COUNCIL ON COURT PROCEDURES

DRAFT HISTORY

OF ORCP 59

2011-2013 BIENNIUM

INSTRUCTIONS TO JURY AND DELIBERATION

RULE 59

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H Necessity of noting exception on error in statement of issues or instructions given or refused.

H(1) Statement of issues or instructions given or refused. A party may not obtain **appellate** review [*on appeal*] of an asserted error by a trial court in submitting or refusing to submit a statement of issues to a jury pursuant to subsection C(2) of this rule or in giving or refusing to give an instruction to a jury unless the party [*who seeks to appeal*] **seeking review** identified the asserted error to the trial court and made a notation of exception immediately after the court instructed the jury **or at such other time as the trial court directed. The requirements of this rule do not preclude an appellate court from reviewing asserted errors in jury statements or instructions for legal errors that are apparent on the record**.

H(2) Exceptions must be specific and on the record. [*A party shall state with particularity any point of exception to the trial judge. A party shall make a notation of exception either orally on the record or in a writing filed with the court.*] **The notation of exception required by subsection (1) of this section must be made orally on the record or in a writing filed with the court and must identify with particularity the points on which the exception is based. In noting an exception, a party may incorporate by reference the points that the party previously made with particularity on the record regarding the statement or instruction to which the exception applies.**

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