



News & Updates

ILLINOIS LAW AMENDMENTS TO IMPACT CIVIL JURY SIZES AND ASBESTOS CLAIM POTENTIAL

Two recent amendments to the Illinois Code of Civil Procedure will have a significant impact upon future civil damage cases and asbestos exposure claims. The first pertains to the reduction of jurors in civil trials from 12 to six jurors. The second relates to the exclusion of asbestos-related injury claims from the construction statute of repose.

Effective June 1, 2015, jury demands in civil cases will be limited to six jurors (735 ILCS 5/2-1105 as amended by Public Act 098-1132). The requirement for a civil verdict remains unanimous. For cases pending prior to June 1, 2015, in which a 12-person jury has been demanded, a 12-person jury will be convened.

Also effective June 1, 2015, Illinois's 10-year Statute of Repose regarding damages in tort or contract for "design, planning, supervision, observation or management of construction, or construction of an improvement to real property" has been amended to exclude the limitation for cases "based on personal injury, disability, disease or death resulting from the discharge into the environment of asbestos" (735 ILCS 5/13-214 as amended by Public Act 098-1131).

A constitutional challenge is expected, as the new law may have the effect of reviving causes of action that have already been time barred. If the amendment is upheld, it may have the effect of creating a new category of asbestos defendants in Illinois. Builders, developers, engineers, architects, and all others involved in the design and selection of building materials and components may now face unlimited exposure. Assuming a plaintiff alleges an asbestos-related disease from exposure to asbestos in buildings (e.g., maintenance workers, trades persons), construction professionals may now be new target defendants as they have lost the immunity from personal injury lawsuits provided by the original Illinois Construction Statute of Repose.

If you have questions about how these amendments may impact your business, please contact:

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