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This set includes: BAJI Time-Tested instructions CACI simple language instructions Use notes and comments for CACI and BAJI Cross-links between CACI and BAJI Direction to change instructions to match specific cases of lifespan and present value of table references to statutes and court opinions that you quickly to source instructions BAJI Master List, table INSTRUCY BAJI, which shows when each of them has been revised : Damage Evidence Of Motor Vehicle Negligence Products Responsibility Insurance Contracts Delt Act Statutory Action Each instruction is printed in bold for intelligibility and ease of use. CACI Cross Reference Table --CACI to BAJI Cross Reference Table --BAJI to CACI Introductory Instructions Evidence Contracts Negligence Medical Negligence Professional Negligence (non-medical) Vehicles and Road Safety Rail Crossings Common Carriers Preconditions Condition Dangerous State of Civil Property Products Responsibility Assault and Battery False Imprisonment Abusive Charge Emotional Disaster Defamation Defamation Rights to Privacy Protection Law Song-Beverly Consumer Guarantee Act Act Cartwright Act Outstanding Domain Conspiracy Responsibility Fair Responsibility Fair Compensation Final Instructions Table Del Code Sections Cited by the BAJI Index Volume 1 Part Common Instructions Introductory Instructions Te View sample of this title using the ReadNowUse feature that the judge uses with the California Judicial Council Civil Jury Instructions (CACI). LexisNexis Matthew Bender is proud to be the official publisher of the California Judicial Council Civil Jury Instructions. This edition of CACI includes all new and revised jury instructions approved by the Judicial Council for Civil Cases. In the California Court Rules, Rule 2.1050 (e), use of the Board's Judicial Council instructions If the latest edition of the California jury's instructions approved by the Judicial Council contains an instruction that applies to the case, and the judge who must be instructed by the jury on the matter is advised that the judge use the Judicial Council's instruction unless he or she considers that the other instruction will more accurately determine the law and be understood by the jury. Don't forget to purchase the LexisNexis Automated Judicial Council of California Civic Jury Instructions as well so you can easily draft, assemble and investigate your jury instructions further. You may also be interested in this product: California Jury Forms InstructionThe 2020 ISBN is 9781522181996.eBooks, compact sites, downloadable content, and software purchases are unrecoverable, irrevocable and ir retrievable. Click here for more information on lexisNexis e-books. Electronic versions of this headline may include references to Lexis-™ for further legal research. Access to this content requires a valid ™ Lexis™ Lexis. 2020 February This article analyzes some important changes to the Judicial Council of California Civil Jury Instructions (CACI) that occurred in 2019. Although the use of CACIs is not mandatory (Cal. Court Rule 2.1050), they are the primary form of jury training in any civil jury trial in California. The Judicial Council first published CACIs in 2003 and continues to modify them, especially given events and changes in the law. These changes in instructions most often take the form of creating new instructions, changing the text of existing instructions, canceling existing instructions, and making changes to the Directions for Use sections and the sources and authorities that accompany the individual instructions. From time to time, new CASIs are added to cover new legislation or significant legislative changes, as well as to fill gaps or eliminate ambiguities in existing CASI instructions. As this year, significant changes are regularly made to the Directions sections for use or sources and authorities, even if the text of this instruction remains unchanged. And if you use the CACI model verdict forms, those change as well - although there have been no changes there in 2019 except for the three found in the CACIs illegal detention section (not addressed below). Every civil practitioner should be aware of the changes in CASI, as these changes may affect the consideration of the case from the stage of consideration, by detection, settlement of claims, and of course in court. You can download a copy of the 2020 edition of CACIs for free at the cac in CACIs occur periodically throughout the year, including the introduction of new instructions. If you're a trial practitioner who uses software generate CACI instructions for the trial, make sure to check the software updates periodically to make your CACIs up to date. And keep in mind that a set of instructions or a verdict form prepared a few months ago may not be relevant and accurate today. So, if your trial is delayed or ongoing, make sure to check your jury instructions and verdict form when it's time to go to court. Here is a summary of the changes in some CACIs. CACI 105/5001: Insurance (revised) CACI 105 and 5001 are duplicate instructions found in the pre-trial and final series of instructions, respectively. Previously, CACI 105 did not contain Directions for use, and CACI 5001 simply stated that if the instruction was used, the advisory committee recommends that it be read to the jury before reading the instructions on the merits of the law. Directions for use for CACI 105 now includes the same language, and the following have been added to both: By law, proof of the defendant's insurance coverage is unacceptable to prove liability. (David Code, No. 1155.) If proof of insurance was admitted for any other reason, (1) that indication might need to be changed to clarify that insurance could not be considered for the purpose of determining liability; and (2) should be instructed to limit it by advising jurors to consider the evidence only for the purposes for which it was accepted. Perhaps more interesting