

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. If there is more than  
16 one special administrator appointed and one of the  
17 administrators is a corporation qualified to act as a  
18 representative of the estate of a decedent and if the  
19 compensation of the attorney or attorneys representing the  
20 special administrators is solely determined under a  
21 contingent fee arrangement, then upon petition and approval  
22 by the court, the special administrator which is a  
23 corporation shall not participate in or have any duty to  
24 review the prosecution of the action, to participate in or  
25 review the appropriateness of any settlement of the action,  
26 or to participate in or review any determination of the  
27 appropriateness of any fees awarded to the attorney or  
28 attorneys employed in the 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. If there is more than one administrator or  
 13 executor of a decedent's estate and one of the administrators  
 14 or executors is a corporation qualified to act as a  
 15 representative of the estate of a decedent and if the  
 16 administrators or executors of the decedent's estate appear  
 17 for and represent the estate in a legal proceeding in which  
 18 the compensation of the attorney or attorneys representing  
 19 the administrators or executors is solely determined under a  
 20 contingent fee arrangement, then upon petition and approval  
 21 by the court, the administrator or executor of the decedent's  
 22 estate which is a corporation shall not participate in or  
 23 have any duty to review the prosecution of the action, to  
 24 participate in or review the appropriateness of any  
 25 settlement of the action, or to participate in or review any  
 26 determination of the appropriateness of any fees awarded to  
 27 the attorney or attorneys employed in the prosecution of the  
 28 action.

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