

## NOTICE TO THE BAR

### MODEL CIVIL JURY CHARGE UPDATE

The Supreme Court Committee on Model Civil Jury Charges has approved the following Model Civil Jury Charge for use by the bar and trial courts. All approved Model Civil Jury Charges, including this amended charge, are available for downloading from the Judiciary's web site at <http://www.judiciary.state.nj.us/civil/civindx.htm>.

#### **2.25 HOSTILE WORK ENVIRONMENT CLAIMS UNDER THE NEW JERSEY LAW AGAINST DISCRIMINATION (SEXUAL AND OTHER HARASSMENT) (05/2015)**

This charge is amended in light of the Supreme Court's decision in *Aguas v. State*, 220 N.J. 494 (2015), in which the Court held that the employer in a hostile work environment sexual harassment case may assert as an affirmative defense that it exercised reasonable care to prevent and promptly correct the improper behavior and that the plaintiff-employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or avoid harm otherwise, provided that the employer has not taken an adverse employment action against the plaintiff-employee.

Questions regarding this revised model civil jury charge 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) 292-8470; e-mail [Kristi.Robinson@judiciary.state.nj.us](mailto:Kristi.Robinson@judiciary.state.nj.us).

/s/ Glenn A. Grant

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

Dated: May 28, 2015