

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

LAUREL FARRIN, Plaintiff, v. STATE OF IOWA, Defendant.	CASE NO. CVCV082621 JURY INSTRUCTIONS CLERK OF DISTRICT COURT JOHNSON COUNTY, IOWA 2008 SEP -8 PM 4:08 FILED
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Members of the Jury: Professor Laurel Farrin, Plaintiff in this matter, has brought a claim for bailment against Defendant State of Iowa.

Plaintiff, a professor of art at the University of Iowa, asserts that Defendant State of Iowa, through the University of Iowa, breached its duty as bailee by failing to protect and care for 42 of her paintings while those paintings were stored in a facility that was under the care of Defendant. As a direct result of this alleged breach, Professor Farrin asserts that her paintings were permanently and irreversibly damaged. Defendant denies this assertion.

Do not consider this summary as proof of any claim. Decide the facts from the evidence and apply the law which I will now give you.

Kevin M. Farrin
District Ct Judge
3:30 PM
9/5/25

INSTRUCTION NO. 1

My duty is to tell you what the law is. Your duty is to accept and apply this law.

You must consider all of the instructions together because no one instruction includes all of the applicable law.

The order in which I give these instructions is not important.

Your duty is to decide all fact questions.

As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices or emotions. Because you are making very important decisions in this case, you are to evaluate the evidence carefully and avoid decisions based on generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your reason and common sense, and these instructions. As jurors, your sole duty is to find the truth and do justice.

INSTRUCTION NO. 2

Whenever a party must prove something they must do so by the preponderance of the evidence.

Preponderance of the evidence is evidence that is more convincing than opposing evidence.

Preponderance of the evidence does not depend upon the number of witnesses testifying on one side or the other.

INSTRUCTION NO. 3

You shall base your verdict only upon the evidence and these instructions.

Evidence is:

1. Testimony in person or by deposition.
2. Exhibits received by the court.
3. Stipulations which are agreements between the attorneys.
4. Any other matter admitted

Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide.

Sometimes, during a trial, references are made to pre-trial statements and reports, witnesses' depositions, or other miscellaneous items. Only those things formally offered and received by the court are available to you during your deliberations. Documents or items read from or referred to which were not offered and received into evidence, are not available to you.

The following are not evidence:

1. Statements, arguments, questions and comments by the lawyers.
2. Objections and rulings on objections.
3. Any testimony I told you to disregard.
4. Anything you saw or heard about this case outside the courtroom.

INSTRUCTION NO. 4

Certain Testimony has been read into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing. Consider that testimony as if it had been given in court.

INSTRUCTION NO. 5

During this trial, you have heard the word 'interrogatory'. An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.

INSTRUCTION NO. 6

You will decide the facts from the evidence. Consider the evidence using your observations, common sense and experience. You must try to reconcile any conflicts in the evidence; but, if you cannot, you will accept the evidence you find more believable.

In determining the facts, you may have to decide what testimony you believe. You may believe all, part or none of any witnesses' testimony.

There are many factors which you may consider in deciding what testimony to believe, for example:

1. Whether the testimony is reasonable and consistent with other evidence you believe;
2. The witnesses' appearance, conduct, age, intelligence, memory and knowledge of the facts; and,
3. The witnesses' interest in the trial, their motive, candor, bias and prejudice.

INSTRUCTION NO. 7

An expert witness was asked to assume certain facts were true and to give an opinion based on that assumption. This is called a hypothetical question. If any fact assumed in the question has not been proved by the evidence, you should decide if that omission affects the value of the opinion.

INSTRUCTION NO. 8

You have heard testimony from persons described as experts. Persons who have become experts in a field because of their education and experience may give their opinion on matters in that field and the reasons for their opinion.

Consider expert testimony just like any other testimony. You may accept it or reject it. You may give it as much weight as you think it deserves, considering the witness' education and experience, the reasons given for the opinion, and all the other evidence in the case.

INSTRUCTION NO. 9

You have heard evidence claiming numerous Defendant agents (through University of Iowa employees) made statements before this trial while not under oath.

If you find such a statement was made, you may regard the statement as evidence in this case the same as if that individual had made it under oath during the trial.

If you find such a statement was made and was inconsistent with that individual's testimony during the trial you may also use the statement as a basis for disregarding all or any part of that individual's testimony during the trial but you are not required to do so. You should not disregard that individual's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

INSTRUCTION NO. 10

The fact that a plaintiff or defendant is an institution should not affect your decision. All persons are equal before the law, and institutions, whether large or small, are entitled to the same fair and conscientious consideration by you as any other person.

INSTRUCTION NO. 11

In arriving at an item of damage you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage and agreeing in advance that the average of those estimates shall be your item of damage.

INSTRUCTION NO. 12

The conduct of a party is a cause of damage when the damage would not have happened except for the conduct.

INSTRUCTION NO. 13

You must decide whether the claimed harm to plaintiff is within the scope of defendant's liability. The plaintiff's claimed harm is within the scope of a defendant's liability if that harm arises from the same general types of danger that the defendant should have taken reasonable steps to avoid.

