

# **REVISED ARIZONA JURY INSTRUCTIONS (CIVIL)**

**Seventh Edition**

**(Cite as RAJI (CIVIL) 7th)**



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Continuing Legal Education  
2021

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RAJI (CIVIL) 7th has been prepared by the Civil Jury Instructions Committee of the State Bar of Arizona. The State Bar Board of Governors has approved these instructions and authorized their publication and sale.

These instructions are recommended for use in all civil trials in Arizona courts. But court and counsel should satisfy themselves in each case—from original and fully current authority—that the instructions being given in a case are both appropriate and correct for the case.

With regard to the use of these instructions, please refer to the **Important Notice** immediately following.

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Hon. Samuel A. Thumma, Arizona Court of Appeals, Div. One  
Daniel Torrens, Nearhood Law Offices  
Andrew B. Turk, Clark Hill PLC

**REVISED ARIZONA JURY INSTRUCTIONS (CIVIL) 7TH**

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David A. Weber, Potts & Associates  
Hon. Gerald A. Williams

**2016-2017**

Jodi Bohr, Gallagher & Kennedy PA  
Tophas Anderson, IV, Renaud Cook Drury Mesaros PA  
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Bennet E. Cooper, Steptoe & Johnson LLP  
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Hon. David B. Gass, Maricopa County Superior Court  
Steven J. German, Adelman German PLC  
Jamie A. Glasser, The Hassett Law Firm PLC  
Dominic A. Gomez, Tyler & Gomez LLP  
Steven P. Kramer, Sole Practitioner  
Paul S. Kular, Potts & Associates  
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Aaron T. Martin, Snell & Wilmer LLP  
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G. Ivan Hannel, Attorney at Law  
Hon. Kenton D. Jones, Arizona Court of Appeals, Div. One

**REVISED ARIZONA JURY INSTRUCTIONS (CIVIL) 7TH**

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**2020-2021**

Hon. Roger E Brodman  
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## INTRODUCTION TO SEVENTH EDITION

The Civil Jury Instructions Committee is pleased to present the Seventh Edition of the Revised Arizona Jury Instructions (Civil). Major changes include:

1. Preliminary Jury Instructions – updating and simplifying language used;
2. New Spoliation Instruction was added to the Standard Instructions;
3. Medical Negligence Instructions – New Medical Negligence 2 (Definition of Medical Negligence for Treatment in Emergency Departments–Plaintiff’s Burden of Proof; subsequent instructions in this group have been renumbered.
4. Product Liability Jury Instructions – Revisions to Introduction and Use Notes for Product Liability 4;
5. Personal Injury–Fault Not At Issue Instructions have been renamed to Personal Injury–Damages Only Trials Instructions;
6. Updating cases cited in all instructions; cases are now cited to the Arizona Reporter only; Pacific Reporter cites have been removed; and
7. Referring to parties by name whenever practicable.

We thank the past and present members of the Committee for their hard work in bringing the fourth edition to fruition. We also thank Ilona Kukan from the State Bar staff for her assistance.

The instructions remain a work in progress, so any suggestions for revisions or for new instructions are always appreciated.

Steven Kramer, 2017-2019 Chair  
Alicia Funkhouser, 2020-2022 Chair  
Civil Jury Instructions Committee  
February 2021



## IMPORTANT NOTICE

The following jury instructions have been prepared by the Civil Jury Instruction Committee of the State Bar of Arizona. The State Bar Board of Governors has authorized the publication and distribution of these instructions for use where appropriate.

In the past, the Arizona Supreme Court expressed qualified approval for various jury instructions, which were then published as *RECOMMENDED ARIZONA JURY INSTRUCTIONS*. However, before the last RAJI (Civil) 2d publication, the Arizona Supreme Court decided not to issue or qualify approvals for any jury instructions. Due to the action by the Court, members of the Board of Governors established guidelines for future RAJIs and decided that this disclaimer should be included for all RAJIs. Accordingly, the instructions have also been renamed *REVISED ARIZONA JURY INSTRUCTIONS (RAJI (CIVIL) 6th)*.

## STATEMENT OF PURPOSE AND APPROACH

RAJI instructions are designed to be neutral, brief, and simply worded. They should be selected and edited to be case specific and non-RAJI instructions being added only to the extent needed.

The Committee periodically adds new RAJI instructions. Nonetheless, certain omissions are deliberate and are expected to be permanent. The Committee has intentionally left out routinely requested argumentative instructions and those which explore overly detailed rules of law.

The volume of instructions given to each jury should be held to a reasonable minimum. Schwarzer, *Communication with Juries: Problems and Remedies*, 69 CAL. L. REV. (1981). We believe that juries function better when not overloaded with unfamiliar and unnecessary information.

In most trials, the ordinary principles of law that apply to the facts provide both necessary and sufficient bases for all jury instructions. Requested jury instructions selectively quoting from appellate court opinions seldom are helpful, nor do they generally reflect the kind of language best adapted to jury instructions. Such requests often use language and concern subjects addressed to trial court judges and lawyers rather than to jurors. *Petefish v. Dave*, 137 Ariz. 570 (1983).

In *Rosen v. Knaub*, 175 Ariz. 329 (1993), the Arizona Supreme Court stated that every reasonable precaution should be taken to avoid instructions which jurors might think reflect the judge's weighing of the evidence. *Rosen* also overruled the giving of "sudden appearance" and "unusual event" instructions, giving reasons for rejecting proposed jury instructions which fit nearly argumentative, narrow, and particularized statements of law, whether they favor plaintiffs or defendants. RAJI instructions are designed to follow the principles stated in *Rosen*.





