

Chapter 3. Issues; Burden Of Proof; Causation; Evidence.

Introduction

The key to good instruction is the formulation of the issues of the lawsuit. The reading of a group of abstract statements of law, even though applicable to the evidence and artfully drawn, is of little guidance to the jury unless the law can be seen to relate to specific issues to be decided.

It is essential that the trial lawyers and the trial judge realize their duty to thoughtfully draft and clearly present the statement of the issues to the jury. UJI 13-302 NMRA exemplifies the desired manner of drafting this all-important instruction. For clear directions in this regard, *see Gallegos v. Citizens Insurance Agency*, 108 N.M. 722, 725-727, 779 P.2d 99, 102-104 (1989). A simple, common sense, logical presentation of the key issues is the objective. Other examples of the "statement of the issues" type of instruction are found in the appendices which appear throughout this book.

It will be helpful to the jury if the instructions are personalized.