

## Appendix Two: Other Sets of Instructions

### Appendix Two: Instructions Covered in Other Sets

As noted previously, the Committee chose the topics for its substantive instructions (concerning Section 1983 claims and employment-related claims) because those topics frequently arise in cases litigated within the Third Circuit. The index that follows lists model instructions from other sources that cover other topics. At the end of this Appendix is a statistical summary showing the frequency with which various types of claims result in completed jury trials in district courts within the Third Circuit.

#### Instructions for Use in Other Federal Circuits

- 1st Circuit (Criminal) (2014) (available online at <http://www.med.uscourts.gov/pdf/crpijlinks.pdf>); (Civil) (No longer updated, most recently updated 2012) (available online at <http://www.med.uscourts.gov/pattern-jury-instructions>) (1998 version available on WestlawNext, in the [Federal Jury Practice & Instructions](#) database)
  - Civil (not updated after 2012) includes Employment Discrimination (available at [http://www.med.uscourts.gov/pdf/empl\\_discr\\_pi.pdf](http://www.med.uscourts.gov/pdf/empl_discr_pi.pdf)); Cases of Excessive Force (available at <http://www.med.uscourts.gov/pdf/excessiveforce.pdf>); Maritime Employee Personal Injury Law (available at [http://www.med.uscourts.gov/pdf/maritime\\_employee\\_pi.pdf](http://www.med.uscourts.gov/pdf/maritime_employee_pi.pdf)); and Railroad Employee Personal Injury ([http://www.med.uscourts.gov/pdf/railroad\\_employee\\_pi.pdf](http://www.med.uscourts.gov/pdf/railroad_employee_pi.pdf)).
  - *See also* the Civil Jury Notebooks' Glossary, Preliminary Jury Instructions, and Suggestions for Jury Deliberations (available at <http://www.med.uscourts.gov/civil-jury-notebooks>); Judge Hornby's Draft Criminal Instructions (available at [http://www.med.uscourts.gov/pdf/DBH\\_Draft\\_Criminal\\_Instructions.pdf](http://www.med.uscourts.gov/pdf/DBH_Draft_Criminal_Instructions.pdf)); Judge Hornby's Draft Civil Instructions (available at [http://www.med.uscourts.gov/pdf/DBH\\_Draft\\_Civil\\_Instructions.pdf](http://www.med.uscourts.gov/pdf/DBH_Draft_Civil_Instructions.pdf)); and other Courtroom Practices material (available at <http://www.med.uscourts.gov/nodeblock/courtroom-practices>).
- 5th Circuit (Civil and Criminal) (2014 Civil, 2012 Criminal) (available online at <http://www.lb5.uscourts.gov/juryinstructions/>, and on WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 6th Circuit (Criminal) (Updated 2014) (available online

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1 at [http://www.ca6.uscourts.gov/internet/crim\\_jury\\_insts.htm](http://www.ca6.uscourts.gov/internet/crim_jury_insts.htm)) (2013 version available on  
2 WestlawNext in the [Federal Jury Practice & Instructions](#) database).

- 3
- 4 ● 7th Circuit (Civil and Criminal) (2009 Civil, 2013 Criminal) (available online  
5 at [http://www.ca7.uscourts.gov/Pattern\\_Jury\\_Instr/pattern\\_jury\\_instr.html](http://www.ca7.uscourts.gov/Pattern_Jury_Instr/pattern_jury_instr.html)), and on  
6 WestlawNext in the [Federal Jury Practice & Instructions](#) database).  
7
  - 8 ○ Instructions include Pattern Civil Jury Instructions; Pattern Criminal Jury  
9 Instructions; Pattern Federal Employer Liability Act and Similar Statutes  
10 Instructions; Pattern Patent Law Jury Instructions; Pattern Trademark Civil Jury  
11 Instructions; and Pattern Copyright Jury Instructions.
- 12
- 13 ● 8th Circuit (Civil and Criminal) (2014) (available online  
14 at <http://www.juryinstructions.ca8.uscourts.gov/index.htm>, and on WestlawNext in  
15 the [Federal Jury Practice & Instructions](#) database).
- 16
- 17 ● 9th Circuit (Civil) (2007, updated through 2014) (available online  
18 at [http://www3.ce9.uscourts.gov/jury-](http://www3.ce9.uscourts.gov/jury-instructions/model-civil)  
19 [instructions/model-civil](http://www3.ce9.uscourts.gov/jury-instructions/model-civil)); (Criminal) (2010,  
20 updated through 2014) (available online at [instructions/model-criminal](http://www3.ce9.uscourts.gov/jury-</a><br/>21 <a href=)); (2007 Civil and 2008 Criminal versions available on  
22 WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 23 ● 10th Circuit (Criminal) (Updated 2011) (available online  
24 at <http://www.ca10.uscourts.gov/clerk/downloads/criminal-pattern-jury-instructions>, and  
25 on WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 26
- 27 ● 11th Circuit (Civil and Criminal) (Civil 2013, Criminal 2010) (available online  
28 at <http://www.ca11.uscourts.gov/pattern-jury-instructions>, and on WestlawNext in  
29 the [Federal Jury Practice & Instructions](#) database).
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- 31