## COMPARISON TABLE

### Preliminary Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 6th</b>
1 – Duty of Jurors	1 – Duty of Jurors
2 – Importance of Jury Service	2 – Importance of Jury Service
3 – Evidence	3 – Evidence
4 – Rulings of the Court	4 – Rulings of the Court
5 – Credibility of Witnesses	5 – Credibility of Witnesses
6 – Expert Witness	6 – Expert Witness
7 – Evidence, Statements of Lawyers and Rulings	7 – Evidence, Statements of Lawyers and Rulings
8 – No Transcript Available to Jury; Taking Notes	8 – No Transcript Available to Jury; Taking Notes
9 – Admonition	9 – Admonition
10 – Media Coverage	10 – Media Coverage
11 – Questions by Jurors	11 – Questions by Jurors
12 – Exclusion of Witnesses	12 – Exclusion of Witnesses
13 – Alternate Jurors	13 – Alternate Jurors
14 – Claims Made and Issues To be Proved	14 – Claims Made and Issues To be Proved
15 – Scheduling During Trial	15 – Scheduling During Trial
16 – Order of Trial	16 – Order of Trial

### Standard Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 6th</b>
1 – Impeachment with Felony Conviction	1 – Impeachment with Felony Conviction
2 – Burden of Proof (More Probably True)	2 – Burden of Proof (More Probably True)
3 – Burden of Proof (Clear and Convincing)	3 – Burden of Proof (Clear and Convincing)
4 – Corporate Party	4 – Corporate Party
5 – Respondeat Superior Liability	5 – Respondeat Superior Liability
6 – Impasse in Jury Deliberations	6 – Impasse in Jury Deliberations
7 – Excused Alternate Jurors	7 – Excused Alternate Jurors
8 – Closing Instruction	8 – Closing Instruction
9 – Insurance	9 – Insurance
10 – Spoliation – Lost, Destroyed or Unpreserved Evidence	N/A

### Fault Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 7th
1 – Statement of Claim; Definition of Fault; Definition of Negligence (No Comparative Fault)	1 – Statement of Claim; Definition of Fault; Definition of Negligence (No Comparative Fault)
2 – Definition of Causation (No Comparative Fault)	2 – Definition of Causation (No Comparative Fault)
3 – Plaintiff's Burden of Proof (No Comparative Fault)	3 – Plaintiff's Burden of Proof (No Comparative Fault)
4 – Statement of Liability Issues (No Comparative Fault)	4 – Statement of Liability Issues (No Comparative Fault)
5 – Statement of Claims, Definition of Fault; Definition of Negligence (Comparative Fault)	5 – Statement of Claims, Definition of Fault; Definition of Negligence (Comparative Fault)
6 – Definition of Causation (Comparative Fault)	6 – Definition of Causation (Comparative Fault)
7 – Burden of Proof (All Parties) (Comparative Fault)	7 – Burden of Proof (All Parties) (Comparative Fault)
8 – Statement of Liability Issues (Comparative Fault)	8 – Statement of Liability Issues (Comparative Fault)
9 – Plaintiff's Fault (Contributory Negligence)	9 – Plaintiff's Fault (Contributory Negligence)
10 – Plaintiff's Fault (Assumption of Risk)	10 – Plaintiff's Fault (Assumption of Risk)
11 – Determining Relative Degrees of Fault (Comparative Fault)	11 – Determining Relative Degrees of Fault (Comparative Fault)
12 – Plaintiff's Fault (Nonuse of Seat Belt/Motorcycle Helmet)	12 – Plaintiff's Fault (Nonuse of Seat Belt/Motorcycle Helmet)

### Negligence Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Violation of Statute (Negligence Per Se)	1 – Violation of Statute (Negligence Per Se)
2 – Driving Under the Influence of Alcohol	2 – Driving Under the Influence of Alcohol
3 – Presumptions of Intoxication	3 – Presumptions of Intoxication
4 – Assume Laws Obeyed — Duty to Observe	4 – Assume Laws Obeyed — Duty to Observe
5 – Negligence of a Child; Duty of Adult to Anticipate Behavior of Children	5 – Negligence of a Child; Duty of Adult to Anticipate Behavior of Children
6 – Sudden Emergency	6 – Sudden Emergency
7 – Res Ipsa	7 – Res Ipsa
8 – Negligent Infliction of Emotional Distress (Witnessing Injury to Another)	8 – Negligent Infliction of Emotional Distress (Witnessing Injury to Another)
9 – Negligent Infliction of Emotional Distress (Direct)	9 – Negligent Infliction of Emotional Distress (Direct)
10 – Willful or Wanton Conduct	10 – Willful or Wanton Conduct

### Medical Negligence Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Definition of Medical Negligence; Causation; Fault; Plaintiff's Burden of Proof	1 – Definition of Medical Negligence; Causation; Fault; Plaintiff's Burden of Proof
2. Definition of Medical Negligence for Treatment in Emergency Departments – Plaintiff's Burden of Proof – New Instruction	N/A
3 – Limiting Instruction — Expert Witnesses	2 – Limiting Instruction — Expert Witnesses
4 – Collateral Source	3 – Collateral Source

### Product Liability Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Statement of Claim; Definition of Fault; Causation	1 – Statement of Claim; Definition of Fault; Causation
2 – Defect and Unreasonable Danger Defined (Manufacturing Defect)	2 – Defect and Unreasonable Danger Defined (Manufacturing Defect)
3 – Defect and Unreasonable Danger Defined (Design Defect)	3 – Defect and Unreasonable Danger Defined (Design Defect)
4 – Defect and Unreasonable Danger Defined (Information Defect)	4 – Defect and Unreasonable Danger Defined (Information Defect)
5 – Plaintiff's Burden of Proof (Product Liability)	5 – Plaintiff's Burden of Proof (Product Liability)
6 – Statement of Liability Issues (Product Liability)	6 – Statement of Liability Issues (Product Liability)
7 – State of the Art Defense	7 – State of the Art Defense
8 – Modification of Product Defense	8 – Modification of Product Defense
9 – Misuse of Product Defense	9 – Misuse of Product Defense

### Bad Faith Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Duty of Good Faith and Fair Dealing	1 – Duty of Good Faith and Fair Dealing
2 – Adequacy of Investigation	2 – Adequacy of Investigation
3 – Definition of Intentional	3 – Definition of Intentional
4 – Causation	4 – Causation
5 – Plaintiff's Burden of Proof (Bad Faith)	5 – Plaintiff's Burden of Proof (Bad Faith)
6 – Statement of Liability Issues	6 – Statement of Liability Issues
7 – Measure of Damages	7 – Measure of Damages
8 – Third-Party Standard	8 – Third-Party Standard
9 – Plaintiff's Burden of Proof; Statement of Liability Issues (Assignee-Plaintiff)	9 – Plaintiff's Burden of Proof; Statement of Liability Issues (Assignee-Plaintiff)
10 – Plaintiff's Burden of Proof; Statement of Liability Issues (Insured-Plaintiff)	10 – Plaintiff's Burden of Proof; Statement of Liability Issues (Insured-Plaintiff)
11 – Causation (Insured-Plaintiff)	11 – Causation (Insured-Plaintiff)
12 – Measure of Damages (Insured-Plaintiff)	12 – Measure of Damages (Insured-Plaintiff)
13 – (Morris Cases) Burden of Proof	13 – (Morris Cases) Burden of Proof

