

Justice for Sale III

The Trial Lawyers' \$35 Million Investment in Illinois Government

A Study Conducted By:



Released In Partnership With:



About the Illinois Civil Justice League

Created in late 1992, the Illinois Civil Justice League is a coalition of Illinois citizens, small and large businesses, associations, professional societies, not-for-profit organizations and local governments that have joined together to work for fairness in the Illinois civil justice system.

About the Justice For Sale Reports I & II

More than 15 years ago, the courthouse in Madison County, Illinois, was poised for the largest explosion in plaintiffs' litigation in American history. As a result of the nexus of national class action, medical malpractice and asbestos cases, filed by an interconnection of firms both local and from across the United States, the Madison County court system quickly became the definition of what the American Tort Reform Association would soon label "Judicial Hellhole."¹

By 2003, Madison County courts experienced a drastic surge in exorbitant judgments following trials held in many personal injury cases. An Indiana plaintiff suing in Madison County won the largest American asbestos verdict in history: \$250 million.² Plaintiffs in a class action against a cigarette manufacturer won a staggering \$10.1 billion bench trial verdict that included nearly \$1.8 billion in lawyer fees. The lawyer fees were later estimated to be almost \$13,000 per hour worked, despite the fact that lawyers had invested less than \$14 million to take the case to trial and appeal.³ Another class action case against a telecommunications company netted \$84 million in trial lawyer fees, while disbursing only \$8.4 million to aggrieved consumers.⁴

In 2002, the Illinois Civil Justice League and Illinois Lawsuit Abuse Watch conducted a study to analyze 25 years of political contributions to Madison County and Fifth Appellate District judges. The findings were released in October 2002, in the first "Justice for Sale" report. That report carefully scrutinized almost 1,500 contributions totaling \$791,661 that were given to the campaigns of local judges in Madison County and their reviewing justices in the Appellate Court in Mount Vernon, and revealed that three out of every four dollars donated to these judges were made by personal injury lawyers bringing cases before those courts.⁵

In June 2004, the second "Justice for Sale" report revealed unprecedented trial lawyer contributions in support of the campaign to elect a former trial lawyer and Appellate Court Justice to the Illinois Supreme Court. The Illinois Civil Justice League rang the alarm as Metro-East trial lawyers made five sizeable \$100,000 donations to the Democratic Party of Illinois – funds that were eventually transferred to support Gordon Maag's campaign for Supreme Court.⁶

Even after great attention was brought to those donations, more than \$2.8 million in additional funds from the Democratic Party of Illinois were transferred to Maag's Supreme Court campaign, while an additional \$1.2 million in campaign advertising help was wrought from Justice for All PAC, a political action committee funded by the Metro-East trial lawyers.

When the same lawyers who reap millions in fees from the local court system donate millions back into the campaigns of the judges who oversee those same courtrooms, is it any wonder why critics ask the question, "Is Justice For Sale?"

Justice For Sale III – Executive Summary

While the first “Justice for Sale” report focused specifically on historical contribution trends within a specific geographic area and court system, and the second report focused on a specific multimillion-dollar campaign, the third study looks more broadly at historical contributions by trial lawyers within the *entire* Illinois political system and, specifically, the influence these contributions have on the legislation that affects civil litigation in Illinois courts. The study period – from January 1, 2001 to March 31, 2016 – provides a comprehensive look at contributions during the past two legislative maps and covers more than eight different campaign cycles in Illinois.

A summary of the results is staggering: Contributions given by Illinois trial lawyer donors to Illinois politicians have topped \$35.25 million in the past 15 years, including donations from the Illinois Trial Lawyers Association Legislative PAC and individual contributions made by the top 25 plaintiffs firms, their lawyers and family members. This donation rate equates to approximately \$264 per hour over the past 15 years.

The State Board of Elections records of the ITLA Legislative PAC shows a methodical march of money, including 2,624 contributions totaling just more than \$6 million to the campaigns of state legislators and statewide executive candidates. Virtually all contributions – 98.6 percent – flow to Democrats.

While the Legislative PAC was disbursing millions, trial lawyer legislative allies were making Illinois tort laws even more plaintiff-friendly, contributing to Illinois’ continuous ranking in the bottom five states for legal fairness in the US Chamber Institute for Legal Reform’s Harris Interactive annual lawsuit climate surveys.⁷ Over the study period, Illinoisans have witnessed the largest per capita filings of class action suits in one county in modern history and a statewide medical liability crisis that threatened critical care for Illinois patients. Meanwhile, lawyers and judges in one courthouse have created the nation’s largest and most notorious asbestos docket – with 13,220 individual asbestos cases filed in the past 15 years. Indeed, sources estimate that one-quarter of all US asbestos cases filed in 2015 were filed in Madison County.⁸

A review of the 4,623 contributions given to the Legislative PAC shows that, while the Illinois Trial Lawyers Association claims to represent two thousand – or two percent – of all Illinois lawyers, the reality is that the industry leadership has been controlled by a much smaller group of approximately two- to three-dozen firms. In addition to the \$6 million contribution through the Legislative PAC, the top 25 of these firms have collectively invested \$29 million in the campaigns of Illinois political candidates – legislators, constitutional officers, judges, states attorneys, county board chairmen, circuit clerks, Democratic county party chairmen, mayors, union leaders, and other allied special interests.

