

# GENERAL CAUTIONARY INSTRUCTIONS

## INTRODUCTION

The instructions in the 1.00 through the 3.00 series are “cautionary” instructions. In 1999 these instructions were redrafted. The redrafted instructions combined, reordered, and condensed the instructions that previously appeared in these sections. The substance of the instructions is the same, except where noted.

The instructions in the 1.00 series are intended to be given before opening statements, along with any substantive instructions the Court deems appropriate. The instructions in the 2.00 series are intended for use during trial. The instructions in the 3.00 series are intended for use after closing arguments. The Court may also repeat instructions from the 1.00 and 2.00 series after closing arguments. Supreme Court Rule 239(d) should be consulted with regard to the time instructions are given.

Giving cautionary instructions is within the sound discretion of the trial court. *Birmingham Fire Ins. Co. v. Pulver*, 126 Ill. 329, 339; 18 N.E. 804, 808 (1888); *Martin v. Kralis Poultry Co.*, 12 Ill.App.3d 453, 464; 297 N.E.2d 610, 618 (5th Dist.1973); *Beiermann v. Edwards*, 193 Ill.App.3d 968, 981; 550 N.E.2d 587, 597; 140 Ill.Dec. 702, 712 (2d Dist.1990); *DeYoung v. Alpha Const. Co.*, 186 Ill.App.3d 758, 771; 542 N.E.2d 859, 867; 134 Ill.Dec. 513, 521 (1st Dist.1989); *Clay v. Brodsky*, 148 Ill.App.3d 63, 72; 499 N.E.2d 68, 74; 101 Ill.Dec. 701, 707 (4th Dist.1986); *Tuttle v. Fruehauf Div. of Fruehauf Corp.*, 122 Ill.App.3d 835, 844; 462 N.E.2d 645, 653; 78 Ill.Dec. 526, 534 (1st Dist.1984). A trial court's refusal to give a certain instruction is not reversible error unless the complaining party has in some way been prejudiced by the court's denial. *Chloupek v. Jordan*, 49 Ill.App.3d 809, 816; 364 N.E.2d 650, 655; 7 Ill.Dec. 489, 494 (1st Dist.1977).