

Table of Contents

CHAPTER 1. REMEDIES, DUTIES AND CAUSATION

- § 1:1 Right to a remedy
- § 1:2 The concept of duty
- § 1:2.20 Notice of dangerous condition—Constructive *[New]*
- § 1:3 Recognized duties and legal responsibilities
- § 1:3.50 Recognized duties and legal responsibilities—Voluntary undertaking *[New]*
- § 1:5 Contracts and warranties
- § 1:5.50 Contact sports *[New]*
- § 1:6 Joint or multiple parties
- § 1:7 Contribution
- § 1:8 Vicarious liability
- § 1:9 Causation
- § 1:10 Causation of injuries

CHAPTER 2. PRACTICE, PROCEDURE AND PROOF

- § 2:1 General pleading rules
- § 2:1.10 Amendment of pleadings *[New]*
- § 2:1.20 Pleading a products liability claim *[New]*
- § 2:1.30 Pleading a defamation claim *[New]*
- § 2:1.40 Pleading a legal malpractice claim *[New]*
- § 2:1.50 Pleading an intentional infliction of emotional distress claim *[New]*
- § 2:2 Burden of proof
- § 2:2.50 Burden of proof—Proximate cause *[New]*
- § 2:3 Standard of proof: Wilful and wanton conduct
- § 2:6 Doctrine of res ipsa loquitur
- § 2:9 Use of statutory enactments and government rules and regulations
- § 2:10 Use of trade or industry standards
- § 2:11 Opinion testimony
- § 2:11.10 Opinion testimony—Adequate foundation *[New]*
- § 2:11.20 Privileged communications *[New]*
- § 2:12 Jury instructions *[New]*
- § 2:13 Interrogatories *[New]*

CHAPTER 3. STATUTORY LIABILITY

- § 3:1 Land, water and recreation
- § 3:2 Animals
- § 3:3 Road construction
- § 3:4 Public utilities
- § 3:5 Domestic violence
- § 3:5.50 Gender violence *[New]*
- § 3:5.70 Actions for criminal acts *[New]*
- § 3:6 Professionals
- § 3:7 Medical and hospital facilities
- § 3:8 Nursing homes
- § 3:8.50 Dead bodies *[New]*
- § 3:9 Drugs and alcohol
- § 3:9.10 Aviation *[New]*
- § 3:9.20 Homeowner's/occupier's duty to fire fighters *[New]*
- § 3:9.50 Citizens Participation Act *[New]*
- § 3:9.60 Biometric information *[New]*
- § 3:11 Complaint allegations against utility
- § 3:12 Complaint against nursing home *[New]*

CHAPTER 4. MOTOR VEHICLES

- § 4:1 The Vehicle Code
- § 4:2 Speeding and other negligent acts of operation
- § 4:3 Overtaking vehicles
- § 4:3.50 Overtaking bicycles *[New]*
- § 4:4 Approaching vehicles
- § 4:6 Intersections
- § 4:7 Parked or standing vehicles
- § 4:8.50 All terrain vehicles *[New]*
- § 4:9 Passengers
- § 4:10 Joint enterprise
- § 4:11 Pedestrians
- § 4:12 Intoxication
- § 4:13 Negligent entrustment of vehicles
- § 4:13.50 Transportation Network Providers Act *[New]*
- § 4:20 Complaint allegations regarding maintenance of vehicles

CHAPTER 5. COMMON CARRIERS

- § 5:1 General principles of common carrier liability
- § 5:1.10 "Passenger" status *[New]*
- § 5:2 Liability of bus companies, taxis and transit authorities for the operation of vehicles and conveyances
- § 5:3 Common carrier liability for the operation of premises
- § 5:4 Railroad liability at crossings

TABLE OF CONTENTS

- § 5:5 Railroad liability at places other than crossings
- § 5:7.50 Complaint against Chicago Transit Authority—Derailment
[New]

CHAPTER 6. PREMISES LIABILITY

- § 6:1 Duties of landowners, generally
- § 6:2 Injuries from the use of private property
- § 6:3 Injuries at worksites
- § 6:4 Injuries to children
- § 6:5 Liability for damage to property of others
- § 6:5.50 Surviving summary judgment *[New]*
- § 6:8.50 Complaint allegations against homeowner's association
for fall on ice and snow *[New]*

