

GENERAL CAUTIONARY INSTRUCTIONS

INTRODUCTION

The instructions in the 1.00 through the 3.00 series are “cautionary” instructions. The instructions in the 1.00 series are intended to be given before opening statements, along with any substantive instructions the Court deems appropriate, periodically during trial, and after closing argument, with all other instructions. The instructions in the 2.00 series are intended for use during trial. The instructions in the 3.00 series may be used prior to opening statements and 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).