

# NOTICE TO THE BAR

## MODEL CIVIL JURY CHARGES UPDATE

The Supreme Court Committee on Model Civil Jury Charges has approved the revisions of the following Model Civil Jury Charges for use by the bar and trial courts. All approved Model Civil Jury Charges, including the following charges, are available for downloading at <https://www.njcourts.gov/attorneys/civilcharges.html>.

### **5.30G Duty of Automobile Driver to Make Observations** (Approved before 1983; Revised 03/2021)

The Cases sections of Section 1 - For Traffic Conditions and Section 5 - Temporary Blindness of Driver as Affecting Duty are revised to correct a citation to *N.J.S.A. § 39:3-74* (Windshields must be unobstructed and equipped with cleaners). Case law was also updated throughout the charge.

### **5.30H Duty of Care: Driver of Motor Vehicle Proceeding Through an Intersection Controlled by a Stop Sign/Flashing Red Traffic Control Device** (Approved before 2007; Revised 03/2021)

A Note to Judge is added to the beginning of the charge to clarify that a bicyclist is considered a “driver” under *N.J.S.A. 39:1-1* and is, therefore, subject to all of the rights and duties that apply to a driver of a vehicle.

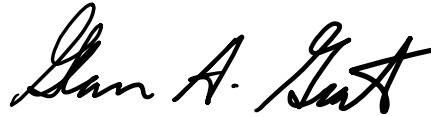
### **5.32C DUTY OF DRIVERS AND PEDESTRIANS CROSSING AT MARKED OR UNMARKED CROSSWALK** (Approved 06/2010; Revised 03/2021)

A Note to Judge is added to the beginning of the charge to provide the definitions of “pedestrian” and “driver” under *N.J.S.A. 39:1-1*. It is further noted that a bicyclist does not qualify as a pedestrian as a bicyclist is not “afoot”.

### **5.50E Pre-Existing Condition – Increased Risk/Loss of Chance – Proximate Cause** (Approved 10/2014; Revised 03/2021)

Language is added to clarify that the jury can decide that a defendant’s deviation from the standard of care was a substantial factor in causing the plaintiff’s ultimate injury even if it is not the predominant cause of the injury. The jury does not have to find that the deviation is a greater cause than the preexisting condition in order to find for the plaintiff. Apportionment language was also relocated within the charge.

Questions regarding this and other model civil jury charges may be directed to Kristi Jasberg Robinson, Esq., Chief, Civil Practice Liaison, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 981, Trenton, New Jersey 08625-0981; phone (609) 815-2900 ext. 54900; e-mail [Kristi.Robinson@njcourts.gov](mailto:Kristi.Robinson@njcourts.gov).

A handwritten signature in black ink, reading "Glenn A. Grant". The signature is written in a cursive style with a horizontal line underneath it.

Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts

Dated: March 4, 2021