

Illinois Trial Lawyer Association disagrees with county's designation as "judicial hellhole"

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ALTON - The Illinois Trial Lawyer Association (ITLA) has issued a release in response to a recent call for tort reform from Illinois Lawsuit Abuse Watch (I-LAW).

In the release, ITLA accused I-LAW of "hawking disinformation" long before the term "fake news" was popularized. According to the release, I-LAW's choice of hosting a rally in East St. Louis last week was symbolic, considering East St. Louis is one of the poorest communities in Illinois. I-LAW said it chose the location, because it has a view of the St. Louis skyline. According to I-LAW's release, the State of Missouri has enacted lawsuit reforms, including higher standards for expert witnesses, and wanted to showcase the "Show-Me State" as an example of a state bordering Illinois, which would take jobs from this state if lawsuit reforms were not enacted.

ITLA, on the other hand, said if such reforms were to be enacted in Illinois, they would "stack the economic deck further against lower- and middle-income families, and shift the burden of caring for those harmed by corporate malfeasance away from those who caused the injuries and onto the backs of taxpayers."

While I-LAW said many such suits are brought to Madison, St. Clair and Cook counties in Illinois, despite many of the plaintiffs being from elsewhere, ITLA said Illinois already has a "rigorous" and "well-functioning" process for weeding out lawsuits, which "lack merit" before reaching the trial stage.

I-LAW said many of these cases not going to trial are settled by judges who are friendly to the personal injury lawyers, who donate large sums of money to favorable political campaigns. It claimed such practices are why as many as 99 percent of the people suing for personal injury claims involving asbestos are not from Madison County, despite that being the venue for the case.

In ITLA's release, it stated civil cases in Illinois have dropped by as much as 43 percent between 2010 and 2015. The number of medical malpractice cases have also decreased by 32 percent since 2003. It claimed more than 60 percent of the cases in Illinois courts in the present involve businesses suing other businesses or individuals.

ITLA President John Scanlon said the current campaign of I-LAW to get lawsuit reforms is nothing more than a "scare tactic."

"It is a scare tactic, like doctors leaving Illinois because of malpractice," he said. "Doctors were not leaving Illinois. We had more doctors every year. Businesses are not leaving Illinois due to lawsuits. They are leaving for other reasons. Of the top 75 concerns for business owners, number 68 was lawsuits. It is just not a factor.

"Let's say they were leaving for Missouri or Indiana for more favorable laws. Indiana loses jobs to Mexico - look at that whole Carrier thing. Some of the jobs came back - kind of. If Indiana's laws aren't good enough, do we make them like Mexico? Maybe we make them like Bangladesh with child labor. The middle class and poor people are working in factories, and we're doing them great harm when we give all the breaks to businesses and no rights to them."

Asbestos, a substance formerly used as insulation, causes a rare form of cancer called Mesothelioma. Sufferers of that cancer often seek litigation from their former employers to pay for their treatment. I-LAW said as much as 60 percent of asbestos litigation from across the entire country occurs in Madison County due to the prevalence of personal injury firms specializing in it within the county's borders.

One aspect I-LAW seeks for reform is venue laws. Scanlon said venue laws are fine as they are.

"To put the word 'frivolous' in a press release next to asbestos claims is really wrong," he said of I-LAW. "It is a deadly, dangerous product. It is so dangerous, people are not allowed to use it in an industrial setting. It seems like so much of what he is saying there is: They shouldn't be filed in Illinois."

Scanlon said the suits have to be filed in a state in which the company has done business or is located. He said many mills and other industries using asbestos were located near centers of commerce and trade, such as Chicago, or along the Mississippi River in the St. Louis Metro Area.

"You can't just walk into Madison County and ask to file a claim there is there is no connection," Scanlon said. "One of the defendants has to have ties to the area. Some cases have many, many defendants. On a year to year basis, maybe one of these goes to trial in Madison County. The manufacturers of this product win more than the people fighting them. The whole claim there is such a horrible thing here is wrong."

According to a release from ITLA, asbestos case filings are down by as much as 27 percent since 2013.

"I-LAW's PR stunt should be recognized for what it is: a deplorable call to strip lower- and middle-income Illinoisans of their constitutional right to access the courts and their tax dollars fund, simply for the sake of higher corporate profits," the ITLA release stated. "Illinois's legal system provides a level playing field for individuals to force wrongdoers to make amends."