Introduction and User's Guide to Illinois Pattern Jury Instructions—Civil

For more than six decades, the Committee on Jury Instructions in Civil Cases has served an essential purpose: to help trial judges explain the law to jurors in language that is accurate, impartial, and understandable. The instructions are prepared and revised by judges, lawyers, and law professors appointed to the Illinois Supreme Court Committee on Jury Instructions in Civil Cases. The instructions are intended to promote clarity and consistency in Illinois civil trials. They are drafted to cover typical situations rather than every conceivable circumstance. The trial court nevertheless remains responsible for instructing the jury according to the facts and governing law in each case.

The Committee's work began in response to a serious problem. In 1954, the Illinois Judicial Conference studied the jury instructions routinely given in Illinois courts and found that from 1930 through 1955, 38% of all reversals were due to errors in jury instructions.[1] In 1955, the Judicial Conference asked the Illinois Supreme Court to address the problem, and in 1957 the Court appointed the first Supreme Court Committee on Jury Instructions, which published the first edition of the *Illinois Pattern Jury Instructions – Civil* (1961).

The first Committee members approached their work with certain fundamental drafting tenets. They sought to write instructions that were conversational, understandable, unslanted, and accurate.[2] These four principles remain the foundation of the Committee's work today. They reflect the premise that jury instructions should speak to jurors rather than lawyers and should state the law without advocacy or unnecessary complexity. The Committee has generally disfavored negative instructions, instructions that single out particular evidence or argument, instructions suited only to exceptional circumstances, and instructions that over-particularize a general rule of law.

The Committee regularly considers proposals for new instructions and revisions to existing instructions. Proposals have been prompted by new decisions or legislation, developments in trial practice, or suggestions from judges and lawyers. Before an instruction is published, the Committee reviews the governing law, considers proposed language, discusses the instruction at its meetings, and votes on whether to adopt it. Many times, the topic of a proposed instruction is researched by a subcommittee of members who volunteer to spend significant time researching the scope of a proposal, the propriety of an instruction, recommended action (including, at times, no action), and the proposed language in the event a new or revised instruction is suggested.

From a historical perspective, the relationship between the Committee and the Illinois Supreme Court has changed over time. Until 2005, the Committee submitted proposed instructions to the Court for permission to publish. That process did not amount to substantive approval of each instruction, but there was some interaction between the Committee and the Supreme Court as to new or amended instructions. In January 2005, the publication process changed. The Committee was authorized to publish new and revised civil instructions without first submitting them to the Supreme Court. The Committee now votes on and publishes its work directly, without advance approval from the Illinois Supreme Court. Supreme Court Rule 239 governs the use of the pattern jury instructions in the trial court. When the *Illinois Pattern Jury Instructions—Civil* (IPI) provide an instruction applicable to the case, and the court determines that the jury should be instructed on that subject, the IPI instruction must be used unless the

---

[1] *Illinois Pattern Jury Instructions, Civil*, Foreword to First Edition, at xxiii (1961).

[2] *Id.* at xxv.

court determines that it does not accurately state the law. Ill. Sup. Ct. R. 239. When no applicable IPI instruction exists, the trial court should provide an instruction that is simple, brief, impartial, and free from argument. The pattern instructions, therefore, occupy an important place in Illinois civil practice. As the Supreme Court explained in *Powers v. Ill. Cent. Gulf R.R. Co.,* 91 Ill. 2d 375, 385 (1982), the Court by way of Rule 239 "prescribes the use of IPI" but the Court does not provide "advance approval" of the IPI instructions. Rather, "[a]n instruction is approved or rejected only after it has been judicially questioned and considered." *Id*.

In addition to instructions, the Committee also provides Notes on Use and Comments. The Notes on Use provide guidance to lawyers on how and when to use the instructions, and the Comment provides case law, statutes, or other support that explain the instruction. Together, these sections give the Committee's reasoning, identify authorities considered during the drafting process, and assist the bench and bar in using the instructions. They are valuable guides for the bench and bar, but they are distinct from the jury instructions, which provide judges with specific language to use to explain the law to the jury. Lawyers and judges remain responsible for considering the facts, the prevailing law, the instruction's text, and the accompanying notes and comments in deciding whether and how an instruction should be used.

The method of publication has also evolved. The instructions were once issued in printed volumes and periodic supplements. Although there is still a printed volume, the instructions are now maintained electronically on the Illinois Supreme Court's website and are available soon after the Committee completes its work. The online version is the current official compilation. Because the law continues to develop, those who use the instructions should consult the online materials for the most recent version of an instruction, Notes on Use, or Comment rather than rely on an earlier printed or downloaded version.

The Committee welcomes proposals for new instructions or revisions to existing ones. Please identify the instruction at issue, the proposed language or concern, and the supporting legal authority and send it to IPICivil@illinoiscourts.gov.