

## BURDEN OF PROOF – CLEAR AND CONVINCING EVIDENCE

To prove its \_\_\_\_ claim the [Plaintiff/Defendant] in this case must prove its/his/her claim by clear and convincing evidence. [[[This is different standard than preponderance of evidence you will use in evaluating the other claims.]]] Clear and convincing evidence requires that the party asserting the claim convince you that the existence of each contested fact or element is highly probable rather than merely more probable than not. To satisfy the clear and convincing evidence standard, there must be evidence indicating that the thing to be proven is highly probable. Clear and convincing evidence is a very demanding standard, requiring less than evidence beyond a reasonable doubt, but more than a preponderance of the evidence.