

**Section 15. Instructions**

**(a) When Jury Instructions to be Submitted.** Jury instructions shall be submitted in accordance with Minn. R. Civ. P. 51. Written requests for instructions shall list authorities.

**(b) Conference Regarding Instructions and Verdicts.** Before final argument and after submission to the court of all proposed jury instructions and verdict forms, a conference shall be held outside the presence of jurors.

A reporter is not required at the beginning of the conference while the court reviews with counsel any proposed instructions or verdict forms and discusses:

(1) whether any proposed instructions or verdict forms are inappropriate and will be voluntarily withdrawn;

(2) whether there is any omission of instructions or verdict forms which are appropriate and shall be offered and given without objection; and

(3) whether there is any other modification of instructions or verdict forms to which the parties will stipulate.

Thereafter, the conference shall be reported and the court shall:

(1) specify those instructions and verdict forms the court proposes to give, refuse, or modify, whether at the request of a party or on its own initiative;

(2) hear formal argument, and rule upon any objections to, and offers of, the proposed instruction and verdict forms.

**(c) Specifying Disposition of Instructions.** Upon determining the instructions to be given, refused, or modified, the court shall indicate the disposition and sign or initial them.

**(d) Stipulations Regarding Further Procedure.** At a conference prior to the submission of the case to the jury, the court may request that the parties consider stipulating:

(1) that in the absence of any counsel the court may, upon request of the jury, read to the jury any and all instructions previously given;

(2) that in the absence of the court after the original submission of the case to the jury, any judge of the court may act in the court's place up to and including the time of dismissal of the jury;

(3) that a stay of entry of judgment for an agreed upon number of days shall be granted after a verdict;

(4) that a sealed verdict may be returned; and

(5) that the presence of the clerk and reporter, the right to poll the jury, and the right to have the verdict immediately recorded and filed in open court are waived.

**(e) Changing Jury Instructions.** If, after the chambers conference and at any time before giving the instructions and verdict form to the jurors, the court determines to make any substantive change the court shall so advise all parties outside the hearing of jurors. If the court determines to make a substantive change after final argument, the court shall permit additional final argument. The court shall also make a statement on the record regarding any changes.

**(f) Use of Jury Instructions in Jury Room.** Jury instructions may be sent to the jury room for use by the jurors if the court so directs. The number, title, citation of authority, and history shall be

removed from each instruction. Stricken portions shall be totally obliterated and any additions shall be completely legible.

**Cross Reference:** Minn. R. Civ. P. 51.

***Task Force Comment - 1991 Adoption***

*Subsection (a) is derived from existing Trialbook paragraph 24.*

*Subsection (b) is derived from existing Trialbook paragraph 25.*

*Subsection (c) is derived from existing Trialbook paragraph 26.*

*Subsection (d) is derived from existing Trialbook paragraph 27.*

*Subsection (e) is derived from existing Trialbook paragraph 28.*

*Subsection (f) is derived from existing Trialbook paragraph 32.*