### IDJI 2.25 – Definition of “willful and wanton”

INSTRUCTION NO. \_\_\_\_

The words “willful and wanton” when used in these instructions and when applied to the allegations in this case, mean more than ordinary negligence. The words mean intentional or reckless actions, taken under circumstances where the actor knew or should have known that the actions not only created an unreasonable risk of harm to another, but involved a high degree of probability that such harm would actually result.

Comment:

There appears to be no distinction between “reckless” and “willful and wanton” or “willful or wanton.” Hunter v. Horton, 80 Idaho 475, 479, 333 P.2d 459 (1958); Johnson v. Sunshine Mining Co., Inc., 106 Idaho 866, 873, P.2d 268 (1984); DeGroff v. Wight, 130 Idaho 557, 944 P.2d 712 (1997).