**1A.08 LIMITING INSTRUCTION – SUBSEQUENT REMEDIAL MEASURES**

There is evidence in this case about what the defendant did after the plaintiff was injured. You may not consider this evidence on the question whether the defendant exercised reasonable care before the injury. People often do things after an event occurs that they had no reason to do before the event. Your responsibility is to decide whether, in light of the circumstances as they existed before the injury, the defendant exercised reasonable care.

There is one issue on which you may use this evidence (insert description--e.g., feasibility of repair; control). (If) (T)he defendant (describe repairs) after the injury, (Y)ou may consider whether (insert issue on which the evidence may be used).

Use Note

This instruction should be used when evidence is admitted under Alaska R. Evid. 407. If negligence is not the issue in the case, the appropriate standard of care should be substituted.

Comment

The comment to Alaska R. Evid. 407 explains the policies behind exclusion of subsequent repair evidence. In this instruction the jury is told that the emphasis is on whether reasonable care was taken before, not after, an accident.