### Premises Liability Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 6th</b>
1 – Notice of Unreasonably Dangerous Condition	1 – Notice of Unreasonably Dangerous Condition
1A – Notice of Unreasonably Dangerous Condition (Nonproprietary)	1A – Notice of Unreasonably Dangerous Condition (Nonproprietary)
2 – Mode of Operation Rule	2 – Mode of Operation Rule
3 – Adult Guest (Licensee)	3 – Adult Guest (Licensee)
4 – Child Guest (Licensee)	4 – Child Guest (Licensee)
5 – Adult Trespasser	5 – Adult Trespasser
6 – Child Trespasser (Attractive Nuisance)	6 – Child Trespasser (Attractive Nuisance)

### Personal Injury Damages Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 6th</b>
1 – Measure of Damages	1 – Measure of Damages
2 – Pre-Existing Condition, Unusually Susceptible Plaintiff	2 – Pre-Existing Condition, Unusually Susceptible Plaintiff
3 – Damages for Wrongful Death of Spouse, Parent, or Child	3 – Damages for Wrongful Death of Spouse, Parent, or Child
4 – Punitive Damages	4 – Punitive Damages
5 – Mortality Tables and Life Expectancy 2016 Life Tables	5 – Mortality Tables and Life Expectancy 2008 Life Tables

### Personal Injury – Damages Only Trials Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 6th</b>
Preliminary 14 – Claims Made and Issues To Be Proved For Cases In Which Damages is the Only Issue Being Tried	Preliminary 14 – Claims Made and Issues To Be Proved For Cases In Which Damages is the Only Issue Being Tried
1 – Statement of Claim, Causation	1 – Statement of Claim, Causation
2 – Burden of Proof (More Probably True)	2 – Burden of Proof (More Probably True)
3 – Measure of Damages	3 – Measure of Damages
4 – Damages for Wrongful Death of Spouse, Parent, or Child	4 – Damages for Wrongful Death of Spouse, Parent, or Child
5 – Closing Instruction	5 – Closing Instruction
Verdict Forms	Verdict Forms

### Verdict Forms (Fault Cases)

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
Single Defendant — Form 1	Single Defendant — Form 1
Single Defendant — Form 2	Single Defendant — Form 2
Single Defendant — Form 3	Single Defendant — Form 3
Multiple Defendants/Others — Form 1	Multiple Defendants/Others — Form 1
Multiple Defendants/Others — Form 2	Multiple Defendants/Others — Form 2
Multiple Defendants/Others — Form 3	Multiple Defendants/Others — Form 3
Single Form of Verdict Combining Plaintiff and Defendant Forms of Verdict in Comparative Fault Cases — Form 4	Single Form of Verdict Combining Plaintiff and Defendant Forms of Verdict in Comparative Fault Cases — Form 4

### Contract Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Burden of Proof (More Probably True)	1 – Burden of Proof (More Probably True)
2 – Claims and Elements	2 – Claims and Elements
3 – Definition and Formation of Contract	3 – Definition and Formation of Contract
4 – Offer	4 – Offer
5 – Revocation of Offer	5 – Revocation of Offer
6 – Acceptance	6 – Acceptance
7 – Consideration	7 – Consideration
8 – Contract Modification	8 – Contract Modification
9 – Failure of Consideration (Material Breach)	9 – Failure of Consideration (Material Breach)
10 – Substantial Performance	10 – Substantial Performance
11 – Failure of Condition	11 – Failure of Condition
12 – Waiver of Condition	12 – Waiver of Condition
13 – Waiver	13 – Waiver
14 – Anticipatory Breach	14 – Anticipatory Breach
15 – Third-Party Beneficiary	15 – Third-Party Beneficiary
16 – Good Faith and Fair Dealing	16 – Good Faith and Fair Dealing
17 – Measure of Direct Damages (Breach of Contract)	17 – Measure of Direct Damages (Breach of Contract)
18 – Consequential Damages	18 – Consequential Damages
19 – Damages for Lost Profits	19 – Damages for Lost Profits
20 – Measure of Damages (Sale of Land)	20 – Measure of Damages (Sale of Land)
21 – Measure of Damages (Purchase of Land)	21 – Measure of Damages (Purchase of Land)
22 – Measure of Damages (Breach of Warranty)	22 – Measure of Damages (Breach of Warranty)
23 – Mitigation of Damages	23 – Mitigation of Damages
24 – Quantum Meruit	24 – Quantum Meruit
25 – Whether a Standardized Term Is Part of the Agreement	25 – Whether a Standardized Term Is Part of the Agreement
26 – Determining Intent of the Parties	26 – Determining Intent of the Parties
27 – Construction Against the Party Choosing the Words	27 – Construction Against the Party Choosing the Words

28 – Promissory Estoppel	28 – Promissory Estoppel
29 – Impracticability (Commercial Frustration)	29 – Impracticability (Commercial Frustration)
30 – Duress	30 – Duress
31 – Definition of Option (Lease Cases)	31 – Definition of Option (Lease Cases)
32 – Exercising an Option (Burden of Proof — Lease Cases)	32 – Exercising an Option (Burden of Proof — Lease Cases)
33 – Lease Termination (Burden of Proof)	33 – Lease Termination (Burden of Proof)
34 – Damages for Breach or Termination of Lease (Commercial Lease)	34 – Damages for Breach or Termination of Lease (Commercial Lease)
35 – Mitigation of Damages for Past Rent	35 – Mitigation of Damages for Past Rent

