

B45.02 Instruction on Use of Verdict Forms—Negligence Only--Single Plaintiff and Defendant--Counterclaim

When you retire to the jury room you will first select a foreperson. He or she will preside during your deliberations.

Your verdicts must be unanimous.

To find for the plaintiff, you must make a unanimous decision that [defendant] was negligent, and that [defendant's] negligence was a proximate cause of plaintiff's injuries. You do not need to be unanimous as to which of the claimed acts or omissions of [defendant] constitute the negligence.

[To find for the defendant on its claim that plaintiff was contributorily negligent, you must make a unanimous decision that plaintiff was negligent, and that plaintiff's negligence was a proximate cause of the injuries. You do not need to be unanimous as to which of the claimed acts or omissions of the plaintiff constitute the contributory negligence.]

Forms of verdicts are supplied with these instructions. After you have reached your verdicts, fill in and sign the appropriate forms and return them to the court. You must return one verdict as to the [complaint] [claim of [plaintiff's name] against [defendant's name]], and one verdict as to the [counterclaim] [claim of [defendant's name] against [plaintiff's name]]. [Since there is more than one plaintiff in this action, you must return one verdict as to each plaintiff's complaint and a second verdict as to any claim of a defendant against any plaintiff.]

Your verdicts must be signed by each of you. You should not write or mark upon this or any of the other instructions given to you by the court.

If you find for [plaintiff's name] and against [defendant's name] on [plaintiff's name]'s complaint, and if you further find that [plaintiff's name] was not contributorily negligent, then you should use Verdict Form A.

If you find for [plaintiff's name] and against [defendant's name] on [plaintiff's name]'s complaint, and if you further find that [plaintiff's name]'s injury was proximately caused by a combination of [defendant's name]'s negligence and [plaintiff's name]'s contributory negligence and that [plaintiff's name]'s contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form B.

If you find for [defendant's name] and against [plaintiff's name] on [plaintiff's name]'s complaint, or if you find that plaintiff's contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form C.

If you find for [counterplaintiff's name] and against [counterdefendant's name] on [counterplaintiff's name]'s counterclaim, and if you further find that [counterplaintiff's name] was not contributorily negligent, then you should use Verdict Form D.

If you find for [counterplaintiff's name] and against [counterdefendant's name] on [counterplaintiff's name]'s counterclaim, and if you further find that [counterplaintiff's name]'s injury was proximately caused by a combination of [counterdefendant's name]'s negligence and [counterplaintiff's name]'s contributory negligence, and that [counterplaintiff's name]'s contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form E.

If you find for [counterdefendant's name] and against [counterplaintiff's name] on [counterplaintiff's name]'s counterclaim or if you find that [counterplaintiff's name]'s contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form F.

Verdict Form Instruction, Notes on Use, and Comment revised August 2026.

Notes on Use

This instruction has been drafted for a negligence case. It must be modified if there are willful and wanton allegations.

This instruction, or a variation of it, should be used in cases where there is one plaintiff and one defendant, but the defendant makes a counterclaim. If the claim or counterclaim involves multiple counts, the operative paragraphs may need to be repeated for each count with the count identified, *e.g.*, “under Count .”

If there are multiple plaintiffs and multiple defendants, a separate set of verdict forms should be given for each plaintiff (B45.02 and Verdict Forms A-F inclusive, modified to reflect the plurality of defendants and naming each plaintiff).

If there is no issue as to plaintiff's contributory negligence, delete all references to contributory negligence.

The letters used to designate the verdict forms and their corresponding references in the instruction (A, B, C, etc.) should begin with “A” and be consecutive.

The bracketed paragraph should be given if the issue of contributory negligence is submitted to the jury.

Comment

The new language about juror unanimity is appropriate based on *Galich v. Advocate Health*, 2024 IL App (1st) 230134, ¶¶ 4, 22-23, 55-56. Without such language, there is a risk that jurors might wrongly believe they must be unanimous as to a specific claim of negligence. The bracketed paragraph is a logical corollary of the *Galich* holding and should be given if the issue of contributory negligence is submitted to the jury.