

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) (2017) (available online at <http://www.med.uscourts.gov/pdf/crpjlinks.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); (Civil) (No longer updated, most recently updated 2012) (available online at 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); 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); and Railroad Employee Personal Injury (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); Judge Hornby's Draft Civil Instructions (available at 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) (Civil 2014 with revisions through 2016, Criminal 2015 with 2016 addendum) (available online at <http://www.lb5.uscourts.gov/juryinstructions/>, and on WestlawNext in the [Federal Jury Practice & Instructions](#) database).

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- 1 • 6th Circuit (Criminal) (Updated 2017) (available online at
2 http://www.ca6.uscourts.gov/internet/crim_jury_insts.htm, and on WestlawNext in the
3 [Federal Jury Practice & Instructions](#) database).
- 4
5 • 7th Circuit (Civil and Criminal) (2017 Civil, 2013 Criminal) (available online at
6 <http://www.ca7.uscourts.gov/pattern-jury-instructions/pattern-jury.htm>), and on
7 WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 8
9 • 8th Circuit (Civil and Criminal (including Model Death Penalty Instructions)) (2017)
10 (available online at <http://www.juryinstructions.ca8.uscourts.gov/index.htm>, and on
11 WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 12
13 • 9th Circuit (Civil) (2017) (available online at [http://www3.ce9.uscourts.gov/jury-
15 instructions/model-civil](http://www3.ce9.uscourts.gov/jury-
14 instructions/model-civil)); (Criminal) (2010, subsequently updated online) (available
16 online at <http://www3.ce9.uscourts.gov/jury-instructions/model-criminal>); (available on
17 WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 18 • 10th Circuit (Criminal) (2011, updated 2018) (available online at
19 <http://www.ca10.uscourts.gov/clerk/downloads/criminal-pattern-jury-instructions>, and on
20 WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 21
22 • 11th Circuit (Civil and Criminal) (Civil 2013, updated 2017; Criminal 2016, updated
23 2017) (available online at <http://www.ca11.uscourts.gov/pattern-jury-instructions>, and on
24 WestlawNext in the [Federal Jury Practice & Instructions](#) database).
- 25
26

Instructions from States within the Third Circuit

- 27
28
29 • Delaware Superior Court Civil Pattern Jury Instructions (2006) (available online at
30 <https://courts.delaware.gov/superior/pattern/>, and on WestlawNext as [Delaware Pattern
31 Civil Jury Instructions](#)).
- 32
33 Delaware Superior Court Criminal Pattern Jury Instructions (updated 2016) (available
34 online at https://courts.delaware.gov/superior/pattern/pattern_criminal.aspx).
- 35
36 • New Jersey Model Civil Jury Charges (available online at
37 <https://www.judiciary.state.nj.us/attorneys/civilcharges.html>, and on WestlawNext as
38 [New Jersey Civil Jury Instructions](#)).
- 39
40 New Jersey Criminal Model Charges (available online at

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1 <https://www.judiciary.state.nj.us/attorneys/criminalcharges.html>, and on WestlawNext as
2 [New Jersey Criminal Jury Instructions](#)).
3

- 4 • Pennsylvania Suggested Standard Civil and Criminal Jury Instructions (available on
5 WestlawNext in the [Pennsylvania Secondary Sources](#) database).
6
7