### Eminent Domain Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Outline of Trial	1 – Outline of Trial
2 – Power of Eminent Domain	2 – Power of Eminent Domain
3 – Definition of Market Value (Non-ADOT cases filed before 8/22/02)	3 – Definition of Market Value (Non-ADOT cases filed before 8/22/02)
3A – Definition of Market Value (ADOT and cases filed after 8/22/02)	3A – Definition of Market Value (ADOT and cases filed after 8/22/02)
N/A	N/A
4 – Property Use	4 – Property Use
5 – Highest and Best Use	5 – Highest and Best Use
6 – Zoning	6 – Zoning
7 – Project Influence (Zoning)	7 – Project Influence (Zoning)
8 – Project Influence	8 – Project Influence
9 – Change of Access	9 – Change of Access
10 – Witnesses and Comparable Sales	10 – Witnesses and Comparable Sales
11 – Burden of Proof	11 – Burden of Proof
12 – Severance Damages	12 – Severance Damages
13 – Information Discovered After Date of Valuation	13 – Information Discovered After Date of Valuation
14 – Value of Easement	14 – Value of Easement
15 – Special Benefits	15 – Special Benefits
16 – Project Constructions	16 – Project Constructions
17 – Cost of Cure	17 – Cost of Cure

### Employment Law Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 7th</b>
1 – Contracts—Employment-at-Will Presumption	1 – Contracts—Employment-at-Will Presumption
2 – Implied and Express Contracts (Good Faith and Fair Dealing)	2 – Implied and Express Contracts (Good Faith and Fair Dealing)
3 – Breach of an Implied Contract	3 – Breach of an Implied Contract
4 – Contracts (Measure of Damages)	4 – Measure of Damages
5 – Implied and Express Contracts (Mitigation of Damages)	5 – Implied and Express Contracts (Mitigation of Damages)
6 – Public Policy Tort Claims— “At-Will” Exception	6 – Public Policy Tort Claims— “At-Will” Exception
7 – Public Policy Tort Claims—Whistleblower (Good Faith)	7 – Public Policy Tort Claims—Whistleblower (Good Faith)
8 – Tort Claims (Damages)	8 – Tort Claims (Damages)
9 – Definition of Constructive Discharge (General)	9 – Definition of Constructive Discharge (General)
9A – Constructive Discharge (Written Notice Required)	9A – Constructive Discharge (Written Notice Required)
9B – Constructive Discharge (Employee Duty To Give Notice)	9B – Constructive Discharge (Employee Duty To Give Notice)
10 – Intentional Infliction of Emotional Distress (Elements of Claim)	10 – Intentional Infliction of Emotional Distress (Elements of Claim)
11 – Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct) – Now Part of Instruction 10 (Dec. 2015)	11 – Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct) – Now Part of Instruction 10 (Dec. 2015)
12 – Tortious Interference with Contract (Elements of Claim)	12 – Tortious Interference with Contract (Elements of Claim)
13 – Tortious Interference with Contract (Damages)	13 – Tortious Interference with Contract (Damages)

### Commercial Torts Instructions

<b>RAJI (CIVIL) 7th</b>	<b>RAJI (CIVIL) 6th</b>
1A – Fiduciary Duty—Plaintiff’s Burden of Proof (Escrow Agent)	1A – Fiduciary Duty—Plaintiff’s Burden of Proof (Escrow Agent)
1B – Fiduciary Duty—Plaintiff’s Burden of Proof (Trustee)	1B – Fiduciary Duty—Plaintiff’s Burden of Proof (Trustee)
1C – Fiduciary Duty—Plaintiff’s Burden of Proof (Attorney)	1C – Fiduciary Duty—Plaintiff’s Burden of Proof (Attorney)
1D – Fiduciary Duty—Plaintiff’s Burden of Proof (Partner)	1D – Fiduciary Duty—Plaintiff’s Burden of Proof (Partner)
2 – Fiduciary Duty—Causation	2 – Fiduciary Duty—Causation
3 – Fiduciary Duty—Measure of Damages	3 – Fiduciary Duty—Measure of Damages
11 – Interference with Contract or Business Expectancy—Elements	11 – Interference with Contract—Elements
12 – Interference with Contract or Business	12 – Interference with Contract—Damages

Expectancy—Damages	
21 – Consumer Fraud—Elements of Claim	21 – Consumer Fraud—Elements of Claim
22 – Consumer Fraud—Measure of Damages; Private Cause of Action	22 – Consumer Fraud—Measure of Damages
23 – Negligent Misrepresentation	23 – Negligent Misrepresentation
24 – Common Law Fraud	24 – Common Law Fraud
31 – Racketeering—Elements	31 – Racketeering—Elements
32 – Racketeering—Unlawful Activity Defined	32 – Racketeering—Unlawful Activity Defined
33 – Racketeering—Pattern of Unlawful Activity Defined	33 – Racketeering—Pattern of Unlawful Activity Defined
34 – Racketeering—Damages	34 – Racketeering—Damages

### Intentional Torts Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Assault	1 – Assault
2 – Battery	2 – Battery
3 – Justifiable Use of Force	3 – Justifiable Use of Force
4 – Duress	4 – Duress
5 – Justification for Self-Defense	5 – Justification for Self-Defense
6 – Justification for Defense of Another	6 – Justification for Defense of Another
7 – Justification for Defense of Property	7 – Justification for Defense of Property
8 – Justification for Use of Deadly Force in Law Enforcement	8 – Justification for Use of Deadly Force in Law Enforcement
9 – Justification for Non-Deadly Physical Force in Law Enforcement	9 – Justification for Non-Deadly Physical Force in Law Enforcement
10 – Justification for Using Force in Crime Prevention	10 – Justification for Using Force in Crime Prevention
11 – No Justification for Provoking Another	11 – No Justification for Provoking Another
12 – Justification for Defense of Premises	12 – Justification for Defense of Premises
13 – False Imprisonment	13 – False Imprisonment
14 – Instigating or Participating in False Imprisonment	14 – Instigating or Participating in False Imprisonment
15 – Defense to Instigating or Participating in False Imprisonment (Reasonable Actions)	15 – Defense to Instigating or Participating in False Imprisonment (Reasonable Actions)
16 – Intentional Infliction of Emotional Distress (Elements of Claim)	16 – Intentional Infliction of Emotional Distress (Elements of Claim)
17 – Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct) Now Part of 17 (Dec. 2015)	17 – Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct)
18 – Abuse of Process	18 – Abuse of Process
18.1 – Abuse of Process—Elements of Liability	18.1 – Abuse of Process—Elements of Liability
18.2 – Abuse of Process—Reasonable Justifiable Conduct	18.2 – Abuse of Process—Reasonable Justifiable



