

700.12VG Undue Influence Questions (fiduciary relationship arising under law)

1. Did [defendant's name] prove by clear and convincing evidence the contract was fair?
YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

2. Did [defendant's name] prove by clear and convincing evidence the contract did not result from undue influence over [plaintiff's name]?
YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

3. Did [defendant's name] prove by clear and convincing evidence [plaintiff's name] obtained independent advice?
YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

Notes on Use

The Affirmative defense verdict forms should be used in conjunction with the same numbered affirmative defense instructions. When necessary, Court and counsel should use IPI 200.03.05 as a guide to prepare an instruction to inform the jury on the burden of proof by clear and convincing evidence. The set of instructions must end with 700.18V.