Not surprisingly, most of these donations are supporting campaigns in three prominent Illinois counties – Cook, Madison and St. Clair – the same counties frequently chided as Judicial Hellholes. When the three counties with the highest concentration of civil litigation also are the three counties that draw the biggest campaign contributions by trial lawyers, it’s fair to ask: “Is Justice for Sale in Illinois?”

Illinois Trial Lawyers Association PAC Contributions to Statewide/Legislative Candidates Total \$6 Million Since 2001

An analysis of the contributions from the political action committee of the Illinois Trial Lawyers Association (ITLA) from January 2001 to March 2016 shows that \$6,061,870 has been given to legislative and statewide candidates over the past eight election cycles. These 2,624 individual contributions have been given to the campaigns of 320 different legislative and statewide candidates, including heavy contributions to campaign funds controlled by the legislative leaders and members of the House and Senate judiciary committees.

The contribution history between ITLA PAC and individual legislators in this time period reflect donor relationships as small as a single \$200 donation to a suburban Republican legislator, to relationships as large as numerous donations per cycle equaling hundreds of thousands of dollars to Democratic caucus leaders.

It is certainly no secret that legislative power over the rules of Illinois civil litigation has been – and continues to be – heavily tilted in favor of Democratic legislators, but the imbalance of contributions to legislators of the majority Democratic party over the minority Republican party by ITLA PAC is astounding. **Since 2001, 98.6 percent of the donations by trial lawyers funneled through ITLA PAC have gone to Democrats.**

The flow of ITLA PAC donations is so skewed to Democratic candidates that no single Republican has received even half of the average contribution total made to Democrats. Only three Republicans have received more than \$5,000 from ITLA PAC since 2001, and one of the three Republicans was the spouse of an ITLA member. The average contribution to a Democratic candidate by ITLA PAC over the 15-year study period was \$21,650 and the average contribution to a Republican candidate by ITLA PAC was \$1,960.

While more than half (25 of 44, or 57 percent) of the Republican candidates received \$1,000 or less from ITLA PAC, just 19 of 276 Democratic candidates (7 percent) received \$1,000 or less.

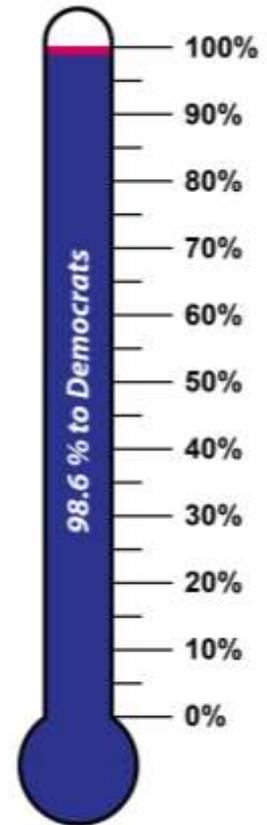


Figure 1: Contributions by ITLA PAC to Candidates by Political Party

	2002	2004	2006	2008	2010	2012	2014	2016
Democrats	\$836,950	\$628,770	\$676,700	\$785,200	\$797,400	\$829,750	\$939,700	\$481,200
Republicans	\$28,250	\$22,250	\$5,750	\$3,900	\$4,300	\$5,500	\$1,250	\$15,000
% to Democrats	96.7%	96.6%	99.2%	99.5%	99.5%	99.3%	99.9%	97.0%

The largest-ever contribution to support a Republican by ITLA PAC was actually a recent contribution to the independent committee Government For The People PAC that supported

2016 Republican “stalking horse” primary candidate Jeff Lichte and opposed Republican party-backed GOP candidate Steve Reick.

Lichte, whose campaign expenditures did not exceed the minimum \$10,000 filing requirement by the Illinois State Board of Elections, was accused by a local McHenry County blogger⁹ of being a “fake Republican,” due to his previous two primary election votes in the Democratic primary, as well as 2012 Google photos of a yard sign for Democratic incumbent Jack Franks in his front yard. ITLA PAC’s single \$15,000 contribution to “support” Jeff Lichte was actually used in the primary to oppose winning Republican Steven Reick. Franks has since announced his impending retirement from the Illinois General Assembly to pursue the office of McHenry County Board Chairman.

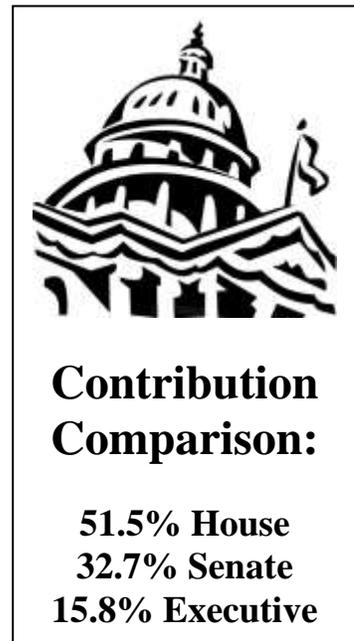
Proportionally, ITLA PAC dollars flowed more to the Illinois House than to the Illinois Senate and Statewide candidates, although it should be noted that House membership is double that of the Senate. **While 241 individual House candidate campaigns received 51.5 percent of the more than \$6 million contributed by the ITLA PAC over 15 years, 108 individual Senate candidate campaigns received 32.7 percent of those donations. Statewide constitutional campaigns, as well as a few special interest group allies, received 15.8 percent of the ITLA PAC donations.**