CHAPTER 7. LIABILITY FROM THE USE OF BUSINESS PROPERTY

- § 7:1 Duties of places of business, generally
- § 7:2 Liability for assault
- § 7:3 Defective structures and falling objects
- § 7:4 Floors and stairways
- § 7:5 Outdoor premises
- § 7:6 Places of recreation
- § 7:7 Places of employment
- § 7:9.05 Complaint allegations against restaurant—Exposure to
salmonella *[New]*
- § 7:9.10 Complaint allegations against business—By employer of
company installing fence *[New]*

CHAPTER 8. LANDLORD AND TENANT

- § 8:1 Duties of lessors, generally
- § 8:2 Hidden defects
- § 8:3 Covenant to repair
- § 8:4 Control of premises

CHAPTER 9. FEDERAL AND STATE GOVERNMENT LIABILITY

- § 9:1 Government immunity
- § 9:2 U.S. government tort liability
- § 9:2.50 Recovery under § 1983 *[New]*
- § 9:3 Procedure for filing claims against U.S. government
- § 9:4 State of Illinois tort liability
- § 9:5 Illinois court of claims procedure
- § 9:8 Notice to state of Illinois—Personal injury
- § 9:10 Complaint for claim for personal injuries against state of
Illinois

CHAPTER 10. LOCAL GOVERNMENT LIABILITY

- § 10:1 The Tort Immunity Act
- § 10:1.05 The Tort Immunity Act—Willful and wanton conduct
[New]
- § 10:1.10 The Tort Immunity Act—Recreational use *[New]*
- § 10:2 Streets and sidewalks
- § 10:3 Places of recreation
- § 10:3.50 Access roads or trails *[New]*
- § 10:4 Police, correctional officers and firefighters *[Retitled]*
- § 10:5 Water, sewage and other facilities
- § 10:6 Failure of public authority
- § 10:7 Schools
- § 10:7.05 Hospitals *[New]*
- § 10:7.10 Charitable organizations *[New]*
- § 10:7.50 Pleading *[New]*
- § 10:7.60 Emergency Telephone System Act *[New]*
- § 10:7.70 Emergency Medical Services Systems Act *[New]*
- § 10:8.50 Complaint allegations against city—Negligent removal
of street sign *[New]*

CHAPTER 11. PRODUCTS LIABILITY

- § 11:1 Scope of strict liability
- § 11:2 Parties
- § 11:3 Defective products
- § 11:4 Unsafe design
- § 11:5 Insufficient labels, instructions or warnings
- § 11:6 Defenses

CHAPTER 12. MEDICAL MALPRACTICE

- § 12:1 Statutory requirements
- § 12:1.10 Statutory requirements—That report be prepared by
“expert” *[New]*
- § 12:1.20 Statutory requirements—Affidavit certifying meritori-
ous cause *[New]*
- § 12:2 Establishing the standard of care
- § 12:2.50 Establishing the standard of care—Cases finding no
breach of standard of care *[New]*
- § 12:3 Liability of physicians
- § 12:3.50 Liability of psychiatrists *[New]*
- § 12:3.60 Liability of nurses *[New]*
- § 12:4 Application of the doctrine of res ipsa loquitur
- § 12:5 Liability of hospitals
- § 12:5.10 Liability of non-hospital medical facilities *[New]*
- § 12:6 Dentists

TABLE OF CONTENTS

- § 12:8 Pharmacists
- § 12:8.50 Fertility and assisted reproduction professionals *[New]*
- § 12:9 Causation
- § 12:10 Limitations
- § 12:11 Mitigating rules and defenses
- § 12:12 Liability of HMO

CHAPTER 13. LIABILITY OF ATTORNEYS AND OTHER PROFESSIONALS

- § 13:1 Liability of professionals, generally
- § 13:2 Attorneys
- § 13:3 Accountants
- § 13:4 Architects and engineers
- § 13:5 Brokers
- § 13:5.05 Notaries public *[New]*
- § 13:5.10 Appraisers *[New]*
- § 13:12 Complaint allegations against licensed clinical social workers *[New]*