18.3 – Abuse of Process—Primary Motivation	18.3 – Abuse of Process—Primary Motivation
19 – Malicious Prosecution	19 – Malicious Prosecution
20 – Probable Cause for Criminal/Civil Prosecution	20 – Probable Cause for Criminal/Civil Prosecution
21 – Existence of Probable Cause	21 – Existence of Probable Cause
22 – Probable Cause for Prosecution (Advice of Counsel)	22 – Probable Cause for Prosecution (Advice of Counsel)
23 – Aiding and Abetting Tortious Conduct	23 – Aiding and Abetting Tortious Conduct
24 – Community Liability for Intentional Tort of a Spouse	N/A

### Agency

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Agency Defined	1 – Agency Defined
2 – Agency	2 – Agency
3 – Actual Authority	3 – Actual Authority
4 – Implied Authority	4 – Implied Authority
5 – Apparent Authority	5 – Apparent Authority
6 – Agency by Estoppel	6 – Agency by Estoppel
7 – Ratification	7 – Ratification

### Defamation Instructions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1A – Elements Where Actual Malice Is Required	1A – Elements Where Actual Malice Is Required
1B – Elements Where Negligence Is Standard	1B – Elements Where Negligence Is Standard
2 – Defamatory Defined	2 – Defamatory Defined
3 – Truth	3 – Truth
4A – Reckless Disregard	4A – Reckless Disregard
4B – Negligence	4B – Negligence
4C – Fact Versus Opinion	N/A
5 – Repetition of Defamation	5 – Repetition of Defamation
6 – Causation	6 – Causation
7 – Damages Generally	7 – Damages Generally
8 – Presumed Damages	8 – Presumed Damages
9 – Punitive Damages	9 – Punitive Damages

### Residential Eviction Actions

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Claims and Elements	1 – Claims and Elements
2 – Written Notice	2 – Written Notice
3 – Landlord Tenant Relationship	3 – Landlord Tenant Relationship
4 – Basis for Eviction (Breach of Lease)	4 – Basis for Eviction (Breach of Lease)
5 – Measure of Direct Damages for a Prevailing Landlord	5 – Measure of Direct Damages for a Prevailing Landlord
6 – Tenant’s Right to Reinstate the Lease for Non-Payment of Rent	6 – Tenant’s Right to Reinstate the Lease for Non-Payment of Rent
7 – Bona Fide Lease Defense Following a Trustee’s Sale	7 – Bona Fide Lease Defense Following a Trustee’s Sale
8 – Tenant’s Counterclaim/Defense Concerning a Diminution in Value	8 – Tenant’s Counterclaim/Defense Concerning a Diminution in Value
9 – Tenant’s Counterclaim for Misconduct by Landlord (Abuse of Access)	9 – Tenant’s Counterclaim for Misconduct by Landlord (Abuse of Access)
10 – Tenant’s Counterclaim for Misconduct by Landlord (Unlawful Ouster, Exclusion, Diminution of Services, Retaliatory Eviction)	10 – Tenant’s Counterclaim for Misconduct by Landlord (Unlawful Ouster, Exclusion, Diminution of Services, Retaliatory Eviction)
Verdict Form 1 – Judgment for Landlord	Verdict Form 1 – Judgment for Landlord
Verdict Form 2 – Judgment for Tenant	Verdict Form 2 – Judgment for Tenant

### Invasion of Privacy Rights

RAJI (CIVIL) 7th	RAJI (CIVIL) 6th
1 – Invasion of Privacy by Intrusion Upon Seclusion – Elements	1 – Invasion of Privacy by Intrusion Upon Seclusion – Elements
2 – Intentional Intrusion – Defined	2 – Intentional Intrusion – Defined
3 – Highly Offensive to a Reasonable Person – Defined	3 – Highly Offensive to a Reasonable Person – Defined
4 – Invasion of Privacy by Public Disclosure of Private Facts – Elements	4 – Invasion of Privacy by Public Disclosure of Private Facts – Elements
5 – Public Disclosure – Defined	5 – Public Disclosure – Defined
6 – About the Plaintiff – Defined	6 – About the Plaintiff – Defined
7 – Private Facts – Defined	7 – Private Facts – Defined
8 – Public disclosure of Private Facts – Highly Offensive to a Reasonable Person – Defined	8 – Public disclosure of Private Facts – Highly Offensive to a Reasonable Person – Defined
9A – Invasion of Privacy by Publicly Placing Plaintiff in a False Light – Elements (Where Actual Malice Is Required)	9A – Invasion of Privacy by Publicly Placing Plaintiff in a False Light – Elements (Where Actual Malice Is Required)
9B – Invasion of Privacy by Publicly Placing Plaintiff in a False Light – Elements (Negligence Standard)	9B – Invasion of Privacy by Publicly Placing Plaintiff in a False Light – Elements (Negligence Standard)
10 – Public disclosure – Defined	10 – Public disclosure – Defined

11 – Publicly Placing Plaintiff in a False Light –  
Highly Offensive to a Reasonable Person -  
Defined  
12 – Invasion of Privacy by Appropriation of  
Plaintiff’s Name or Likeness – Elements  
13 – Causation  
14 – Damages  
15 – Affirmative Defenses – Qualified Privilege  
16 – Affirmative Defenses – Consent

11 – Publicly Placing Plaintiff in a False Light –  
Highly Offensive to a Reasonable Person -  
Defined  
12 – Invasion of Privacy by Appropriation of  
Plaintiff’s Name or Likeness – Elements  
13 – Causation  
14 – Damages  
15 – Affirmative Defenses – Qualified Privilege  
16 – Affirmative Defenses – Consent

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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

<p style="text-align: right;">Plaintiff)</p>	)	
vs.	)	Civ. No. _____
	)	Preliminary Jury Instruction Request
	)	
<p style="text-align: right;">Defendant)</p>	)	Submitted by:
	)	
	)	

Pursuant to Rule 51, Arizona Rules of Civil Procedure, the above-indicated party requests that the Court give the RAJI (CIVIL) 5th Preliminary Instructions indicated by a mark on this Request.