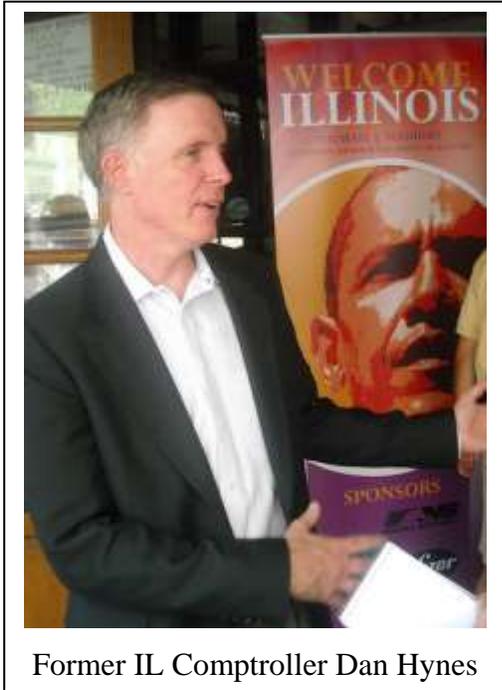
Senate Presidents John Cullerton and Emil Jones, who collectively controlled the Senate chambers for all but two years of the study period, received the largest aggregate total of funds for their caucus, with \$713,600 collected in their four funds (Illinois Senate Democratic Fund, Senate Democratic Victory Fund, Citizens for Emil Jones and Citizens for John Cullerton) over the study period.

House Speaker Michael Madigan, who controls three recipient funds, received the second largest aggregate amount in the study period with \$658,500 in support to the Democratic Majority PAC and Friends of Michael Madigan PAC, as well as his Democratic Party of Illinois PAC.

Republican Senate President Pate Philip, who controlled the Senate for just the first two years of the study period, did not receive any contributions. Senate Minority Leader Frank Watson also did not receive any contributions. Current Senate Minority Leader Christine Radogno has received only \$750 from the ITLA PAC. Republican House Minority Leader Lee Daniels was not a recipient of any ITLA PAC contributions, while House Minority Leaders Tom Cross and Jim Durkin have each received only \$3,250 in total.

Former Illinois Governor Rod Blagojevich was a favorite of ITLA PAC, with \$237,500 in donations from ITLA’s PAC to two Blagojevich campaign committees. His successor, former Governor Pat Quinn, received \$156,100 to two Quinn campaign committees from the ITLA PAC.¹⁰





Former IL Comptroller Dan Hynes

Attorney General Lisa Madigan has also been a frequent recipient of ITLA PAC donations, with \$105,000 in donations received during five of the eight campaign cycles studied.

The only other significant statewide recipient of ITLA PAC funds was former Illinois Comptroller Dan Hynes, who was narrowly defeated by Pat Quinn in the 2010 Democratic primary for Illinois Governor. Friends of Dan Hynes PAC has received \$62,500 total in four different campaign cycles, although trial lawyer financial support for Dan Hynes was also strong during his federal campaign primary for United State Senate against eventual winner Barack Obama in 2004. In that campaign, Hynes was credited with raising “more money from lawyers...than any active Senate candidate across the country,” with his spokesperson crediting the fundraising interest from his criticism of proposed caps on damages awards and the fact that “[h]e’s got 10 family members who are lawyers.”¹¹

The next 15 major recipients of ITLA PAC donations, illustrated in Figure 2 below, represent Senators and Representatives that are high in the legislative food chain, including majority leaders and judiciary committee chairpersons. These 15 legislators received an average of nearly \$50,000 each in career contributions.

Figure 2: Total Contributions to Legislators and Corresponding Leadership Posts

Lang, Lou	House	Democrat	\$70,750	Deputy Majority Leader
Link, Terry	Senate	Democrat	\$60,700	Assistant Majority Leader
Feigenholtz, Sara	House	Democrat	\$59,500	Assistant Majority Leader
Raoul, Kwame	Senate	Democrat	\$57,650	Judiciary Committee
Nekritz, Elaine	House	Democrat	\$54,500	Judiciary Chairperson
Franks, Jack	House	Democrat	\$48,550	
Kotowski, Dan	Senate	Democrat	\$48,000	
Harmon, Don	Senate	Democrat	\$45,000	Judiciary Committee
Miller, David	House	Democrat	\$44,250	Assistant Majority Leader
Rita, Robert	House	Democrat	\$43,750	
Sandoval, Martin	Senate	Democrat	\$42,000	
Hoffman, Jay	House	Democrat	\$37,250	Judiciary Committee
Fritchey, John	House	Democrat	\$37,000	Judiciary Chairperson
Martinez, Iris	Senate	Democrat	\$36,500	Majority Caucus Whip
Silverstein, Ira	Senate	Democrat	\$36,200	Judiciary Committee

The Major Plaintiffs' Lawyer Donors to ITLA PAC

The only thing more disciplined than the amount of money exiting the ITLA PAC is the money refreshing the coffers, which has averaged almost \$825,000 per election cycle – and that total has already been eclipsed for the current election cycle.

