CHAPTER 1. HISTORY AND USE OF THE ILLINOIS PATTERN INSTRUCTIONS (IPI)

I. INTRODUCTION

- § 1:1 History of Illinois Pattern Jury Instructions-Civil
- § 1:2 Trial by jury under the U.S. Constitution
- § 1:3 The "modern" jury system
- § 1:4 The growth of the Illinois Pattern Jury Instructions
- § 1:5 Formal judicial study of jury instructions
- § 1:6 The fundamental principles of jury instructions
- § 1:7 The creation of the pattern jury instructions
- § 1:8 The adoption of new pattern jury instructions
- § 1:9 Present day Supreme Court Rule 239

II. INTERPRETATION OF ILLINOIS PATTERN JURY INSTRUCTIONS

- § 1:10 Recent case law interpretations of the Illinois Pattern Jury Instructions—Civil
- § 1:11 Shifting standard of review
- § 1:12 When a court must give an instruction
- § 1:13 Test for an instruction
- § 1:14 Deviation from the pattern jury instructions
- § 1:15 Misleading instructions and reversible error

III. THE ILLINOIS PATTERN JURY INSTRUCTION AS A PLANNING TOOL

- § 1:16 Use of this handbook and the Illinois Pattern Jury Instructions-Civil
- § 1:17 The Illinois Pattern Jury Instructions as a research tool
- § 1:18 Case evaluation and the client intake form
- § 1:19 Identify the elements within the Illinois Pattern Jury Instructions

A. DRAFTING PLEADINGS

- § 1:20 The Illinois Pattern Jury Instructions: The quintessential tool in the Illinois fact-pleading jurisdiction
- § 1:21 Pleading the elements of a cause of action under the

- Illinois Pattern Jury Instructions to avoid a 735 ILCS 5/2-615 motion to dismiss
- § 1:22 Pleading the elements of a cause of action under the Illinois Pattern Jury Instructions in response to a 735 ILCS 5/2-619 motion to dismiss
- § 1:23 A tool for drafting and responding to a motion for summary judgment

B. TARGETING DISCOVERY THROUGH USE OF THE ILLINOIS PATTERN JURY INSTRUCTIONS

- § 1:24 Expanding on the standard interrogatories
- § 1:25 Creating requests for production of documents
- § 1:26 The Illinois Pattern Jury Instructions as a source for requests to admit and deposition questions

IV. THE ILLINOIS PATTERN JURY INSTRUCTIONS AS A TRIAL PLANNING TOOL

- § 1:27 The trial notebook—A roadmap from intake to jury deliberations
- § 1:28 The trial notebook process and components
- § 1:29 The element matrix
- § 1:30 Illinois Pattern Jury Instructions applied to case planning, the contract dispute
- § 1:31 The trial theme

V. JURY INSTRUCTION MODIFICATIONS AND CREATING A RECORD

- § 1:32 Creating the jury instruction packet
- § 1:33 Arguing for your instructions, objecting to opposing counsel's objections
- § 1:34 Proposing jury instruction modifications
- § 1:35 Creating the record on appeal

VI. RECENT CHANGES TO ILLINOIS PATTERN JURY INSTRUCTIONS AS ANNOUNCED BY THE ILLINOIS SUPREME COURT COMMITTEE ON JURY INSTRUCTIONS: CIVIL CASES

§ 1:36 Select recent changes to the Illinois Pattern Jury Instructions as announced by the Illinois Supreme Court Committee on Jury Instructions: Civil Cases

CHAPTER 2. MOTOR VEHICLE NEGLIGENCE

Motor vehicle negligence—Apparent agency principal sued as agent—50.05—Armato v. 5 Star Flash, Inc., et al.
—A corporation acts through its employees—50.11— Hill-Layne v. Chicago Transit Authority
—Both principal and agent sued—No issue as to agency—50.01—Ranson v. Chicago Transit Auth. et al.
—Duty of driver using highway—70.01—Jones v. Herrera
— — Mejia v. Chavez
— — — Bulluck v. Douglas
— — Burns v. Jimenez
— — Garon v. Kowalski
— — —Lara v. Destani
— — Pawlik v. Soto
— — — Davila v. Montanez
-Right of way-B45.01.C-Ashcroft-Ulanski v. Garcia
——21.02—Patel v. Tabladillo
———Dean v. Kim
—Duty of driver using highway—21.02—Kukich v.
Gonzalez
—Right of way—70.02—Johnson v. Martinez
— — —Gaspar v. Patel
— —10.01—Corona v. Filhour et al.
—Pedestrians—Crossing at crosswalk—20.01— Schonfeld v. Tortorici
— —Crossing at other than crosswalks——Fuller v. Porter
— — —M.D. v. Starr
— — —70.03—Dugaduga v. Cherney
— — O.M. v. Vondran
— — —70.03—Short v. Watson
————Mullis v. Trinity Services, Inc.
— —Truck—600.09—Perez v. Larry's Cartage Company
— —Shoulder of roadway—31.09—Cornejo v. Alliance Shippers Inc.
—Duty of driver to guests—Emergency vehicle— Howard v. Czerniak
— —72.05—Seaborg v. Connie's Pizza, Inc.
—Failure to Reduce Speed and Keep a Lookout— 30.01—Darling-Mills v. Hitz]

