

Federal Jury Charge Practice

United States Magistrate Judge Henry J. Bemporad

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June 2, 2017

Overview

- Rule 51 (Preserving Error)
- Appellate Review
- Verdict Forms (General/Special)
- Multi-Theory Submissions
- Practice Tips

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Rule 51—Four Parts

- Requests
 - Instructions
 - Objections
 - Assignment of Error/Plain Error
-

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Requests—Before or at the Close of Evidence (FRCP 51(a)(1))

At the close of the evidence or at any earlier reasonable time that the court orders, a party may file and furnish to every other party written requests for the jury instructions it wants the court to give.

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Requests

- Prerequisite to complain of failure to give instruction
- Must correctly state the law
- No right to precise form of the request

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Requests *After* the Close of Evidence (Rule 51(a)(2))

A party may:

- file requests for instructions on issues that could not reasonably have been anticipated by an earlier time that the court set for requests; and
- with the court's permission, file untimely requests for instructions on any issue.

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First appeared as part of the conference materials for the 27th Annual Conference on State and Federal Appeals session "Federal Jury Charge Practice"