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Letter to the Editor
Pioneer Press Lake Forester

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As a lifelong resident of Lake Forest and a personal injury lawyer, I recently spoke to the SpeakUp Prevention Coalition to explain the law and risk to anyone who is 18 years or older who supplies or allows minors to drink alcohol. LFHS prom is only a few days away. Every parent or adult (anyone 18 years or older) who is not aware of the Illinois Alcohol Responsibility Act should take the time to become completely knowledgeable of your duties and responsibilities to protect not only everyone else in society but also your assets and finances. The following is a list of questions I posed to the SpeakUp Prevention Coalition which should be able to be accurately answered by anyone in our community regarding alcohol consumption by anyone under the age of 17 year old and 364 days:

- Only the actual homeowner can be sued?

No, if alcohol consumption occurs at a residence of any kind, the individuals who own or "control" the residence at that particular time are liable, meaning a relative, babysitter, neighbor, or anyone who happens to be in charge of the residence at that time.

- The alcohol must be given by the adult?

No, any person over the age of 18 that "permits consumption" of alcohol in the residence which includes the yard, driveway, garage, etc., is liable.

- The source of the alcohol has to be the residence, not alcohol brought in by other people?

No, any alcohol consumed, regardless of the source of purchase or how the minor gained access to it is a basis for liability under the statute.

- I am only liable for alcohol consumed at my house, not in another setting such as a ballgame, park, beach, picnic, etc.?

No, any adult who sells, gives, or delivers alcohol to a minor which causes that minor to become impaired and hurt or kill someone else is liable regardless of the location where the alcohol is consumed or delivered.

- I am not liable if it is a “family event” and I can allow my kids and guests to drink at my house?

No, there are no “family” or “household” exceptions.

- I will not have to pay anything out of my own pocket because any medical, funeral, burial expenses will be paid by either health insurance or my homeowners insurance?

No, Illinois requires a lawsuit to be filed against the individual, not the insurance company. The individual is personally responsible for the sum total of all of the legal damages including medical expenses, lost income, lost education and education potential, all support expenses, pain and suffering, emotional distress, mental anguish, scarring and disfigurement, loss of enjoyment of life, and in a death case, the loss of society to the surviving mother, father, brothers, and sisters.

- But won't my homeowners insurance pay for all of those damages?

Maybe – maybe not: right now, home insurers are insuring claims pursuant to the statute for the above-identified damages up to the insurance policy limits of the individual homeowner's policy limits. For instance, many people in our community only have a \$1,000,000.00 liability policy limit – that is woefully inadequate for many reasons; but, if one or more individual in our community is killed or permanently injured, the legal damages will most likely greatly exceed that amount. The individual homeowner or person who is responsible under the statute owes the sum total of the damages including the amount of money in excess of the insurance policy limits.

Pioneer Press Lake Forester

May 8, 2009

Page 3

- If my insurance policy limits are adequate, I will not have any other personal expenses so this tragedy will not cost me any money out of my pocket?:

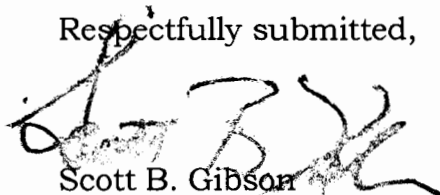
No, the statute is written extremely broadly and includes payment for the Plaintiff's Attorney Fees in addition to the damages – attorney fees probably will not be covered under insurance. In addition, you will owe the costs of the case including the expenses of expert testimony which can easily run into the tens or hundreds of thousands of dollars.

- But at least my insurance will cover most of the damages, won't they?

Probably not, the statute requires that if punitive damages are proved then they must be awarded by the Judge or the jury. Punitive damages are extremely rare in Illinois law but are specifically included in this statute to "punish" the illegal behavior of the parent, homeowner, or individual who supplies or permits the minor to drink alcohol. Punitive damages are not covered by any insurance policy and are solely payable by the individual who is sued.

Even if it is for solely selfish reasons, parents and members in our community who believe it is "okay" to hold a party or post-prom bash at their house and allow drinking by anyone under the age of 18 need to know the facts and law. I strongly urge everyone in our community to read the Law (Alcohol Responsibility Act, 740 ILCS 58/5-10-15) and look at the SpeakUp Prevention Coalition website (www.speakupflb.com) which includes a copy of this letter to the Editor, the actual statutory language, and other very good materials to educate parents about drinking, driving, and our youth.

Respectfully submitted,



Scott B. Gibson

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