—Passenger in private vehicle—30.01—Dawson v. § 2:31 Rouette § 2:32 -Violation of statute, ordinance, or regulation-60.01—Cici v. Kotelman § 2:33 — — — Tumizeh v. Chicago Transit Authority § 2:34 — —60.01, 10.02—Bryant v. Guerico § 2:35 ———Fiscal v. Escalante, et al. § 2:36 —Violation of statute, ordinance, or regulation; duty of driver using highway—60.01—Floyd v. Boyes et al. § 2:37 —Issues made by the pleadings—One or more defendants — — Coley v. Richardson § 2:38 — — State Farm Mut. Auto. Ins. Co. v. § 2:39 Garcia-Morales § 2:40 -Motor vehicle striking bicyclist-60.01-Daoud v. Miller § 2:41 — — Verdin v. Magiera § 2:42 —Failure to reduce speed and keep a lookout—20.21— Watkins v. Harris § 2:43 ——Raggs v. Preston § 2:44 ---Fluhler v. Keane § 2:45 ——Argudo v. Anderson § 2:46 ——2.02—Parral v. Murray § 2:47 — — McCabe v. Chicago Transit Authority § 2:48 — Kennedy v. Fantin -- Collision--- Truck accident--- 23.01B--- Kroft v. Viper § 2:49 Trans, Inc. § 2:50 -- Bus, passenger-20.01-Griffith v. Doan — —Intersection—20.01—Latif v. Fulton § 2:51 § 2:52 — Rear-end collision—20.01—Hilgendorf v. Atterberry § 2:53 — Eating while operating motor vehicle—20.01— Raskin v. Mitchell — — Injuries to passenger—20.01—Minchuk v. § 2:54 Ingraffia — — Centerline violation—20.01—Beatty v. Wells § 2:55

CHAPTER 3. PROFESSIONAL NEGLIGENCE AND MEDICAL MALPRACTICE

- § 3:1 Professional negligence—Medical malpractice— 105.01—Issues made by the pleadings—20.01—Estate of Cutaia v. Gottlieb Memorial Hospital et al.
- § 3:2 ——St. Aubin v. Claridge Imperial Ltd.
- § 3:3 —Duty of a specialist—105.02—Lavine v. Glen Oaks Medical

§ 3:4	—Medical malpractice—105.01—Estate of Protho v. Keele, M.D.
§ 3:5	—Duty of a specialist—105.02—First National Bank of La Grange v. Glen Oaks Hospital
§ 3:6	——105.01—Perros v. Kalamaris
§ 3:7	— —105.02—Solner v. Palos Hospital
§ 3:8	Medical Malpractice—Wrongful death—105.01—Estate of Giorno v. Advocate Health and Hosp. Corp.
§ 3:9	— —105.01, 31.04—Estate of Nogan v. Ghaly, et al.
§ 3:10	Professional negligence—Duty of a specialist—
	105.01—Estate of Plewa v. Midwest Ctr. for Women's Healthcare Ltd., et al.
§ 3:11	— — Ford v. Vander Velde, M.D.; Midwest
	Radiological Associates P.C.
§ 3:12	———S.S., Pro Ami, Smith v. Tolentino, M.D.
§ 3:13	—Duty of specialist—105.01—DeAngelo v. Advocate
	Health Partners, et al.
§ 3:14	— — Cohen v. ACSN
§ 3:15	Medical and professional malpractice—Informed
	consent—105.07.01—Chmeilewski v. Stohle
§ 3:16	— —105.01—Acker v. Maquiling
§ 3:17	— —105.07.01—Stephney v. Grossman
§ 3:18	— — — Allsup v. Wyers
§ 3:19	— — —Flores v. Alva, M.D.; Medicor Partners S.C.
§ 3:20	—Ordinary care—105.08—Campbell v. Nielsen
§ 3:21	——105.07.02—Mitchell v. Caro
§ 3:22	—Res ipsa loquitur—105.09—DeJesus v. Tam, M.D., et al.
§ 3:23	— —105.02—Gamboa v. Advocate Health Care
§ 3:24	—Issues made by the pleadings—Informed consent— One plaintiff and one defendant—105.07.01— Niederkorn v. Weil, et al.
§ 3:25	—Apparent agency—105.11—Caruso v. Advocate
	Sherman Hosp., et al.
§ 3:26	— —105.11 (refused)—Koralewicz v. Saint Mary
	Nalareth Hasgrial Yario
§ 3:27	Professional negligence—Financial services—105.01— Hannic Freight Forwarders v. GCG Financial v. Benefits Consulting Group
§ 3:28	—Medical malpractice—105.01—Cloud v. Hill, M.D., et
\$ 0.20	al.
§ 3:29	—Violation of statute, ordinance, or administrative
, 0.20	regulation/legal malpractice—60.01—Brannen, et. al. v. Joerg Siefert et. al.
§ 3:30	—Legal services—105.01—Carey v. Powers
§ 3:31	—Nursing home—190.02—Groh v. Glenview Terrace
-	Property

