

WASHINGTON  
PATTERN  
JURY  
INSTRUCTIONS  
—  
CIVIL

WPI

WASHINGTON  
SUPREME COURT COMMITTEE  
ON JURY INSTRUCTIONS

WASHINGTON  
PATTERN  
JURY INSTRUCTIONS

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CIVIL  
SECOND EDITION  
WPI

Prepared by the  
WASHINGTON SUPREME COURT COMMITTEE  
ON  
JURY INSTRUCTIONS

HON. STANLEY C. SODERLAND  
Chairman

ST. PAUL, MINN.  
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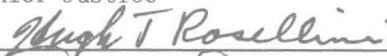

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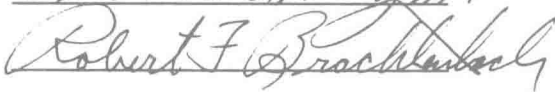
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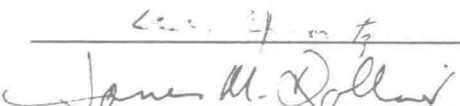
The scholarship and ability and the wide range of experience of the committee members gives us an assurance of the excellence of this volume. We extend our thanks to the members of the committee for their many hours of labor, which they performed without monetary compensation. They have earned the respect and thanks of the entire legal profession for this public service.



Sincerely,

  
\_\_\_\_\_  
Chief Justice

  
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\_\_\_\_\_  
James M. Doherty

  
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## PREFACE

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Washington Pattern Jury Instructions—Civil (WPI) was first published in 1967. That volume provided the Bench and Bar of Washington with the first statewide work on pattern jury instructions. The purpose of the volume was to work out in advance, with accuracy and clarity, concise statements of the legal principles involved in the usual tort lawsuits. There may be many ways to phrase a statement of the law, but there should be no difference in the way it is stated from one case to the next unless that difference is called for by a difference in the cases.

The intention has been to avoid slanted or argumentative instructions. A jury instruction should be a statement of the law only. It is the function of argument by the lawyers to persuade the jury that the legal principle fits their version of the evidence or their theory of the case.

This pattern jury instruction work has been done by the Washington Supreme Court Committee on Jury Instructions. The wide experience and varying views of the members of the Committee ought to result in pattern instructions as free of slanting or bias as is humanly possible. The long hours of work devoted by the Committee to each instruction ought to result in more accuracy than was possible when a busy judge and busy opposing lawyers had to prepare instructions individually for each case. That previous method of writing jury instructions for each case involved a greater risk of error as well as being very time consuming.

The pattern jury instructions have been a valuable service to the Bench and Bar of the State. Their use has improved the quality of trials and has been a great time saver by reducing argument during trials over the phraseology of standard instructions. They have helped to prevent trial court errors and consequent appeals on instruction issues.

Washington Pattern Jury Instructions—Criminal (WPIC) was published in 1977. Work on that volume had to be completed before the Committee had time to undertake a review of the Civil volume. Since 1977, the Supreme Court Committee has been working on this revised edition of WPI—Civil. As the entire profession knows, a legal work must be constantly updated if it is to remain useful. The law is a fluid, changing process. Also, experience in the day to day use of these instructions is a great

## PREFACE

teacher. In this connection, the Committee urgently solicits comments from judges and lawyers to aid the Committee in its process of review and its continuing efforts to improve the instructions.

Again the Committee reminds judges and lawyers that these pattern jury instructions are offered as patterns only. Care must be taken to see that they fit the particular case. Where variations are needed, the instructions in this volume will still serve as a pattern. The obligation to present the jury with a complete and accurate set of instructions must necessarily rest with the judge and lawyer in the case. We feel that these pattern instructions will be helpful.

STANLEY C. SODERLAND  
*Chairman*  
*Washington Supreme Court*  
*Committee on Jury*  
*Instructions*

February, 1980

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