

3 PJI 7.1 | RESPONSIBILITY FOR PROOF - PLAINTIFF'S CLAIM[S], CROSS CLAIMS, COUNTERCLAIMS - PREPONDERANCE OF THE EVIDENCE

In this case it is the responsibility of the [Plaintiff] [party bringing any claim] to prove every essential part of [his/her/its] claim[s] by a "preponderance of the evidence." This is sometimes called the "burden of proof" or the "burden of persuasion."

A "preponderance of the evidence" simply means an amount of evidence that is enough to persuade you that [the Plaintiff's] [the party's] claim is more likely true than not true.

If the proof fails to establish any essential part of a claim or contention by a preponderance of the evidence, you should find against the [Plaintiff] [party making that claim or contention].

[When more than one claim is involved, you should consider each claim separately.]

In deciding whether any fact has been proved by a preponderance of the evidence, you may consider the testimony of all of the witnesses, regardless of who may have called them, and all of the exhibits received in evidence, regardless of who may have produced them.

If the proof fails to establish any essential part of [the Plaintiff's] [a party's] claim[s] by a preponderance of the evidence, you should find for the [Defendant] [Counter-Defendant, Cross-Claim Defendant] as to that claim.

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Annotations and Comments

No annotations associated with this instruction.