—Law enforcement—Wrongful Death—31.12—Taylor § 3:32 v. City of Chicago Professional negligence and medical malpractice— § 3:33 105.01—Romano v. Franciscan Alliance § 3:34 — — Maldonado v. Butt, et al. § 3:35 — — 20.01—Afridi v. Northshore Univ. Health Sys. § 3:36 —Violation of statute, ordinance, or administrative regulation/legal malpractice—Otto v. Rozenstrauch CHAPTER 4. PREMISES LIABILITY § 4:1 Introduction to premises liability § 4:2 Premises liability—Issues Made By The Pleadings— Negligence—One or More Defendants—20.01 Blackman v. A&P Hospitality of Illinois LLC § 4:3 —One Or More Defendants—20.01—Randazzo v. Lukaba Productions —Duty to an adult lawfully on the property—120.02— § 4:4 Hess v. City of Chicago — — Grandberry v. City of Chicago § 4:5 § 4:6 — — — Nausedas v. City of Chicago § 4:7 ——120.08—Robinson v. City of Chicago § 4:8 — —120.09—Fonder v. McKindra § 4:9 — —128.02—Andrews v. City of Chicago § 4:10 — —120.02—Martin v. City of Chicago § 4:11 — — Sutton v. City of Chicago § 4:12 ———Valdes Jr. v. City of Chicago § 4:13 —Duty to use ordinary care—10.04—Synoga v. Little Company of Mary Hosp. Found § 4:14 -Willful and wanton conduct-14.01-Bruno v. Fat Jack's § 4:15 —Duty to use ordinary care—10.02—Cozen, et al. v. **RDK Ventures LLC** — — Galvan v. City of Chicago § 4:16 § 4:17 — —B10.03—Najera-Martinez v. Valle § 4:18 — —10.04—Mathias v. Accor § 4:19 —Duty of landowner—125.01—Ahern v. Willows of Elmhurst § 4:20 ——120.09—Maxwell v. White § 4:21 ——125.01, 125.04—Robbins v. Lowe's Home Centers § 4:22 -Falls on ice or snow-Negligence-15.02, 128.02-Rompala v. Baci Italian Restaurant § 4:23 — —30.01—Marvin Wren v. Jewel Food Stores Inc. § 4:24 —Duty to use ordinary care—B10.03—Harris v.

—Contributory and comparative negligence—B10.03—

§ 4:25

Malone

Janeczko v. Ferrin

— — —Knych v. Richter § 4:26 § 4:27 — — —Russo v. Morrice § 4:28 — — Stiles v. Shadid D/B/A GF Properties; GF 5014 Westend L.L.C. — — Jones v. West Cook Young Men's Christian § 4:29 Association § 4:30 —Corporation acts through its employees—50.11— Estate of Madison v. University of Chicago Med. Ctr., —Trespasser—Definition—Harwell v. Kipling § 4:31 Development Corporation § 4:32 -Negligent repair/maintenance negligence-120.02-Sherman v. Coromandel Umbrella Association, et al. § 4:33 — Residential property—34.04—Holloman v. Holloman § 4:34 — — —60.01—Ramirez v. Acevedo — — B21.02—Brito v. Trapani Builders § 4:35 — — Commercial property—12.04—Musser v. § 4:36 Southwest Airlines Co.

