

13-1631A. Justification offered; balance of factors.

Defendant states that [he] [she] was justified in [acting] [failing to act] on the basis that _____ (*insert statement of justification*).

Defendant's justification must be balanced to determine if it outweighs any motive of defendant to injure plaintiff. In determining whether defendant's [act] [failure to act] was justifiable or not under the circumstances, you must weigh the following factors:

1. The nature and seriousness of the harm to the plaintiff;
2. The fairness or unfairness of the means used by the defendant;
3. Defendant's motive or motives; and
4. The value to defendant or to society in general of the interests advanced by the defendant's conduct.

USE NOTES

This instruction should be given with UJI 13-1631.
[Adopted, effective November 1, 1991.]