Since January 2001, the ITLA PAC has received 4,623 individual donations from 356 unique donors, totaling \$6,638,225. The 2014 campaign cycle was the largest of the eight election cycles studied, and was the only cycle in which the ITLA PAC exceeded a million dollars in fundraising. The strong start to the 2016 campaign cycle indicates a high probability that the ITLA PAC will reach a million dollars for the second straight cycle.

A look at individual donors shows a remarkable consistency in fundraising by lawyers from the top five Illinois plaintiffs' firms, each of which have donated more than \$250,000 to the ITLA PAC in the past 15 years. All of the firms are common names in Illinois personal injury law, representing the top firms in plaintiffs' law areas of medical

Top Five ITLA PAC Contributors (By Firm)

- | | |
|-------------------------------|-----------|
| • Salvi Schostok & Pritchard: | \$265,600 |
| • Clifford Law Offices: | \$265,600 |
| • Power Rogers & Smith: | \$262,600 |
| • Cooney & Conway: | \$261,600 |
| • Korein Tillery: | \$256,500 |

malpractice, catastrophic accidents, product liability, class action, toxic torts, and major injury litigation. All five firms are currently represented on the 2015-2016 Executive Committee¹² of the Illinois Trial Lawyers' Association and comprise at least nine former ITLA presidents.¹³

In all, eight firms have contributed more than \$200,000 to the ITLA PAC since 2001. Seven more firms have contributed at least \$100,000. Twenty-one other firms have contributed at least \$50,000. Of the 36 law firms that have contributed \$50,000 or more to ITLA PAC in the past 15 years, 30 firms are from the greater Chicago metropolitan area, while six are from Madison & St. Clair counties in the Metro-East region of Southern Illinois. Not a single major ITLA PAC contributor originated from outside of Chicago or Metro-East metropolitan areas. These firms represent \$4.4 million of the \$6.6 million received by ITLA PAC, or approximately 66 percent of all the contributions received. Leaders of these law firms encompass 23 of the last 28 presidents of the Illinois Trial Lawyers Association.¹⁴

ITLA Lawyers Represent Miniscule Percentage of Illinois Lawyers Overall – But Exert Extreme Influence on Laws, Courts

The Illinois Trial Lawyers Association states that it has “more than 2,000 members,”¹⁵ yet the ITLA PAC shows only 356 unique donors over the 15-year study period. A survey of the top 36 law firms that contributed to ITLA PAC shows only 421 advertised attorneys.¹⁶ According to the 2015 annual report of the Illinois Attorney Registration & Disciplinary Commission, Illinois has 94,128 registered lawyers – 70 percent of whom practice from Cook County in Chicago.

In comparison, the 2,000-attorney membership of ITLA is just slightly more than two percent of all registered Illinois attorneys. **The reality is that ITLA and its PAC represents a very small association of attorneys representing one side of civil law, while exerting an enormous political influence built from its investment into the campaigns of the very legislators who manage the plaintiff-friendly codes of civil procedure built into Illinois law.**

What About The \$29 Million More Contributed Outside the PAC?

Well beyond the \$6 million contributed through the ITLA PAC, another \$29 million has been given directly by the top plaintiffs' firms, their lawyers, spouses, and family members to Illinois politicians over the past 15 years.

In all, the organized personal injury lobby in Illinois wrote an additional 9,818 individual checks outside of the ITLA PAC to Illinois politicians at almost every level and of each branch of government, over the past 15 years, totaling **\$29,181,458**.

Together, the PAC and non-PAC donations equaled **\$35,243,228** to candidates for statehouse, courthouses, city halls, union halls, political party committees and allied special interests in Illinois, an astounding undertaking for a group claims less than two thousand members.



Based on this total, trial lawyers in Illinois have contributed \$264 every hour into the political process over the past 15 years in Illinois. Included in the \$29 million in non-PAC giving is heavy interest in contributions to statewide and legislative campaigns, as demonstrated below in Figure 3.

Figure 3: Total Contributions to Legislative & Statewide Candidates by Caucus

	ITLA PAC	Non-PAC	Total	# Candidates	Avg \$ / Candidate
Senate Democrats	\$1,959,620	\$3,049,843	\$5,009,463	89	\$56,286.10
Senate Republicans	\$20,750	\$3,375	\$24,125	19	\$1,269.74
House Democrats	\$3,058,950	\$9,181,381	\$12,240,331	206	\$59,419.08
House Republicans	\$65,450	\$30,242	\$95,692	35	\$2,734.06
Statewide Democrats	\$957,100	\$5,104,817	\$6,061,917	29	\$209,031.62
Statewide Republicans	\$0	\$22,850	\$22,850	7	\$3,264.29

Personal injury firms provided **\$17,393,009** to legislative and statewide candidates to add to the **\$6,061,870** given through the PAC. House Democratic candidates and campaigns drew the most

attention from the personal injury lawyers, adding another **\$9,181,381** to the more than **\$3 million** given to the House Democrats through ITLA PAC.

Democratic statewide candidates received the next largest sums of cash from trial attorneys at more than **\$5.1 million**. Republicans got only **\$22,850**. The Senate Democratic caucus received nearly **\$2 million** in ITLA PAC contributions and **\$3,049,843** in non-PAC donations.

The Senate and House Democratic candidates averaged nearly identical average donations per member at **\$56,286** and **\$59,419**, respectively.

