

1 AN ACT concerning rights and remedies.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Wrongful Death Act is amended by changing
5 Section 2.1 as follows:

6 (740 ILCS 180/2.1) (from Ch. 70, par. 2.1)

7 Sec. 2.1. In the event that the only asset of the
8 deceased estate is a cause of action arising under this Act,
9 and no petition for letters of office for his or her estate
10 has been filed, the court, upon motion of any person who
11 would be entitled to a recovery under this Act, and after
12 such notice to the party's heirs or legatees as the court
13 directs, and without opening of an estate, may appoint a
14 special administrator for the deceased party for the purpose
15 of prosecuting or defending the action. Without impairing the
16 power of the court in any respect, if there is more than one
17 special administrator appointed and one of the administrators
18 is a corporation qualified to act as a representative of the
19 estate of a decedent and if the compensation of the attorney
20 or attorneys representing the special administrators is
21 solely determined under a contingent fee arrangement, the
22 special administrator which is a corporation shall not
23 participate in or have any duty to review the prosecution of
24 the action, to participate in or review the appropriateness
25 of any settlement of the action, or to participate in or
26 review any determination of the appropriateness of any fees
27 awarded to the attorney or attorneys employed in the
28 prosecution of the action.

29 If a judgment is entered or the action is settled in
30 favor of the special administrator, he or she shall
31 distribute the proceeds as provided by law, except that if

1 proceeds in excess of \$5,000 are distributable to a minor or
2 person under legal disability, the court shall allow
3 disbursements and fees to the special administrator and his
4 or her attorney and the balance shall be administered and
5 distributed under the supervision of the probate division of
6 the court if the circuit court has a probate division.

7 (Source: P.A. 87-435; 87-1260.)

8 Section 10. The Probate Act of 1975 is amended by adding
9 Section 19-14 as follows:

10 (755 ILCS 5/19-14 new)

11 Sec. 19-14. Administrator or executor; legal proceeding;
12 participation. Without impairing the power of the court in
13 any respect, if there is more than one administrator or
14 executor of a decedent's estate and one of the administrators
15 or executors is a corporation qualified to act as a
16 representative of the estate of a decedent and if the
17 administrators or executors of the decedent's estate appear
18 for and represent the estate in a legal proceeding in which
19 the compensation of the attorney or attorneys representing
20 the administrators or executors is solely determined under a
21 contingent fee arrangement, the administrator or executor of
22 the decedent's estate which is a corporation shall not
23 participate in or have any duty to review the prosecution of
24 the action, to participate in or review the appropriateness
25 of any settlement of the action, or to participate in or
26 review any determination of the appropriateness of any fees
27 awarded to the attorney or attorneys employed in the
28 prosecution of the action.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.