

1 AN ACT in relation to civil procedure.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 adding Section 2-803.1 as follows:

6 (735 ILCS 5/2-803.1 new)

7 Sec. 2-803.1. Authorization required for attorney to  
8 claim to represent any person.

9 (a) An attorney may not represent or claim to represent,  
10 or sue or claim to sue in behalf of, any person as a member  
11 of a putative or certified class unless the attorney first  
12 provides to the court the person's express written  
13 authorization to be so represented and to become a member of  
14 the class. The written authorization shall state that the  
15 person intends to retain a specifically named attorney or  
16 firm and is aware of the legal consequences of joining  
17 specifically named litigation (including the rights that a  
18 class member will lose or waive by joining the action, the  
19 person's right to enter an appearance through his or her own  
20 counsel, and the person's right not be included in the class  
21 action). The written authorization shall also establish that  
22 the attorney has provided to the person a good faith estimate  
23 of the dollar amount of any attorney's fee, together with an  
24 explanation of how any attorney's fee will be calculated and  
25 funded, and an explanation of the relative recoveries that  
26 the attorney or firm and the person would receive if the  
27 claim were settled or decided favorably.

28 (b) An attorney seeking to represent a putative or  
29 certified class in any class action may not solicit potential  
30 members of the class. The court may, in its discretion,  
31 direct the attorney seeking to represent a putative or

1 certified class to provide and pay for notice to potential  
2 class members of such information as would reasonably provide  
3 potential class members with information to make an informed  
4 decision of whether to join the class.

5 (c) No settlement of an action described in subsection  
6 (a), and no decision or judgment of a court in any such  
7 action, may bind as a party any person who has not  
8 affirmatively consented to joining the action as a member of  
9 the putative or certified class.

10 (d) Any person who violates any provision of this  
11 Section in connection with any class action in a court of  
12 this State shall be prohibited from representing any party in  
13 the action or in any other action based upon or arising out  
14 of the subject matter of the action. In addition, the court  
15 in any such action may subject any such person to an  
16 appropriate sanction, which may include an order to pay to  
17 the court a sum not to exceed the greater of 10% of the  
18 amount in controversy in the action, 25% of the maximum  
19 potential contingency fee (if any), or \$100,000, in the  
20 discretion of the court. Willful violations of subsection  
21 (a), if carried out by the filing of false information before  
22 a court of this State, shall be punishable to the fullest  
23 extent provided under State law.

24 (e) If there is a conflict between this Section and any  
25 other law of this State, this Section shall control.

26 (f) This Section applies to all civil actions filed on  
27 or after the effective date of this amendatory Act of the  
28 92nd General Assembly.

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