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Metro East's Legal Journal

Illinois still 'the Lawsuit Capital of the Midwest'

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As consumers we expect to get the most out of the money we spend. We want quality at a reasonable price because, after all, who wants to pay five-star prices for one-star products?

In other words, no one would buy a television rated the fifth worst for picture quality. No one would buy a car ranked in the bottom five for safety. And certainly no one would buy a home constructed by one of the five worst builders in the area.

So why would a company expand or move its business to a state ranked 46th out of 50 for legal fairness?

This is the question business owners have to ask themselves when considering a move to Illinois. The U.S. Chamber of Commerce and Harris Interactive have released their annual rankings of each state based on legal fairness and once again Illinois claims the "Lawsuit Abuse Capital of the Midwest" title.

Illinois is ranked 46th in the country and #1 in the Midwest, far behind every other state in the region as Indiana is ranked #4, Iowa #7, Wisconsin #24, Kentucky #29, Missouri #31 and Michigan #33 nationally.

Only Alabama, Mississippi, Louisiana and West Virginia rank worse than Illinois. In addition, Cook County was ranked the second worst local jurisdiction for legal fairness.

Companies create jobs where the legal system is fair. Business owners, like consumers, want value for the money they spend. So why would a company move to a state ranked fifth-worst in the country for legal fairness?

From 2001-2006, the national GDP grew 15 percent while Illinois' GDP grew just 9 percent or 40 percent more slowly. During that

same period, the U.S. economy added 4.3 million jobs, while Illinois actually lost 60,000 jobs.

Illinois' plaintiff-friendly courts have clearly taken a toll on the state's economy.

The report also exposes Illinois' status as a magnet for out-of-state lawsuits.

According to the report, Illinois is the fourth worst state in the country for enforcing venue requirements. There is a bill (HB 5289) in the Illinois House right now to set reasonable guidelines for where a lawsuit can be filed.

If lawmakers were to pass this bill, we could take the first steps forward toward shedding our state's reputation as a lawsuit magnet.

But common sense bills such as HB 5289 cannot even get out of committee for a full vote on the House floor. Instead, legislation such as HB 2094, a measure reinstating the Structural Work Act, sails through committee and could get a floor vote at any time.

House Bill 2094 would allow workers injured on the job to sue third parties outside of the workers' compensation system. Only one other state - New York - has kept this anti-business and anti-consumer law on the books.

As long as lawmakers continue to side with their personal injury lawyer cronies and as long as trial attorneys have free reign to come here and file their junk lawsuits, Illinois will continue to be the "Lawsuit Capital of the Midwest."

If we want to create a fair and balanced legal climate in Illinois, then lawmakers have to make the decision to stand with their constituents - not the trial lawyers. It is time for Illinois to move forward and reform our state's unbalanced court system.