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SUPREME COURT ALLOWS EARLY APPEALS ON CLASS CERTIFICATION

A new rule by the Supreme Court of Illinois allowing appellate review at an early stage of class action lawsuits went into effect with the New Year.

The Court added language to Supreme Court Rule 306 to allow a party to seek an appeal of whether a suit was properly certified as a class action before resolution of the suit is complete at the trial court. Under the rule, the Illinois Appellate Court would have the discretion to hear the appeal.

The Court signaled the change in November and clarified it with an order entered December 31, 2002. Initially, the Court amended Rule 307; but vacated that amendment and amended Rule 306 in its December 31 order. It became effective January 1, 2003.

The amendment is reflected in Rule 308 (a) (8), which reads: "A party may petition for leave to appeal to the Appellate Court from the following orders of the trial court:
. . .(8) from an order of the circuit court denying or granting certification of a class action under section 2-802 of the Code of Civil Procedure (735 ILCS 5/2-802).