Proposed Revisions To The Seventh Circuit Jury Instructions

The Seventh Circuit Patten Civil Jury Instruction Committee submits for public comment the attached proposed revised civil pattern jury instructions: 3. Employment Discrimination: Title VII, ADEA; 4. Employment Discrimination: Americans with Disabilities Act; 5. Equal Pay Act; and 10. Family and Medical Leave Act.

The Committee, which includes judges, attorneys, and law professors, welcomes comment. Please email your comments to civil_jicomments@ca7.uscourts.gov with a subject line of "Pattern Jury Instruction Comment." The Committee will accept comments through January 31, 2025.

The revised instructions seek to clarify existing language and update citations and associated text. The Committee made minor changes to most chapters and updated comments with more recent authority. Some of the more thorough proposed changes include:

1. Updated standards of causation in Instructions 3.01 and 3.07 following *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 672 (2020).

2. Updated adverse employment action language in Instruction 3.04 following *Muldrow v. City of St. Louis, Missouri*, --- U.S. ---, 144 S. Ct. 967, 975 n.2 (2024).

3. New instructions 3.02 Pretext; 3.03 Corporate Defendant and its Agents; and 3.14 Elements of Religious Accommodation Claim.

4. Updated information in Instructions 4.02 about association with a person with a disability in the comments.

5. Updated and clarified ADA elements for failure to provide a reasonable accommodation claims in Instruction 4.04.

6. A definition of temporary impairment in Instruction 4.05.

7. Updated standards for affirmative defenses and damages for Equal Pay Act claims in Instructions 5.10 and 5.11.

8. Addition of the "in loco parentis relationship" as part of grounds for eligibility for FMLA leave in Instruction 10.1.

9. Updated "Key employee" defense to FMLA claims in Instruction 10.3.

10. Updated "equivalent position" definition and accompanying legal authority in comments in Instruction 10.5.