**3.02 COMPARATIVE NEGLIGENCE**

The defendant claims that the plaintiff's harm resulted, in whole or in part, from the plaintiff's own negligence.

In order to find that the plaintiff was negligent, you must decide it is more likely true than not true that:

(1) the plaintiff was negligent; and

(2) the plaintiff’s negligence was a substantial factor in causing the plaintiff's harm.

Instructions on the verdict form will tell you what to do if you decide that both the defendant and the plaintiff were negligent.

# Directions for Use

This instruction should be given when comparative negligence is an issue.

# Comment

Comparative negligence was adopted in Alaska as early as 1975. *Hiibschman v. City of Valdez*, 821 P.2d 1354, 1364 (Alaska 1991). The comparative negligence rule was codified in 1986. AS 09.17.060. In *General Motors Corp. v. Farnsworth*, 965 P.2d 1209, 1217 (Alaska 1998), the supreme court held it was error for the trial court to fail to give a comparative negligence instruction in the face of the defendant’s request and assertion that the plaintiff was responsible for her own injuries.