are the changes regarding the rules for securing sources in the sections of these instructions Sources and authorities. Defendants often argue in their responses the affirmative defence of the inability to mitigate the damage. In the context of bodily harm, sometimes this affirmative defense includes the argument that a plaintiff with health insurance failed to mitigate his or her losses by considering outside of that insurance, on bail or on a personal basis. The defense then argues that the plaintiff's health insurance evidence should be duly recognized as appropriate to this positive defense. The revised instructions explain that this is wrong. In the Sources and Authorities section, the Judicial Council added: The Court of First Instance did not abuse its discretion, excluding evidence of the plaintiff's insurance coverage under article 352 of the Code of Evidence. (The plaintiff) had the right to treat outside of his plan. Evidence of his insurance would have confused problems or misled and inspired jurors. (CACI 105 No. 5001, citing Pebley vs. Santa Clara Organic, LLC (2018) 22 Cal.App.5th 1266, 1278.) In addition, the existing general quote from the bail source rule in both instructions has been revised to read: E-witness coverage is not acceptable in order to mitigate the damage that the plaintiff would otherwise have reimbursed from the tortfeasor. This is the source of collateral of collateral (Blake v. E. Thompson Petroleum Repair Co. (1985) 170 Cal.App.3d 823, 830; see Helfend v. Southern California Rapid Transit Dist. (1970) 2 Cal.3d 1, 16-18.) Adding these new authorities to insurance CASI is another tool to use in combating these mitigation protections. But please note that, as with the defendant's liability insurance evidence, there is no total prohibition on a reference to health insurance. The Judicial Council also added a new citation to highlight the fact that the discussion of health insurance may be necessary and permissible in certain contexts, referring to Stokes v. Muschinske (2019) 34 Cal.App.5th 45, 58 (references to Kaiser, Medicare and Social Security may be valid as a backdrop to past treatment and when calculating past and future reasonable medical costs). In total, these changes to the sources and authorities underscore the evolution of the law after the California Supreme Court changed the scope of damages for medical expenses in Howell v. Hamilton Meat and State, Inc. (2011) 52 Cal.4th 541.CACI 375: Restitution from Transferee on the basis of a quasi-contract or unfair enrichment (new)This new instruction refers to claims for a restoration based on quasi-contract and unfair enrichment (new)This new instruction refers to claims for restoration based on quasi-contract and unfair enrichment (new)This new instruction refers to claims for restoration based on quasi-contract and unfair enrichment (new)This new instruction refers to claims for restoration based on quasi-contract and unfair enrichment (new)The instruction does not resolve a long-standing power split over whether California law recognizes a separate reason for unfair enrichment. Directions for use suggest that there is such a statement, but Sources and Body refer to some of the conflicting published opinions on the merits. However, the publication of CACI 375 appears to clarify that these legal doctrines can be adopted through a restitution requirement. The instruction is quite broad and flexible. CACI 375 states that the plaintiff's name states that the defendant's name must be reinstated in the plaintiff's name (indicate, for example, money) that the defendant's name received on behalf of a third party, but this really should belong to the name of the plaintiff. The plaintiff's name is entitled to restitution if he/she proves that the defendant's name knew or had reason to know that the third party name indicates an act that constitutes unfair enrichment, such as the theft of money from the name of the plaintiff. CACI 1125: Conditions on an adjacent property (new) New in a series on the hazardous conditions of state property CACI 1125, entitled Conditions on adjacent property. It states: The name of the property of the defendant of public education can be considered dangerous if the condition on the adjacent property contributes to exposing those who use the name of the property of the defendant of a state person to a significant risk of harm. The plaintiff's name states that the following condition is The name of the public person defendant was dangerous: indicate. You should consider considering when deciding whether the name of the public education respondent is in a dangerous state. This new instruction recognizes that damage and/or hazard does not necessarily occur in public property and that liability may arise from a relationship with adjacent private property. (See Guernsey vs. Salinas City (2018) 30 Cal.App.5th 269, 281-282; Bonanno vs. Central Transit Office Contra (2003) 30 Cal.4th 139, 147-148.) Section of the Directions for Use provides the following guide: Give this instruction if the plaintiff alleges that conditions on property adjacent to public property, which is said to be dangerous, have contributed to making public property dangerous. This instruction must be given with applicable basic instructions on dangerous conditions on public property (see CACI No. 1100 to 1103). This instruction is for use when the plaintiff's claim includes conditions on a property adjacent to state property. Another instruction will be required if the dangerous state of public property creates a significant risk of damage to one using a neighbouring property. CACI 2020: Public Nuisance - The main factual elements (revised) The previous version of this instruction listed seven items. The revision makes one of these elements optional. The fifth element remains the same as before, but now appears fully in brackets: This (the plaintiff's name) did not agree to the name of the defendant; . . . Directions for use contain the following new paragraph that defines the separation of powers, assuming that the matter is one at the discretion of the court of first instance, at least until the Supreme Court decides the matter: There is some uncertainty as to whether the lack of consent is an element (element 5) or consent protection. The lack of agreement with these elements is

