

A plaintiff brought a diversity action against a defendant in a federal district court for negligence. The defendant demanded a jury trial. At the close of evidence, both parties submitted proposed jury instructions to the court. The court denied these submissions and informed the parties of its proposed instructions. The plaintiff objected, stating that the court's proposed instructions materially misstated the law. The court overruled this objection and delivered its proposed instructions to the jury. The jury returned a verdict in favor of the defendant, and the plaintiff appealed.

On appeal, the plaintiff has argued that the court improperly denied her proposed jury instructions and that the contents of the court's jury instructions materially misstated the law.

What standard(s) of review should the appellate court apply to these arguments?

- A. Abuse-of-discretion review as to both arguments.
- B. Abuse-of-discretion review as to the denial of the woman's proposed instructions and de novo review as to the contents of the court's jury instructions.
- C. De novo review as to both arguments.
- D. De novo review as to the denial of the woman's proposed instructions and abuse-of-discretion review as to the contents of the court's jury instructions.

Explanation:

An appellate court will review a district court's jury instructions under the following standards:

- **Abuse of discretion** (high deference) – where the district court's **discretionary decisions** (eg, the *creation* of jury instructions) will be reversed if they were unreasonable or arbitrary
- **De novo** (no deference) – where a district court's **conclusions of law** (eg, the *contents* of jury instructions) will be reversed if the appellate court reasonably believes that the court misinterpreted or misstated the law

The woman's first argument is that the district court improperly denied her proposed jury instructions. Since a district court has broad discretion to decide what language to use in its instructions to the jury, this discretionary ruling should be reviewed for abuse of discretion **(Choices C & D)**.

However, the instructions given to the jury must correctly state the governing law. And since the woman's second argument is that the contents of the court's jury instructions materially misstated the law, this legal issue should be reviewed de novo **(Choices A & D)**

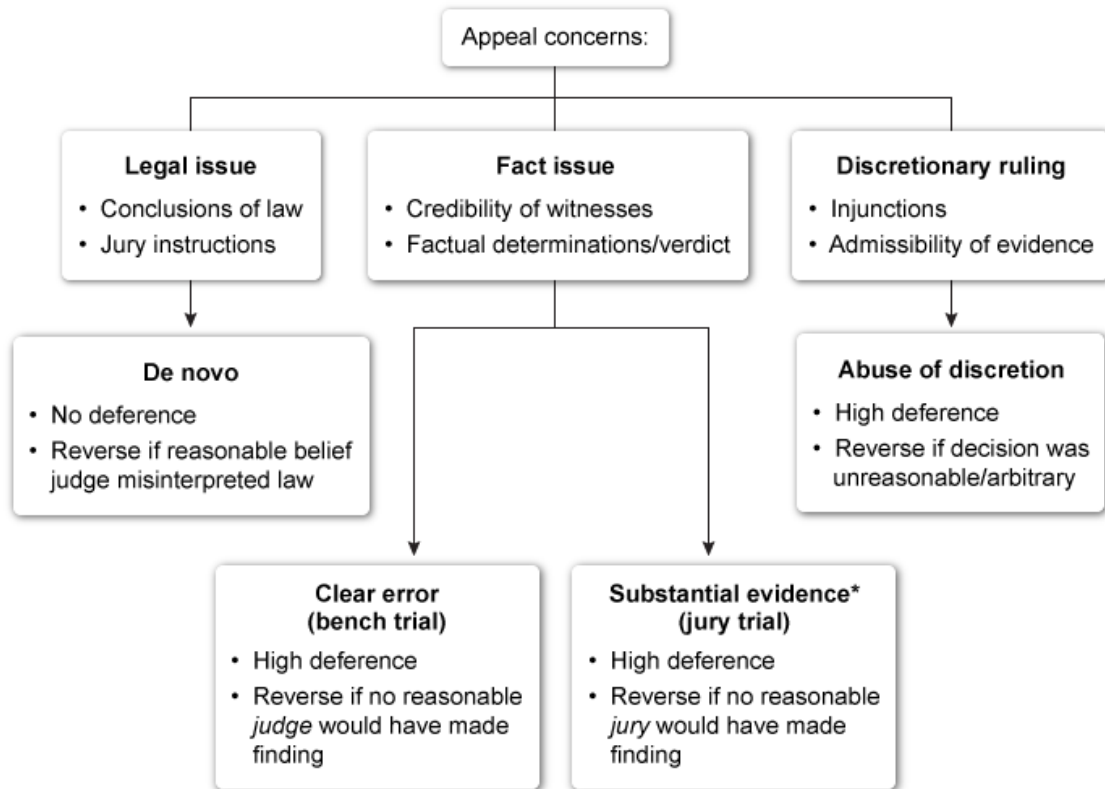
Educational objective:

On appeal, a district court's discretionary decisions (eg, *creation* of jury instructions) are reviewed for abuse of discretion while its conclusions of law (eg, *contents* of jury instructions) are reviewed de novo.

References

- Crowley v. EpiCept Corp., 883 F.3d 739, 747 (9th Cir. 2018) (explaining that abuse-of-discretion review applies to the creation of jury instructions and de novo review applies to whether the jury instructions correctly state the law).

Appellate standards of review



*Courts may also reverse if there is insufficient or no evidence. Due to this split of authority, this concept is unlikely to be tested.