of God	5.14
5.10F	Emotional Distress From Witnessing Serious Injury To An Intimate Family Member	5.15
5.10G	Sudden Emergency	5.17
5.10H	Standards Of Construction, Custom And Usage In Industry Or Trade	5.33
5.10I	Agency (A) Master/Servant (B) Respondant Superior	4.22
5.11	Assumption Of Risk - In The Primary Sense	9.10
5.12	Gross Negligence	5.09
	Real Property Condition and Owners Occupants and Lessors	
5.20A	Dangerous Condition Of Public Property	5.18
5.20B	Liability for Defects In Public Streets And Sidewalks	5.19
5.20C	Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises	5.22
5.20D	Duty Of Owner Of Multi-Family House To Tenants And Others	5.23
5.20E	Activity Of Owner/Occupier As Distinguished From Condition of Premises	5.24A
5.20F	Duty Owed — Condition Of Premises	5.24B
5.20G	Liability Of Former Owner Of Commercial Property For Defects Or Other Dangerous Conditions In Abutting Sidewalks	5.28

5.20H	Dangerous Instrumentalities Or Conditions	5.29
5.20I	Duty Of A Supermarket To A Business Invitee Walking In One Of The Aisles	5.40
5.21	Duty Of Railroad At Public Highway Grade Crossing	5.30
	Motor Vehicle And Highway	
5.30A	General Duty Owing	5.20A
5.30B	U-Turn	5.20B
5.30C	Left-Hand Turn	5.20C
5.30D	Violation Of Traffic Act	5.20D
5.30E	Effect Of Black Out	5.20E
5.30F	Liability For Injury Due To Mechanical Defect Or Failure	5.20F
5.30G	Duty Of Automobile Driver To Make Observations	5.20G
5.30H	Duty Of Care: Driver Of Motor Vehicle Proceeding Through An Intersection Controlled By A Stop Sign/Flashing Red Traffic Control Device	5.20N
5.30I	Duty Of Care: Driver Of Motor Vehicle Proceeding Through An Intersection With A Flashing Amber Traffic Control Device	5.20O
5.30J	Duty of Care Proceeding Through Intersection With Green Light [The Favored Driver]	5.20J
5.30K	Nonuse Of Seatbelt On Issue Of Negligence	5.20M
5.30L	Effect Of Intoxication On Duty Owing (By Automobile Driver)	5.21
5.31A	Duty Of Care Intersection Approached By Emergency Vehicle (To Be Used If Emergency Vehicle Is Involved)	5.20K
5.31B	Duty Of Care Of Emergency Vehicle	5.20L
5.32A	Duty Of Pedestrians And Bicyclists To Make Observations	5.20H
5.32B	Duty Of A Pedestrian When Crossing At A Point Other Than A Crosswalk	5.20I
5.33A	Verbal Threshold (Type 6, 7, 8 or 9 Injuries)	5.41
5.33B	Limitation On Lawsuit Option	5.42
	Products Liability	
5.40A	Products Liability — Introduction	5.34in
5.40B	Manufacturing Defect	5.34A
5.40C	Failure To Warn/Instruct	5.34B
5.40D-1	Design Defect — Generally	5.34c-1
5.40D-2	Design Defect — Introductory Statement To Jury (All cases)	5.34 c2
5.40D-3	Design Defect — Legal Tests Of Product Defect	5.34 c-3
5.40D-4	Design Defect — Defenses	5.34 c-4
5.40E	Crashworthiness — Special Issues	5.34c-5
5.40F	Defect Before Sale	5.34D
5.40G	Product Misuse Or Alteration	5.34E
5.40H	Foreseeable User Or Victim	5.34F
5.40I	Proximate Cause	5.34G
5.40J	Comparative Fault	5.34H
5.40K	Summary	5.34I
5.40L	Negligence	5.34K
5.40M	Express Warranty	5.34L