clearly stated in the cases. (See Fish and Game Division v. Supreme Court (2011) 197 Cal.App.4th 1323, 1352; Birk v. Oakwood Worldwide (2009) 169 Cal.App.4th 1540, 1548.) In other cases, however, it was a matter of consent as a defence, albeit in the context of an unpleasant claim involving parties interested in the same property. (See. Newhall Land and Farming Co. v. Superior Court (1993) 19 Cal.App.4th 334, 341-345; Mangini v. Aerojet-General Corp. (1991) 230 Cal.App.3d 1125, 1138-1140.) Wrongful termination and employment (many changes) there are many changes in the labor and labor sections, too many to thoroughly cover here. While many of these changes are relatively minor, some are worth highlighting here. CACI 2423 (Violation of the Covenant of Goodwill and Fair Deal) has been substantially changed for the first time since its introduction in 2003. In the it contains six listed items instead of five and contains a new introductory paragraph. The instruction also makes it clear two of the six items listed are optional depending on the circumstances of the case. CACI 2524 (Severe or Pervasive Explanations) have also been substantially altered, eliminating one of these factors that should be taken into account when determining whether the behavior was severe or pervasive (the extent in which the conduct unnecessarily interfered with the employee's work) and adding the following at the end: The plaintiff's name should not prove that productivity has declined. It is sufficient to prove that a reasonable person being persecuted will find that such behaviour has altered working conditions, making it difficult for him to work. One incident can be serious enough or pervasive enough to constitute harassment. The Disability Discrimination Instruction on Positive Health or Safety Risk Protection (CACI 2544) has been significantly changed. CACI 2545 relating to the unjustified difficulties of the Defense disability discrimination claim contains minor changes. Religious instructions found in CACIs 2560 and 2561 were also slightly altered. CACI 3903: Survival Damage (new May 2019) This new CACI examines cases where the estate of a deman seeks redress for economic damage arising under article 377.34 of the Civil Procedure Code, regardless of whether the conduct in question is the cause of death. It has a lot of moving parts explained in Directions to use. CACI 3903 reads as follows: If you decide that the plaintiff's name has proven his/her claim against the defendant's name in the event of death as the name of the indentation, you must also decide the amount of damages that the detainee's name was incurred to death, and that he/she would be entitled to redress because of the name of the defendant's conduct, including any penalty/or penalty, as explained in other instructions. The plaintiff's name may recover the following damages: 1. The reasonable cost of sufficient medical care, which has been received by the name of the ingressed; 2. The amount of income/earnings/salary/salary that he/she lost before his death; 3. Reasonable medical expenses that the name of the indentate would be given to family member's name before the name of the death of the indentation; 4. Indicate another recoverable economic damage. You cannot award damages for any loss for the name of a shortened life expectancy associated with death. CACI 4575: Right to Repair Act - Positive Defense - Failure to properly maintain a home (new) This new instruction arises from the affirmative defense available in the context of a construction defect under civil code section 945.5 (c), in which the homeowner was unable to properly care about the structure. CACI 4900 Series: Real Estate Act (New) Trial added a new series starting with 4900 called the Real Estate, Real Estate Act, contains four new instructions. The new instructions relate to claims: (1) adverse ownership (CACI 4900); (2) prescribing easements (CACI 4901); (3) intervention in secondary easements (CACI 4902); and (4) violation of the Homeowners Bill of Rights under Section 2924.12 (b) (CACI 4910). These alleviate some of the burden real estate litigants have faced in developing special jury instructions for these kinds of claims. Note on other changes in the Sources and Authorities section This article does not focus on all the many new additions or changes in the Sources and Authority sections in all CASI. Periodically, by checking these sections, it is possible to advise lawyers on new cases that are important for their specific practice. The CACI 400 (Negligence - the main factual elements) is one example of significant changes in the Source and Authorities section over the past year. The Judicial Council has added many new references to the case in the CACI 400 and, in particular, several references to the issue of the standard of care. (See, for example, The Regents of Univ. of Cal. v. Sup. Ct. (2018) 29 Cal.App.5th 890, 902-903 (the wording of the standard of care is a matter of law for the court; applying this standard to facts is a task for the trier of fact); Cases of gas leakage in Southern California (2019) 7 Cal.5th 391, 398 no tort duty to protect against purely economic losses; Coyle vs. Historic Mission Inn Corp. (2018) 24 Cal.App.5th 627.) Similarly, CACI 434 (Alternative Cause and Effect Service) has a substantially revised section of Sources and Authority, which details the historical case law as well as the new Direction section for use. The CACI 434 remains the same. Unchanged. california jury instructions wrongful termination in violation of public policy

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