8 **Instructions from Other Sources** 9

- 10 • American Bar Association (ABA):
11
 - 12 ○ Model Jury Instructions: Business Torts Litigation (2005)
 - 13 ○ Model Jury Instructions in Civil Antitrust Cases (2016)
 - 14 ○ Model Jury Instructions in Criminal Antitrust Cases (2009)
 - 15 ○ Model Jury Instructions: Copyright, Trademark and Trade Dress Litigation (2008)
 - 16 ○ Model Jury Instructions: Patent Litigation (2005)
 - 17 ○ Model Jury Instructions: Employment Litigation (2005)
 - 18 ○ Model Jury Instructions: Securities Litigation (1996)
 - 19 ○ Model Jury Instructions for Surety Cases (2000)
 - 20 ○ Model Jury Instructions for Fidelity Cases (2003)
 - 21 ○ Model Jury Instructions: Construction Litigation (2015)
- 22
23 • American Intellectual Property Law Association, Model Patent Jury Instructions (2017)
24 (available online at [http://www.aipla.org/learningcenter/library/books/other-](http://www.aipla.org/learningcenter/library/books/other-pubs/Pages/default.aspx)
25 [pubs/Pages/default.aspx](http://www.aipla.org/learningcenter/library/books/other-pubs/Pages/default.aspx))
26
- 27 • Michael Avery, David Rudovsky, Karen M. Blum, & Jennifer Laurin, *Police Misconduct:*
28 *Law and Litigation* (2017-2018 ed.) (available on WestlawNext as [Police Misconduct:](#)
29 [Law & Litigation](#)).
30
- 31 • Federal Circuit Bar Association, Model Patent Jury Instructions (updated 2016)
32 (available online at <https://fedcirbar.org/IntegralSource/Model-Patent-Jury-Instructions>).
33
- 34 • Kevin F. O'Malley, Jay E. Grenig, & William C. Lee, *Federal Jury Practice and*
35 *Instructions* (6th ed., updated through 2018) (available on WestlawNext as [Federal Jury](#)
36 [Practice and Instructions](#)).
37
- 38 • Hon. Leonard B. Sand, John S. Siffert, Walter P. Loughlin, Steven A. Reiss, Steve Allen,
39 Hon. Jed S. Rakoff, & David M. Epstein, *Modern Federal Jury Instructions—Civil* (1984,
40 updated through 2018) (available on Lexis Advance as [Modern Federal Jury Instructions](#)

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1 [- Civil](#)).

- 2
- 3 • Hon. Leonard B. Sand, John S. Siffert, Walter P. Loughlin, Steven A. Reiss, Steve Allen,
4 & Hon. Jed S. Rakoff, *Modern Federal Jury Instructions—Criminal* (1984, updated
5 through 2018) (available on Lexis Advance as [Modern Federal Jury Instructions -
6 Criminal](#)).
- 7
- 8 • Martin A. Schwartz & George C. Pratt, *4 Section 1983 Litigation: Jury Instructions* (2d
9 ed., updated 2018) (available on WestlawNext as [Section 1983 Litigation Jury
10 Instructions](#)).

11

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

15

16

17 **Instructions That Pertain to Federal Claims and Are Not Covered in**

18 **Third Circuit Models**

- 19
- 20
- 21 • Admiralty
- 22
- 23 ○ 1st Cir. – Maritime Employee Personal Injury
- 24 ○ 5th Cir. – (Civil) 4.1 - 4.11
- 25 ○ 8th Cir. – (Civil) 17.00-17.90
- 26 ○ 9th Cir. – (Civil) 7.1 - 7.12
- 27 ○ 11th Cir. –(Civil) Chapter 8
- 28 ○ O’Malley et al. – Chapter 156
- 29 ○ Sand et al. – Chapter 90
- 30
- 31 • Antitrust
- 32
- 33 ○ 5th Cir. – (Civil) 6 (Comment points to other sources)
- 34 ○ 9th Cir. – (Civil) 14 (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 et al. – Chapters 79 - 81
- 39
- 40 • Bankruptcy

Appendix Two: Other Sets of Instructions

- 1
- 2 ○ O'Malley et al. – Chapter 164
- 3
- 4 ● Civil Rights – Education Discrimination
- 5
- 6 ○ O'Malley et al. – Chapter 177
- 7
- 8 ● Civil Rights – First Amendment – Libel
- 9
- 10 ○ O'Malley et al. – Chapter 124
- 11 ○ Sand et al. – Chapter 91
- 12
- 13 ● Civil Rights – Housing Discrimination
- 14
- 15 ○ O'Malley et al. – Chapter 169
- 16 ○ Sand et al. – 87.02
- 17
- 18 ● Civil Rights – Section 1983 Claims
- 19
- 20 ○ Conditions of Confinement
- 21
- 22 - 5th Cir. – (Civil) 10.9 – 10.10
- 23 - 7th Cir. – (Civil) 7.15
- 24 - 9th Cir. – (Civil) 9.27 & 9.30
- 25 - 11th Cir. – (Civil) 5.5
- 26 - O'Malley et al. – 166.22
- 27 - Schwartz & Pratt – 11.02
- 28
- 29 ○ Denial of Access to Courts
- 30
- 31 - 7th Cir. – (Civil) 8.01 - 8.03
- 32 - 11th Cir. – (Civil) 5.1
- 33 - O'Malley et al. – 166.24
- 34
- 35 ○ Law Enforcement – Other Violations
- 36
- 37 - Excessive Bail
- 38
- 39 ■ Schwartz & Pratt – 9.04
- 40

