The Evolution & Future of Illinois Jury Instruction 15.01

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Before the Illinois Supreme Court adopted the Illinois Pattern Jury Instructions (IPI) in 1961, judges played a very different role in jury instructions. Rather than instructing the jury on the law as they do now, judges used to read arguments to juries that were prepared by the litigants' counsel. The IPI were introduced to ensure juries received accurate and standardized instructions on the law of a case. Since their original adoption, the IPI have been updated several times. They were updated in 1965, 1977, and 1981, and they were completely rewritten in 2000 to reflect significant legal changes from tort reform and to make the instructions clearer and easier to understand.

Proximate cause remains one of the most debated concepts in civil litigation, both for lawyers and juries. Despite more than 60 years of reliance on the Illinois Pattern Jury Instructions (IPI), attorneys on both sides of the aisle routinely engage in lengthy arguments during jury instruction conferences about how to properly instruct jurors on proximate cause. The evolving, complex evolution of proximate cause instructions in Illinois reflects the Appellate Court's recent decision in *Johnson v. Advocate Health Hospitals*.[1]

IPI Civil No. 15.01

In August of 2021, the Supreme Court of Illinois Rules Committee revised Jury Instruction 15.01 with the intent of harmonizing the proximate cause instructions formerly found in IPI 12.04, 12.05, and 15.01. This revision followed previous modifications in 2007 and 2009. Before the adoption of the revised Illinois Pattern Jury Instruction, Civil No. 15.01, in cases involving issues of proximate cause, particularly when there were allegations of negligence by a third party or the intervention of an outside agency, juries were typically given a combination of instructions: IPI Civil No. 12.04, addressing the possibility that the plaintiff or a third party was the sole proximate cause; IPI Civil No. 12.05, addressing the possibility that one defendant alone was the proximate cause; and IPI Civil No. 15.01, defining proximate cause. The 2021 revision combined these elements into a single instruction, Illinois Pattern Jury Instruction, Civil No. 15.01, to read as follows:

> When I use the expression "proximate cause," I mean a cause that, in the natural or ordinary course of events, produced the plaintiffs injury. [It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury.]
>
> [If you decide that a [the] defendant[s] was [were] negligent and that his [their] negligence was a proximate cause of injury to the plaintiff, it is not a defense that [something] [or] [someone] else may also have been a cause of the injury. However, if you decide that the defendant's conduct was not a proximate cause of the plaintiffs injury, then your verdict should be for the defendant.]

As recognized in the Notes and Comments on use of Jury Instruction 15.01, the purpose of the revision was to help avoid unnecessary confusion and consternation. The material provided in the first paragraph is unchanged from the prior version of 15.01. Meanwhile, the second paragraph in this instruction simply merges the concepts previously conveyed in IPI 12.04 and 12.05 and combines those concepts into one proximate cause instruction. As the Committee explains, "the sole proximate cause theory is simply one way a defendant argues that the plaintiff failed to carry its burden of proof on proximate cause – specifically, by arguing that the negligence of another person or entity, not a party to the lawsuit, was the only proximate cause of the plaintiff's injuries."[2] As such, "sole proximate cause" is not an affirmative defense.[3]

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Johnson v. Advocate Health Hospitals Corp., et al.

In *Johnson v. Advocate Health Hospitals*,[4] the plaintiff, both individually and on behalf of her minor child (AJ), brought a medical malpractice action against Advocate Health and Hospitals Corporation d/b/a Advocate Christ Hospital and Medical Center, an obstetrician, and three resident physicians (collectively referred to as the "Advocate defendants"). The plaintiffs alleged that the defendants were professionally negligent in their care during labor and delivery, and that their negligence caused AJ's permanent neurodevelopmental disability. At trial, the parties presented different theories regarding causation. The plaintiffs argued that a lack of oxygen during delivery led to AJ's condition, while the defendants argued that AJ's condition was solely the result of Fetal Growth Restriction (FGR), and not from any delay in delivery or oxygen deprivation immediately prior to delivery as argued by plaintiffs.

The parties also tendered differing jury instructions regarding proximate cause. Plaintiffs tendered IPI Civil No. 15.01, which, in relevant part, concluded with the sentence, "[h]owever, if you decide that the defendants' conduct was not a proximate cause of the plaintiffs' injury, then your verdict should be for the defendants." The defense tendered a modified version of IPI Civil No. 15.01, with the final sentence stating, "[h]owever, if you decide that the sole proximate cause of the injury to [p]laintiffs was something else or the conduct of someone else other than [d]efendants, then your verdict should be for the [d]efendants."