Additionally, the top personal injury firms gave **\$7,054,032.99** to judicial candidates in Illinois, **\$1,886,854.04** to county officials, **\$1,372,064.64** to local political parties (99.7 percent to Democrats), **\$833,790.45** to municipal candidates, **\$457,200.12** to special interest PACs, and **\$183,507.33** to union committees. These contributions were also slanted to Democrats versus Republicans, by a 96.8 percent to 3.2 percent ratio.

In judicial races, non-PAC contributions by trial lawyers focused heavily on Cook County Democratic Circuit and Subcircuit campaigns, as well as the overlapping Democratic First District Supreme Court and corresponding Appellate Court candidates. In total, the trial lawyer donors gave more than **\$1,942,647** to Cook County Democratic judicial candidates, while giving only **\$61,190** to Republican candidates – a **97 percent** margin of Democratic over Republican support.

The trial lawyer donors were no strangers to the Fifth District in Southern Illinois during the 15-year period, providing millions of dollars of support for judicial races to Democrats there, including **\$1.7 million** to the unsuccessful effort to unseat Supreme Court Justice Lloyd Karmeier in his 2014 retention campaign.¹⁷

As shown in Figure 4, not all judicial donations are automatically given to Democratic candidates. Republican appellate and circuit candidates receive

Figure 4: Comparison of Contributions to Judicial Candidates by District & Party

	Democrats	Republicans
Supreme 1	\$431,810	\$0
Supreme 2	\$0	\$0
Supreme 3	\$23,450	\$0
Supreme 4	\$109,574	\$500
Supreme 5	\$2,606,589	\$0
Appellate 1	\$734,668	\$0
Appellate 2	\$0	\$116,168
Appellate 3	\$22,050	\$3,450
Appellate 4	\$0	\$1,750
Appellate 5	\$1,403,330	\$0
Cook	\$776,169	\$61,190
Circuit 01	\$7,850	\$0
Circuit 02	\$8,000	\$0
Circuit 03	\$491,784	\$300
Circuit 04	\$2,750	\$0
Circuit 05	\$1,400	\$0
Circuit 06	\$0	\$0
Circuit 07	\$18,950	\$250
Circuit 08	\$500	\$1,000
Circuit 09	\$0	\$0
Circuit 10	\$0	\$200
Circuit 11	\$0	\$0
Circuit 12	\$29,685	\$2,550
Circuit 13	\$500	\$0
Circuit 14	\$0	\$0
Circuit 15	\$0	\$0
Circuit 16	\$0	\$9,750
Circuit 17	\$1,750	\$300
Circuit 18	\$0	\$38,700
Circuit 19	\$9,910	\$32,183
Circuit 20	\$103,023	\$0
Circuit 21	\$0	\$0
Circuit 22	\$0	\$0
Circuit 23	\$0	\$0

support from top trial lawyers in the Second Appellate District and 18th and 19th Circuits of DuPage and Lake counties. However, much of the support given in the Second Appellate District and 19th Circuit campaigns went to Republican Appellate Justice Mary Seminara Schostok, who was the wife of the (now-deceased) Michael P. Schostok, principal partner of the Salvi Schostok & Pritchard law firm. Mr. Schostok was the 50th President of ITLA and led the fight against medical liability reform in Springfield.

Non-PAC judicial donations from top-tier ITLA donors geographically overlapped with areas that saw increased levels of lawsuit filings (see ICJL study “Litigation Imbalance III” for updated county-by-county lawsuit filing totals).¹⁸

In elevated areas – such as Cook, Madison and St. Clair counties, as well the entire Fifth District in Southern Illinois, the dollars-per-capita judicial campaign spending totals equaled between \$3.00 and \$5.00 per resident. However, in areas outside of the highest-per-capita lawsuit filing areas, judicial campaign spending amounted to less than a dime-per-resident over the same 15-year study period.

As displayed in Figures 5 & 6, campaign donations by the Top 25 Illinois plaintiffs’ firms was heavy in the Judicial Hellhole counties of Cook, Madison and St. Clair, as well as the overlapping Fifth Appellate district with oversight of Madison and St. Clair counties, with levels as high as \$5.10 per resident and as low as \$3.09 per resident. Donations in the Second, Third and Fourth Judicial Districts were almost negligible at \$0.07 per resident.

The amount of attention paid to the Judicial Hellhole territory seems to heavily correspond with the level of lawsuit filings, as the filing rate per 1,000 residents is dramatically higher in the areas with higher donation levels. For example, the lawsuit filing rate in Madison County of 8.255 lawsuits per 1,000 residents is dramatically higher than the 1.239 lawsuits per thousand average of the 64 counties in the Second, Third and Fourth Judicial Districts. While per capita lawsuit filings were more than 6.5 times greater in Madison County, per capita donation levels were almost 73 times greater. In Cook County, the per capita filing rate is almost 3.25 times greater, while the per capita donation level is 59 times greater.

