

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

1. Did [plaintiff'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 [plaintiff's name] prove by clear and convincing evidence the contract did not result from undue influence over [defendant'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 [plaintiff's name] prove by clear and convincing evidence [defendant'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 ____.

Questions for Verdict Form revised August2016.

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.