

## DERIVATION TABLE

### Preliminary Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Duty of Jurors	1 – Duty of Jurors
2 – Importance of Jury Service	N/A
3 – Evidence	2 – Evidence
4 – Rulings of the Court	3 – Rulings of the Court
5 – Credibility of Witnesses	4 – Credibility of Witnesses
6 – Expert Witness	5 – Expert Witness
7 – Evidence, Statements of Lawyers and Rulings	N/A
8 – No Transcript Available to Jury; Taking Notes	6 – No Transcript Available to Jury; Taking Notes
9 – Admonition	7 – Admonition
10 – Media Coverage	8 – Media Coverage
11 – Questions by Jurors	9 – Questions by Jurors
12 – Exclusion of Witnesses	N/A
13 – Alternate Jurors	10 – Alternate Jurors
14 – Claims Made and Issues To be Proved	N/A
15 – Scheduling During Trial	N/A
16 – Order of Trial	11 – Outline of Trial

### Standard Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
N/A	1 – Duty of Jurors
N/A	2 – Evidence
N/A	3 – Rulings of the Court
N/A	4 – Arguments of Counsel
N/A	5 – Stipulations
N/A	6 – Credibility of Witnesses
N/A	7 – Expert Witness
1 – Impeachment with Felony Conviction	8 – Impeachment with Felony Conviction
2 – Burden of Proof (More Probably True)	9 – Burden of Proof (More Probably True)
3 – Burden of Proof (Clear and Convincing)	10 – Burden of Proof (Clear and Convincing)
4 – Corporate Party	11 – Corporate Party
5 – Respondeat Superior Liability	12 – Respondeat Superior Liability
6 – Impasse in Jury Deliberations	13 – Impasse in Jury Deliberations
7 – Excused Alternate Jurors	14 – Excused Alternate Jurors
8 – Closing Instruction	15 – Closing Instruction
9 – Insurance	N/A

### Fault Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Statement of Claim; Definition of Fault; Definition of Negligence (No Comparative Fault)	1 – Statement of Claim; Definition of Fault; Definition of Negligence (No Comparative Fault)
2 – Definition of Causation (No Comparative Fault)	2 – Definition of Causation (No Comparative Fault)
3 – Plaintiff's Burden of Proof (No Comparative Fault)	3 – Plaintiff's Burden of Proof (No Comparative Fault)
4 – Statement of Liability Issues (No Comparative Fault)	4 – Statement of Liability Issues (No Comparative Fault)
5 – Statement of Claims, Definition of Fault; Definition of Negligence (Comparative Fault)	5 – Statement of Claims, Definition of Fault; Definition of Negligence (Comparative Fault)
6 – Definition of Causation (Comparative Fault)	6 – Definition of Causation (Comparative Fault)
7 – Burden of Proof (All Parties) (Comparative Fault)	7 – Burden of Proof (All Parties) (Comparative Fault)
8 – Statement of Liability Issues (Comparative Fault)	8 – Statement of Liability Issues (Comparative Fault)
9 – Plaintiff's Fault (Contributory Negligence)	9 – Plaintiff's Fault (Contributory Negligence)
10 – Plaintiff's Fault (Assumption of Risk)	10 – Plaintiff's Fault (Assumption of Risk)
11 – Determining Relative Degrees of Fault (Comparative Fault)	11 – Determining Relative Degrees of Fault (Comparative Fault)
12 – Plaintiff's Fault (Nonuse of Seat Belt/Motorcycle Helmet)	12 – Plaintiff's Fault (Nonuse of Seat Belt/Motorcycle Helmet)

