

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
[ ] DIVISION**

[ ],

Plaintiff,

vs.

[ ],

Defendant.

No. C [ - ]-MWB

**SAMPLE  
PRELIMINARY AND  
FINAL INSTRUCTIONS  
TO THE JURY  
(CIVIL CASE;  
REVISED 12/02)**

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**VERDICT FORM**

## **PRELIMINARY INSTRUCTION NO. 1 - PRELIMINARY INSTRUCTIONS**

Members of the jury, before the lawyers make their opening statements, I give you these preliminary instructions to help you better understand the trial and your role in it. Consider these instructions, together with any oral instructions given to you during the trial and the written final instructions given at the end of the trial, and apply them as a whole to the facts of the case. In considering these instructions, the order in which they are given is not important.

## **PRELIMINARY INSTRUCTION NO. 2 - DUTY OF JURORS**

It will be your duty to decide from the evidence what the facts are. You, and you alone, are the judges of the facts. You will hear the evidence, decide what the facts are and then apply those facts to the law which I will give you in these preliminary instructions, any instructions given during the trial, and in the final instructions at the conclusion of the case. You will then deliberate and reach your verdict. You are the sole judges of the facts; but you must follow the law as stated in my instructions, whether you agree with it or not.

You have been chosen and sworn as jurors in this case to try the issues of fact presented by the parties. Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict, unaffected by anything except the evidence, your common sense, and the law as I will give it to you.

This case should be considered and decided by you as an action between persons of equal standing in the community, of equal worth, and holding the same or similar stations in life. [In this case, defendant [NAME] is a corporation. The mere fact that a party is a corporation does not mean that it is entitled to any greater or lesser consideration by you. All persons, including [PLAINTIFF BY NAME] and [DEFENDANT BY NAME] stand equal before the law, and are entitled to the same fair consideration by you. When a corporation such as [NAME] is involved, of course, it may act only through natural persons, such as its managers, as its agents.]

You should not take anything I may say or do during the trial as indicating what I think of the evidence or what I think your verdict should be.

### **PRELIMINARY INSTRUCTION NO. 3 - BURDEN OF PROOF**

In these instructions, you are told that your verdict depends on whether you find certain facts have been proved. The burden of proving a fact is upon the party whose claim depends upon that fact. In this case, unless I tell you otherwise, that party is plaintiff [NAME].

The party with the burden of proof must prove facts by the “greater weight of the evidence.” To prove something “by the greater weight of the evidence” means to prove that it is more likely true than not true. The “greater weight of the evidence” is determined by considering all of the evidence and deciding which evidence is more believable. If, on any issue in the case, you find that the evidence is equally balanced, then you cannot find that the issue has been proved.

The “greater weight of the evidence” is not necessarily determined by the greater number of witnesses or exhibits a party has presented. The testimony of a single witness that produces in your mind a belief in the likelihood of truth is sufficient for proof of any fact and would justify a verdict in accordance with such testimony. This is so, even though a number of witnesses may have testified to the contrary, if after consideration of all of the evidence in the case, you hold a greater belief in the accuracy and reliability of that one witness.

You may have heard of the term “proof beyond a reasonable doubt.” That is a stricter standard, which applies in criminal cases. It does not apply in civil cases such as this. You should, therefore, put it out of your minds.

**PRELIMINARY INSTRUCTION NO. 4 - ELEMENTS OF  
PLAINTIFF’S CLAIM(S)**

As I explained during jury selection, plaintiff [NAME] asserts a claim of [DESCRIBE CLAIM OR CLAIMS] against defendant [NAME]. The law prohibits [e.g., pregnancy discrimination; discrimination in employment on the basis of the plaintiff’s sex, race, age, national origin, religion, etc.]. [Summarize the prohibitions, in necessary.]

[PLAINTIFF’S] claim(s) consists of “elements,” which she must prove by the greater weight of the evidence if she is to win on that/those claim. To help you follow the evidence, here is a brief summary of the elements of [PLAINTIFF’S] claim(s).