### Instructions from States within the Third Circuit

- 32
- 33
- 34 ● Delaware Superior Court Civil Pattern Jury Instructions (2006) (available online  
35 at <http://courts.delaware.gov/Superior/pattern/pattern.stm>, and on WestlawNext  
36 as [Delaware Pattern Civil Jury Instructions](#)).
- 37
- 38 Delaware Superior Court Criminal Pattern Jury Instructions (2012) (available online  
39 at [http://courts.delaware.gov/Superior/pattern/pattern\\_criminal.stm](http://courts.delaware.gov/Superior/pattern/pattern_criminal.stm)).
- 40
- 41 ● New Jersey Model Civil Jury Charges (available online

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1 at <http://www.judiciary.state.nj.us/civil/civindx.htm>, and on WestlawNext as [New Jersey](#)  
2 [Civil Jury Instructions](#)).

3  
4 New Jersey Criminal Model Charges (Revised July 2014) (available online  
5 at <http://www.judiciary.state.nj.us/criminal/juryindx.pdf>, and on WestlawNext as [New](#)  
6 [Jersey Criminal Jury Instructions](#)).

- 7  
8 ● Pennsylvania Suggested Standard Civil and Criminal Jury Instructions (available online  
9 in WestlawNext in the [Pennsylvania Secondary Sources](#) database).

### 11 12 **Instructions from Other Sources**

- 13  
14 ● American Bar Association (ABA):
  - 15 ○ Model Jury Instructions: Business Torts Litigation (2005) Model Jury Instructions
  - 16 in Civil Antitrust Cases (2005)
  - 17 ○ Model Jury Instructions in Criminal Antitrust Cases (2009)
  - 18 ○ Model Jury Instructions: Copyright, Trademark and Trade Dress Litigation (2008)
  - 19 ○ Model Jury Instructions: Patent Litigation (2005)
  - 20 ○ Model Jury Instructions: Employment Litigation (2005)
  - 21 ○ Model Jury Instructions: Securities Litigation (1996)
  - 22 ○ Model Jury Instructions for Surety Cases (2000)
  - 23 ○ Model Jury Instructions for Fidelity Cases (2003)
  - 24 ○ Model Jury Instructions: Construction Litigation (2001)
- 25  
26  
27 ● American Intellectual Property Law Association, Model Patent Jury Instructions (2012)  
28 (available online at [http://www.aipla.org/learningcenter/library/books/other-](http://www.aipla.org/learningcenter/library/books/other-pubs/Pages/default.aspx)  
29 [pubs/Pages/default.aspx](#))
- 30  
31 ● Michael Avery, David Rudovsky & Karen M. Blum, *Police Misconduct: Law and*  
32 *Litigation* (3d ed., 2014) (available on WestlawNext as [Police Misconduct: Law &](#)  
33 [Litigation](#)).
- 34  
35 ● Federal Circuit Bar Association, Model Patent Jury Instructions (updated 2012)  
36 (available online at <http://www.fedcirbar.org/olc/pub/LVFC/cpages/misc/pubs.jsp>).
- 37  
38 ● Kevin F. O'Malley, Jay E. Grenig, & William C. Lee, *Federal Jury Practice and*  
39 *Instructions* (2006, updated through 2014 with pocket parts) (available on WestlawNext  
40 as [Federal Jury Practice and Instructions](#)).
- 41

