**13-1631A. Justification offered; balance of factors.**

 Defendant states that [he] [she] was justified in [acting] [failing to act] on the basis that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert statement of justification*).

 Defendant's justification must be balanced to determine if it outweighs any motive of defendant to injure plaintiff. In determining whether defendant's [act] [failure to act] was justifiable or not under the circumstances, you must weigh the following factors:

 1. The nature and seriousness of the harm to the plaintiff;

 2. The fairness or unfairness of the means used by the defendant;

 3. Defendant's motive or motives; and

 4. The value to defendant or to society in general of the interests advanced by the defendant's conduct.

USE NOTES

 This instruction should be given with UJI 13-1631.

[Adopted, effective November 1, 1991.]