***[FIRST CLAIM, e.g., PREGNANCY DISCRIMINATION]***

[DESCRIBE BRIEFLY THE CIRCUMSTANCES GIVING RISE TO THE PLAINTIFF’S CLAIM]

***Elements***

To win her claim of [IDENTIFY CLAIM], [PLAINTIFF] must prove the following elements by the greater weight of the evidence:

*One*, [ ]; and

*Two*, [ ].

***[Statutory defense, e.g., “same decision” defense]***

If [PLAINTIFF] proves [ALL] of the elements of her [IDENTIFY CLAIM] claim, then you must consider whether [DEFENDANT] has proved, by the greater weight of the evidence, [ITS STATUTORY DEFENSE. INCLUDE ELEMENTS IF APPROPRIATE.]

This is only a preliminary outline of the elements of [PLAINTIFF’S] claim(s). At the end of the trial, I will give you further final written instructions that explain this/these

claim(s) [and DEFENDANT'S defense]. Because the final instructions are more detailed, those instructions govern on the elements of [PLAINTIFF'S] claim(s) [and [DEFENDANT'S] defense].

## **PRELIMINARY INSTRUCTION NO. 5 - ORDER OF TRIAL**

The trial will proceed as follows:

After these preliminary instructions, the plaintiff's attorney may make an opening statement. Next, the lawyer for the defendant may make an opening statement. An opening statement is not evidence, but simply a summary of what the lawyer expects the evidence to be.

After opening statements, the plaintiff will present evidence and call witnesses and the lawyer for the defendant may cross-examine them. Following the plaintiff's case, the defendant may present evidence and call witnesses and the lawyer for the plaintiff may cross-examine them.

After the evidence is concluded, I will give you most of the final instructions. The lawyers will then make their closing arguments to summarize and interpret the evidence for you. As with opening statements, closing arguments are not evidence. I will then give you the remaining final instructions on deliberations, and you will retire to deliberate on your verdict.

## **PRELIMINARY INSTRUCTION NO. 6 - DEFINITION OF EVIDENCE**

Evidence is:

1. Testimony.
2. Exhibits I admit into evidence.
3. Stipulations, which are agreements between the parties.

Evidence may be “direct” or “circumstantial.” The law makes no distinction between the weight to be given to direct and circumstantial evidence. The weight to be given any evidence is for you to decide.

A particular item of evidence is sometimes admitted only for a limited purpose, and not for any other purpose. I will tell you if that happens, and instruct you on the purposes for which the item can and cannot be used.

The fact that an exhibit may be shown to you does not mean that you must rely on it more than you rely on other evidence.

The following are not evidence:

1. Statements, arguments, questions, and comments by the lawyers.
2. Objections and rulings on objections.
3. Testimony I tell you to disregard.
4. Anything you saw or heard about this case outside the courtroom.

The weight of the evidence is not determined by the number of witnesses testifying as to the existence or non-existence of any fact. Also, the weight of the evidence should not be determined merely by the number or volume of documents or exhibits. The weight of evidence depends on its quality, not quantity. The quality and weight of the evidence are for you to decide.

## **PRELIMINARY INSTRUCTION NO. 7 - CREDIBILITY OF WITNESSES**

In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness says, only part of it, or none of it.

In deciding what testimony to believe, consider the witness's intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness's memory, any motives that witness may have for testifying a certain way, the manner of the witness while testifying, whether that witness said something different at an earlier time, the witness's drug or alcohol use or addiction, if any, the general reasonableness of the testimony, and the extent to which the testimony is consistent with any evidence that you believe. In deciding whether or not to believe a witness, keep in mind that people sometimes see or hear things differently and sometimes forget things. You need to consider, therefore, whether a contradiction results from an innocent misrecollection or sincere lapse of memory, or instead from an intentional falsehood or pretended lapse of memory.