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- 1 ● Leonard Sand, John S. Siffert, Walter P. Loughlin, Steven A. Reiss, Nancy Batterman,  
2 Steve Allen & Hon. Jed S. Rakoff, Modern Federal Jury Instructions–Civil (looseleaf,  
3 updated regularly) (available on Lexis Advance as Modern Federal Jury Instructions–  
4 Civil).  
5
- 6 ● Leonard B. Sand, John S. Siffert, Walter P. Loughlin, Steven A. Reiss, Steve Allen &  
7 Hon. Jed S. Rakoff, Modern Federal Jury Instructions—Criminal (looseleaf, updated  
8 regularly) (available on Lexis Advance as Modern Federal Jury Instructions–Criminal).  
9
- 10 ● Martin A. Schwartz & George C. Pratt, 4 Section 1983 Litigation: Jury Instructions  
11 (looseleaf, updated regularly) (available on WestlawNext as [Section 1983 Litigation Jury](#)  
12 [Instructions](#)).  
13

14 Both Lexis Advance and WestlawNext have databases of jury instructions. In Lexis  
15 Advance, filter by Category → Jury Instructions. In WestlawNext, select [Trial Court](#)  
16 [Documents – Jury Instruction Filings](#).  
17  
18

### Instructions That Pertain to Federal Claims and Are Not Covered in Third Circuit Models

- 19 ● Admiralty  
20  
21  
22  
23 ○ 1<sup>st</sup> Cir. – Maritime Employee Personal Injury  
24 ○ 5<sup>th</sup> Cir. – (Civil) 4.1 - 4.11  
25 ○ 8<sup>th</sup> Cir. – (Civil) 17.00-17.90  
26 ○ 9<sup>th</sup> Cir. – (Civil) 7.1 - 7.12  
27 ○ 11<sup>th</sup> Cir. –(Civil) Chapter 8  
28 ○ O’Malley et al – Chapter 156  
29 ○ Sand – Chapter 90  
30
- 31 ● Antitrust  
32  
33 ○ 5<sup>th</sup> Cir. – (Civil) 6 (Comment points to other sources)  
34 ○ 9<sup>th</sup> Cir. – (Civil) 16 (Comment points to other sources)  
35 ○ ABA, Model Jury Instructions in Civil Antitrust Cases  
36 ○ ABA, Model Jury Instructions in Criminal Antitrust Cases  
37 ○ O’Malley et al – Chapter 150  
38 ○ Sand – Chapters 79 - 81  
39  
40  
41

## Appendix Two: Other Sets of Instructions

- 1 ● Bankruptcy
- 2
- 3 ○ O'Malley et al – Chapter 164
- 4
- 5 ● Civil Rights – Education Discrimination
- 6
- 7 ○ O'Malley et al – Chapter 177
- 8
- 9 ● Civil Rights – First Amendment – Libel
- 10
- 11 ○ O'Malley et al – Chapter 124
- 12 ○ Sand – Chapter 91
- 13
- 14 ● Civil Rights – Housing Discrimination
- 15
- 16 ○ O'Malley et al – Chapter 169
- 17 ○ Sand – 87.02
- 18
- 19 ● Civil Rights – Section 1983 Claims
- 20
- 21 ○ Conditions of Confinement
- 22
- 23 - 5<sup>th</sup> Cir. – (Civil) 10.9 – 10.10
- 24 - 7<sup>th</sup> Cir. – (Civil) 7.10 & 7.14
- 25 - 9<sup>th</sup> Cir. – (Civil) 9.25
- 26 - 11<sup>th</sup> Cir. – (Civil) 5.5
- 27 - O'Malley et al – 166.22
- 28 - Schwartz & Pratt – 11.02
- 29
- 30 ○ Denial of Access to Courts
- 31
- 32 - 7<sup>th</sup> Cir. – (Civil) 8.01 - 8.03
- 33 - 11<sup>th</sup> Cir. – (Civil) 5.1
- 34 - O'Malley et al – 166.24
- 35
- 36 ○ Law Enforcement – Other Violations
- 37
- 38 - Excessive Bail
- 39
- 40 ■ Schwartz & Pratt – 9.04
- 41
- 42 - Failure to Produce Exculpatory Evidence

