

I.R.C.P. 51.a.1. Instructions to Jury - Requests - Objections.

Idaho Rules of Civil Procedure Rule 51(a)(1). Instructions to Jury - Requests - Objections.

Prior to the presentation of evidence, the court may instruct the jury on the role of the court, counsel and jury, the elements of all claims in dispute and any known defenses, and any other matter it believes necessary and appropriate to aid in resolution of the issues at hand. The Court shall hold an instruction conference prior to trial to consider these initial instructions to the jury. No later than five (5) days before the commencement of any trial by jury, any party may file written requests that the court instruct the jury on the law as set forth in such request, and such requested instructions must be served upon and received by all parties to the action at least five (5) days before the commencement of the trial. The court shall not be required to consider any requested instructions not filed and served upon the parties as required by this rule, but the court may reasonably permit any party to file and serve written requests for instructions at any time up to and including the close of the evidence at the trial upon the grounds that such requested instructions concern matters arising during the trial of the action which could not reasonably have been anticipated by the party requesting such instructions or were overlooked in the original requested instructions. All requested instructions shall be submitted to the court in duplicate with the appropriate citation of law indicated on the copy thereof upon which the party relies in requesting such instruction. The original shall contain a blank space for numbering and all duplicate copies shall be numbered by the party submitting the same in consecutive numbers at the top of the first page of each requested instruction. The duplicate copy shall also contain blank spaces at the bottom thereof identified as "Given," "Refused," "Modified," "Covered," and "Other." The court shall rule upon such requests at the close of the evidence at the trial and shall verbally indicate its ruling on the record or shall indorse upon the duplicate copy of each requested instruction the court's ruling as to such request in the blanks provided. The court may also prepare other written instructions to be given of its own motion, and shall submit to the parties the instructions that will be given, and provide adequate time and opportunity to all parties to read and consider said instructions, to discuss them with court and counsel off the record, and to make objections thereto in the absence of the jury. All objections thereto, and any objections to the giving or the failure to give an instruction, and any court's ruling thereon, must be made a part of the record.

(Am. effective March 1, 1976; am. effective October 1, 1976; am. effective July 1, 1977.)

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