**Appendix Two:
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- 1 - Failure to Produce Exculpatory Evidence
- 2
- 3 ▪ Avery et al. – 12.29 - 12.30
- 4 ▪ Schwartz & Pratt – 9.01
- 5
- 6 - Manufactured, Coerced, or False Evidence
- 7
- 8 ▪ Avery et al. – 12.25 - 12.28
- 9 ▪ Schwartz & Pratt – 9.02
- 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 - 7th Cir. – (Civil) 6.03
- 22 - 11th 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 - 9th Cir. – (Civil) 9.12 - 9.17, 9.22
- 40 - Avery et al. – 12.15 - 12.19
- 41 - O’Malley et al. – 165.22

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- 1 - Sand et al. – 87.03 (87-74B)
- 2
- 3 • Civil Rights – Section 1985 Conspiracy Claims
- 4
- 5 ○ O’Malley et al. – Chapter 167
- 6 ○ Sand et al. – 87.04
- 7
- 8 • Damages
- 9
- 10 ○ 5th Cir. – (Civil) 10.12, 15.1 - 15.7
- 11 ○ 9th Cir. – (Civil) 5.1 - 5.6
- 12 ○ Sand et al. – Chapter 77
- 13 ○ Schwartz & Pratt – Chapter 18
- 14
- 15 • Defenses
- 16
- 17 ○ Miscellaneous
- 18
- 19 - O’Malley et al. – 107.01 - 107.04
- 20
- 21 • Eminent Domain
- 22
- 23 ○ 5th Cir. – (Civil) 13.3
- 24 ○ O’Malley et al. – Chapter 154
- 25
- 26 • Evidence
- 27
- 28 ○ Admissions in Pleadings
- 29
- 30 - O’Malley et al. – 101.46
- 31
- 32 ○ Credibility of Witnesses
- 33
- 34 - 1st Cir. (Criminal) – 1.06, 3.06
- 35 - 5th Cir. (Criminal) – 1.08
- 36 - 6th Cir. (Criminal) – 1.07
- 37 - 7th Cir. (Criminal) – 3.01
- 38 - 8th Cir. – (Civil) 3.4; (Criminal) 1.05
- 39 - 9th Cir. – (Civil) 1.14; (Criminal) 1.7 & 3.9
- 40 - 10th Cir. (Criminal) – 1.08

Appendix Two: Other Sets of Instructions

- 1 - O'Malley et al. – 15:01 - 15:15 (criminal cases); 105:01 - 105:12 (civil
2 cases)
- 3
- 4 ○ Cross-Examination of Character Witness
- 5
- 6 - 7th Cir. – (Civil) 2.10
- 7 - 8th Cir. – (Civil) 2.07
- 8 - O'Malley et al. – 11:15 (criminal cases)
- 9 - Sand et al. – 5.06 (5-16)
- 10
- 11 ○ Demonstrative Evidence
- 12
- 13 - 5th Cir. – (Civil) 2.8
- 14 - 7th Cir. – (Civil) 1.24; (Criminal) 3.17
- 15 - 8th Cir. – (Civil) 2.11; (Criminal) 4.11
- 16 - 9th Cir. – (Civil) 2.14; (Criminal) 4.16
- 17
- 18 ○ Fingerprints
- 19
- 20 - O'Malley et al. – 14.12 & 104.51
- 21
- 22 ○ Habit or Routine Practice Evidence
- 23
- 24 - Sand et al. – 74.03
- 25
- 26 ○ Handwriting
- 27
- 28 - O'Malley et al. – 104.52
- 29
- 30 ○ Impeachment by Inconsistent Statements
- 31
- 32 - 1st Cir. (Criminal) – 2.03
- 33 - 5th Cir. – (Civil) 2.11
- 34 - 6th Cir. (Criminal) – 7.04
- 35 - 7th Cir. – (Civil) 1.14; (Criminal) 3.03 & 3.04
- 36 - 10th Cir. (Criminal) – 1.10
- 37 - 11th Cir. – (Civil) 3.5.1; (Criminal) 6.1 - 6.6
- 38 - O'Malley et al. – 15.06 & 105.04
- 39
- 40 ○ Inferences and Presumptions
- 41