PRELIMINARY

- 1. Duty of Jurors..... \_\_\_\_\_
- 2. Importance of Jury Service..... \_\_\_\_\_
- 3. Evidence..... \_\_\_\_\_
- 4. Rulings of the Court..... \_\_\_\_\_
- 5. Credibility of Witnesses..... \_\_\_\_\_
- 6. Expert Witness..... \_\_\_\_\_
- 7. Evidence, Statements of Lawyers and Rulings..... \_\_\_\_\_
- 8. No Transcript Available to Jury; Taking Notes..... \_\_\_\_\_
- 9. Admonition..... \_\_\_\_\_
- 10. Media Coverage..... \_\_\_\_\_
- 11. Questions by Jurors..... \_\_\_\_\_
- 12. Exclusion of Witnesses..... \_\_\_\_\_
- 13. Alternate Jurors..... \_\_\_\_\_
- 14. Claims Made and Issues To Be Proved..... \_\_\_\_\_
- 15. Scheduling During Trial..... \_\_\_\_\_
- 16. Outline of Trial..... \_\_\_\_\_

The above-indicated party further requests the additional substantive preliminary instructions which follow:

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF \_\_\_\_\_**

<p style="text-align: right;">Plaintiff)</p>	)	
vs.	)	Civ. No. _____
	)	Final Jury Instructions and Verdict Form Request
<p style="text-align: right;">Defendant)</p>	)	Submitted by:
	)	
	)	

Pursuant to Rule 51, Arizona Rules of Civil Procedure, the above-indicated party requests that the Court give the RAJI (CIVIL) 6th Instructions indicated by a mark on this Request, and any additional instructions that are submitted with this Request.

STANDARD

1. Impeachment with Felony Conviction ..... \_\_\_\_\_
2. Burden of Proof (More Probably True) ..... \_\_\_\_\_
3. Burden of Proof (Clear and Convincing) ..... \_\_\_\_\_
4. Corporate Party ..... \_\_\_\_\_
5. Respondeat Superior Liability ..... \_\_\_\_\_
6. Impasse in Jury Deliberations ..... \_\_\_\_\_
7. Excused Alternate Jurors ..... \_\_\_\_\_
8. Closing Instruction ..... \_\_\_\_\_
9. Insurance ..... \_\_\_\_\_
10. Spoliation – Lost, Destroyed or Unpreserved Evidence ..... \_\_\_\_\_

FAULT

1. Statement of Claim; Definition of Fault;  
Definition of Negligence (No Comparative Fault) ..... \_\_\_\_\_
2. Definition of Causation (No Comparative Fault) ..... \_\_\_\_\_
3. Plaintiff's Burden of Proof (No Comparative Fault) ..... \_\_\_\_\_
4. Statement of Liability Issues (No Comparative Fault) ..... \_\_\_\_\_
5. Statement of Claims, Definition of Fault;  
Definition of Negligence (Comparative Fault) ..... \_\_\_\_\_
6. Definition of Causation (Comparative Fault) ..... \_\_\_\_\_

7. Burden of Proof (All Parties) (Comparative Fault)..... \_\_\_
8. Statement of Liability Issues (Comparative Fault) ..... \_\_\_
9. Plaintiff's Fault (Contributory Negligence) ..... \_\_\_
10. Plaintiff's Fault (Assumption of Risk)..... \_\_\_
11. Determining Relative Degrees of Fault (Comparative Fault)..... \_\_\_
12. Plaintiff's Fault (Nonuse of Seat Belt/Motorcycle Helmet)..... \_\_\_

NEGLIGENCE

1. Violation of Statute (Negligence Per Se) ..... \_\_\_
2. Driving Under the Influence of Alcohol..... \_\_\_
3. Presumptions of Intoxication..... \_\_\_
4. Assume Laws Obeyed — Duty to Observe ..... \_\_\_
5. Negligence of a Child, Duty of Adult to Anticipate Behavior of Children..... \_\_\_
6. Sudden Emergency ..... \_\_\_
7. Res Ipsa ..... \_\_\_
8. Negligent Infliction of Emotional Distress (Witnessing Injury to Another) ..... \_\_\_
9. Negligent Infliction of Emotional Distress (Direct)..... \_\_\_
10. Wilful or Wanton Conduct..... \_\_\_

MEDICAL NEGLIGENCE

1. Definition of Medical Negligence; Causation; Fault; Plaintiff's Burden of Proof \_\_\_
2. Definition of Medical Negligence for Treatment in Emergency Departments – Plaintiff's Burden of Proof ..... \_\_\_
3. Limiting Instruction — Expert Witnesses ..... \_\_\_
4. Collateral Source ..... \_\_\_

PRODUCT LIABILITY

1. Statement of Claim; Definition of Fault; Causation ..... \_\_\_
2. Defect and Unreasonable Danger Defined (Manufacturing Defect) ..... \_\_\_
3. Defect and Unreasonable Danger Defined (Design Defect) ..... \_\_\_
4. Defect and Unreasonable Danger Defined (Information Defect) ..... \_\_\_
5. Plaintiff's Burden of Proof (Product Liability) ..... \_\_\_
6. Statement of Liability Issues (Product Liability)..... \_\_\_
7. State of the Art Defense ..... \_\_\_
8. Modification of Product Defense..... \_\_\_
9. Misuse of Product Defense ..... \_\_\_

BAD FAITH

First Party

1. Duty of Good Faith and Fair Dealing ..... \_\_\_
2. Adequacy of Investigation ..... \_\_\_

- 3. Definition of Intentional..... \_\_\_\_\_
- 4. Causation..... \_\_\_\_\_
- 5. Plaintiff's Burden of Proof (Bad Faith) ..... \_\_\_\_\_
- 6. Statement of Liability Issues..... \_\_\_\_\_
- 7. Measure of Damages ..... \_\_\_\_\_
- Third Party
- 8. Third-Party Standard ..... \_\_\_\_\_
- 9. Plaintiff's Burden of Proof; Statement of Liability Issues  
(Assignee-Plaintiff)..... \_\_\_\_\_
- 10. Plaintiff's Burden of Proof; Statement of Liability Issues  
(Insured-Plaintiff)..... \_\_\_\_\_
- 11. Causation (Insured-Plaintiff) ..... \_\_\_\_\_
- 12. Measure of Damages (Insured-Plaintiff) ..... \_\_\_\_\_
- 13. *Morris* cases - Burden of Proof..... \_\_\_\_\_