**PRELIMINARY INSTRUCTION NO. 8 - STIPULATED FACTS**

The plaintiff and the defendant have agreed or “stipulated” to certain facts and have reduced these facts to a written agreement or stipulation. Either counsel may, throughout the trial, read to you all or a portion of the stipulated facts. You should treat these stipulated facts as having been proved.

**PRELIMINARY INSTRUCTION NO. 9 - DEPOSITIONS**

Certain testimony from a deposition may be read into evidence. A deposition is testimony taken under oath before the trial and preserved in writing. Consider that testimony as if it had been given in court.

**PRELIMINARY INSTRUCTION NO. 10 - INTERROGATORIES**

During this trial, you may hear the word “interrogatory.” An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.

## **PRELIMINARY INSTRUCTION NO. 11 - OBJECTIONS**

The lawyers may make objections and motions during the trial that I must rule upon. If I sustain an objection to a question before it is answered, do not draw any inferences or conclusions from the question itself. Also, the lawyers have a duty to object to testimony or other evidence that they believe is not properly admissible. Do not hold it against a lawyer or the party the lawyer represents because the lawyer has made objections.

## **PRELIMINARY INSTRUCTION NO. 12 - BENCH CONFERENCES**

During the trial it may be necessary for me to talk with the lawyers out of the hearing of the jury, either by having a bench conference here while the jury is present in the courtroom, or by calling a recess. Please be patient, because while you are waiting, we are working. The purpose of these conferences is to decide how certain evidence is to be treated under the rules of evidence, to avoid confusion and error, and to save your valuable time. We will, of course, do what we can to keep the number and length of these conferences to a minimum.

### **PRELIMINARY INSTRUCTION NO. 13 - NOTE-TAKING**

If you want to take notes during the trial, you may, but be sure that your note-taking does not interfere with listening to and considering all the evidence. If you choose not to take notes, remember that it is your own individual responsibility to listen carefully to the evidence.

Notes you take during the trial are not necessarily more reliable than your memory or another juror's memory. Therefore, you should not be overly influenced by the notes.

If you take notes, do not discuss them with anyone before you begin your deliberations. At the end of each day, please leave your notes on your chair. At the end of the trial, you may take your notes out of the notebook and keep them, or leave them, and we will destroy them. No one will read the notes, either during or after the trial.

You will notice that we have an official court reporter making a record of the trial. However, we will not have typewritten transcripts of this record available for your use in reaching your verdict.

**PRELIMINARY INSTRUCTION NO. 14 - CONDUCT OF JURORS  
DURING TRIAL**

You will not be required to remain together while court is in recess. However, to insure fairness, you as jurors must obey the following rules:

*First*, do not talk among yourselves about this case, or about anyone involved with it, until the end of the case when you go to the jury room to decide on your verdict.

*Second*, do not talk with anyone else about this case, or about anyone involved with it, until the trial has ended and you have been discharged as jurors.

*Third*, when you are outside the courtroom do not let anyone tell you anything about the case, or about anyone involved with it until the trial has ended and your verdict has been accepted by me. If someone should try to talk to you about the case during the trial, please report it to me.

*Fourth*, during the trial you should not talk with or speak to any of the parties, lawyers, or witnesses involved in this case—you should not even pass the time of day with any of them. It is important that you not only do justice in this case, but that you also give the appearance of doing justice. If a person from one side of the case sees you talking to a person from the other side—even if it is simply to pass the time of day—an unwarranted and unnecessary suspicion about your fairness might be aroused. If any lawyer, party, or witness does not speak to you when you pass in the hall, ride the elevator or the like, it is because they are not supposed to talk or visit with you.

*Fifth*, do not read any news stories or articles about the case, or about anyone involved with it, or listen to any radio or television reports about the case or about anyone involved with it. If you want, you can have your spouse or a friend clip out any stories and set them aside to give you after the trial is over. I can assure you, however, that by the time you have heard the evidence in this case you will know more about the matter than

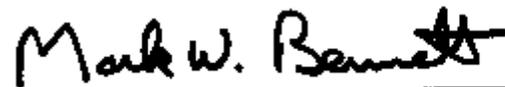
anyone will learn through the news media.

