

B45.03 Instruction on Use Of Verdict Forms—Negligence Only--Single Plaintiff and Multiple Defendants

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

Your verdict[s] 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 verdict[s], fill in and sign the appropriate form[s] and return [it] [them] to the court. Your verdict[s] 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.

The parties in this case are:

Plaintiff: [name of plaintiff]

Defendants: [names of defendants]

If you find for the plaintiff and against any of the defendants and if you further find that plaintiff was not contributorily negligent, then you should use Verdict Form A, writing in "0%" on Line "(a)" of Paragraph "Second" of Verdict Form A.

If you find for [plaintiff's name] and against one or more of the defendants, and if you further find that [plaintiff's name]'s injury was proximately caused by a combination of the negligence of that defendant or defendants 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 A, writing in the percentage of the plaintiff's contributory negligence on Line "(a)" of Paragraph "Second" of Verdict Form A.

If you find in favor of all defendants or that [plaintiff'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 B.

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

Notes on Use

This instruction has been drafted for a negligence case. It may need to be modified if there are willful and wanton allegations or other theories of liability.

This instruction, or a variation of it, should be used in cases where there is one plaintiff and more than one claimed tortfeasor. If there are multiple counts, the operative paragraphs may need to be repeated for each count with the count identified, *e.g.*, “under Count ____.

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, 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.