The trial court refused to submit the modified instruction, stating that it was inconsistent with the withdrawn Illinois Pattern Jury Instructions, Civil, Nos. 12.04 and 12.05 (approved Dec. 8, 2011) (withdrawn August 2021). For that reason, the court refused defendants' tendered instruction and gave IPI Civil No. 15.01 unmodified.

On June 24, 2025, the jury returned a verdict against the hospital, its three resident physicians, and its three nurses, and assessed damages for a total of $20 million.

In a motion for new trial, the Advocate defendants argued that the court erred in refusing to give the modified version of IPI Civil No. 15.01, since the unmodified version failed to instruct the jury on the plaintiff's duty to prove that the defendants conduct was a proximate cause of plaintiff's injury.

The trial court denied the motion, reasoning that IPI Civil No. 15.01 is an accurate statement of law. Explaining further, the court noted that withdrawn IPI Civil Nos. 12.04 and 12.05 were confusing, causing disagreement among courts as to the meaning of "sole proximate cause," and IPI Civil No. 15.01 was revised to clarify the law.

Appellate Court Decision

The Advocate defendants appealed the adverse verdict, arguing, among other things, that the trial court erroneously refused to instruct the jury on their sole proximate cause "defense."

In ruling on defendants' appeal, the appellate court found that the trial court erred by refusing to tender to the jury a non-pattern instruction on the sole proximate cause, an instruction currently absent from the Illinois Pattern Jury Instructions. The court explained that pursuant to *Leonardi v. Loyola University of Chicago*,[5] "the defense that a third party or other causative factor is solely to blame for the plaintiff's injury is a distinct and additional way to argue that the defendant's conduct was not the proximate cause of the plaintiff's injury." Consequently, the revised IPI Civil No. 15.01, which omits the sole proximate cause language, doesn't adequately reflect this theory of defense. The court held: "we find that, although sentence two of IPI Civil No. 15.01 is an accurate statement of law on proximate cause in general, it does not state the law regarding the sole proximate cause defense with [the] specificity *Leonardi* requires."

Despite finding error, the appellate court concluded that the Advocate defendants were not substantially prejudiced by the trial court's refusal to give the modified instruction. The court noted that the defense had fully presented its causation theory during closing arguments and failed to submit a special interrogatory asking the jury to identify the cause of the minor's injuries. Accordingly, the appellate court held that the omission of the sole proximate cause language did not justify reversal or a new trial.

Petition For Leave To Appeal To The Illinois Supreme Court

On July 16, 2025, the Advocate defendants filed a Petition for Leave to Appeal (PLA) to the Illinois Supreme Court. Advocate seeks discretionary review under Supreme Court Rule 315(a), arguing that the appellate court erred in its prejudice analysis. Although the appellate court agreed the trial court should have given a sole proximate cause

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instruction, it upheld the $20 million verdict, finding the error did not result in "serious prejudice." The Advocate defendants contend that the appellate court's conclusion contradicts over a century of precedent establishing that in closely contested cases, any substantial instructional error that may have affected the verdict requires reversal. The defendants assert the trial court's failure to instruct the jury on its sole proximate cause "defense" resulted in serious prejudice to Advocate's right to a fair trial.

The Future of IPI Civil No. 15.01

The recent developments in proximate cause jury instructions, particularly the 2021 revision to IPI Civil No. 15.01, reflect ongoing efforts to provide clearer guidance to juries on complex causation issues. This revision aimed to streamline multiple proximate cause concepts into a single instruction, promoting consistency and reducing confusion. However, the decision in *Johnson v. Advocate Health Hospitals Corp.* highlights the challenges that remain when it comes to instructing the jury on competing causation theories. Although the appellate court ultimately found no reversible error, its ruling raises important questions about how juries are to be guided when a defendant argues that the plaintiff has failed to meet their burden of proving that the defendant's conduct was a proximate cause of the alleged injury.

As this case proceeds to the Illinois Supreme Court for further review, trial attorneys on both sides should closely watch for potential clarifications or adjustments to IPI Civil No. 15.01. It is important to note, however, that the Supreme Court is not required to accept the PLA and may decline to hear the case. Nonetheless, if the Court grants review, it will have the opportunity to clarify the scope and application of proximate cause instructions, particularly regarding the sole proximate cause theory.

Endnotes

[1] *Johnson v. Advocate Health Hospitals*, 2025 IL App (1st) 230087.

[2] *Douglas v. Arlington Park Racecourse, LLC,* 2018 IL App (1 st) 162962, ¶ 36, (1st Dist. 2018).

[3] *Leonardi v. Loyola Univ.,* 168 Ill. 2d 83, 101, (Ill. 1995).

[4] In *Johnson v. Advocate Health Hospitals*, 2025 IL App (1st) 230087.

[5] *Leonardi v. Loyola University of Chicago*, 168 Ill. 2d 83 (1995).

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