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COMMENTS

The Times They Are a Changin': Enactment of Historic Civil Union Act
Is the Right Step for Illinois

Shannon R. Barnaby1

This Comment analyzes the recent passage of Senate Bill 1716, the Illinois Religious Freedom Protection and Civil Union Act, which extends the "same [state] legal obligations, responsibilities, protections, and benefits" to same-sex couples as are available to heterosexual couples. This Comment begins by discussing the background of legal recognition for same-sex unions. Next, this Comment discusses the challenges that same-sex partners and their children were confronted with due to the lack of legal recognition of their relationships and then delves into counter-arguments to such recognition. Moreover, this Comment argues that the legislature took the correct and honorable action in enacting the Illinois Religious Freedom Protection and Civil Union Act because it was proper to extended equality to "all persons," as our constitution promises. Further, this Comment argues that the Civil Union Act will strengthen society by allowing same-sex couples and their children to take part in the benefits of a legally recognized union.

Nolan & Ready—"Settling" for Less than Perfect in Illinois when
Determining the Role Defendants Play in the Litigation After They
Settle

Benjamin W. Meyer35

This Note examines the interplay of two decisions made by the Illinois Supreme Court during their 2008 – 2009 term—Ready v. United/Goedecke Services, Inc. and Nolan v. WEIL-McLain. Interpreting the statutory wording of the Illinois joint and several liability statute (735 ILCS 5/2-1117), Ready held that settled defendants may not be included on jury verdict forms when apportioning fault. The later decided Nolan held that a defendant may submit evidence of settled defendants in support of his sole proximate cause defense.

This Note points out that the Nolan decision renders the Ready decision unworkable, because once a jury is exposed to the evidence of settled defendants, the jury will consider that evidence when apportioning fault, regardless of whether the settled defendants' names appear on the jury verdict form. Furthermore, the result of the Ready decision is that the remaining defendants in the litigation will be forced to bear the liability that is unable to be apportioned to

the settled defendants. Consequently, this Note argues that the Ready decision should be overturned, allowing settled defendants to be included on the jury verdict form. Additionally, the article argues that the sole proximate cause instruction should be abrogated from Illinois courts. Through these changes, the Illinois legislature's intent in passing the joint and several liability statute—to protect the minimally culpable defendant from having to pay the entire amount of damages—will be achieved.

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