Dulberg Notes on Punitive Damages 2019 Oct 21

735 ILCS 5/2-1115

In all cases, whether in tort, contract or otherwise, in which the plaintiff seeks damages by reason of legal, medical, hospital, or other healing art malpractice, no punitive, exemplary, vindictive, or aggravated damages shall be awarded.

   (735 ILCS 5/2-1115) (from Ch. 110, par. 2-1115)
    Sec. 2-1115. Punitive damages not recoverable in healing art and legal malpractice cases. In all cases, whether in tort, contract or otherwise, in which the plaintiff seeks damages by reason of legal, medical, hospital, or other healing art malpractice, no punitive, exemplary, vindictive or aggravated damages shall be allowed.
(Source: P.A. 84-7.)

Punitive Damages not permitted in breach of fiduciary duty claim arises under the rubric of legal malpractice. Noon v Harrington, No. 09-3191, 2019 WL 1797648 (DC Ill. May 5, 2010); Scott v Chuhak & tecson, PC No. 09 C 6858, 2010 WL 2788174, pg 4 (ND ILL July 9, 2010)

Awarding Interest and Attorney Fees permitted. Goldfine v Barack, Ferrazzano, Kirschbaum &B Perlman, 2014 IL 116362 ¶¶25-26, 18 NE 3d 884.

Exceptions See Sec. 12-12 in IICLE Book.

Fraud, intentional tort, other actions outside of legal malpractice.

12.13 of IICLE. Punitive damages in underlying case are not available as compensatory damages against attorney. See *Tri-G inc. v. Burke, Bosselman, & Weaver*, 222 Ill.2d 218, 856 N.E. 2d 389, (2006)

7.30.

Intentional act relating to legal Mal still barred from punitive damages. *Calhoun v Rane*, 234 Ill. App. 3d 90 (1992)

But see *Cripe v Leiter,* 291 Ill.App.3d 155, (3d Dist. 1997). Fruad exception.