*Sixth*, do not do any research—on the Internet, in libraries, in the newspapers, or in any other way—or make any investigation *about this case* on your own. You must decide this case based on the evidence presented in court and the law as I explain it to you in my instructions.

*Seventh*, do not make up your mind during the trial about what the verdict should be. Keep an open mind until after you have gone to the jury room to decide the case and you and your fellow jurors have discussed the evidence.

*Eighth*, if at anytime during the trial you have a problem that you would like to bring to my attention, or if you feel ill or need to go to the restroom, please send a note to the Court Security Officer, who will deliver it to me. I want you to be comfortable, so please do not hesitate to inform me of any problem.

**DATED** this \_\_\_th day of \_\_\_\_\_, 2003.



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MARK W. BENNETT  
CHIEF JUDGE, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

## **FINAL INSTRUCTION NO. 1 - INTRODUCTION**

Members of the jury, the written instructions I gave you at the beginning of the trial and the oral instructions I gave you during the trial remain in effect. I now give you some additional instructions.

The instructions I am about to give you, as well as the preliminary instructions given to you at the beginning of the trial, are in writing and will be available to you in the jury room. *All* instructions, whenever given and whether in writing or not, must be followed. This is true even though some of the instructions I gave you at the beginning of the trial are not repeated here.

In considering these instructions, the order in which they are given is not important.

Neither in these instructions nor in any ruling, action, or remark that I have made during the course of this trial have I intended to give any opinion or suggestion as to what your verdict should be.

## **FINAL INSTRUCTION NO. 2 - IMPEACHMENT OF WITNESSES**

In Preliminary Instruction No. 7, I instructed you generally on the credibility of witnesses. However, I must now give you some further instructions on how the credibility of witnesses can be “impeached.”

Any witness may be discredited or “impeached” by contradictory evidence; by a showing that the witness testified falsely concerning a material matter; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’s present testimony. If earlier statements of a witness were admitted into evidence, they were not admitted to prove that the contents of those statements were true. Instead, you may consider those earlier statements only to determine whether you think they are consistent or inconsistent with the trial testimony of the witness, and, therefore, whether they affect the credibility of that witness.

If you believe that a witness has been discredited or impeached, it is your exclusive right to give that witness’s testimony whatever weight you think it deserves.

**FINAL INSTRUCTION NO. 3 - [FIRST CLAIM]**

[SUMMARIZE CLAIM BRIEFLY].

***Elements***

To win her claim of [IDENTIFY CLAIM], [PLAINTIFF] must prove the following elements by the greater weight of the evidence:

*One*, [ ].

[PROVIDE HERE SPECIFIC EXPLANATIONS OF THIS ELEMENT WARRANTED BY LAW AND THE CIRCUMSTANCES OF THE CASE.]

*Two*, [ ].

[EXPLANATION]

Unless [PLAINTIFF] proves *[ALL]* of these elements by the greater weight of the evidence, your verdict must be for [DEFENDANT] on [PLAINTIFF'S] claim of [IDENTIFY CLAIM]. However, if you find that [PLAINTIFF] has proved *[ALL]* of these elements by the greater weight of the evidence, then [the plaintiff is entitled to damages in some amount] [OR] [you must consider whether [DEFENDANT] has proved its [IDENTIFY STATUTORY DEFENSE] defense, as explained below.

***[Statutory defense, e.g., "Same decision" defense]***

If [PLAINTIFF] proves [ALL] of the elements of her [IDENTIFY CLAIM] claim, then you must consider whether [DEFENDANT] has proved, by the greater weight of the evidence, [EXPLAIN THE DEFENSE, INCLUDING SPECIFIC ELEMENTS, IF ANY, IN THE SAME MANNER AS THE ELEMENTS OF THE PLAINTIFF'S CLAIM]

#### **FINAL INSTRUCTION NO. 4 - DAMAGES—IN GENERAL**

The fact that I am instructing you on the proper measure of damages should not be considered as an indication that I have any view as to which party is entitled to your verdict in this case. Instructions as to the measure of damages are given only for your guidance in the event that you should find that the plaintiff is entitled to damages in accord with the other instructions.