### Negligence Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Violation of Statute (Negligence Per Se)	1 – Violation of Statute (Negligence Per Se)
2 – Driving Under the Influence of Alcohol	2 – Driving Under the Influence of Alcohol
3 – Presumptions of Intoxication	3 – Presumptions of Intoxication
4 – Assume Laws Obeyed — Duty to Observe	4 – Assume Laws Obeyed — Duty to Observe
5 – Negligence of a Child; Duty of Adult to Anticipate Behavior of Children	5 – Negligence of a Child; Duty of Adult to Anticipate Behavior of Children
6 – Sudden Emergency	6 – Sudden Emergency
7 – Res Ipsa	7 – Res Ipsa
8 – Negligent Infliction of Emotional Distress (Witnessing Injury to Another)	8 – Negligent Infliction of Emotional Distress (Witnessing Injury to Another)
9 – Negligent Infliction of Emotional Distress (Direct)	9 – Negligent Infliction of Emotional Distress (Direct)
10 – Willful or Wanton Conduct	10 – Willful or Wanton Conduct

### Medical Negligence Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Definition of Medical Negligence; Causation; Fault; Plaintiff's Burden of Proof	1 – Definition of Medical Negligence; Causation; Fault; Plaintiff's Burden of Proof
2 – Limiting Instruction — Expert Witnesses	2 – Limiting Instruction — Expert Witnesses
3 – Collateral Source	3 – Periodic Payments [Withdrawn]
	4 – Collateral Source

### Product Liability Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Statement of Claim; Definition of Fault; Causation	1 – Statement of Claim; Definition of Fault; Causation
2 – Defect and Unreasonable Danger Defined (Manufacturing Defect)	2 – Defect and Unreasonable Danger Defined (Manufacturing Defect)
3 – Defect and Unreasonable Danger Defined (Design Defect)	3 – Defect and Unreasonable Danger Defined (Design Defect)
4 – Defect and Unreasonable Danger Defined (Information Defect)	4 – Defect and Unreasonable Danger Defined (Information Defect)
5 – Plaintiff's Burden of Proof (Product Liability)	5 – Plaintiff's Burden of Proof (Product Liability)
6 – Statement of Liability Issues (Product Liability)	6 – Statement of Liability Issues (Product Liability)
7 – State of the Art Defense	7 – State of the Art Defense
8 – Modification of Product Defense	8 – Modification of Product Defense
9 – Misuse of Product Defense	9 – Misuse of Product Defense

### Bad Faith Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Duty of Good Faith and Fair Dealing	1 – Duty of Good Faith and Fair Dealing
2 – Adequacy of Investigation	2 – Adequacy of Investigation
3 – Definition of Intentional	3 – Definition of Intentional
4 – Causation	4 – Causation
5 – Plaintiff's Burden of Proof (Bad Faith)	5 – Plaintiff's Burden of Proof (Bad Faith)
6 – Statement of Liability Issues	6 – Statement of Liability Issues
7 – Measure of Damages	7 – Measure of Damages
8 – Third-Party Standard	8 – Third-Party Standard
9 – Plaintiff's Burden of Proof; Statement of Liability Issues (Assignee-Plaintiff)	9 – Plaintiff's Burden of Proof; Statement of Liability Issues (Assignee-Plaintiff)
10 – Plaintiff's Burden of Proof; Statement of Liability Issues (Insured-Plaintiff)	10 – Plaintiff's Burden of Proof; Statement of Liability Issues (Insured-Plaintiff)
11 – Causation (Insured-Plaintiff)	11 – Causation (Insured-Plaintiff)
12 – Measure of Damages (Insured-Plaintiff)	12 – Measure of Damages (Insured-Plaintiff)
13 – (Morris Cases) Burden of Proof	13 – (Morris Cases) Burden of Proof

### Premises Liability Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Notice of Unreasonably Dangerous Condition	1 – Notice of Dangerous Condition
1A – Notice of Unreasonably Dangerous Condition (Nonproprietary)	1A – Notice of Dangerous Condition (Nonproprietary)
2 – Mode of Operation Rule	2 – Mode of Operation Rule (Premises Liability)
3 – Adult Guest (Licensee)	3 – Adult Guest (Licensee)
4 – Child Guest (Licensee)	4 – Child Guest (Licensee)
5 – Adult Trespasser	5 – Adult Trespasser
6 – Child Trespasser (Attractive Nuisance)	6 – Child Trespasser (Attractive Nuisance)

