02.22 CLOSING INSTRUCTIONS — QUESTIONS; INADMISSIBLE EVIDENCE; ARGUMENTS AND STATEMENTS OF COUNSEL

You are reminded that the law prohibits some types of information from being presented as evidence in a court of law. This helps you to focus on important and reliable evidence by excluding irrelevant, improper, or unreliable information.

An attorney has a duty to object when the other [another] side offers evidence that the attorney believes is not admissible. You should not be influenced by the fact that objections were made to certain questions or to certain evidence. You should also not be influenced by the number of objections that were made.

You should also draw no conclusions about the case from my rulings on the objections. These rulings were determined by the law and were not based on my views as to the merits of the case, the evidence, the witnesses, or the attorneys.

If I sustained an objection, you must disregard the question and any answer entirely. You may not draw any inference from the question, or speculate what the witness would have said if permitted to finish answering the question.

During your deliberations, you must not consider any evidence that I instructed you to disregard.

Remember that the questions asked by attorneys are not evidence. Only the answers to questions are evidence. You may consider questions only to help you understand the answers.

After the evidence was presented, you heard closing arguments. During closing arguments, the parties told you what they believe the evidence has proved and urged you to draw certain conclusions about the evidence. Remember that what was said in closing arguments is not evidence.

# Use Note

This instruction probably should be given in every case. In the rare case in which no objections to evidence have been sustained during trial, the second paragraph of the instruction can be deleted.

# Comment

Even though it is doubtful at the end of a case that a jury can go back and separate questions from answers and wipe from its memory facts that it was supposed to disregard but may not have, this instruction does serve to remind the jury that it must try its best to disregard everything but the admissible evidence.