Illinois Coalition for
LEGAL REFORM

June 18, 2025

To: The Honorable JB Pritzker
Governor of Illinois
207 State House
Springfield, IL 62706

I am writing to you on behalf of the Illinois Coalition for Legal Reform, 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, to respectfully request that you veto Senate Bill 328. If signed into law, this legislation would encourage attorneys to file lawsuits in Illinois state courts that have nothing to do with our state. This forum shopping will contribute to Illinois' reputation as one of the most expensive legal jurisdictions in which to operate a business in the country, rather than advance our collective goal of attracting businesses to our state.

Businesses can already be sued in Illinois courts if their principal place of business is in the State or if they engage in conduct in Illinois that harms an Illinois resident. But what Senate Bill 328 does is invite plaintiff's lawyers to sue out-of-state corporations on behalf of plaintiffs who live elsewhere. Businesses could be hauled into Illinois courts from across the country simply based on their registrations to do business in Illinois. This bill permits pure litigation tourism by plaintiff's lawyers who shop for friendly courts in which to file their lawsuits.

Lawyers will undoubtedly file in Illinois counties that have earned a reputation as being plaintiff friendly—Cook, Madison and St. Clair—places where courts are perceived as unfair and unbalanced against civil defendants. These counties have long attracted a disproportionate amount of litigation. As Americans for Tort Reform documented in a recent report, nine of ten lawsuits in Illinois are filed in Cook County. Meanwhile, Madison and St. Clair counties are, by far, the two most popular jurisdictions in the

country for asbestos litigation, with Cook County ranking fifth, according to KCIC analysis. KCIC is a Washington, DC-based consulting firm that specializes in data and analytics. They produce an annual summary, called The Asbestos Litigation Year in Review Report. According to the 2024 mid-year update report, Madison and St. Clair counties are, by far, the two most popular jurisdictions in the country for asbestos litigation, with Cook County ranking fifth.* This is the result of plaintiff's lawyers filing their cases, whenever possible, in courts they view as most likely to provide a favorable result and the highest award. This legislation will undoubtedly result in an influx of litigation into these courts with already crowded dockets. As lawyers bring more unrelated cases from out of state to Illinois courts, Illinois residents, whose taxes underwrite the costs of the judicial system, will find it more difficult to have their matters resolved in a timely and efficient manner.

It is important to recognize that this bill will impact a broad range of cases and industries. This is not a "toxic tort" bill, as its language may suggest. While the bill applies "only" to lawsuit alleging injuries from toxic substances, the definition of "toxic" that the bill incorporates from the Uniform Hazardous Substances Act of Illinois is extraordinarily broad. It covers any product of substance that "has the capacity to produce bodily injury or illness to man though injection, inhalation, or absorption through any body surface." That definition includes everything from dangerous chemicals to lifesaving medications, food, and baby formula. In any event, the unsound approach this bill codifies in Illinois corporate law will predictably be expanded to other types of lawsuits.

Aside from Pennsylvania, no other state has a similar law to Senate Bill 328. Governor Kathy Hochul of New York vetoed this twice "massive expansion" of general jurisdiction which she found "would likely deter out-of-state companies from doing business in New York" and "cause uncertainty for those businesses and burden the judicial system."

You should also reject this legislation because it undermines your "Open for Business" economic growth plan and will hurt the progress you have made to "attract, retain and expand businesses," which you pledged to do in your state of the state address. Rather, this bill sends the message that Illinois is not open for business. The message is not implied, it is explicit. The bill says that unless a business terminates its registration to do business in Illinois and withdraws from the state, it will be subject to lawsuits in Illinois

courts by plaintiffs from across the country for conduct that has no tie to Illinois. Rather than seek to expand their business in Illinois and provide jobs for Illinois residents, some businesses may accept this as an invitation to leave. Certainly, corporations will think twice before registering to do business in our state or operating in Illinois if it is not necessary for them to do so.

Thank you for considering our concerns. We respectfully urge you to veto Senate Bill 328.

Sincerely,

Katie Reilly

Katie Reilly
Executive Director
Illinois Coalition for Legal Reform

cc:
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2024 Top 10 Jurisdictions: Filings Received through 7/31 Each Year				
Jurisdiction	2023 Filings	2024 Filings	Nominal Change	% Change
Madison County, IL	523	483	-40	-7.6%
St. Clair County, IL	279	389	110	39.4%
New York, NY	176	192	16	9.1%
Philadelphia, PA	101	115	14	13.9%
Cook County, IL	71	95	24	33.8%
Wayne County, MI	68	82	14	20.6%
St. Louis, MO	84	75	-9	-10.7%
Los Angeles, CA	67	60	-7	-10.4%
Kanawha, WV	46	54	8	17.4%
Allegheny, PA	40	49	9	22.5%
Total (Top 10)	1,455	1,594	139	9.6%

*Figure 4