PREMISES LIABILITY

- 1. Notice of Unreasonably Dangerous Condition..... \_\_\_\_\_
- 1A. Notice of Unreasonably Dangerous Condition (Nonproprietary) ..... \_\_\_\_\_
- 2. Mode of Operation Rule..... \_\_\_\_\_
- 3. Adult Guest (Licensee)..... \_\_\_\_\_
- 4. Child Guest (Licensee) ..... \_\_\_\_\_
- 5. Adult Trespasser..... \_\_\_\_\_
- 6. Child Trespasser (Attractive Nuisance) ..... \_\_\_\_\_

PERSONAL INJURY DAMAGES

- 1. Measure of Damages ..... \_\_\_\_\_
- 2. Pre-Existing Condition, Unusually Susceptible Plaintiff..... \_\_\_\_\_
- 3. Damages for Wrongful Death of Spouse, Parent or Child..... \_\_\_\_\_
- 4. Punitive Damages ..... \_\_\_\_\_
- 5. Mortality Tables and Life Expectancy ..... \_\_\_\_\_

PERSONAL INJURY – DAMAGES ONLY TRIAL

- Introduction..... \_\_\_\_\_
- Preliminary 14 for Personal Injury – Fault Not At Issue ..... \_\_\_\_\_
- 1 Statement of Claim, Causation ..... \_\_\_\_\_
- 2 Burden of Proof (More Probably True)..... \_\_\_\_\_
- 3 Measure of Damages..... \_\_\_\_\_
- 4 Damages for Wrongful Death of Spouse, Parent, or Child ..... \_\_\_\_\_
- 5 Closing Instruction ..... \_\_\_\_\_
- Verdict Form (where more than one statutory beneficiary is claiming damages .. \_\_\_\_\_
- Verdict Form (where each plaintiff is claiming damages)..... \_\_\_\_\_



CONTRACT

1.	Burden of Proof (More Probably True) .....	___
2.	Claims and Elements .....	___
3.	Definition and Formation of Contract .....	___
4.	Offer .....	___
5.	Revocation of Offer.....	___
6.	Acceptance.....	___
7.	Consideration.....	___
8.	Contract Modification .....	___
9.	Failure of Consideration (Material Breach) .....	___
10.	Substantial Performance .....	___
11.	Failure of Condition .....	___
12.	Waiver of Condition.....	___
13.	Waiver.....	___
14.	Anticipatory Breach .....	___
15.	Third-Party Beneficiary .....	___
16.	Good Faith and Fair Dealing .....	___
17.	Measure of Direct Damages (Breach of Contract) .....	___
18.	Consequential Damages .....	___
19.	Damages for Lost Profits.....	___
20.	Measure of Damages (Sale of Land) .....	___
21.	Measure of Damages (Purchase of Land) .....	___
22.	Measure of Damages (Breach of Warranty).....	___
23.	Mitigation of Damages.....	___
24.	Quantum Meruit.....	___
25.	Whether a Standardized Term Is Part of the Agreement .....	___
26.	Determining Intent of the Parties.....	___
27.	Construction Against the Party Choosing the Words .....	___
28.	Promissory Estoppel .....	___
29.	Impracticability.....	___
30.	Duress .....	___
31.	Definition of Option (Lease Cases) .....	___
32.	Exercising an Option — Burden of Proof (Lease Cases).....	___
33.	Lease Termination — Burden of Proof .....	___
34.	Damages for Breach or Termination of Lease (Commercial Lease).....	___
35.	Mitigation of Damages for Past Rent .....	___

