

13-903. Burden of proof and greater weight of evidence, meaning of.

When I say that the burden is on a party to prove a proposition by the greater weight of the evidence, I mean that the proposition is more likely than not true.

Evenly balanced evidence is not sufficient.

If you are persuaded, considering all the evidence in the case, that a proposition on which one party has the burden of proof is more probably true than not true, then this proposition has been proved by the greater weight of the evidence.

USE NOTES

This instruction should be given in every F.E.L.A. case.