### Personal Injury Damages Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Measure of Damages	1 – Measure of Damages
2 – Pre-Existing Condition, Unusually Susceptible Plaintiff	2 – Pre-Existing Condition, Unusually Susceptible Plaintiff
3 – Damages for Wrongful Death of Spouse, Parent, or Child	3 – Damages for Wrongful Death of Spouse, Parent, or Child
4 – Punitive Damages	4 – Punitive Damages
5 – Mortality Tables and Life Expectancy 1999 Life Tables	5 – Mortality Tables and Life Expectancy 1988 Life Tables

### Verdict Forms (Fault Cases)

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
Single Defendant — Form 1	Single Defendant — Form 1
Single Defendant — Form 2	Single Defendant — Form 2
Single Defendant — Form 3	Single Defendant — Form 3
Multiple Defendants/Others — Form 1	Multiple Defendants/Others — Form 1
Multiple Defendants/Others — Form 2	Multiple Defendants/Others — Form 2
Multiple Defendants/Others — Form 3	Multiple Defendants/Others — Form 3
Single Form of Verdict Combining Plaintiff and Defendant Forms of Verdict in Comparative Fault Cases — Form 4	Single Form of Verdict Combining Plaintiff and Defendant Forms of Verdict in Comparative Fault Cases — Form 4

## Contract Instructions

### RAJI (CIVIL) 4th

- 1 – Burden of Proof (More Probably True)
- 2 – Claims and Elements
- 3 – Definition and Formation of Contract
- 4 – Offer
- 5 – Revocation of Offer
- 6 – Acceptance
- 7 – Consideration
- 8 – Contract Modification
- 9 – Failure of Consideration (Material Breach)
- 10 – Substantial Performance
- 11 – Failure of Condition
- 12 – Waiver of Condition
- 13 – Waiver
- 14 – Anticipatory Breach
- 15 – Third-Party Beneficiary
- 16 – Good Faith and Fair Dealing
- 17 – Measure of Direct Damages (Breach of Contract)
- 18 – Consequential Damages
- 19 – Damages for Lost Profits
- 20 – Measure of Damages (Sale of Land)
- 21 – Measure of Damages (Purchase of Land)
- 22 – Measure of Damages (Breach of Warranty)
- 23 – Mitigation of Damages
- 24 – Quantum Meruit
- 25 – Whether a Standardized Term Is Part of the Agreement
- 26 – Determining Intent of the Parties
- 27 – Construction Against the Party Choosing the Words
- 28 – Promissory Estoppel
- 29 – Impracticability (Commercial Frustration)
- 30 – Duress
- 31 – Definition of Option (Lease Cases)
- 32 – Exercising an Option (Burden of Proof — Lease Cases)
- 33 – Lease Termination (Burden of Proof)
- 34 – Damages for Breach or Termination of Lease (Commercial Lease)
- 35 – Mitigation of Damages for Past Rent

### RAJI (CIVIL) 3d

- 1 – Burden of Proof (More Probably True)
- 2 – Claims and Elements
- 3 – Definition and Formation of Contract
- 4 – Offer
- 5 – Revocation of Offer
- 6 – Acceptance
- 7 – Consideration
- 8 – Contract Modification
- 9 – Failure of Consideration —Material Breach)
- 10 – Substantial Performance
- 11 – Failure of Condition
- 12 – Waiver of Condition
- 13 – Waiver
- 14 – Anticipatory Breach
- 15 – Third-Party Beneficiary
- 16 – Good Faith and Fair Dealing
- 17 – Measure of Direct Damages—Breach of Contract)
- 18 – Consequential Damages
- 19 – Damages for Lost Profits
- 20 – Measure of Damages (Sale of Land)
- 21 – Measure of Damages—Purchase of Land
- 22 – Measure of Damages—Breach of Warranty
- 23 – Mitigation of Damages
- 24 – Quantum Meruit
- 25 – Whether a Standardized Term Is Part of the Agreement
- 26 – Determining Intent of the Parties
- 27 – Construction Against the Party Choosing the Words
- 28 – Promissory Estoppel
- 29 – Impracticability (Commercial Frustration)
- 30 – Duress
- 31 – Definition of Option (Lease Cases)
- 32 – Exercising an Option (Burden of Proof — Lease Cases)
- 33 – Lease Termination (Burden of Proof)
- 34 – Damages for Breach or Termination of Lease (Commercial Lease)
- 35 – Mitigation of Damages for Past Rent