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- 1 - 1st Cir. – (Criminal) 3.04
- 2 - 8th Cir. (Criminal) – 4.13
- 3 - O’Malley et al. – 104.20 - 104.28
- 4 - Sand et al. – Chapters 6 & 75
- 5
- 6 ○ Oral Statements or Admissions
- 7
- 8 - O’Malley et al. – 104.53
- 9
- 10 ○ Pleadings
- 11
- 12 - O’Malley et al. – 103.32
- 13 - Sand et al. – 78-2
- 14
- 15 ○ Requests for Admission
- 16
- 17 - Sand et al. – 74.08
- 18
- 19 ○ Similar Acts
- 20
- 21 - 1st Cir. – (Criminal) – 2.06
- 22 - 5th Cir. – (Civil) 2.10; (Criminal) 1.30
- 23 - 8th Cir. – (Criminal) 2.8, 2.08A, 2.9
- 24 - 10th Cir. (Criminal) – 1.30
- 25 - 11th Cir. (Criminal) – Special Instructions 4.1 & 4.2; Trial Instructions 1.1
- 26 & 1.2
- 27 - Sand et al. – 5.10; 74.03 (74-7 - 74-8.1)
- 28
- 29 ○ Statements by Patient to Doctor
- 30
- 31 - Sand et al. – 74.05 (74-10)
- 32
- 33 ○ Stipulations
- 34
- 35 - 1st Cir. - (Criminal) 2.01
- 36 - 5th Cir. - (Civil) 2.2 & 2.3
- 37 - 7th Cir. – (Civil) 2.04 & 2.05
- 38 - 8th Cir. – (Civil) 2.02 & 2.03; (Criminal) 2.02 & 2.03
- 39 - 9th Cir. – (Civil) 2.1 & 2.2; (Criminal) 2.3 & 2.4
- 40 - 11th Cir. – (Civil) 2.1
- 41 - O’Malley et al. – Chapter 102

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- 1 - O'Malley et al. – 101.47
- 2 - Sand et al. – 74.02 (74-4)
- 3
- 4 ○ Stipulations at pretrial conference
- 5
- 6 - O'Malley et al. – 101.47
- 7
- 8 ○ View of Location Permitted
- 9
- 10 - O'Malley et al. – 11.07; 102.26
- 11
- 12 ● General Instructions
- 13
- 14 ○ Common Counsel
- 15
- 16 - Sand et al. – 71-8
- 17
- 18 ○ Judge's Comments on Evidence
- 19
- 20 - O'Malley et al. – 102.73
- 21
- 22 ○ Judge's Questions to Witnesses
- 23
- 24 - O'Malley et al. – 11.05, 101.30, 102.72
- 25
- 26 ○ Missing Witness
- 27
- 28 - 1st Cir. (Criminal) – 2.12
- 29 - 5th Cir. – (Civil) 2.9
- 30 - 7th Cir. – (Civil) 1.19
- 31 - 8th Cir. – (Criminal) 4.16
- 32 - 9th Cir. – (Criminal) 4.13
- 33 - O'Malley et al. – 104.25
- 34
- 35 ○ No Transcript Available to the Jury
- 36
- 37 - 8th Cir. – (Civil) 1.6; (Criminal) 1.6A
- 38 - 9th Cir. – (Civil) 1.17; (Criminal) 1.9
- 39
- 40 ○ Previous Trial
- 41