	Medical Negligence	
5.50A	Duty and Negligence	5.36A
5.50B	Common Knowledge Standard of Care	5.36B
5.50C	Informed Consent (Competent Adult and No Emergency)	5.36C
5.50D	Intentionally Left Blank	5.36D
5.50E	Pre-Existing Condition — Increased Risk/Loss of Chance — Proximate Cause	5.36E
5.50F	Wrongful Birth and Life	5.36F
5.50G	Medical Judgment	5.36G
5.50H	Alteration Of Medical Records	5.36H
5.50I	Fraudulent Concealment Of Medical Records	5.36I
	Attorney Negligence	
5.51A	Legal Malpractice	5.37
5.51B	Proximate Cause - Inadequate or Incomplete Legal Advice	5.37E
	Other Professional Negligence	
5.52	Professional Liability Of An Architect/ Engineer	5.38
	Animals	
5.60A	Statutory Owner - Dog Bite Liability (<i>N.J.S.A. 4:19-16</i>)	5.25
5.60B	Animal With Vicious Or Dangerous Trait Or Propensity (Other Than An Owner Dog Bite Case)	5.26
	Other Negligence Actions	
5.70	Parental Supervision — Unemancipated Child For Personal Injuries	5.16
5.71	Tavern Keepers Serving Minors And Intoxicated Persons	5.39
5.72	Proprietor's Duty Of Care To Patrons Against Criminal Activity Of Third Persons	5.27
5.73	Common Carrier for Hire	5.31
5.74	Duty Of Teachers And School Personnel To Student	5.32
5.75	Nuisance	5.35
5.76	Negligent Hiring	5.76
	CHAPTER SIX - PROXIMATE CAUSE	
6.10	Proximate Cause — General Charge To Be Given In All Cases	7.10
6.11	Proximate Cause — Routine Tort Where No Issues Of Concurrent Or Intervening Causes, Or Foreseeability Of Injury Or Harm	7.11
6.12	Proximate Cause — Claim That Concurrent Causes of Harm Were Present	7.12
6.13	Proximate Cause — Claim That Concurrent Causes of Harm Are Present <u>And</u> Claim That Specific Harm Was Not Foreseeable	7.13
6.14	Proximate Cause — Claim of Intervening or Superseding Cause	7.14
	CHAPTER SEVEN - COMPARATIVE AND CONTRIBUTORY NEGLIGENCE	
7.10	Contributory Negligence	8.10
7.11	Care Required Of Children (7 Years and Older) (Under 7 Years)	8.11
7.12	Duty Of Passenger In Automobile	8.12
7.13	Negligence — Intoxication (Riding With Intoxicated Driver)	8.13
7.14	Negligence — Effect of Physical Impairment	8.14

7.15	Negligence — Care Required Of Pedestrian On Sidewalk	8.15
7.16	Negligence — Acts or Misconduct Are Willful, Wanton or Malicious or In Reckless Disregard Of One's Safety Or Are Intentional Acts	8.16
7.20	Federal Employers Liability Act — Comparative Negligence	8.17
7.21	Jones Act — Comparative Negligence	8.18
7.22	Third Party Action under Longshoreman's and Harbor Workers Compensation Act — Comparative Negligence	8.19
7.30	Comparative Negligence — (Auto)	8.20
7.31	Comparative Negligence: Ultimate Outcome	8.21
7.32	Comparative Negligence: Interrogatories	8.22
	CHAPTER EIGHT - DAMAGES - GENERAL	
8.10	Damages — Personal Injury Case	6.10
8.11A	Medical Expenses (Non Auto)	6.11A
8.11B	Duty To Mitigate Damages By Medical And Surgical Treatment	6.11C
8.11C	Loss of Earnings	6.11D
8.11D	Loss Of Profits	6.11E
8.11E	Disability, Impairment And Loss Of The Enjoyment Of Life, Pain And Suffering	6.11F
8.11F	Aggravation Of The Preexisting Disability	6.11G
8.11G	Life Expectancy	6.11H
8.11H	Capitalization	6.11I
8.11I	Future Medical Expenses	6.11K
	Damages — Motor Vehicle	
8.20	Medical Expenses (Auto)	6.11B
8.21	Nonuse of Seat Belt Including Ultimate Outcome (Includes Jury Verdict Sheet)	6.11J
	Damages — Per Quod	
8.30A	Medical Expenses	6.12A
8.30B	Loss Of Spouse's Services, Society And Consortium	6.12B
8.30C	Loss Of Child's Services And Earnings	6.12C
	Damages — Other Causes	
8.40	Trespass To Real Property	6.13
8.41	Conversion	6.14
8.42	Survival Action	6.15
8.43	Wrongful Death (Includes Jury Verdict Sheet)	6.16, 6.16A
8.44	Personal Property	6.17
8.45	Breach of Contract	6.18
8.46	Defamation (Private Or Public)	3.11C
8.47A	Malicious Prosecution Based Upon Prior Criminal Proceeding	3.12H
8.47B	Malicious Prosecution Based Upon Prior Civil Proceedings	3.13B
8.47C	False Imprisonment (False Arrest)	3.14G
8.48	Tax Consequences Of Personal Injury Award	6.19
8.49	Supervisory Sexual Harassment	6.21
8.50-8.59	Intentionally Left Blank	

	Damages — Punitive Damages	
8.60	Punitive Damages Actions — Filed On or After 10/27/1995 (Other Than Products Liability Actions)	6.20A
8.61	Punitive Damages — Law Against Discrimination Claims	6.20B
8.62	Punitive Damages — Products Liability — Actions Filed on or after 10/27/95	5.34J
	Damages – Tort Claim Act	
8.70	Tort Claims Act Threshold For Recovery Of Damages For Pain And Suffering	5.50
	CHAPTER NINE - CONDEMNATION	
9.10	Condemnation — Generally	10.10
9.11	Condemnation — Highest And Best Use	10.11
9.12	Condemnation — Methods Of Computing Fair Market	10.12
9.13	Condemnation — Machinery	10.13
9.14	Condemnation — Partial Taking (Severance Damages)	10.14
9.15	Condemnation — Taking Publicly Owned Properties	10.15
	CHAPTER TEN - FORFEITURES	
10.10	Civil In Rem Forfeiture Actions	11.10