



California Judicial Council proposes revisions to civil jury instructions

February 5, 2016

The California Judicial Council Advisory Committee has proposed a number of revisions to California Civil Jury Instructions. A complete version of the proposed revisions is available [here](#).

Public comments are due by March 4, 2016.

Significant changes include:

NEGLIGENCE

- 426. (*Revised*) Negligent Hiring, Supervision, or Retention of Employee
- 440. (*New*) Unreasonable Force by Law Enforcement Officer in Arrest or Other Seizure—Essential Factual Elements
- 450C. (*New*) Negligent Undertaking
- 461. (*Revised*) Strict Liability for Injury Caused by Wild Animal—Essential Factual Elements

PRODUCT LIABILITY

- 1248. (*New*) Affirmative Defense—Inherently Unsafe Consumer Product

DEFAMATION

- 1700. (*Revised*) Defamation per se—Essential Factual Elements (Public Officer/Figure and Limited Public Figure)

TRESPASS

- 2020. (*Revised*) Public Nuisance—Essential Factual Elements
- 2021. (*Revised*) Private Nuisance—Essential Factual Elements

ECONOMIC INTERFERENCE

- 2210. (*New*) Affirmative Defense—Privilege to Protect Own Financial Interest

INSURANCE LITIGATION

- 2332. (*Revised*) Bad Faith (First Party)—Failure to Properly Investigate Claim—Essential Factual Elements
- 2334. (*Revised*) Bad Faith (Third Party)—Failure to Accept Reasonable Settlement Within Liability Policy Limits—Essential Factual Elements

FAIR EMPLOYMENT AND HOUSING ACT (FEHA)

- 2505. (*Revised*) Retaliation—Essential Factual Elements
- 2506. (*Revised*) Limitation on Remedies—After -Acquired Evidence
- 2512. (*Revised*) Limitation on Remedies—Same Decision
- 2548. (*New*) Disability Discrimination—Refusal to Make Reasonable Accommodation in Housing

CIVIL RIGHTS

- 3020. (*Revised*) Excessive Use of Force—Unreasonable Arrest or Other Seizure—Essential Factual Elements
- 3021. (*Revised*) Unlawful Arrest by Peace Officer Without a Warrant—Essential Factual Elements
- 3060. (*Revised*) Unruh Civil Rights Act—Essential Factual Elements

VICARIOUS RESPONSIBILITY

- 3710. (*Revised*) Ratification

CONSTRUCTION LAW

4560. (New) Recovery of Payments to Unlicensed Contractor

4561. (New) Damages—All Payments Made to Unlicensed Contractor

WHISTLEBLOWER PROTECTION

4603. (Revised) Whistleblower Protection—Essential Factual Elements

4606. (New) Whistleblower Protection—Unsafe Patient Care and Conditions—Essential Factual Elements

More Information

For more information, or if you are interested in commenting on any of these proposed changes, please contact David M. Axelrad (818.995.0800).

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