

CRAIN'S CHICAGO BUSINESS

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New Illinois law perpetuates frivolous courts

Gov. Pritzker and state Democrats helped protect and safeguard a broken judicial system dedicated to helping trial lawyers over everyone else.

DAN MCCONCHIE

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Gov. Pritzker and state Democrats helped protect and safeguard a broken judicial system dedicated to helping trial lawyers over everyone else.

A [little-known bill](#) was just signed into law by Gov. J.B. Pritzker representing a long-term gift to the trial lawyers and an assault on business across both the state and the country.

In the middle of the night on the last day of the 2021 legislative session, the Democrat-controlled Legislature rammed through a bill to break up Illinois' 20th Judicial Circuit Court—a circuit consisting of five counties just east of St. Louis. During the minimally allowed debate on the bill, proponents alleged that the legislative intent was to help address the heavy caseload stemming from within the circuit's St. Clair County courthouse.

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However, to avid court observers, the real reason is undoubtedly to protect one of America's premiere personal injury destinations. Known in the legal community as a "magnet" for frequent and frivolous no-injury lawsuits concerning biometrics, asbestos and other class-action friendly categories, it remains a well-known destination for those seeking "plaintiff-

friendly” judges. St. Clair County was second in the nation for asbestos claims in 2019, sitting just behind its neighbor Madison County at No. 1.

In 2019, the U.S. Chamber of Commerce’s Institute for Legal Reform [conducted a Harris Poll survey](#) to see how fair and reasonable U.S. businesses perceive each state’s liability system. Illinois ranked dead last.

The American Tort Reform Association did a ranking in 2020 of the most unjust local courts and state civil justice systems in the country. It identified St. Clair County as [one of the top “judicial hellholes”](#) with its “plaintiff-friendly reputation, low evidentiary standards and judges’ willingness to allow meritless claims to survive.”

In recent years, the rest of the circuit surrounding St. Clair County has been trending Republican. As Illinois is one of 13 states that elect judges on a partisan basis, voters in the circuit have recently begun sending Republicans to the bench. Absent state intervention, many experts expect that the Democratic judges who have helped make this a personal injury stronghold would eventually be replaced by more business-friendly jurists. Change was on the horizon.

But with St. Clair County being such a cash cow for trial lawyers and the trial lawyers being such for the Democratic leadership, the risk of Republican judges making the county less attractive for frivolous litigation was a crisis worthy of legislative intervention to save it. So they redrew the lines instead just like Democrats did earlier this year with the highly partisan and unprecedented redistricting of the state Supreme Court that was also trending more Republican. The bill passed and with one stroke of his pen, Pritzker paved the way for the continued pillage of American business.

At a time when our business community has been devastated by Gov. Pritzker’s statewide closures and mandates, we stand witness to yet another blatant power grab at the hands of Democratic leadership again, to the detriment of Illinois job creators and all those who care about open and honest government. Furthermore, there are no disinterested parties as this cronyism acts as a corruption tax to citizens and consumers nationwide.

Even before he was elected governor, J.B. Pritzker had been rumored to aspire for a yet higher office. Should he later pursue a national office, American business and the men and women who make up our workforce should remember that he helped protect and safeguard a broken judicial system dedicated to helping trial lawyers over everyone else.

This maneuver just goes to show that when power and control are on the line, impartiality and fairness isn't a priority for Gov. Pritzker and his Democrat allies.

Dan McConchie is the Illinois Senate Republican Leader.

Inline Play

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