



## **Oppose HB 2233: A Bill to Limit Fairness In Our Courts**

---

Illinois physicians respectfully request your “NO” vote on House Bill 2233, a bill which would eliminate the use of special interrogatories. Special interrogatories are an important feature of our civil justice system and must be preserved.

The bill repeals 735 ILCS 5/2-1108, which allows the use of special interrogatories in conjunction with a general verdict. A special interrogatory tests the general verdict against the jury’s determination as to one or more specific issues of fact involved in the case before the jury. The answer to a special interrogatory controls the verdict where it is inconsistent with the general verdict. Generally, a jury generally more clearly understands a particularized special interrogatory than a composite of all the questions in a case consolidated into the general verdict. This promotes fairness to all parties in the lawsuit.

Special interrogatories are not used in every case, but when they are utilized they provide genuine insight into the thinking of a jury. This can be especially helpful in professional liability litigation when there are multiple physicians sued with separate allegations of liability. Special interrogatories can provide clarity as to the actions of each individual physician so that they are judged in the fairest fashion. Such insight is particularly helpful where there is a sympathetic party and a question of whether the allegations of negligence actually caused harm to a patient; this is a common issue in professional liability claims.

From a plaintiff’s view in an insurance coverage dispute, this section is necessary to allow an insured to establish a right to coverage where there are both covered and uncovered claims being litigated. The insured has the burden of proving that the judgment ultimately entered falls within coverage and the most common way to do that is with special interrogatories. If the plaintiff/insured is not allowed to use a special interrogatory, they will have an exceedingly difficult time demonstrating what portion of any judgment is covered and will therefore be unable to meet their burden, forfeiting all coverage. It would be against public policy to remove such a section that protects plaintiffs/insureds.

**Please vote “NO” on House Bill 2233.**