### IDJI 1.41.3 – Charging instructions on defense claims - special interrogatories

INSTRUCTION NO.\_\_\_\_\_

On the defendant[s] claim of \_\_\_\_\_\_\_\_\_\_ against \_\_\_\_\_\_\_\_\_\_, the defendant[s] [has/have] the burden of proof on each of the following propositions:

1. [Proposition No. 1.]

2. [Proposition No. 2.]

3. [Etc.]

You will be asked the following question on the jury verdict form:

[Insert question exactly as it appears on the verdict]

If you find from your consideration of all the evidence that each of these propositions has been proved, then you should answer this question "yes." If you find from your consideration of all the evidence that any of these propositions has not been proved, then you should answer this question "no."

Comment:

The committee recommends that when there are affirmative defenses or counterclaims, and in any case involving multiple claims, cross claims or third party claims, verdicts on special interrogatories be used. Then, each party’s claim, counterclaim or cross claim can be isolated into a charging instruction which defines that claim, and sets forth the elements necessary to answer the special interrogatory.