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- 1 - 1st Cir. (Criminal) – 1.03
- 2 - 8th Cir. – (Civil) 2.06; (Criminal) 2.20
- 3 - 9th Cir. – (Criminal) 2.15
- 4 - Federal Judicial Center Pattern Criminal Jury Instruction 14
- 5 - O’Malley et al. – 102.42
- 6 - Sand et al. 71.01 (71-11)
- 7
- 8 ○ Publicity During Trial
- 9
- 10 - O’Malley et al. – 11.08, 101.21, 102.12
- 11
- 12 ○ Reprimand of Counsel for Misconduct
- 13
- 14 - Sand et al. – 71.01 (71-7)
- 15
- 16 ○ Sequestration
- 17
- 18 - O’Malley et al. – 10.09, 101.14
- 19 - Sand et al. – 9.06
- 20
- 21 ○ Sympathy
- 22
- 23 - Sand et al. – 71.01 (71-10)
- 24
- 25 ○ Tests and Experiments
- 26
- 27 - 9th Cir. – (Civil) 2.9
- 28
- 29 ○ Verdict
- 30
- 31 - 1st Cir. – (Criminal) 6.01 - 6.06
- 32 - 6th Cir. – (Criminal) 8.03
- 33 - 7th Cir. – (Civil) 1.32; (Criminal) 7.01 – 7.03
- 34 - 8th Cir. – (Civil) 3.6; (Criminal) 3.12
- 35 - 9th Cir. – (Civil) 3.5; (Criminal) 7.5
- 36 - 11th Cir. – (Criminal) Basic Instruction 12
- 37 - O’Malley et al. – Chapter 106
- 38
- 39 ○ Withdrawal of Claim
- 40
- 41 - 7th Cir. – (Civil) 2.13

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- 1 - 8th Cir. – (Civil) 2.13 & 3.5
- 2 - O’Malley et al. – 102.60
- 3
- 4 • Intellectual Property
- 5
- 6 ○ Copyright
- 7
- 8 - 7th Cir. – (Civil) Chapter 12
- 9 - 9th Cir. – (Civil) Chapter 17
- 10 - 11th Cir. – (Civil) Chapter 9
- 11 - O’Malley et al. – Chapter 160
- 12 - Sand et al. – Chapter 86B
- 13
- 14 ○ Patent
- 15
- 16 - 7th Circuit – (Civil) Chapter 11
- 17 - American Intellectual Property Law Association, Model Patent Jury
- 18 Instructions
- 19 - ABA, Model Jury Instructions: Patent Litigation
- 20 - Federal Circuit Bar Association, Model Patent Jury Instructions
- 21 - O’Malley et al.: Chapter 158
- 22 - Sand et al.: Chapters 81 & 86
- 23
- 24 ○ Trademark
- 25
- 26 - 7th Cir. – (Civil) Chapter 13
- 27 - 9th Cir. – (Civil) Chapter 15
- 28 - 11th Cir. – (Civil) Chapter 10
- 29 - O’Malley et al. – Chapter 159
- 30 - Sand et al. – Chapter 86A
- 31
- 32 • Labor & Employment
- 33
- 34 ○ Employee’s Claims Against Employer and Union
- 35
- 36 - 9th Cir. – (Civil) 13.1 & 13.2
- 37 - 11th Cir. – (Civil) 4.17
- 38 - O’Malley et al. – 157.80 - 157.140
- 39
- 40 ○ Employer’s Claim against Union
- 41