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- 1
- 2
  - Avery, Rudovsky & Blum – 12.29 - 12.30
  - 3 ■ Schwartz & Pratt – 9.01
  - 4
  - 5 - Manufactured, Coerced, or False Evidence
  - 6
  - 7 ■ Avery, Rudovsky & Blum – 12.25 - 12.28
  - 8 ■ Schwartz & Pratt – 9.02
  - 9
- 10
- 11 ○ Plaintiff's Status
- 12
- 13 - Schwartz & Pratt – 3.04
- 14
- 15 ○ Prisoner – Disciplinary Sanctions
- 16
- 17 - Schwartz & Pratt – 11.04
- 18
- 19 ○ Prisoner – Retaliation
- 20
- 21 - 7<sup>th</sup> Cir. – (Civil) 6.02 & 6.03
- 22 - 11<sup>th</sup> Cir. – (Civil) 5.1
- 23
- 24 ○ Procedural Due Process
- 25
- 26 - O'Malley et al – 168.80 - 168.151
- 27 - Schwartz & Pratt – 6.01
- 28
- 29 ○ Regulatory Takings
- 30
- 31 - Schwartz & Pratt – 6.03
- 32
- 33 ○ Substantive Due Process
- 34
- 35 - Schwartz & Pratt – 6.02
- 36
- 37 ○ Unreasonable Search
- 38
- 39 - 9<sup>th</sup> Cir. – (Civil) 9.11 - 9.15
- 40 - Avery, Rudovsky & Blum – 12.15 - 12.19
- 41 - O'Malley et al – 165.22
- 42 - Sand – 87.03 (87-74B)

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- 1
- 2 ● Civil Rights – Section 1985 Conspiracy Claims
- 3
- 4 ○ O’Malley et al – Chapter 167
- 5 ○ Sand – 87.04
- 6
- 7 ● Damages
- 8
- 9 ○ 5<sup>th</sup> Cir. – (Civil) 15.1 - 15.15
- 10 ○ 9<sup>th</sup> Cir. – (Civil) 5.1 - 5.6
- 11 ○ Sand – Chapter 77
- 12 ○ Schwartz & Pratt – Chapter 18
- 13
- 14 ● Defenses
- 15
- 16 ○ Miscellaneous
- 17
- 18 - O’Malley et al – 107.01 - 107.04
- 19
- 20 ● Eminent Domain
- 21
- 22 ○ 5<sup>th</sup> Cir. – (Civil) 13.3
- 23 ○ O’Malley et al – Chapter 154
- 24
- 25 ● Evidence
- 26
- 27 ○ Admissions in Pleadings
- 28
- 29 - O’Malley et al – 101.46
- 30
- 31 ○ Credibility of Witnesses
- 32
- 33 - 1<sup>st</sup> Cir. (Criminal) – 1.06, 3.06
- 34 - 5<sup>th</sup> Cir. (Criminal) – 1.08
- 35 - 6<sup>th</sup> Cir. (Criminal) – 1.07
- 36 - 7<sup>th</sup> Cir. (Criminal) – 3.01
- 37 - 8<sup>th</sup> Cir. – (Civil) 3.4; (Criminal) 1.05
- 38 - 9<sup>th</sup> Cir. – (Civil) 1.11; (Criminal) 1.7 & 3.9
- 39 - 10<sup>th</sup> Cir. (Criminal) – 1.08
- 40 - O’Malley et al – 15.01 – 15.15; 105.01 - 105.12
- 41
- 42 ○ Cross-Examination of Character Witness

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- 1
- 2 - 7<sup>th</sup> Cir. – (Civil) 2.10
- 3 - 8<sup>th</sup> Cir. – (Civil) 2.10
- 4 - O’Malley – 11.15
- 5 - Sand – 5.06 (5-16)
- 6
- 7 ○ Demonstrative Evidence
- 8
- 9 - 5<sup>th</sup> Cir. – (Civil) 2.8
- 10 - 7<sup>th</sup> Cir. – (Civil) 1.24; (Criminal) 3.17
- 11 - 8<sup>th</sup> Cir. – (Civil) 2.12; (Criminal) 4.11
- 12 - 9<sup>th</sup> Cir. – (Civil) 2.12; (Criminal) 4.15
- 13
- 14 ○ Fingerprints
- 15
- 16 - O’Malley et al – 14.12 & 104.51
- 17
- 18 ○ Habit or Routine Practice Evidence
- 19
- 20 - Sand – 74.03
- 21
- 22 ○ Handwriting
- 23
- 24 - O’Malley et al – 104.52
- 25
- 26 ○ Impeachment by Inconsistent Statements
- 27
- 28 - 1<sup>st</sup> Cir. (Criminal) – 2.03
- 29 - 5<sup>th</sup> Cir. – (Civil) 2.11
- 30 - 6<sup>th</sup> Cir. (Criminal) – 7.04
- 31 - 7<sup>th</sup> Cir. – (Civil) 1.14; (Criminal) 3.03 & 3.04
- 32 - 10<sup>th</sup> Cir. (Criminal) – 1.10
- 33 - 11<sup>th</sup> Cir. – (Civil) 3.5.1; (Criminal) 6.1
- 34 - O’Malley et al – 15.06 & 105.04
- 35
- 36 ○ Inferences and Presumptions
- 37
- 38 - 1<sup>st</sup> Cir. – (Criminal) 3.04
- 39 - 8<sup>th</sup> Cir. (Criminal) – 4.13
- 40 - O’Malley et al – 104.20 - 104.28
- 41 - Sand – Chapters 6 & 75
- 42