**Figure 5:
Map of Judicial Campaign Trial
Lawyer Non-PAC Donation Levels**



Figure 7: Judicial Campaign Trial Lawyer Non-PAC Donations by Specific Judicial Area

	Litigation Index	Spending/Resident
Madison County	8.255	\$5.10
Cook County	4.014	\$4.12
St. Clair County	2.416	\$3.78
Other 35 Fifth District Counties	1.413	\$3.09
Other 64 Illinois Counties	1.239	\$0.07

Non-PAC Trial Lawyer Donations Extend to County, City, Party & Union Officials Throughout State – But Mostly in Hellhole Areas

Top trial lawyer donations have also flooded the coffers of local Democratic party committees, with almost **\$1.4 million** supplying local party efforts in 17 of 102 counties in Illinois, including Bond, Bureau, Cook, DuPage, Grundy, Jackson, Kane, Lake, Macon, Madison, Monroe, Montgomery, Peoria, Pike, St. Clair, Will and Winnebago counties. In the case of these donations, **99.5 percent** of trial lawyer donations flow to Democratic committees.

Of the \$7,500 in donations that flowed to Republican party committees in Lake (\$1,500) and Madison (\$6,000) counties, the Madison County donation has a special history. In 2002, Simmons Firm attorney Randy Bono gave \$6,000 to local Republicans in support of a bipartisan retention campaign for Judges Nick Byron, Phil Kardis and Ed Ferguson. Just one year later, Judge Byron gained national prominence for large class action verdicts and for banning former Attorney General Griffin Bell’s law firm from appearing in his courtroom.¹⁹

The influence of trial lawyer donations even extends to campaigns for Mayor and municipal offices, including more than **\$500,000** to local Illinois mayoral campaigns and nearly **\$250,000** for other municipal races. These donations have flowed into the following cities:

- Alton, Aurora, Belleville, Berwyn, Bloomingdale, Cahokia, Carlinville, Caseyville, Centreville, Chicago, Cicero, Collinsville, Country Club Hills, Des Plaines, East Alton, East St. Louis, Edwardsville, Elgin, Elmhurst, Evergreen Park, Godfrey, Granite City, Hazel Crest, Highland Park, Hinsdale, Inverness, Lake Forest, Lake Villa, Lombard, Marion, Melrose Park, Norridge, North Riverside, Orland Park, Park Ridge, Plainfield, Quincy, Rockford, Schaumburg, Springfield, Thornton, Waukegan, Western Springs, Winnetka and Wood River.

Top trial lawyer donations also extend to elections involving county chairmen, auditors, board of review members, states attorneys, treasurers and sheriffs in 17 Illinois counties, with more than **\$1.8 million** donated to Democratic officials, **\$55,200** in donated to Republican officials and **\$500** to independent campaign in Cook County. Donations were heaviest in Cook, Madison and St. Clair counties, which have all been nationally recognized for their plaintiff-friendly courts.

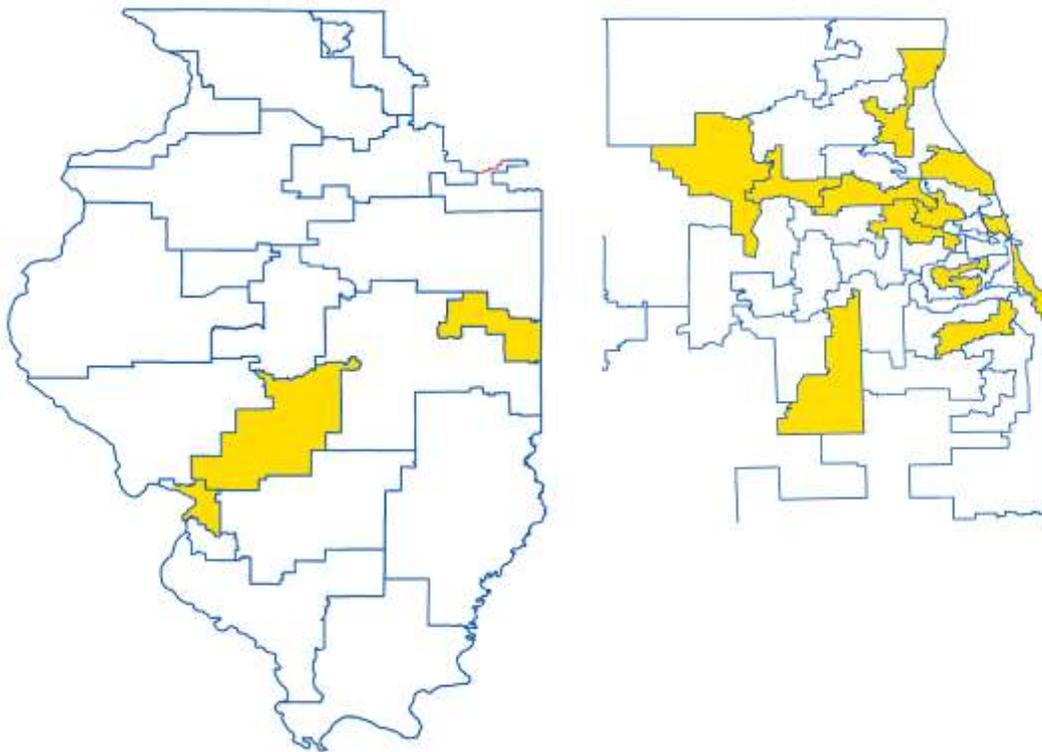
Sizeable donations were also made mostly to incumbent county officials in Cook (\$1,270,948), Madison (\$421,264) and St. Clair (\$99,691) counties. These three counties account for 95 percent of the total trial lawyer donations to county candidates. The other 14 counties represented in the donations account for the other five percent.