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- 1 - O'Malley et al. – 157.01 - 157.71
- 2
- 3 ○ Fair Labor Standards Act
- 4
- 5 - 5th Cir. – (Civil) 11.24
- 6 - 8th Cir. – (Civil) Chapter 16
- 7 - 11th Cir. – (Civil) 4.14
- 8 - O'Malley et al. – Chapter 175
- 9 - Sand et al. – Chapter 85
- 10
- 11 • Miscellaneous Statutory Actions
- 12
- 13 ○ Automobile Dealers Day-in-Court Act
- 14
- 15 - 5th Cir. – (Civil) 13.1
- 16 - O'Malley et al. – Chapter 151
- 17 - Sand et al. – 93.02
- 18
- 19 ○ Emergency Medical Treatment And Active Labor Act
- 20
- 21 - O'Malley et al. – Chapter 176
- 22
- 23 ○ Fair Credit Reporting Act
- 24
- 25 - O'Malley et al. – Chapter 153
- 26
- 27 ○ False Claims Act
- 28
- 29 - O'Malley et al. – Chapter 178
- 30
- 31 ○ Interstate Land Sales Full Disclosure Act
- 32
- 33 - 5th Cir. – (Civil) 13.4
- 34
- 35 ○ Odometer Fraud
- 36
- 37 - 5th Cir. – (Civil) 13.2
- 38 - 8th Cir. – (Civil) Chapter 19
- 39 - Sand et al. – Chapter 93
- 40
- 41 ○ Petroleum Marketing Practices Act

Appendix Two: Other Sets of Instructions

- 1
2 - O'Malley et al. – Chapter 152
3
4 • Party Status
5
6 ○ All Persons Equal Before the Law
7
8 - 7th Cir. – (Civil) 1.03
9 - O'Malley et al. – 103.11 & 103.12
10
11 ○ Corporation as Party
12
13 - 5th Cir. – (Civil) 2.16
14 - 7th Cir. – (Civil) 1.03
15 - 9th Cir. – (Civil) 4.1
16 - 11th Cir. – (Civil) 3.2.2
17 - Sand et al. – 72.01 (72-1)
18 - O'Malley et al. – 103.12
19
20 ○ Government as Party
21
22 - 11th Cir. – (Civil) 3.2.3
23
24 ○ Multiple Parties
25
26 - 5th Cir. – (Criminal) 1.22 – 1.23
27 - 6th Cir. - (Criminal) 2.01B-D
28 - 7th Cir. – (Civil) 1.25; (Criminal) 4.07
29 - 8th Cir – (Civil) 2.08; (Criminal) 3.07 – 3.08
30 - 9th Cir. – (Civil) 1.8; (Criminal) 3.12 – 3.13
31 - 10th Cir. – (Criminal) 1.21 - 1.22
32 - 11th Cir. – (Criminal) 10.3 – 10.4
33 - O'Malley et al. – 102.41, 103.10, 103.13, 103.14, 106.03
34
35 • Railroad Employees
36
37 ○ Federal Employers' Liability Act
38
39 - 1st Cir. – Railroad Employee Personal Injury 1.1
40 - 5th Cir. – (Civil) 5.1
41 - 7th Cir. – (Civil) 9.01 – 9.05

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- 1 - 8th Cir. – (Civil) 15.00 – 15.81
- 2 - 9th Cir. – 6.1 - 6.7
- 3 - O’Malley et al. – Chapter 155A
- 4 - Sand et al. – Chapter 89
- 5
- 6 ○ Federal Safety Appliance Act
- 7
- 8 - 1st Cir. – Railroad Employee Personal Injury 2.1
- 9 - 5th Cir. – 5.2
- 10 - 7th Cir. – (Civil) 9.07
- 11 - 8th Cir. – (Civil) 15.42
- 12 - O’Malley et al. – Chapter 155B
- 13
- 14 ● RICO
- 15
- 16 ○ 7th Cir. – (Criminal) Statutory Instructions, 18 U.S.C. 1961 – 1963
- 17 ○ 8th Cir. – (Criminal) 6.18.1962A – G
- 18 ○ 9th Cir. – (Criminal) 8.155 – 8.161
- 19 ○ 10th Cir. – (Criminal) 2.74 - 2.76
- 20 ○ 11th Cir. – (Civil) Chapter 7
- 21 ○ O’Malley et al. – Chapters 56, 161
- 22 ○ Sand et al. – Chapters 52, 84
- 23
- 24 ● Securities Act
- 25
- 26 ○ 5th Cir. – (Civil) 7.1
- 27 ○ 9th Cir. – (Civil) 18.1 - 18.11
- 28 ○ 11th Cir. – (Civil) Chapter 6
- 29 ○ ABA, Model Jury Instructions: Securities Litigation
- 30 ○ O’Malley et al. – Chapter 162
- 31 ○ Sand et al. – Chapters 82 & 83
- 32
- 33 ● Tax Refunds
- 34
- 35 ○ 5th Cir. – (Civil) Chapter 12
- 36 ○ O’Malley et al. – Chapter 163
- 37
- 38 ● Vicarious Liability
- 39
- 40 ○ 9th Cir. – (Civil) Chapter 4