Consider whether repetition of defendant's conduct makes it more likely harm of the type plaintiff claims to have suffered would happen to another. If not, the harm is not within the scope of liability.

INSTRUCTION NO. 14

The owner of premises is presumed to know all conditions on the premises that are caused or created by the owner or the owner's employee. The owner of premises is not responsible for an injury suffered by a person on the premises which resulted from a condition of which the owner had no knowledge, unless the condition existed for a long enough time that in the exercise of reasonable care the owner should have known about it.

INSTRUCTION NO. 15

A condition is "known" if one is aware of or conscious of its existence and of the risk of harm it presents.

A condition is "obvious" when both the condition and risk of harm are apparent to and would be recognized by a reasonable person, in the position of a visitor, exercising ordinary perception, intelligence, and judgment.

INSTRUCTION NO. 16

When one gives possession and the right to use personal property to another who agrees to return the same property at a future time, the transaction is known in law as a bailment. The person who gives possession is known as a bailor. The person who takes possession is known as a bailee.

The type of bailment at issue in this case is a gratuitous bailment. A gratuitous bailment is created when:

1. When a person receives from the owner any property for safekeeping or storage.
2. Without any agreement, express or implied, that the person receiving it shall be paid for so doing, or when the owner delivers or causes to be delivered to another person for the use and benefit of such other person, without any agreement, express or implied, that the owner shall be paid.

The owner who so delivers personal property to another is known as a gratuitous bailor, and the person to whom such property is delivered is known as a gratuitous bailee.

INSTRUCTION NO. 17

A gratuitous bailee of personal property does not guarantee the safety of that property while it is in the bailee's possession. This means that the bailee is not liable merely because the personal property is damaged while in their possession. The bailee is liable, if at all, only when the bailee has failed to exercise that degree of care for such property that would be exercised by persons of prudence in keeping property of like value under like circumstances.

A violation of this law is negligence.

INSTRUCTION NO. 18

The plaintiff and the State of Iowa have equal rights in court. This means you are to decide this case as though it were a case between two individuals.

INSTRUCTION NO. 19

If you find Plaintiff is entitled to recover damages, she is entitled to recover the fair market value of the paintings at the time of the loss.

Plaintiff has the burden of proving the fair market value. In determining whether Plaintiff has met this burden, you may consider the following evidence:

Expert testimony as to the value of the destroyed property; and
Plaintiff's testimony as to the value of the destroyed property.

INSTRUCTION NO. 20

Upon retiring you shall select a foreperson. It will be his or her duty to see discussion is carried on in an orderly fashion, the issues are fully and freely discussed, and each juror is given an opportunity to express his or her views.

Your attitude at the beginning of your deliberations is important. It is not a good idea for you to take a position before thoroughly discussing the case with the other jurors. If you do this, individual pride may become involved and you may later hesitate to change an announced position even if shown it may be incorrect. Remember you are not partisans or advocates, but are judges - judges of the facts. Your sole interest is to find the truth and do justice.

INSTRUCTION NO. 21

During the trial, you have been allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and not evidence. Generally, they reflect the recollection or impressions of the evidence as viewed by the person taking them, and may be inaccurate or incomplete.

Upon reaching a verdict, leave the notes in the jury room and they will be destroyed.

INSTRUCTION NO. 22

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, Instagram, LinkedIn, YouTube, Twitter, email, etc.

Do not do any research or make any investigation about this case on your own. Do not visit or view any place discussed in this case, and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony. Also, do not research any information about this case, the law, or the people involved, including the parties, the witnesses, the lawyers, or the judge. This includes using the Internet to research events or people referenced in the trial.

This case will be tried on evidence presented in the courtroom. If you conduct independent research, you will be relying on matters not presented in court. The parties have a right to have this case decided on the evidence they know about and that has been introduced here in court. If you do some research or investigation or experiment that we do not know about, then your verdict may be influenced by inaccurate, incomplete or misleading information that has not been tested by the trial process, including the oath to tell the truth and by cross-examination. All of the parties are entitled to a fair trial, rendered by an impartial jury, and you must conduct yourself so as to maintain the integrity of the trial process. If you decide a case based on information not presented in court, you will have denied the parties a fair trial in accordance with the rules of this state and you will have done an injustice. It is very important that you abide by these rules.

INSTRUCTION NO. 23

I am giving you one verdict forms and four questions. During the first six hours of deliberations, excluding meals and recesses outside your jury room, your decision must be unanimous. If you all agree, the verdict and answers to questions must be signed by your foreperson.

After deliberating for six hours excluding meals or recesses outside your jury room, then it is necessary that only (seven) of you agree upon the answers to the questions. In that case, the verdict and questions must be signed by all (seven) jurors who agree.

When you have agreed upon the verdict and answers to questions and appropriately signed it, tell the Court Attendant.

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CLERK OF COURT
COUNTY OF LOS ANGELES

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