## Appendix Two: Other Sets of Instructions

- 1           ○     Oral Statements or Admissions
- 2
- 3           -       O'Malley et al – 104.53
- 4
- 5           ○     Pleadings
- 6
- 7           -       O'Malley et al – 103.32
- 8           -       Sand – 78-2
- 9
- 10          ○     Requests for Admission
- 11
- 12          -       Sand – 74.08
- 13
- 14          ○     Similar Acts
- 15
- 16          -       1<sup>st</sup> Cir. – (Criminal) – 2.06
- 17          -       5<sup>th</sup> Cir. – (Civil) 2.10; (Criminal) 1.30
- 18          -       8<sup>th</sup> Cir. – (Criminal) 2.08
- 19          -       10<sup>th</sup> Cir. (Criminal) – 1.30
- 20          -       11<sup>th</sup> Cir. (Criminal) – Special Instructions 4; Trial Instructions 1
- 21          -       Sand – 5.10; 74.03 (74-7)
- 22
- 23          ○     Statements by Patient to Doctor
- 24
- 25          -       Sand – 74.05 (74-10)
- 26
- 27          ○     Stipulations
- 28
- 29          -       1<sup>st</sup> Cir. - (Criminal) 2.01
- 30          -       5<sup>th</sup> Cir. - (Civil) 2.3
- 31          -       7<sup>th</sup> Cir. – (Civil) 2.05
- 32          -       8<sup>th</sup> Cir. – (Civil) 2.4; (Criminal) 2.03
- 33          -       9<sup>th</sup> Cir. – (Civil) 2.2; (Criminal) 2.4
- 34          -       11<sup>th</sup> Cir. – (Civil) 2.1
- 35          -       O'Malley et al – Chapter 102
- 36          -       O'Malley et al – 101.47
- 37          -       Sand – 74.02 (74-4)
- 38
- 39          ○     Stipulations at pretrial conference
- 40
- 41          -       O'Malley et al – 101.47
- 42

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- 1           ○     View of Location Permitted
- 2
- 3           -       O’Malley et al – 11.07; 102.26
- 4
- 5     ●     General Instructions
- 6
- 7           ○     Common Counsel
- 8
- 9           -       Sand – 71-8
- 10
- 11          ○     Judge’s Comments on Evidence
- 12
- 13          -       O’Malley et al – 102.73
- 14
- 15          ○     Judge’s Questions to Witnesses
- 16
- 17          -       O’Malley et al – 11.05, 101.30, 102.72
- 18
- 19          ○     Missing Witness
- 20
- 21          -       1<sup>st</sup> Cir. (Criminal) – 2.12
- 22          -       5<sup>th</sup> Cir. – (Civil) 2.9
- 23          -       7<sup>th</sup> Cir. – (Civil) 1.19
- 24          -       8<sup>th</sup> Cir. – (Criminal) 4.16
- 25          -       9<sup>th</sup> Cir. – (Criminal) 4.13
- 26          -       O’Malley et al – 104.25
- 27
- 28          ○     No Transcript Available to the Jury
- 29
- 30          -       8<sup>th</sup> Cir. – (Civil) 1.6; (Criminal) 1.6A
- 31          -       9<sup>th</sup> Cir. – (Civil) 1.13; (Criminal) 1.9
- 32
- 33          ○     Previous Trial
- 34
- 35          -       1<sup>st</sup> Cir. (Criminal) – 1.03
- 36          -       8<sup>th</sup> Cir. – (Civil) 2.06/2.7; (Criminal) 2.20
- 37          -       9<sup>th</sup> Cir. – (Criminal) 2.15
- 38          -       Federal Judicial Center Pattern Criminal Jury Instruction 14
- 39          -       O’Malley et al – 102.42
- 40          -       Sand 71.01 (71-11)
- 41
- 42          ○     Publicity During Trial