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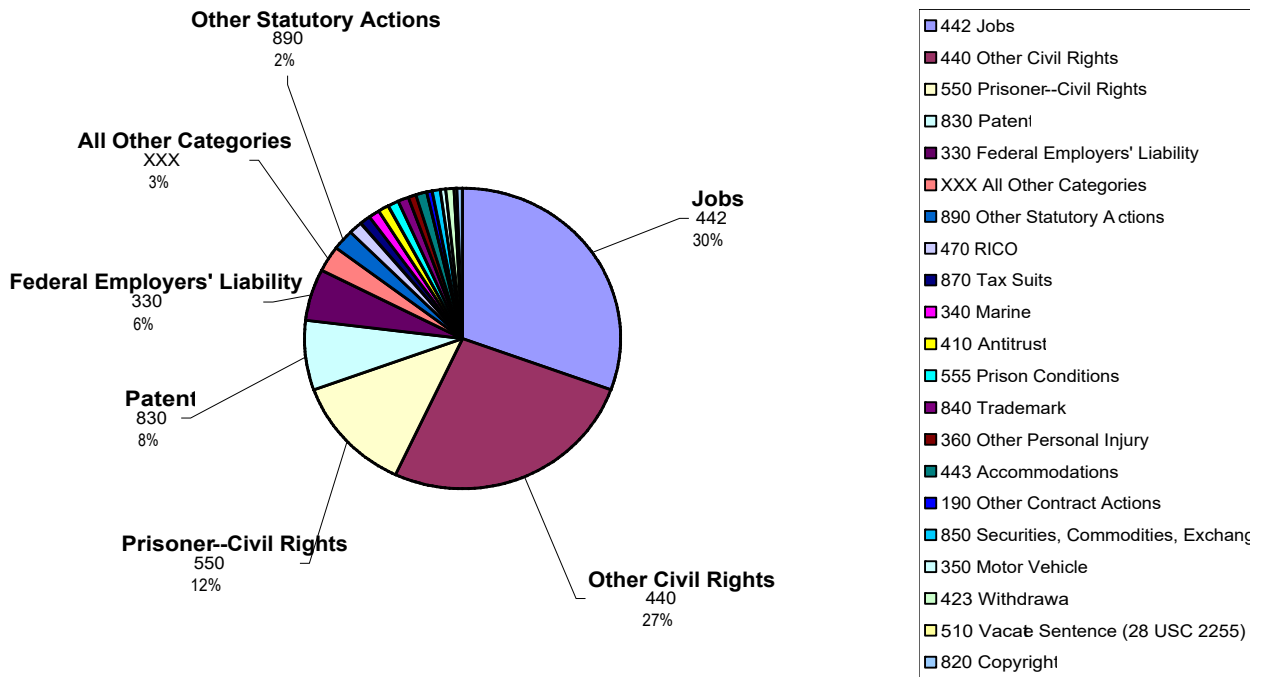
- 1
- 2
- O'Malley et al. – Chapter 108

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 now maintained at http://legal1.cit.cornell.edu:8090/fed_ct.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://legal1.cit.cornell.edu:8090/year.htm>.) The case categories were defined by reference to the category selected on the Civil Cover Sheet (the current version of which is available online at <http://www.uscourts.gov/forms/civil-forms/civil-cover-sheet>). *See* Fifth ICPSR Edition (Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 1993), available online at <http://legal1.cit.cornell.edu:8090/codebook.htm>.