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American Tort Reform Foundation Report Ranks Cook County 6th in the Country for Lawsuit Abuse

Report Highlights the Need for Legal Reform in Illinois

CHICAGO – The American Tort Reform Foundation (ATRF) today released its annual "Judicial Hellholes" Report that highlights lawsuit abuse that occurs throughout the country and the need for legal reform. This year, Cook County remained on the list of top 10 worst jurisdictions, with a number 6 ranking.

According to the report, Cook County is the epicenter of legal abuse in Illinois, hosting 91% of the state's high-value civil cases despite having only 40% of its population. ATRF attributes this to the concentration of litigation, coupled with the increase of no-injury lawsuits under the state's Biometric Information Privacy Act (BIPA) that contributes to excessive tort costs which threaten businesses and drive up costs for all Illinois residents.

The top issues in Cook County's courts this year, according to the report, include:

- **Forum Shopping Safeguard at Risk:** There is currently an effort to abolish *forum non conveniens* and allow unchecked forum shopping when filing lawsuits in Illinois. Unrestrained forum shopping not only takes a toll on defendants and witnesses, but also unnecessarily burdens local jurors and courts, fails to protect local interests in deciding local cases, and undermines the integrity of the civil justice system. Earlier this year, ICFLR joined a coalition of businesses, healthcare professionals, and their insurers in filing an amicus brief opposing this effort.

- **Increase in No-Injury Lawsuits:** Routinely abused to extort businesses for financial gain where no harm has ever been alleged, BIPA lawsuits increased in Cook County following two landmark Illinois Supreme Court decisions in 2023. SB 2979 was passed and signed into law this year in direct response to these decisions, limiting violations to a single instance. Even with recent changes, the outdated BIPA continues to leave many businesses vulnerable to frivolous lawsuits, and ICFLR continues to advocate for reforms.

- **Nuclear Verdicts in Asbestos Litigation:** Asbestos filings in Cook County increased nearly 34% in the first half of 2024, with several cases resulting in nuclear verdicts. Nationwide, asbestos filings increased only 8%. The report notes Cook County's lax standards for expert evidence, including in a case against Johnson & Johnson in which plaintiffs' experts were given free rein while defense experts faced severe restrictions. The case resulted in a $45 million verdict against Johnson & Johnson. Similarly, in a case against Avon resulting in a $24 million verdict, key

defense arguments were dismissed while there was a lack of evidence that the plaintiff even worked at an Avon facility.

Other issues noted in the report include Cook County courts producing almost 80% of Illinois' nuclear verdicts during a 13-year period. Nuclear verdicts are subjective and immeasurable “pain and suffering” damages are greater than $10 million. Both St. Clair and Madison counties were also awarded a “Dishonorable Mention” for their jump in asbestos cases filed this year – with a nearly 40% increase in St. Clair County. Illinois also remains a top destination for frivolous food and beverage class actions, ranking in the top four states for such filings in 2023.

This ongoing lawsuit abuse and excessive tort costs result in Illinois residents paying a “tort tax” of more than $1,857 annually and has led to the loss of more than 215,000 jobs per year.

“Unfortunately, this report only confirms what we already know: lawsuit abuse remains rampant in Illinois. It hurts our state’s hardworking families as well as businesses and job creators, and continues to create unfavorable conditions for economic development,” said **Katie Reilly, Executive Director of the Illinois Coalition for Legal Reform**. “ICFLR remains committed to advocating for reform and working to create an environment where all Illinois businesses, employees, and communities can grow and thrive. Creating a more equitable litigation environment will result in more confident businesses that are more likely to create jobs and choose our state as a key site for future projects.”

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About the Illinois Coalition for Legal Reform
The Illinois Coalition for Legal Reform is a statewide association dedicated to combating abusive litigation and excessive jury verdicts by creating a fair, efficient, and predictable legal system for all Illinois citizens. We are a non-profit, non-partisan, member-supported coalition that is active in the legislature and the courts. Through legislative advocacy, education, and public relations, the ICFLR is fighting for a civil justice system that is fair to all litigants and conducive to job and economic growth.