If you find in favor of [PLAINTIFF] on [ONE OR MORE OF] her claim(s), as explained in Final Jury Instruction No. ?, then you must award her such sum as you find by the greater weight of the evidence will fairly and justly compensate her for any damages that you find were proximately caused to her by [THE WRONGFUL CONDUCT AT ISSUE ON THAT CLAIM]. An act is a “proximate cause” of damage if the act was a substantial factor in producing the damage and the damage would not have happened except for the act. “Substantial” means that the act had such an effect in producing damage as to lead a reasonable person to regard it as a cause of the damage.

In arriving at an amount of damages, you cannot establish a figure by taking down the estimate of each juror as to damages and agreeing in advance that the average of those estimates shall be your award of damages. Rather, you must use your sound judgment based upon an impartial consideration of the evidence.

Remember, throughout your deliberations, you must not engage in any speculation, guess, or conjecture. Except where instructed otherwise, in your consideration of punitive damages in Final Jury Instruction No. 7, you must not award damages under these Instructions by way of punishment or through sympathy. Your judgment must not be exercised arbitrarily, or out of sympathy or prejudice, for or against any of the parties.

You must award the full amount of damages that the plaintiff has proved by the greater weight of the evidence. However, the amount you assess for damages must not

exceed the amount proximately caused by the wrongful conduct of the defendant as proved by the evidence.

Attached to these Instructions is a verdict form, which you must fill out. In the “Damages” section of the verdict form, you should only award those damages, if any, that the plaintiff has proved by the greater weight of the evidence were proximately caused by the wrongful conduct of the defendant.

## FINAL INSTRUCTION NO. 5 - COMPENSATORY DAMAGES

If you find in favor of [PLAINTIFF] on [ONE OR MORE OF] her claim(s), [and you find that [DEFENDANT] has failed to prove its [IDENTIFY DEFENSE], then you must award [PLAINTIFF] such sum as you find by the greater weight of the evidence will fairly and justly compensate her for damages, if any, that you find were proximately caused by [DEFENDANT'S WRONGFUL CONDUCT]. [PLAINTIFF] seeks compensatory damages on her claim(s) for [emotional distress, backpay, etc.]. You must consider each of these kinds of damages separately [for each claim].

***Emotional distress damages.*** Damages for “emotional distress” are the amount of damages that will reasonably compensate [PLAINTIFF] for the emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life that were proximately caused by the wrongful conduct of [DEFENDANT]. The amount, if any, that you assess for damages for emotional distress cannot be measured by an exact or mathematical standard, and the plaintiff is not required to introduce evidence of the monetary value of such damages. However, you must use your sound judgment based upon an impartial consideration of the evidence to determine the amount of such damages. Damages for emotional distress must compensate [PLAINTIFF] for any emotional distress that she suffered from the time of the wrongful conduct until the time that you give your verdict. You may also award future emotional distress damages, but only if you find that [PLAINTIFF'S] emotional distress proximately caused by [DEFENDANT'S] wrongful conduct is reasonably certain to extend into the future.

***Backpay.*** [PLAINTIFF] also seeks an award of backpay. [You can only award backpay if [DESCRIBE FINDING ENTITLING PLAINTIFF TO BACKPAY, SUCH AS A CONSTRUCTIVE DISCHARGE.] Moreover, you can only award backpay for constructive discharge *once*, even if [PLAINTIFF] prevails on more than one of her claims.

“Backpay” is the amount of any wages and fringe benefits that [PLAINTIFF] would have earned from the date that you find she was constructively discharged until the date of your verdict, *minus* the wages and fringe benefits, if any, that she actually did earn during that time from other employment.