Geographic Overlay of Legislative Contributions Shows Preponderance to Plaintiff-Friendly Jurisdictions

Illinois personal injury lawyers' donations are geographically-weighted to lawmakers that represent the same lawsuit-laden areas of Illinois. While legislators have considered changes to the codes of civil procedure – with common topics such as medical liability caps, venue reform, reenactment of a structural work act, statute of repose restrictions in asbestos cases, and changes to the jury makeup of major civil litigation, trial lawyer leaders have focused millions of dollars from their legislative PAC and from their individual non-PAC donations to the lawsuit-friendly areas of Cook, Madison and St. Clair counties, as well as the plaintiff-friendly Fifth Appellate District.

A geographical analysis of legislative districts that have received more than \$50,000 of trial lawyer investment since 2001 shows an overlap of the common lawsuit-friendly jurisdictions.

Figure 8: Legislative Map of Senate Donations Totaling Greater Than \$50,000 Since 2001

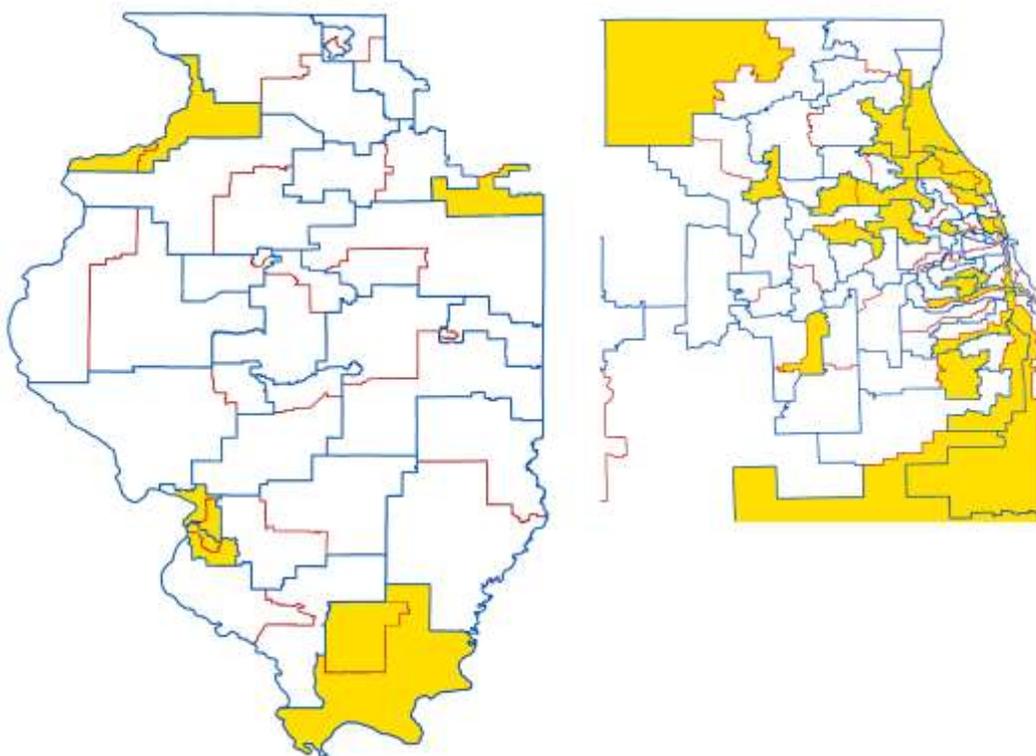


(Senate districts with donation levels exceeding \$50,000 are highlighted on statewide and suburban Chicago maps.)

As seen in Figure 8, the districts with the highest contributions by Illinois trial lawyers are downstate districts that overlap Madison and St. Clair counties (see statewide map on left), as well as metropolitan Chicago districts that overlap Cook County (see metropolitan Chicago map on right). For Senate Districts, the sole exception to the overlap of the highest concentration of contributions is the eastern Illinois Senate District that has been represented by then-Senator Mike Frerichs. Frerichs was elected to the state office of Illinois Treasurer in 2014.

As shown in Figure 9, an inspection of House districts with trial lawyer investments of greater than \$50,000 shows that the influence geographically is also focused on areas in Cook, Madison and St. Clair counties. However, in the House District analysis, additional areas outside of three counties include the deep-Southern Illinois House Districts 117 and 118, which overlap into the Fifth Judicial District, as well as the northwestern Illinois House Districts 71 and 72 that are based in the Rock Island area. In the metropolitan Chicago area, the House Districts outside of Cook County are the McHenry County district represented by Jack Franks referenced earlier in the study on page 5, as well as south suburban districts in Will County.

Figure 9: Legislative Map of House Donations Totaling Greater Than \$50,000 Since 2001



(House districts with donation levels exceeding \$50,000 are highlighted on statewide and suburban Chicago maps.)

