**03.21A SPECIAL VERDICT FORM – ONE DEFENDANT, NO NON-PARTIES**

IN THE \_\_\_\_\_\_\_\_\_\_ COURT FOR THE STATE OF ALASKA

\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Plaintiff,  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Defendant. | Case No. |

**SPECIAL VERDICT**

We, the jury in the above-entitled case, answer the questions submitted to us as follows:

# PART I

**(1) Was the defendant negligent?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 1 was "no", do not answer any further questions on this form. Your foreperson should date and sign this verdict form.

If your answer to Question No. 1 was "yes," answer Question No. 2.

**(2) Was the defendant's negligence a substantial factor in causing harm to the plaintiff?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 2 was "no," do not answer any further questions on this form. Your foreperson should date and sign this verdict form.

If your answers to both Question No. 1 and No. 2 were "yes," answer Question No. 3.

**(3) Was the plaintiff negligent?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 3 was "no," you must now complete Part III of this form (Question 7). **Do not** answer Question No. 4, and **do not** complete Part II of this form (Questions 5 and 6).

If your answer to Question 3 was "yes," answer Question No. 4.

**(4) Was the plaintiff's negligence a substantial factor in causing his/her harm?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 4 was "no," you must now complete Part III of this form (Question 7). **Do not** complete Part II of this form (Questions 5 and 6).

If your answers to both Question 3 and Question 4 were "yes," you must now complete Part II of this form. **Do not** complete Part III of this form.

# PART II

Answer the Questions in Part II only if your answers to Question 3 and Question 4 were "yes." If your answer to Question 3 was "no", or if your answer to Question 4 was "no," do not answer the questions in Part II. Instead, you must complete Part III of this form.

**(5) What are the total damages, if any, to the plaintiff that were caused by the negligence of the defendant and the plaintiff?**

**(a) Past economic loss: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(b) Past non-economic loss: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(c) Future economic loss: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(d) Future non-economic loss: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**TOTAL: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If the total amount entered in response to Question 5 is $0, do not answer any further questions on this form. The foreperson should date and sign this verdict form. However, if you have stated any sum of money in answer to Question No. 5, you must now answer Question No. 6.

**(6) You must now determine the percentage of fault for the plaintiff and the defendant for the damages identified in your response to Question 5. The total must be equal to 100%. Do not assign any percentages of fault to anyone other than the plaintiff and the defendant. In determining the percentages of fault for the plaintiff and the defendant, you must consider the nature of each party's conduct, and the extent of the causal relationship between each party's conduct and the damages that you have identified in response to Question 5.**

**Defendant %**

**Plaintiff %**

**TOTAL 100%**

You must now complete Part IV of this form (Question 8.) **Do not** complete Part III (Question 7).

# PART III

Answer the Question in Part III only if your answer to Question 3 was "no," or your answer to Question 4 was "no." If your answers to Question 3 and Question 4 were both "yes," you must complete Part II of the form, and you must not complete Part III.

**(7) What are the total damages, if any, to the plaintiff that were caused by the defendant’s negligence?**

**(a) Past economic loss : $\_\_\_\_\_\_\_\_\_\_\_\_**

**(b) Past non-economic loss : $\_\_\_\_\_\_\_\_\_\_\_\_**

**(c) Future economic loss : $\_\_\_\_\_\_\_\_\_\_\_\_**

**(d) Future non-economic loss : $\_\_\_\_\_\_\_\_\_\_\_\_**

**TOTAL: $\_\_\_\_\_\_\_\_\_\_\_\_**

If the total amount entered in response to Question 7 is $0, do not answer any further questions on this form. The foreperson should date and sign this verdict form. However, if you have stated any sum of money in answer to Question No. 7, you must now complete Part IV of this form (Question 8).

# PART IV

**(8) Is the plaintiff eligible for an award of punitive damages from the defendant?**

**Answer “yes” or “no.” Answer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

DATED at , Alaska, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Foreperson of the Jury

# Directions for Use

This verdict form is intended for use in negligence cases in which there is only one defendant, no third-party defendants, and no non-parties to whom fault may be allocated pursuant to AS 09.17.080.

In cases with multiple defendants/third party defendants but where there are no non-parties to whom fault may be allocated, use Special Verdict Form 3.21B. In cases in which there are non-parties to whom fault may be allocated pursuant to AS 09.17.080, use Special Verdict 3.21C.

This verdict form is designed for cases in which there are allegations of comparative fault on the part of the plaintiff. The jury will always complete Part I of the form. The instructions in Part I will direct the jury to complete either Part II or Part III of the form. Part II will be completed in cases where the jury finds comparative fault, and Part III will be completed in cases where the jury does not find comparative fault. The jury will never complete both Part II and Part III.

In a case in which there are no allegations of comparative fault, this form must be modified to delete questions 3, 4, 5 and 6. In addition, the instructions for use of the form must be modified to eliminate references to these questions and to eliminate references to Part II of the form. The jury will simply be directed to go from question 2 to the question on damages (question 7 on this form).

In a case in which there are no allegations of punitive damages, question 8 must be deleted.

In accordance with the procedure for determination of punitive damages awards as set forth in AS 09.17.020, this form does not call for the jury to determine the amount of a punitive damages award. The amount of an award will be determined in a later proceeding.

The “comparative fault” and damages questions (3, 4 & 5) section of the form refers to the plaintiff’s "negligence." Pursuant to AS 09.17.900, the verdict may also be reduced due to other “fault” on the part of the plaintiff, such as failure to mitigate damages. In a case in which the facts include allegations of fault on the part of the plaintiff other than negligence, the form should be modified to take this into account.

See Use Note to Special Verdict Form 3.21C.