**FINAL INSTRUCTION NO. 6 - NOMINAL DAMAGES**

If you find in favor of [PLAINTIFF] on her claim of [IDENTIFY CLAIM(S)], [and you find that [DEFENDANT] has failed to prove its [IDENTIFY DEFENSE] defense, as the claim and defense are explained in Final Jury Instructions No. ?, but you find that [PLAINTIFF'S] damages proximately caused by [DEFENDANT'S] wrongful conduct have no monetary value, then you must return a verdict on that claim for the plaintiff in the nominal amount of One Dollar (\$1.00).

## **FINAL INSTRUCTION NO. 7 - PUNITIVE DAMAGES**

In addition to compensatory damages described in Final Jury Instruction No. 5, the law permits the jury, under certain circumstances, to award punitive damages in order to punish the defendant for some extraordinary misconduct and to serve as an example or warning to others not to engage in such conduct. Whether or not to award punitive damages, and the amount of such punitive damages, are for you to decide.

You may, but are not required to, award punitive damages on [PLAINTIFF'S] claim(s) [IDENTIFY SPECIFIC CLAIMS ON WHICH PUNITIVE DAMAGES CAN BE AWARDED], but only if you find that, (1) [DEFENDANT] acted with malice or reckless disregard for, and did not make a good faith effort to comply with, the law, and (2) it is appropriate to punish [DEFENDANT] or to deter [DEFENDANT] and others from like conduct in the future. A defendant acted with "malice or reckless disregard for the law" if the plaintiff has proved by the greater weight of the evidence that the defendant knew that the conduct to which the plaintiff was subjected was in violation of the law prohibiting pregnancy discrimination or acted with reckless disregard of that law. However, you may not award punitive damages if the defendant has proved by the greater weight of the evidence that the defendant made a good-faith effort to comply with the law prohibiting pregnancy discrimination. [N.B.: THIS IS THE FEDERAL STANDARD FOR PUNITIVE DAMAGES; STATE LAW CLAIMS MAY BE SUBJECT TO A SLIGHTLY DIFFERENT STANDARD]

If you find that [DEFENDANT] acted with malice or reckless disregard and did not make a good-faith effort to comply with the law, then, in addition to any actual or nominal damages to which you find that [PLAINTIFF] is entitled, you may, but are not required to, award her an additional amount as punitive damages if you find it is appropriate to punish the defendant or to deter defendant and others from like conduct in the future. Whether to

award [PLAINTIFF] punitive damages, and the amount of those damages, are within your discretion.

In determining the amount of punitive damages, if any, to award, you should consider how offensive [DEFENDANT'S] conduct was; what amount is needed, considering [DEFENDANT'S] financial condition, to punish [DEFENDANT] for its wrongful conduct toward [PLAINTIFF] and to prevent a repetition of that wrongful conduct in the future; whether the amount of punitive damages bears a reasonable relationship to the actual damages awarded on [PLAINTIFF'S] claim; and what sum is sufficient to deter other similar employers from similar wrongful conduct in the future.

## **FINAL INSTRUCTION NO. 8 - DELIBERATIONS**

In conducting your deliberations and returning your verdict, there are certain rules you must follow.

*First*, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

*Second*, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach agreement if you can do so without violence to individual judgment. Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors, and listened to the views of your fellow jurors. Do not be afraid to change your opinions if the discussion persuades you that you should, but do not come to a decision simply because other jurors think it is right, or simply to reach a verdict. Remember at all times that you are not partisans. You are judges—judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

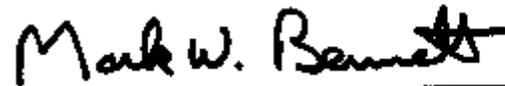
*Third*, if you need to communicate with me during your deliberations, you may send a note to me through the Court Security Officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. *Remember that you should not tell anyone—including me—how your votes stand numerically.*

*Fourth*, your verdict must be based solely on the evidence and on the law which I have given to you in my instructions. Nothing I have said or done is intended to suggest what your verdict should be—that is entirely for you to decide.

