

**Proposal 07-02**  
**Amends Supreme Court Rule 239**  
**Offered by the Supreme Court Committee on Jury Instructions in Civil Cases**

**Rule 239. Instructions**

(a) - (c) [no changes]

**(d) Instructions Before Opening Statements.** After the jury is selected and before opening statements, the court may orally instruct the jury as follows:

(i) On cautionary or preliminary matters, including, but not limited to, the burden of proof, the believability of witnesses, and the receipt of evidence for a limited purpose. The court need not read these instructions after closing arguments.

(ii) On the issue of substantive law applicable to the case, including, but not limited to, the elements of the claim or affirmative defense. The court shall read these instructions after the close of evidence and either before or after closing arguments and may distribute a written copy of these instructions to each juror prior to or immediately after the judge's reading and permit each juror to take his or her written copy of the instructions into the jury room for the deliberations.

**(e) Instructions During Trial.** Nothing in this rule is intended to restrict the court's authority to give any appropriate instruction during the course of the trial.