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Book Review

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Book Review

MARYLAND PATTERN JURY INSTRUCTIONS — Civil. By the Maryland Committee on Pattern Jury Instructions. Lawyers Cooperative Publishing Co.; 1977. Pp. 363. $40.00.

Instructing a jury is an important, often critical, event in the course of a jury trial. The judge's instructions are an explanation of the legal principles applicable to the case at hand. The goal of the trial judge in instructing the jury is to present these principles as clearly and as simply as possible so that each juror will be able to understand the often complex principles and apply them to the evidence which has been presented in the case. However, as most members of the bar know, this is often not an easy task. Jury instructions for many reasons often tend to be technical and complex. Judges may, for instance, when presented with conflicting instructions proposed by counsel at the end of a trial, choose to instruct the jury by using language from appellate court decisions. While the appellate court was addressing persons presumably learned in the law, the trial judge is addressing laymen who may not be comfortable with either legal principles or legal jargon. Although the instruction may be technically correct, it may not be understood by the jury, and the jurors might then substitute their own conception of the law. This situation presents a difficult problem for the litigants and the appellate process. An appellate court need only examine the printed record to determine when the trial judge's instruction was erroneous and the jury misdirected. The written record, however, rarely reveals whether the jury comprehended the instructions. An appellate court can remedy the error of a misdirected jury; it is largely helpless in the case where the jury simply does not understand.

Recognizing the importance of the jury's comprehension of instructions, and the need for comprehensible, accurate and impartial instructions, the Maryland State Bar Association's Judicial Administration Section in December 1973 established a committee to prepare pattern jury instructions. The committee's work has resulted in the publication by the Maryland State Bar Association of the *Maryland Pattern Jury Instructions — Civil.* This book covers substantially the entire range of civil litigation. The first chapter is entitled "General Instructions" and includes instructions on such topics which may arise in all trials as the limited admissibility of evidence and the burden of proof. Also included in this chapter is an instruction which may be given at the beginning of a trial outlining the format and procedures of a trial. This may be helpful to jurors who are unfamiliar with the legal process.

Succeeding chapters deal with specific areas of law, ranging from "Animals" to "Wrongful Death." Individual instructions set forth the principal legal concepts in each area, and where necessary, as with damages for example, appropriate cross references are made. Legal principles are usually stated in the affirmative rather than the negative. And as the

committee points out in the introduction, wherever possible legal jargon has been replaced with simple language. Even in highly technical areas, the instructions are presented in clear, simple terms which laymen should be able to understand without the necessity of additional instructions explaining previous instructions.

While the book does not purport to encompass all possible instructions, it does provide the framework from which additional instructions can be fashioned. In this regard, it is noteworthy that the committee has never recommended that these instructions be made mandatory on the court. Rather, they are only suggested guides as to both form and substance. Both the court and counsel are encouraged to tailor instructions to meet the particular needs of any individual case. But even if the court should find that a proposed instruction is not suited for a particular case, the pattern instruction still should provide the court with a valuable guide in formulating a simple, easily comprehensible instruction on the point involved.

This book will prove to be a valuable aid not only to trial judges, but also to all members of the bar. Following most instructions are concise but comprehensive comments. These comments highlight the relevant opinions in the area and include both recent as well as older cases. There are also references to A.L.R. annotations and law review articles. Additionally, included in some comments are the elements of a particular cause of action. Thus, the book may prove to be a valuable research tool for the practitioner, especially in unfamiliar areas. The committee plans to supplement the instructions in the future, insuring the continuing value of this work.

Maryland Pattern Jury Instructions — Civil should prove to be an aid both to judges and lawyers alike. Its use by judges should reduce appellate challenges based on erroneous or questionable instructions. It should also facilitate research by lawyers in preparing for trial.

*Honorable John C. Eldridge**

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* Associate Judge of the Court of Appeals of Maryland.