

23.00

ADMITTED LIABILITY

23.01A Admitted Fault Only

The defendant admits that [he] [she] [it] [was negligent] [produced an unreasonably dangerous product] [other fault conduct]. You need only decide whether that [negligence] [unreasonably dangerous product] [fault conduct] was a proximate cause of [injuries] [damages] to the plaintiff, and, if so, what amount *of* money will reasonably and fairly compensate the plaintiff for those [injuries] [damages].

23.01B Admitted Fault and Causation

The defendant admits that [he] [she] [it] [was negligent] [produced an unreasonably dangerous product] [other fault conduct]. The defendant also admits that [his] [her] [its] [negligence] [unreasonably dangerous product] [other fault conduct] was a proximate cause of [injuries] [damage] to the plaintiff. You need only decide what amount of money will reasonably and fairly compensate the plaintiff for those [injuries] [damages].

Notes on Use

Permission to publish granted in 2003.

These two instructions replace the former 23.01 titled “Admitted Liability.” That concept can mean different things to different people. Unless the instructions clearly state what is admitted and what must be proved, there is a potential for confusion. *Cf. Lawler v. MacDuff*, 335 Ill.App.3d 144, 268 Ill.Dec. 697, 779 N.E.2d 311 (2d Dist.2002).

The general and cautionary instruction, 1.03A or 1.03B, should not be repeated at the end of the case. Either 23.01A or 23.01B should be used, depending on the scope of the admission of fault.

If a directed verdict has been entered on one or more claims, use 3.06.