

July 23, 2007

We previously wrote to you and informed you about Senate Bill 1296 and its proposed changes to our joint and several liability statute. (Illinois Code of Civil Procedure section 2-1117). You will recall that the bill, which had a tremendous amount of support from the plaintiff's bar, would have precluded a jury from considering the degree of negligence attributable to any defendant that was no longer a party at time of trial. Excluding such former defendants from the verdict form would have had the effect of potentially increasing the culpability of any minimally culpable non-settling defendants.

We are pleased to inform you that the bill appears to be dead, at least for the time being. We believe that the plaintiff's bar will now await the outcome of a case involving an identical issue that is currently pending before our Supreme Court. Should that case hold that a jury should consider the negligence of former defendants, the plaintiff's bar will reconsider reintroducing a bill similar to S.B. 1296.

Enclosed is a copy of an article that was co-authored by my partner, Ed Grasse' that was recently published in the Illinois Defense Counsel Quarterly. The article suggests various changes to the Illinois Code of Civil Procedure and related statutes. The proposals are designed to create a more equitable litigation environment. We are hopeful that the state legislators who are given copies of this monograph will show interest in Ed's proposal on the issue of joint and several liability.

Please feel free to contact us should you have any questions.

Very truly yours,

BUSSE, BUSSE & GRASSÉ, P.C.

C. William Busse, Jr.