### Eminent Domain Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
1 – Outline of Trial	N/A
2 – Power of Eminent Domain	1 – Power of Eminent Domain
3 – Definition of Market Value (Non-ADOT cases filed before 8/22/02)	2 – Definition of Market Value
3A – Definition of Market Value (ADOT and cases filed after 8/22/02)	2A – Definition of Market Value (ADOT actions filed after 9/27/90)
N/A	3 – Measure of Just Compensation
4 – Property Use	N/A
5 – Highest and Best Use	N/A
6 – Zoning	N/A
7 – Project Influence (Zoning)	N/A
8 – Project Influence	N/A
9 – Change of Access	5 – Change of Access
10 – Witnesses and Comparable Sales	6 – Witnesses and Comparable Sales
11 – Burden of Proof	7 – Defendant’s Burden of Proof (Eminent Domain)
12 – Severance Damages	4 – Severance Damages
13 – Information Discovered After Date of Valuation	N/A
14 – Value of Easement	N/A
15 – Special Benefits	N/A
16 – Project Constructions	N/A
17 – Cost of Cure	N/A

### Employment Law Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
<b>Implied and Express Contracts</b>	<b>Implied and Express Contracts</b>
1 – Employment-at-Will Presumption (For claims occurring before 7/20/1996)	1 – Employment-at-Will Presumption
1A – Employment-at-Will Presumption (For claims occurring after 7/20/1996)	N/A
2 – Modification of Employment-at-Will (For claims occurring before 7/20/1996)	2 – Modification of Employment-at-Will
2A – Modification of Employment-at-Will (For claims occurring after 7/20/1996)	N/A
3 – Good Faith and Fair Dealing	3 – Good Faith and Fair Dealing
4 – Breach of an Implied Contract	4 – Breach of an Implied Contract
5 – Measure of Damages (For claims occurring before 7/20/1996)	5 – Measure of Damages
5A – Measure of Damages (For claims occurring after 7/20/1996)	N/A
6 – Mitigation of Damages	6 – Mitigation of Damages

### Employment Law Instructions – Continued

<b>Public Policy Tort Claims</b>	<b>Public Policy Tort Claims</b>
7 – “At-Will” Exception (For claims occurring before 7/20/1996)	7 – “At-Will” Exception
7A – “At-Will” Exception (For claims occurring after 7/20/1996)	N/A
8 – Conduct That Violates Public Policy (For claims occurring before 7/20/1996)	8 – Conduct That Violates Public Policy
8A – Conduct That Violates Public Policy (For claims occurring after 7/20/1996)	N/A
9 – Whistle Blower—Good Faith (For claims occurring before 7/20/1996)	9 – Tort Claims—Good Faith
9A – Whistle Blower—Good Faith (For claims occurring after 7/20/1996)	N/A
10 – Tort Claims (Damages)	10 – Tort Claims—Damages
11 – Constructive Discharge — Definition	15 – Constructive Discharge — Definition
<b>Sexual Harassment</b>	<b>Sexual Harassment</b>
Eliminated – See 9th Circuit Model Instructions on Employment Law.	11 – Elements of <i>Quid Pro Quo</i> Claim
Eliminated – See 9th Circuit Model Instructions on Employment Law.	12 – <i>Quid Pro Quo</i> Employer Liability
Eliminated – See 9th Circuit Model Instructions on Employment Law.	13 – Elements of Hostile Work Environment Claim
Eliminated – See 9th Circuit Model Instructions on Employment Law	14 – Hostile Work Environment Employer Liability
<b>Intentional Infliction of Emotional Distress</b>	<b>Intentional Infliction of Emotional Distress</b>
12 – Elements of Claim	16 – Elements of Claim
13 – Extreme and Outrageous Conduct	17 – Extreme and Outrageous Conduct
<b>Tortious Interference with Contract</b>	<b>Tortious Interference with Contract</b>
14 – Elements of Claim	18 – Elements of Claim
15 – Damages	19 – Damages

