

## Lawsuit Reform

### **Background**

Illinois has one of the worst lawsuit climates in the nation, ranking 46 out of all 50 states. Illinois has two of the top 5 counties in the country named as judicial hellholes by the American Tort Reform Association based on lawsuits filed and size of awards. Ninety percent of plaintiffs who file in Madison County come from outside Illinois. If we are to grow our economy again, we need commonsense reforms to restore sanity to our courts.

### **Venue Reform**

Currently lawsuits can be filed in a county even if the plaintiff or defendant doesn't reside in that county. Legislation is needed to make it more difficult for plaintiffs to "venue shop."

#### *Original Proposal*

Can only sue corporations, associations and partnerships where the entity has an office, as opposed to where the entity has an office and does business.

- *Compromise Proposal:* Instead of a direct limit on where a lawsuit can be filed, the revised proposal provides a priority ranking for an appropriate venue based first on office location of a defendant, but if there is no office in state, a suit would be allowed where the defendant does business.

A lawsuit must be dismissed for lack of venue if there is not a defendant who is an Illinois resident and the transaction or cause of action did not occur in the Illinois.

- *Compromise Proposal:* A lawsuit without an in-state defendant can proceed if the cause of action primarily arose in Illinois.

Deletes the provision that an action against an insurance company may be brought in county in which a plaintiff resides.

### **Restore Jury Composition**

SB 3075 was a Trial Lawyers' initiative passed during the 98<sup>th</sup> General Assembly's veto session and signed into law as PA 98-1132. It reduced the number of jurors in all civil cases to 6 from 12. It also increased the pay to all jurors to \$25 for the first day and \$50 per day thereafter. Previous fees ranged from \$4-10 a day.

Funding was not proposed for this bill. This represents up to a 425% increase for some counties. McHenry estimates that it will have to pay an additional \$368,000 for jury service. Similarly, Lake County estimates that its costs would increase by \$500,000.

#### *Original Proposal*

This legislation should be repealed before its June 1, 2015 effective date to save taxpayer dollars.

- *Compromise Proposal:* This proposal has been removed.

## **Joint and Several Liability Reform**

Current law allows for trial lawyers to target deep-pocketed defendants, even if other defendants bear responsibility. One defendant could be liable for all damages caused by numerous defendants.

### *Original Proposal*

For both joint and several liability cases, adds that any third-party defendants who could have been sued, can be considered for the purposes of determining other defendant's liability. This will allow defendants to point to other potentially liable defendants, even if they are not named in the lawsuit, in order to reduce their own liability.

- *Compromise Proposal:* Increase the threshold for joint liability to 50% from 25%, to bring in line with other states.
- *Compromise Proposal:* Make defendant jury instructions the same as plaintiff instructions to provide a level playing field in the determination of fault.

## **Truth in Medical Expense Awards**

Currently, Illinois law allows for the introduction of any medical expense billed when determining damages. In actuality, while doctors and hospitals may bill large amounts, only a small percentage of those bills are actually paid by the patient or health insurance. This results in inflated medical expense verdicts.

### *Original Proposal*

The introduction of medical expenses should be limited to only those expenses actually paid by the patient.

- *Compromise Proposal:* To address the issue of uninsured plaintiffs, language was added to allow for expected payments and not just paid bills.