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- 1
- 2           -       O'Malley et al – 11.08, 101.21, 102.12
- 3
- 4       ○       Reprimand of Counsel for Misconduct
- 5
- 6           -       Sand – 71.01 (71-7)
- 7
- 8       ○       Sequestration
- 9
- 10           -       O'Malley et al – 10.09, 101.14
- 11           -       Sand – 9.06
- 12
- 13       ○       Sympathy
- 14
- 15           -       Sand – 71.01 (71-10)
- 16
- 17       ○       Tests and Experiments
- 18
- 19           -       9<sup>th</sup> Cir. – (Civil) 2.9
- 20
- 21       ○       Verdict
- 22
- 23           -       1<sup>st</sup> Cir. – (Criminal) 6.01 - 6.06
- 24           -       6<sup>th</sup> Cir. – (Criminal) 8.03
- 25           -       7<sup>th</sup> Cir. – (Civil) 1.32; (Criminal) 7.01 – 7.03
- 26           -       8<sup>th</sup> Cir. – (Civil) 3.6; (Criminal) 3.12
- 27           -       9<sup>th</sup> Cir. – (Civil) 3.3; (Criminal) 7.1 – 7.7
- 28           -       11<sup>th</sup> Cir. – (Criminal) 11, 12
- 29           -       O'Malley et al – Chapter 106
- 30
- 31       ○       Withdrawal of Claim
- 32
- 33           -       7<sup>th</sup> Cir. – (Civil) 2.13
- 34           -       8<sup>th</sup> Cir. – (Civil) 2.13 & 3.5
- 35           -       O'Malley et al – 102.60
- 36
- 37       ●       Intellectual Property
- 38
- 39       ○       Copyright
- 40
- 41           -       7<sup>th</sup> Cir. – (Civil) Chapter 12
- 42           -       9<sup>th</sup> Cir. – (Civil) Chapter 17

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- 1 - 11<sup>th</sup> Cir. – (Civil) Chapter 9
- 2 - O’Malley et al – Chapter 160
- 3 - Sand – Chapter 86B
- 4
- 5 ○ Patent
- 6
- 7 - 7<sup>th</sup> Circuit – (Civil) Chapter 11
- 8 - American Intellectual Property Law Association, Model Patent Jury
- 9 Instructions
- 10 - ABA, Model Jury Instructions: Patent Litigation
- 11 - Federal Circuit Bar Association, Model Patent Jury Instructions
- 12 - O’Malley et al: Chapter 158
- 13 - Sand: Chapters 81 & 86
- 14
- 15 ○ Trademark
- 16
- 17 - 7<sup>th</sup> Cir. – (Civil) Chapter 13
- 18 - 9<sup>th</sup> Cir. – (Civil) Chapter 15
- 19 - 11<sup>th</sup> Cir. – (Civil) Chapter 10
- 20 - O’Malley et al – Chapter 159
- 21 - Sand – Chapter 86A
- 22
- 23 ● Labor & Employment
- 24
- 25 ○ Employee’s Claims Against Employer and Union
- 26
- 27 - 9<sup>th</sup> Cir. – (Civil) 13.1 & 13.2
- 28 - 11<sup>th</sup> Cir. – (Civil) 4.17
- 29 - O’Malley et al – 157.80 - 157.140
- 30
- 31 ○ Employer’s Claim against Union
- 32
- 33 - O’Malley et al – 157.01 - 157.71
- 34
- 35 ○ Fair Labor Standards Act
- 36
- 37 - 5<sup>th</sup> Cir. – (Civil) 11.24
- 38 - 8<sup>th</sup> Cir. – (Civil) Chapter 16
- 39 - 11<sup>th</sup> Cir. – (Civil) 4.14
- 40 - O’Malley et al – Chapter 175
- 41 - Sand – Chapter 85
- 42

## Appendix Two: Other Sets of Instructions

- 1 ● Miscellaneous Statutory Actions
- 2
- 3 ○ Automobile Dealers Day-in-Court Act
- 4
- 5 - 5<sup>th</sup> Cir. – (Civil) 13.1
- 6 - O’Malley et al – Chapter 151
- 7 - Sand – 93.02
- 8
- 9 ○ Emergency Medical Treatment And Active Labor Act
- 10
- 11 - O’Malley et al – Chapter 176
- 12
- 13 ○ Fair Credit Reporting Act
- 14
- 15 - O’Malley et al – Chapter 153
- 16
- 17 ○ False Claims Act
- 18
- 19 - O’Malley et al – Chapter 178
- 20
- 21 ○ Interstate Land Sales Full Disclosure Act
- 22
- 23 - 5<sup>th</sup> Cir. – (Civil) 13.4
- 24
- 25 ○ Odometer Fraud
- 26
- 27 - 5<sup>th</sup> Cir. – (Civil) 13.2
- 28 - 8<sup>th</sup> Cir. – (Civil) Chapter 18
- 29 - Sand – Chapter 93
- 30
- 31 ○ Petroleum Marketing Practices Act
- 32
- 33 - O’Malley et al – Chapter 152
- 34
- 35 ● Party Status
- 36
- 37 ○ All Persons Equal Before the Law
- 38
- 39 - 7<sup>th</sup> Cir. – (Civil) 1.03
- 40 - O’Malley et al – 103.11 & 103.12
- 41
- 42 ○ Corporation as Party