In 2005, 2009 and 2015, the Illinois Civil Justice League detailed filing trends of major civil litigation in Illinois in three studies, headlined as the Litigation Imbalance series.²⁰ In those reports, historical law division filings were explored over a 46-year period. The Litigation Imbalance, or number of major civil litigation case filings per 1,000 residents, was calculated for

each of Illinois' 102 counties in each of the 41 years in the study.²¹ While the Litigation Index average for the other 99 counties in Illinois has reached the lowest score in 41 years, the scores in Madison, Cook and St. Clair counties have continued to climb to new heights.²²

Consistently since the mid-1990s, the growing trend in Illinois is a consolidation of case filings into Cook, Madison and St. Clair counties. Cook County – which now “hosts” 64.1 percent of the major civil litigation in Illinois, despite containing only 40.7 percent of the state’s population – holds a Litigation Index score that is more than triple the downstate scores at 4.014.²³

Madison County, which is internationally known for its connection to class action, asbestos and medical malpractice litigation, witnessed a Litigation Index rate more than six-and-a-half times the downstate average at 8.255 cases per thousand residents. In fact, with 2,197 asbestos cases filed in 2014 and 2015²⁴ – and 15,442 cases filed in the past 22 years²⁵ – Madison County has the largest asbestos docket in the entire United States, more than doubling and tripling the next largest jurisdictions in Baltimore, MD, and New York, NY.²⁶

Considering this litigation explosion and the \$35.2 million worth of influence that trial lawyers have to sought to exert over the statehouse, courthouses and Governor’s Mansion, Illinois citizens can fairly ask: “Is Justice For Sale?”

Endnotes

¹ American Tort Reform Association. “ATRA kicks off ‘judicial hellhole’ project.” 2 Oct. 2002. <http://www.atra.org/newsroom/atra-kicks-judicial-hellhole-project>

² Berenson, Alex. “2 Large Verdicts in New Asbestos Cases.” New York Times. 1 Apr. 2003. <http://www.nytimes.com/2003/04/01/business/01ASBE.html>

³ Jadhav, Adam. “He says he fights for you. Critics say he's after the purse.” St. Louis Post-Dispatch. 5 Aug. 2007. http://www.stltoday.com/news/local/he-says-he-fights-for-you-critics-say-he-s/article_6930a99c-412f-11e0-990b-0017a4a78c22.html

⁴ Ibid.

⁵ Illinois Civil Justice League. “Justice for Sale I.” 3 Oct. 2002.

⁶ Illinois Civil Justice League. “Justice for Sale II.” 26 Jul. 2004.

⁷ United States Chamber of Commerce Institute for Legal Reform. “Legal climate rankings by state: Illinois.” 2015, 2012 and 2010. <http://www.instituteforlegalreform.com/states/illinois>

⁸ “Asbestos litigation: 2015 year in review.” 23 Feb. 2016 http://riskybusiness.kcic.com/wp-content/uploads/2016/03/2015_Asbestos_Litigation_Report.pdf

⁹ Skinner, Cal. “Franks sign in front of fake Republican candidate Jeff Lichte’s home.” McHenry County Blog. 3 Dec. 2015. <http://mchenrycountyblog.com/2015/12/03/franks-sign-in-front-of-fake-republican-candidate-jeff-lichtes-home/>

¹⁰ It is important to point out that the connection between ITLA PAC contributions and plaintiff-friendly policy changes is also noteworthy in the reverse, meaning contributions were withheld from Democratic legislators who voted for changes opposed by the Illinois Trial Lawyers Association. Many southern Illinois Democratic legislators were omitted from their regular contributions after the passage of the comprehensive medical liability reform law in 2005.

¹¹ Conrad, Dennis. “Lawyers help fuel Hynes' Senate race.” Associated Press. 16 Nov. 2003. http://www.nwitimes.com/news/local/lawyers-help-fuel-hynes-senate-race/article_1f5dc089-7c40-5d7e-a56b-938283d67b0e.html

¹² Illinois Trial Lawyers Association. “2016-2017 Executive Committee.” <https://www.iltla.com/about-itla/executive-committee/>

¹³ Illinois Trial Lawyers Association. “Past Presidents.” <https://www.iltla.com/about-itla/past-presidents/>

¹⁴ Ibid.

¹⁵ Illinois Trial Lawyers Association. “Our Principles.” <https://www.iltla.com/about-iltla/>

¹⁶ This number is derived from a count of attorneys advertised on the websites of the top 36 law firms from which donations to ITLA PAC were derived between January 2001 and March 2016.

¹⁷ Illinois State Board of Elections. “Campaign for 2016.” <https://www.elections.il.gov/campaigndisclosure/CommitteeDetail.aspx?id=26176>

¹⁸ Illinois Civil Justice League. “Litigation Imbalance III.” 2015. http://www.instituteforlegalreform.com/uploads/sites/1/ICJL_Litigation_Imbalance_III_Study.pdf?phpMyAdmin=ixWosBsjNazOMF-nz%2CnxfwkrbH2

¹⁹ Olson, Walter. “It’s a mad, mad, mad Madison County.” Overlawyerd.com. 22 Apr. 2004. <http://www.overlawyered.com/2004/04/its-a-mad-mad-mad-madison-county/>

²⁰ Illinois Civil Justice League. “Litigation Imbalance I.” 2005.

²¹ Illinois Civil Justice League. “Litigation Imbalance II.” 2009.

²² Illinois Civil Justice League. “Litigation Imbalance III.” 2015.

²³ Ibid.

²⁴ “Asbestos litigation: 2015 year in review.” 23 Feb. 2016.

²⁵ The Illinois Civil Justice League tracks the annual number of asbestos cases filed in Madison County, Illinois.

²⁶ “Asbestos litigation: 2015 year in review.” 23 Feb. 2016.