*Finally*, I am giving you the verdict form. A verdict form is simply the written notice of the decision that you reach in this case. *Your verdict must be unanimous.* You will take the verdict form to the jury room. When you have reached a unanimous verdict, your foreperson must complete one copy of the verdict form and all of you must sign that

copy to record your individual agreement with the verdict and to show that it is unanimous. The foreperson must bring the signed verdict form to the courtroom when it is time to announce your verdict. When you have reached a verdict, the foreperson will advise the Court Security Officer that you are ready to return to the courtroom.

**DATED** this \_\_\_th day of \_\_\_\_\_, 2003.



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MARK W. BENNETT  
CHIEF JUDGE, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
[ ] DIVISION**

[ ],

Plaintiff,

vs.

[ ],

Defendant.

No. C [ ]-MWB

**VERDICT FORM**

**PART I: LIABILITY**

On the claims of plaintiff [PLAINTIFF] we, the Jury, find as follows:

<b>[IDENTIFY CLAIM]</b>		<b>VERDICT</b>
<b>Step 1: Liability</b>	On the claim of [IDENTIFY CLAIM], as explained in Final Jury Instruction No. ?, in whose favor do you find?	<input type="checkbox"/> [Plaintiff] <input type="checkbox"/> [Defendant]
<b>Step 2: “Same Decision” Defense</b>	<i>If you found in favor of [PLAINTIFF] on this claim, do you find that defendant [NAME] has proved by the greater weight of the evidence [ITS DEFENSE]? (Remember, if [DEFENDANT] proves this defense, then you cannot award [PLAINTIFF] damages for [IDENTIFY CLAIM], although she may be entitled to other relief that only the court can provide.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you have found in favor of plaintiff [NAME] on her [IDENTIFY CLAIM] claim, and against defendant [NAME] on its [IDENTIFY DEFENSE] defense, then continue with Part II of this Verdict Form to award damages on [PLAINTIFF’S] claim. However, if you found in favor of defendant [NAME] on [PLAINTIFF’S] claim or on its [IDENTIFY DEFENSE] defense, do not complete Part II of this Verdict Form. Instead, sign the Verdict Form and notify the Court Security Officer that you have reached a verdict.

**PART II: DAMAGES**

On plaintiff [NAME’S] claim of pregnancy discrimination, we, the Jury, award damages as follows:

<b>COMPENSATORY DAMAGES</b> <i>(Please see Final Jury Instruction No. 5.)</i>			<b>AMOUNT</b>
<b>Emotional Distress Damages</b>	<i>Award no damages if [DEFENDANT] has proved its “same decision” defense.</i>	Past emotional distress	\$ _____
		Future emotional distress	\$ _____
<b>Step 3: Backpay</b>	Remember: You may only award backpay if you find in favor of the plaintiff on one or more of her claims, and that the wrongful conduct at issue on that claim or those claims proximately caused the plaintiff’s [constructive] discharge. However, the plaintiff is only entitled to one award of backpay, even if she prevails on more than one of her claims.		\$ _____
<b>NOMINAL DAMAGES</b>			<b>AMOUNT</b>
<i>Nominal damages may be awarded instead of compensatory damages, as explained in Final Jury Instruction No. 6. However, award no damages if [DEFENDANT] has proved its “same decision” defense.</i>			\$ _____
<b>PUNITIVE DAMAGES</b> <i>(Please see Final Jury Instruction No. 7. Remember that you may not award any punitive damages if [DEFENDANT] has proved its “same decision” defense.)</i>			<b>AMOUNT</b>
What amount, if any, do you award as punitive damages for [IDENTIFY CLAIM]?			\$ _____

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

_____	_____
Foreperson	Juror
_____	_____
Juror	Juror
_____	_____
Juror	Juror

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Juror

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Juror