

## **Chapter 1. Instructions Before Trial.**

### **Introduction**

In 1999, the New Mexico Supreme Court constituted the Committee of the Chief Justice for Improvement of Jury Service in New Mexico. The Committee submitted its final report in November of 2000. This report was adopted by the Supreme Court by Order dated August 5, 2001, directing the UJI Committee to consider the report's recommendations relating to preliminary jury instructions. The result is included in this chapter.

To properly perform its function, the jury needs information about the case and about the law at the outset of the trial, from time to time during the course of the trial, and before commencing its final deliberations. The preliminary instructions in this chapter will provide the venire and the jury with a blueprint to make their experience more comprehensible.

These instructions are divided into two sections. Preliminary Instructions 13-101 NMRA through 13-108 NMRA are to be given to the entire jury venire prior to the beginning of voir dire. (The practice of calling the order of prospective jurors by the jury clerk, before or after entering open court, varies from court to court and is not addressed in these instructions.) Preliminary Instructions 13-109 NMRA through 13-119 NMRA are to be given to the impaneled jury.

The preliminary instructions contemplate that the jury receive some orientation to the substantive elements of the claim prior to the beginning of voir dire. A description of the parties' contentions and short explanation of significant legal terms should be included between preliminary instruction 13-103 NMRA, Scheduling, and 13-105 NMRA, the Oath to jurors on voir dire examination. Exemplars appear at the end of this chapter.