**Appendix Two:  
Other Sets of Instructions**

- 1
- 2 - 5<sup>th</sup> Cir. – (Civil) 2.16
- 3 - 7<sup>th</sup> Cir. – (Civil) 1.03
- 4 - 9<sup>th</sup> Cir. – (Civil) 4.1
- 5 - 11<sup>th</sup> Cir. – (Civil) 3.2.2
- 6 - Sand – 72.01 (72-1)
- 7 - O’Malley et al – 103.12
- 8
- 9 ○ Government as Party
- 10
- 11 - 11<sup>th</sup> Cir. – (Civil) 3.2.3
- 12
- 13 ○ Multiple Parties
- 14
- 15 - 5<sup>th</sup> Cir. – (Criminal) 1.22 – 1.23
- 16 - 6<sup>th</sup> Cir. - (Criminal) 2.01B-D
- 17 - 7<sup>th</sup> Cir. – (Civil) 1.25; (Criminal) 4.07
- 18 - 8<sup>th</sup> Cir – (Civil) 2.9; (Criminal) 3.07 – 3.08
- 19 - 9<sup>th</sup> Cir. – (Civil) 1.5; (Criminal) 3.12 – 3.13
- 20 - 10<sup>th</sup> Cir. – (Criminal) 1.21 - 1.22
- 21 - 11<sup>th</sup> Cir. – (Criminal) 10.3 – 10.4
- 22 - O’Malley et al – 102.41, 103.10, 103.13, 103.14, 106.03
- 23
- 24 ● Railroad Employees
- 25
- 26 ○ Federal Employers’ Liability Act
- 27
- 28 - 1<sup>st</sup> Cir. – Railroad Employee Personal Injury 1.1
- 29 - 5<sup>th</sup> Cir. – (Civil) 5.1
- 30 - 7<sup>th</sup> Cir. – (Civil) 9.01 – 9.05
- 31 - 8<sup>th</sup> Cir. – (Civil) 15.00 – 15.81
- 32 - 9<sup>th</sup> Cir. – 6.1 - 6.7
- 33 - O’Malley et al – Chapter 155A
- 34 - Sand – Chapter 89
- 35
- 36 ○ Federal Safety Appliance Act
- 37
- 38 - 1<sup>st</sup> Cir. – Railroad Employee Personal Injury 2.1
- 39 - 5<sup>th</sup> Cir. – 5.2
- 40 - 7<sup>th</sup> Cir. – (Civil) 9.07
- 41 - 8<sup>th</sup> Cir. – (Civil) 15.42
- 42 - O’Malley et al – Chapter 155B

