

2786 BREACH OF FIDUCIARY DUTIES: SPECIAL VERDICT**Question 1**

Did (defendant) owe (plaintiff) a fiduciary duty?

ANSWER: _____
Yes or No

If you answered “yes” to Question 1, then answer Question 2. If you answered “no” to Question 1, (skip to Question __ for next the cause of action) (sign and date the verdict).

Question 2

Did (defendant) breach a fiduciary duty owed to (plaintiff)?

ANSWER: _____
Yes or No

If you answered “yes” to Question 2, then answer Question 3. If you answered “no” to Question 2, (skip to Question __ for next the cause of action) (sign and date the verdict).

Question 3

What sum of money will fairly and reasonably compensate (plaintiff) for the (losses) (damages) caused by (defendant)’s breach(es) of fiduciary duty?

ANSWER: \$_____

If you award any compensatory damages, proceed to Question 4. If your answer to Question 3 is \$0, do not answer Questions 4 or 5. Sign and date the verdict.

Question 4

Did (defendant) act maliciously or in intentional disregard of (plaintiff)’s rights?

ANSWER: _____

Yes or No

If you answered “yes” to Question 4, then answer Question 5. If you answered “no” to Question 4, do not answer Question 5 and sign and date the verdict.

Question 5

What amount of punitive damages, if any, will punish (defendant) and deter (him) (her) and others from engaging in similar conduct in the future?

ANSWER: \$ _____

COMMENT

This instruction and comment were approved in October 2025.

This special verdict is based on Wis JI-Civil 2784 Breach of Fiduciary Duty. It is intended only as a model and may need to be modified depending on the facts of the case.

This model verdict corresponds to Wis JI-Civil 2784 (Breach of Fiduciary Duty) and 2785 (Damages). It should be tailored to the specific case. For example, if multiple breaches or multiple defendants are at issue, separate questions can be added as needed. Question 3 assumes a single damages question for all proven breaches; in complex cases, the court may require separate damages questions (e.g., different damage elements or multiple plaintiffs/defendants). Questions 4 and 5 address punitive damages pursuant to Wis. Stat. § 895.043(3) (requiring a finding that the defendant acted “maliciously” or “in intentional disregard of the plaintiff’s rights” before punitive damages may be awarded). Standard jury instructions on punitive damages (see Wis JI-Civil 1707) should be given in conjunction with Questions 4–5. This verdict form intentionally omits a separate question on causation of damages; the jury is instructed to award in Question 3 only those damages caused by the breach (see Wis JI-Civil 2785). If the jury finds a breach but no resulting harm, it can reflect that by answering zero damages.