EMINENT DOMAIN

1. Outline of Trial..... \_\_\_\_\_

2. Power of Eminent Domain..... \_\_\_\_\_

3. Definition of Market Value (Non-ADOT cases filed before 8/22/02)..... \_\_\_\_\_

3A. Definition of Market Value (ADOT and cases filed 8/22/02)..... \_\_\_\_\_

4. Property Use..... \_\_\_\_\_

5. Highest and Best Use..... \_\_\_\_\_

6. Zoning..... \_\_\_\_\_

7. Project Influence — Zoning..... \_\_\_\_\_

8. Project Influence..... \_\_\_\_\_

9. Change of Address..... \_\_\_\_\_

10. Witnesses and Comparable Sales..... \_\_\_\_\_

11. Burden of Proof..... \_\_\_\_\_

12. Severance Damages..... \_\_\_\_\_

13. Information discovered After Date of Valuation..... \_\_\_\_\_

14. Value of Easement..... \_\_\_\_\_

15. Special Benefits..... \_\_\_\_\_

16. Project Constructions..... \_\_\_\_\_

17. Cost of Cure..... \_\_\_\_\_

EMPLOYMENT

1. Contracts — Employment-at-Will Presumption..... \_\_\_\_\_

2. Implied and Express Contracts (Good Faith and Fair Dealing)..... \_\_\_\_\_

3. (Breach of an Implied Contract)..... \_\_\_\_\_

4. Contracts (Measure of Damages)..... \_\_\_\_\_

5. Implied and Express Contracts (Mitigation of Damages)..... \_\_\_\_\_

6. Public Policy Tort Claims — “At Will” Exception

7. Public Policy Tort Claims — “Whistleblower–Good Faith

8. Tort Claims (Damages)..... \_\_\_\_\_

9. Constructive Discharge (General)..... \_\_\_\_\_

9A. Constructive Discharge (Written Notice Required)..... \_\_\_\_\_

9B. Constructive Discharge (Employee Duty to Give Notice)..... \_\_\_\_\_

10. Intentional Infliction of Emotional Distress (Elements of Claim)..... \_\_\_\_\_

11. Intentional Infliction of Emotional Distress (Extreme and Outrageous  
Conduct)..... \_\_\_\_\_

12. Tortious Interference with Contract (Elements of Claim)..... \_\_\_\_\_

13. Tortious Interference with Contract (Damages)..... \_\_\_\_\_

COMMERCIAL TORTS

1A. Fiduciary Duty — Plaintiff’s Burden of Proof (Escrow Agent)..... \_\_\_\_\_

1B. Fiduciary Duty — Plaintiff’s Burden of Proof (Trustee)..... \_\_\_\_\_

1C. Fiduciary Duty — Plaintiff’s Burden of Proof (Attorney)..... \_\_\_\_\_

1D.	Fiduciary Duty — Plaintiff’s Burden of Proof (Partner) .....	___
2.	Fiduciary Duty — Causation.....	___
3.	Fiduciary Duty (Measure of Damages) .....	___
11.	Interference with Contracts or Business Expectancy (Elements) .....	___
12.	Interference with Contracts or Business Expectancy (Damages).....	___
21.	Consumer Fraud (Elements of Claim).....	___
22.	Consumer Fraud (Measure of Damages; Private Cause of Action) .....	___
23.	Negligent Misrepresentation .....	___
24.	Common Law Fraud .....	___
31.	Racketeering (Elements) .....	___
32.	Racketeering (Unlawful Activity Defined) .....	___
33.	Racketeering (Pattern of Unlawful Activity Defined).....	___
34.	Racketeering (Damages).....	___

INTENTIONAL TORTS

1.	Assault .....	___
2.	Battery.....	___
3.	Justifiable Use of Force .....	___
4.	Duress.....	___
5.	Justification for Self-Defense .....	___
6.	Justification for Defense of Another .....	___
7.	Justification for Defense of Property .....	___
8.	Justification for Use of Deadly Force in Law Enforcement.....	___
9.	Justification for Non-Deadly Physical Force in Law Enforcement.....	___
10.	Justification for Using Force in Crime Prevention.....	___
11.	No Justification for Provoking Another .....	___
12.	Justification for Defense of Premises .....	___
13.	False Imprisonment .....	___
14.	Instigating or Participating in False Imprisonment .....	___
15.	Defense to Instigating or Participating in False Imprisonment (Reasonable Actions).....	___
16.	Intentional Infliction of Emotional Distress (Elements of Claim) .....	___
17.	Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct).....	___
18.	Abuse of Process.....	___
18.1	Abuse of Process – Elements of Liability .....	___
18.2	Abuse of Process – Reasonable Justifiable Conduct .....	___
18.3	Abuse of Process – Primary Motivation.....	___
19.	Malicious Prosecution .....	___
20.	Probable Cause for Criminal/Civil Prosecution.....	___
21.	Existence of Probable Cause .....	___
22.	Probable Cause for Prosecution (Advice of Counsel).....	___
23.	Aiding and Abetting Tortious Conduct.....	___
24.	Community Liability for Intentional Tort of a Spouse .....	___

AGENCY

1 Agency Defined ..... \_\_\_

2 Agency ..... \_\_\_

3 Actual Authority ..... \_\_\_

4 Implied Authority ..... \_\_\_

5 Apparent Authority ..... \_\_\_

6 Agency by Estoppel..... \_\_\_

7 Ratification..... \_\_\_

DEFAMATION

1A Elements Where Actual Malice Is Required..... \_\_\_

1B Elements Where Negligence Is Standard..... \_\_\_

2 Defamatory Defined ..... \_\_\_

3 Truth..... \_\_\_

4A Reckless Disregard..... \_\_\_

4B Negligence..... \_\_\_

4C Fact Versus Opinion ..... \_\_\_

5 Repetition of Defamation..... \_\_\_

6 Causation..... \_\_\_

7 Damages Generally..... \_\_\_

8 Presumed Damages ..... \_\_\_

9 Punitive Damages ..... \_\_\_

RESIDENTIAL EVICTION ACTIONS

1 Claims and Elements..... \_\_\_

2 Written Notice..... \_\_\_

3 Landlord Tenant Relationship ..... \_\_\_

4 Basis for Eviction (Breach of Lease) ..... \_\_\_

5 Measure of Direct Damages for a Prevailing Landlord ..... \_\_\_

6 Tenant’s Right to Reinstate the Lease for Non-Payment of Rent..... \_\_\_

7 Bona Fide Lease Defense Following a Trustee’s Sale ..... \_\_\_

8 Tenant’s Counterclaim/Defense Concerning a Diminution in Value..... \_\_\_

9 Tenant’s Counterclaim for Misconduct by Landlord (Abuse of Access)..... \_\_\_

10 Tenant’s Counterclaim for Misconduct by Landlord (Unlawful Ouster,  
Exclusion, Diminution of Services, Retaliatory Eviction)..... \_\_\_

Verdict Form 1 – Judgment for Landlord..... \_\_\_

Verdict Form 2 – Judgment for Tenant..... \_\_\_

INVASION OF PRIVACY RIGHTS

1 Invasion of Privacy by Intrusion Upon Seclusion – Elements..... \_\_\_\_

2 Intentional Intrusion – Defined ..... \_\_\_\_

3 Highly Offensive to a Reasonable Person – Defined..... \_\_\_\_

4 Invasion of Privacy by Public Disclosure of Private Facts – Elements ..... \_\_\_\_

5 Public Disclosure – Defined ..... \_\_\_\_

6 About the Plaintiff – Defined ..... \_\_\_\_

7 Private Facts – Defined ..... \_\_\_\_

8 Public Disclosure of Private Facts – Highly Offensive to a Reasonable  
Person – Defined..... \_\_\_\_

9A Invasion of Privacy by Publicly Placing Plaintiff in a False Light – Elements  
(Where Actual Malice Is Required) ..... \_\_\_\_

9B Invasion of Privacy by Publicly Placing Plaintiff in a False Light – Elements  
(Negligence Standard) ..... \_\_\_\_

10 Public Disclosure – Defined ..... \_\_\_\_

11 Publicly Placing Plaintiff in a False Light – Highly Offensive to a Reasonable  
Person – Defined..... \_\_\_\_

12 Invasion of Privacy by Appropriation of Plaintiff’s Name or Likeness –  
Elements ..... \_\_\_\_

13 Causation..... \_\_\_\_

14 Damages..... \_\_\_\_

15 Affirmative Defenses – Qualified Privilege ..... \_\_\_\_

16 Affirmative Defenses Consent ..... \_\_\_\_