**Appendix Two:  
Other Sets of Instructions**

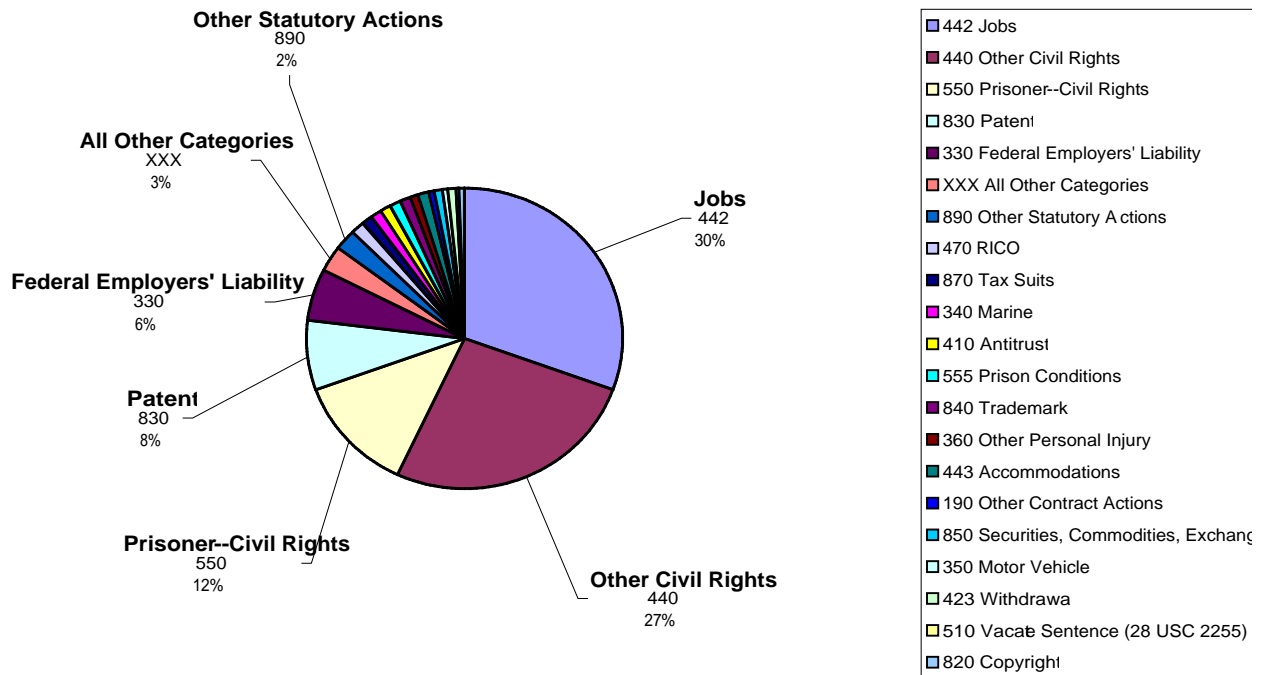
- 1  
2 ● RICO  
3  
4 ○ 7<sup>th</sup> Cir. – (Criminal) Statutory Instructions, 18 U.S.C. 1961 – 1963  
5 ○ 8<sup>th</sup> Cir. – (Criminal) 6.18.1962A – G  
6 ○ 9<sup>th</sup> Cir. – (Criminal) 8.155 – 8.161  
7 ○ 10<sup>th</sup> Cir. – (Criminal) 2.74 - 2.76  
8 ○ 11<sup>th</sup> Cir. – (Civil) Chapter 7  
9 ○ O’Malley et al – Chapters 56, 161  
10 ○ Sand – Chapters 52, 84  
11  
12 ● Securities Act  
13  
14 ○ 5<sup>th</sup> Cir. – (Civil) 7.1  
15 ○ 9<sup>th</sup> Cir. – (Civil) 18.0 - 18.9  
16 ○ 11<sup>th</sup> Cir. – (Civil) Chapter 6  
17 ○ ABA, Model Jury Instructions: Securities Litigation  
18 ○ O’Malley et al – Chapter 162  
19 ○ Sand – Chapters 82 & 83  
20  
21 ● Tax Refunds  
22  
23 ○ 5<sup>th</sup> Cir. – (Civil) Chapter 12  
24 ○ 9<sup>th</sup> Cir. – (Civil) 8.1 & 8.2  
25 ○ O’Malley et al – Chapter 163  
26  
27 ● Vicarious Liability  
28  
29 ○ 9<sup>th</sup> Cir. – (Civil) Chapter 4  
30 ○ O’Malley et al – Chapter 108  
31

## Appendix Two: Other Sets of Instructions

### Statistical Summary

As a rough method of estimating the relative frequency of different types of claims in jury trials within the Third Circuit, the following data may be useful. These data were obtained by searching the database maintained at <http://teddy.law.cornell.edu:8090/questtr7900.htm>; the database contains data “gathered by the Administrative Office of the United States Courts, assembled by the Federal Judicial Center, and disseminated by the Inter-university Consortium for Political and Social Research,” *see id.* The search included “all” case categories, with any of three bases of jurisdiction (“US defendant,” “US plaintiff,” or “federal question”). (The search’s limitation on bases of jurisdiction was intended to eliminate diversity cases, which presumably

**Third Circuit Jury Trials, 1996-2000 (top 20 categories-- federal question plus US party)**



would typically involve state-law claims.) The search was limited to completed jury trials, within the Third Circuit, that terminated during the years 1996 - 2000. (For a discussion of the year variable, see <http://teddy.law.cornell.edu:8090/year.htm>.) The case categories were defined by reference to the category selected on the Civil Cover Sheet (available online at <http://www.uscourts.gov/forms/JS044.pdf>). *See* Fifth ICPSR Edition (Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 1993), available online at <http://teddy.law.cornell.edu:8090/codebook.htm>.