CHAPTER 5. PRODUCTS LIABILITY

- § 5:1 Products liability/breach of warranty—Strict product liability—400.01—Backes v. Bombardier, Inc.
- § 5:2 B400.03—O'Brien v. Yamaha
- § 5:3 ——400.01, 400.01.01—Strum v. Depuy Orthopaedics, Inc.
- § 5:4 —400.01—Vandenberg v. Brunswick Corporation
- § 5:5 — Valadez v. GlaxoSmithKline LLC, et al.
- § 5:6 ——400.04—Maxwell v. Castle Sales Company Inc.; Motorcycle Riding School Inc.; HJC America Inc.
- § 5:7 400.07—Shadley v. Pflow Industries Inc.
- § 5:8 —400.06—Kaczorowski v. Synthes USA Sales LLC
- § 5:9 — Ocampo v. Paper Converting Machine Co.
- § 5:10 —Complaint and claims for contribution tried concurrently—600.02—Hock v. Brenczewski
- § 5:11 —Strict Product Liability—15.01—Wagner, Individually and as Executor of Wagner, Estate of v. Eaton Corporation
- § 5:12 — Wood v. Navistar Inc.
- § 5:13 ——41.03—Two or More Defendants—Ravizza v. Paccar Inc.; District Rebuilders Inc.

CHAPTER 6. CONSTRUCTION ACCIDENTS

§ 6:1 Construction accidents—Construction negligence—55.01—Work entrusted to another—Polino v. Toro Const. Corp., et al.

- § 6:2 — —55.01, 55.02, 55.04—Rizner v. The Weitz Co. § 6:3 — —55.02—McGillivray v. Skender Const. LLC § 6:4 — —55.03—Schlemer v. Fru-Con § 6:5 — — Cooper v. Carlson Bros. § 6:6 — — — Urvieta v. Cresthill § 6:7 — —55.04—More than one person having control— Startz v. University of Chicago § 6:8 — — Wrongful death—31.09—Feltes v. Enger Vavra, Inc. — — Contributory negligence—11.01—Jarrett v. § 6:9 Triodyne Wangler § 6:10 — — 20.01—Issues made by the pleadings—Dent v. Pheasant Run Apartments CHAPTER 7. INTENTIONAL TORTS Intentional torts—Contributory willful and wanton § 7:1 conduct—14.02—Balon v. McDonnell § 7:2 Intentional Torts—Contributory willful and wanton conduct—20.01.01—Lorts v. Robin Intentional torts—Wrongful death—31.09—Brawner v. § 7:3 Chicago ———Lyons, administrator of the estate of Fabian, § 7:4 deceased, v. Fabian -Fraud and deceit-800.01-Navarrete Pontiac v. § 7:5 § 7:6 — —800.09A—Tummillo v. Gallagher § 7:7 — —800.05—Falbo v. Ed Napletons Elmhurst Acura § 7:8 -Punitive/exemplary damages-Willful and wanton conduct—35.01—Gemkis v. Home Depot USA Inc. § 7:9 —Willful and wanton conduct—20.01.01—Wheatley v. Chicago -- Medlin v. Am. Audio Visual § 7:10 § 7:11 — Geraci v. DiBuono § 7:12 —30.01—Cox v. Mau § 7:13 Intentional Torts—Assault and Battery—20.01—Ryan
- CHAPTER 8. CONTRACTS

v. Advocate Health & Hosp.

- § 8:1 Introduction to contracts
- § 8:2 Contracts—Breach of contract—700.01—Terms not in dispute—Tolliver v. Allstate Ins. Co.

——150.02—Ozimek v. The Old Time Tap —Sexual Assault—21.02—Doe v. Podvisevschi

- § 8:3 ————Village of Deer Park v. Sirirattumrong
- — Mogilevsky v. Rubicon § 8:4

§ 7:14

§ 7:15

- § 8:5 — Lee v. USAA Cas. Ins. Co.
- $\S~8:6$ —700.02—Kustok v. Commander Packaging Corporation
- § 8:7 — Verdict A—Radiant Partners v. Reinberg
- § 8:8 —Violation of statute, ordinance, or administrative regulation—60.01—Computer Business Systems v. Londos
- § 8:9 —Questions for verdict form—700.17V—Markey v. American Benefit Consul
- § 8:10 —Anticipatory breach by repudiation—700.08—G.F. Mann Agency v. David Agency Insurance
- § 8:11 —Proof and performance of contract—700.03, 700.07— Poper v. Ridenour
- § 8:12 —Breach of contract—Agency—Board of Education of Calumet City School District No. 155 v. Liu Architects, P.C., et al.
- § 8:13 —Case law interpretation