CHAPTER 14. ACTIONS AGAINST INSURANCE COMPANIES

- § 14:1 Insurer liability for failure to defend insured
- § 14:2 Duty of insurer to make payment under policy
- § 14:3 Duty of insurer to settle claims within the policy coverage
- § 14:4 Other insurance company obligations

CHAPTER 15. DEFAMATION

- § 15:1 General principles of libel and slander
- § 15:1.10 General principles of libel and slander—Statements relating to one's trade, profession, or business *[New]*
- § 15:1.20 General principles of libel and slander—Statements imputing commission of crime *[New]*
- § 15:1.25 General principles of libel and slander—Statements presented as fact, not opinion *[New]*
- § 15:1.30 General principles of libel and slander—Statements of nonactionable opinion *[New]*
- § 15:2 The innocent construction rule
- § 15:3 Defense of absolute privilege
- § 15:4 Defense of qualified privilege
- § 15:4.50 First amendment privilege *[New]*
- § 15:5 Fair reporting standards
- § 15:6 Public official or public figures requirement of proof against publishers and broadcasters
- § 15:6.50 Pleading *[New]*

§ 15:9 Defense allegations in defamation cases

CHAPTER 16. BUSINESS RELATIONSHIPS

- § 16:1 Liability of employers, generally
- § 16:1.05 Agent or employee *[New]*
- § 16:1.10 Scope of employment *[New]*
- § 16:2 Retaliatory discharge
- § 16:3 Unfair competition
- § 16:4 Inducing breach of contract
- § 16:5 Fraud

CHAPTER 17. INTENTIONAL CONDUCT

- § 17:1 Conspiracy
- § 17:2 Invasion of privacy/false light *[Retitled]*
- § 17:2.10 Invasion of privacy/false light—Publications *[New]*
- § 17:2.30 Public disclosure of private facts *[New]*
- § 17:2.40 Doxing *[New]*
- § 17:2.50 Nonconsensual dissemination of private sexual images *[New]*
- § 17:3 Intentional infliction of mental suffering
- § 17:4 Malicious prosecution and abuse of process
- § 17:4.50 Malicious prosecution and abuse of process—Termination in favor *[New]*
- § 17:5 False arrest and false imprisonment
- § 17:6 Assault and battery
- § 17:6.50 Intentional interference with testamentary expectancy *[New]*

CHAPTER 18. DAMAGES

- § 18:1 General rules pertaining to damages
- § 18:2 Loss of earnings
- § 18:3 Intangible damages
- § 18:4 Loss of consortium
- § 18:5 Property damage
- § 18:6 Survival damages
- § 18:7 Methods of proving damages
- § 18:8 Punitive damages
- § 18:8.10 Malpractice actions—Attorneys *[New]*
- § 18:8.50 Remittitur *[New]*

CHAPTER 19. WRONGFUL DEATH DAMAGES AND PROCEDURES

- § 19:1 Wrongful death damages

TABLE OF CONTENTS

- § 19:2 Procedure and proof under the Wrongful Death Act
- § 19:2.05 Next of kin *[New]*
- § 19:2.10 Defenses *[New]*
- § 19:2.20 Jury instructions *[New]*

CHAPTER 20. DEFENSES

- § 20:1 Comparative fault, generally
- § 20:2 Contributory negligence
- § 20:3 Assumption of risk
- § 20:3.50 Open and obvious dangers *[New]*
- § 20:3.70 Open and obvious dangers—Forgetfulness or distraction exception *[New]*
- § 20:4 Doctrine of federal pre-emption
- § 20:5 Estoppel and waiver
- § 20:5.50 Immunity—Statutory *[New]*
- § 20:5.70 Immunity—Common law *[New]*
- § 20:5.80 Privilege—Common law *[New]*
- § 20:7 Statutes of limitations
- § 20:7.50 Ecclesiastic abstention doctrine *[New]*

**CHAPTER 21. RELEASES, OTHER
SETTLEMENT DOCUMENTS, AND
LIENS**

- § 21:1 Releases and covenants
- § 21:2 Repayment or assignment agreements, and settlement agreements limiting recovery of damages
- § 21:3 Liens
- § 21:7 Stipulation