

## NOTICE TO THE BAR

### MODEL CIVIL JURY CHARGES UPDATE

The Supreme Court Committee on Model Civil Jury Charges has approved the following revisions to Model Civil Jury Charges for use by the bar and trial courts. All approved Model Civil Jury Charges, including these new revisions, are available for downloading from the Judiciary's web site at <http://www.njcourts.gov/civil/civindx.html>.

#### **5.20F DUTY OWED – CONDITION OF PREMISES** (Approved 03/2000; Revised 03/2017)

The first Note to Judge in this charge is updated to include a citation to *Schwartz v. Accuratus Corp.*, 225 N.J. 517 (2016), which holds that the duty of care owed to spouses of workers exposed to toxins established in *Olivo v. Owens-Illinois, Inc.*, 186 N.J. 394 (2006), may be extended to a plaintiff who is not a spouse in certain circumstances.

#### **5.33B LIMITATION ON LAWSUIT OPTION** (Approved 06/2007; Revised 03/2017)

This charge is amended to include language from *Johnson v. Scaccetti*, 192 N.J. 256 (2007), which reflects the current law regarding permanent injuries and any other injuries proximately caused by the negligence of a defendant.

#### **8.11 DAMAGES CHARGES — GENERAL**

##### **E. DISABILITY, IMPAIRMENT AND LOSS OF THE ENJOYMENT OF LIFE, PAIN AND SUFFERING** (Approved 12/1996; Revised 05/2017)

This charge is amended to differentiate the hedonic damages associated with loss of enjoyment of life from damages for disability, impairment and pain and suffering. "Fair and reasonable compensation" was defined, and the language of the charge was revised to better reflect the law and to read more fluidly.

Questions regarding these model civil jury charges may be directed to Kristi Jasberg Robinson, Esq., Chief, Civil Practice Liaison, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 981, Trenton, New Jersey 08625-0981; phone (609) 292-8470; e-mail [Kristi.Robinson@njcourts.gov](mailto:Kristi.Robinson@njcourts.gov).

  
Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Court

Dated: May 31, 2017