CHAPTER 9. REAL PROPERTY

- § 9:1 Real property—Measure of damages—30.01—Chicago Import v. Commonwealth Edison
- § 9:2 —Negligence—10.01—Hirsekorn v. Behnke
- § 9:3 —Repairable damage to real property—30.17—Ferraro v. Illinois Farmers Insurance Co.
- § 9:4 —Breach of contract—700.02—Maguire v. Holt
- § 9:5 —Fraud and deceit—800.02A—McCarrin v. Gorenz
- § 9:6 —Duty to use ordinary care—10.04—Yezeguielian v. Cardelli
- § 9:7 ——B10.03—Aberdeen Family v. Wayne, Inc.
- § 9:8 —700.17—Zechman v. City of Highland Park
- § 9:9 —Trespass/Nuisance—20.01—Kwilas v. L.K. Precision Tuckpointing

CHAPTER 10. AGENCY AND EMPLOYMENT

- § 10:1 Introduction to agency and employment
- § 10:2 Agency and employment—Both principal and agent sued—Agency denied—Principal sued under respondeat superior only—50.03—Indiana Harbor Belt R.R. v. Henkels & McCoy
- § 10:3 —Principal sued, but not agent—50.04—Mayfield v. Total Facility Maintenance, Inc.
- $\$ 10:4 —Inference of agency—50.08—Krebasch, et al. v. Patel, et al.
- § 10:5 —Agent or independent contractor—50.10—Qualtier v. HH Installations

§ 10:6	—A corporation acts through its employees—Her v.
\$ 10.7	City of Chicago
§ 10:7	——50.11—S.M. v. Lobes, et al.
§ 10:8	—Partner—Liability of—No issue as to partnership,
	agency, or scope of authority—50.12—Fakhouri v.
	Duric
§ 10:9	—Claims based on apparent agency—Both principal
	and agent sued—Principal sued under respondeat
	superior only—Medical malpractice actions—
	Reliance on principal alleged—105.10—Ciaramitaro
	v. Galina Cab Corp., et al.
§ 10:10	—Wrongful death—31.09—Estate of Maestas v. Union
	Pac. R.R. Co., et al.
§ 10:11	—Mitigation of damages—33.01—Addis v. Exelon
§ 10:12	—Violation of statute, ordinance, or administrative
	regulation—60.01—Colella v. JMS Trucking
§ 10:13	— — Fisher v. Union Pacific R.R.
§ 10:14	———Bell v. Quality Cartage, Inc.
§ 10:15	Agency and Employment—Statutory provisions
	(Federal Employers' Liability Act)—160.01—
	Workplace injury—Johnson v. Northeast Illinois
	Reg'l Commuter Railroad Corp.
§ 10:16	Agency and employment—Professional negligence—
	105.01—Reiff v. Much Shelist
§ 10:17	—Trespass—120.01—Lewis v. Bickhaus
§ 10:18	—Retaliatory discharge—250.02—Housley v. Chicago
	Transit Authority
§ 10:19	—Insurance bad faith—710.03—O'Neill v. Gallant
§ 10:20	—Excessive force—Federal jury instruction 7.08—
	Sallenger v. City of Springfield
§ 10:21	—Retaliatory discharge—Title VII—Mendez v. Perla
=	Dental

CHAPTER 11. ILLINOIS PATTERN JURY INSTRUCTIONS ON DAMAGES: THE BEGINNING AND END OF THE LITIGATION PLAN

- § 11:1 Introduction
- § 11:2 Historical treatment of damages
- § 11:3 Historical policy considerations that developed current damages theory
- § 11:4 Historical views of damages affecting 20th century case law
- § 11:5 Pattern damages instructions verses modified instructions

§ 11:6 Difficulties with deviation from the pattern instructions on damages Three tenets of drafting modified instructions: § 11:7 simplicity, brevity, and clarity § 11:8 Consequential damages instructions § 11:9 Punitive damage instructions in Illinois § 11:10 Illinois pattern instruction on punitive damages § 11:11 Damage instructions considerations for trial planning § 11:12 Reviewing elements of damages to be presented to the jury § 11:13 Conclusion

CHAPTER 12. FORMS OF VERDICTS— RESULTS BASED CASE PLANNING

- § 12:1 Introduction
- § 12:2 History of forms of verdicts
- § 12:3 Historical policy considerations that developed current forms of verdicts
- § 12:4 Historical views of forms of verdicts affecting modern case law
- § 12:5 Form of verdicts as a litigation tool
- § 12:6 Construction of the form of the verdict
- § 12:7 Use of verdict forms at trial
- § 12:8 Use of the verdict form during closing arguments
- § 12:9 Conclusion

Table of Laws and Rules

Table of Cases