### Commercial Torts Instructions

RAJI (CIVIL) 4th	RAJI (CIVIL) 3d
<b>Fiduciary Duty</b>	<b>Fiduciary Duty</b>
1A – Plaintiff’s Burden of Proof — Escrow Agent	1A – Plaintiff’s Burden of Proof — Escrow Agent
1B – Plaintiff’s Burden of Proof — Trustee	1B – Plaintiff’s Burden of Proof — Trustee
1C – Plaintiff’s Burden of Proof — Attorney	1C – Plaintiff’s Burden of Proof — Attorney
1D – Plaintiff’s Burden of Proof — Partner	1D – Plaintiff’s Burden of Proof — Partner
2 – Causation	2 – Causation
3 – Measure of Damages	3 – Measure of Damages

**RAJI (CIVIL) 4th**  
**Interference With Contract**

- 11 – Elements
- 12 – Damages

**Consumer Fraud**

- 21 – Elements of Claim
- 22 – Measure of Damages
- 23 – Negligent Misrepresentation
- 24 – Common Law Fraud

**AZRAC**

- 31 – Elements
- 32 – Unlawful Activity Defined
- 33 – Pattern of Unlawful Activity Defined
- 34 – Damages

**RAJI (CIVIL) 3d**  
**Interference With Contract**

- 11 – Elements
- 12 – Damages

**Consumer Fraud**

- 21 – Elements of Claim
- 22 – Measure of Damages
- 23 – Negligent Misrepresentation
- 24 – Common Law Fraud

**AZRAC**

- 31 – Elements
- 32 – Unlawful Activity Defined
- 33 – Pattern of Unlawful Activity Defined
- 34 – Damages

**Intentional Torts Instructions**

<b>RAJI (CIVIL) 4th</b>	<b>RAJI (CIVIL) 3d</b>
1 – Assault	N/A
2 – Battery	N/A
3 – Justifiable Use of Force	N/A
4 – Duress	N/A
5 – Justification for Self-Defense	N/A
6 – Justification for Defense of Another	N/A
7 – Justification for Defense of Property	N/A
8 – Justification for Use of Deadly Force in Law Enforcement	N/A
9 – Justification for Non-Deadly Physical Force in Law Enforcement	N/A
10 – Justification for Using Force in Crime Prevention	N/A
11 – No Justification for Provoking Another	N/A
12 – Justification for Defense of Premises	N/A
13 – False Imprisonment	N/A
14 – Instigating or Participating in False Imprisonment	N/A
15 – Defense to Instigating or Participating in False Imprisonment (Reasonable Actions)	N/A
16 – Intentional Infliction of Emotional Distress (Elements of Claim)	N/A
17 – Intentional Infliction of Emotional Distress (Extreme and Outrageous Conduct)	N/A
18 – Abuse of Process	N/A
19 – Malicious Prosecution	N/A
20 – Probable Cause for Criminal/Civil Prosecution	N/A
21 – Existence of Probable Cause	N/A
22 – Probable Cause for Prosecution (Advice of Counsel)	N/A
23 – Aiding and Abetting Tortious Conduct	N/A