

101.37 REMARKS TO JURORS BEFORE FINAL ARGUMENTS OF COUNSEL.

*NOTE WELL: This is a suggestive model and the judge can modify as deemed appropriate.*

Ladies and gentlemen, all of the evidence has been presented. It is now time for the final arguments of the lawyers. At the conclusion of these arguments, I will instruct you on the law in this case and then you will be taken to the jury room to begin your deliberations.

The final arguments of the lawyers are not evidence, but are given to assist you in evaluating the evidence. The lawyers are permitted in their final statements to argue, to characterize the evidence, and to attempt to persuade you to a particular verdict.

It is improper for a lawyer in a final argument to become abusive, to inject personal experiences, to express a personal belief as to the truth or falsity of the evidence, or to make arguments on the basis of matters outside the record, except for matters concerning which the court may take judicial notice. A lawyer may, however, on the basis of the lawyer's analysis of the evidence, argue any position or conclusion with respect to a matter in issue.

If, in the course of making a final argument, a lawyer attempts to restate a portion of the evidence and your recollection of the evidence differs from that of the lawyer, you are - in recalling and remembering the evidence - to be guided exclusively by your own recollection of the evidence.