

Chicago Attorney Adam J. Zayed Provides Insight into Recent Amendment to Illinois Wrongful Death Act

CHICAGO, ILLINOIS , UNITED STATES, August 30, 2023 /EINPresswire.com/ -- Renowned Chicago-based attorney, [Adam J. Zayed](#), founder, and managing trial attorney of Zayed Law Offices, offers a compelling legal analysis on the recent amendment to the Illinois [Wrongful Death](#) Act, shedding light on the significant implications of the change. The amendment, which took effect on August 11, 2023, now permits the recovery of punitive damages in actions for wrongful death.

"Historically, Illinois stood among the states that did not allow the estate of an injured party to seek punitive damages in wrongful death cases.

While the new amendment brings

Illinois in concordance with most states, the amendment still carves out exceptions that maintain restrictions on punitive damages in medical and legal malpractice actions, as well as cases involving state or local government entities and employees acting within their official capacities." said Adam J. Zayed.

[Mr. Zayed](#)'s legal insights highlight the transformative nature of this amendment, particularly in the context of wrongful death cases. He comments, "Our law firm has long roiled at the fact that we were unable to seek punitive damages in connection with wrongful death cases in Illinois. As grim as it sounds, in first-year torts classes around the country, learned professors teach law students that juries value wrongful death cases less than cases where the plaintiff is alive and experiencing permanent injuries. There is an inequity in the concept of a death being thought of as worth less compensation than an injury. We can rationalize the previous incarnation of the Wrongful Death Act by considering that if a person passed away due to the actions of a



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tortfeasor they would be unable to recoup punitive damages or any damages for that matter."

He further explains that the change in the law marks a pivotal shift toward affecting change in the behavior of wrongdoers, even in cases where the victim is deceased. "Change can be affected in the name of the victim. That is the very purpose of punitive damages," emphasizes Mr. Zayed.

The new law also introduces procedural implications. While it allows for punitive damages, it does not modify the Illinois Code of Civil Procedure, which continues to prohibit plaintiffs from initially requesting punitive damages in their complaints. To seek punitive damages, a plaintiff must now file a motion within 30 days after the conclusion of discovery, demonstrating a "reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages."

"With this amendment, Illinois joins the ranks of states that recognize the importance of punitive damages as a tool for justice in wrongful death cases. Companies facing injury or toxic exposure cases must now consider the elevated stakes in such instances, ultimately transforming strategies and potentially mitigating attempts to delay cases until plaintiffs pass away." said Zayed.

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