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New Report Names Three Illinois Counties as "Judicial Hellholes" Where Legal System Abuse Runs Rampant

CHICAGO – This week, a new report by the American Tort Reform Association (ATRA) named the trio of St. Clair, Madison, and Cook counties, as the nation's seventh worst Judicial Hellhole®. The plaintiff-friendly reputation of these counties has made them a magnet for asbestos claims and no-injury cases, among others.

"This report shines a light on the types of legal system abuses we see and the magnitude of the problem we face here in Illinois. It's time to address the issue and reform our legal system for the betterment of all Illinoisans," said Katie Reilly, Executive Director of the Illinois Coalition for Legal Reform (ICFLR).

St. Clair, Madison, and Cook counties are home to a disproportionate amount of the state's nuclear verdicts®, and Cook County most often is the chosen court. Cook County alone saw 161,064 new civil case filings in 2023, while the rest of Illinois — spread across 23 circuit trial courts— recorded 324,247. Cook County's filings accounted for 47% of the state's total civil docket.

A newly enacted law expanding Illinois courts' jurisdiction may open the floodgates to lawsuits from across the nation in these counties, including cases with little legitimate connection to Illinois. "This forum shopping legislation, which was introduced and enacted with little time for debate or thoughtful consideration, is just another example of why Illinois' counties rank among the top Judicial Hellholes in the country," added Reilly.

Forum Shopping

In August 2025, Governor JB Pritzker signed into law S.B. 328, a bill that will open Illinois courts to even more lawsuits from across the country.

The new law invites plaintiffs' lawyers to sue out-of-state corporations in Illinois on behalf of plaintiffs who live elsewhere. It subjects any corporation that registers to do business in the state to general personal jurisdiction, meaning that, by registering, the company is considered to have consented to being sued for any purpose, including actions unrelated to its conduct in the state. In addition, plaintiffs' lawyers can assert, under the new law, that even companies that have not registered to do business in Illinois are "deemed" to have consented to have lawsuits against them decided in Illinois by pointing to activity the business has conducted in the state.

The new law applies to lawsuits alleging injuries from exposure to any substance that is capable of causing injury. This includes not only the asbestos claims that Illinois is already well known for, but also claims stemming from food, medication, infant formula, and more.

As lawyers bring more unrelated cases from out of state into Illinois courts, Illinois residents will find it more difficult to have their matters resolved in a timely and efficient manner.

Nuclear Verdicts

Illinois courts have a reputation for producing nuclear verdicts®. Over a ten-year period, in personal injury trials, Illinois courts returned the sixth-most verdicts above $10 million in the country. Illinois also placed in the Top 10 states for nuclear verdicts® in all cases against businesses in 2024. These verdicts are most frequent in Cook County but also occur in St. Clair and Madison counties. This is one of the factors that attracts plaintiffs' lawyers to the jurisdictions.

No-Injury Lawsuits

Biometric Information Privacy Act (BIPA)

BIPA requires companies to inform an individual in writing and receive a written release prior to obtaining or retaining his or her biometric data. If a company fails to follow this procedure or meet other requirements, the aggrieved person can seek the greater of $1,000 or actual damages for each negligent violation, and the greater of $5,000 or actual damages for each violation they allege was intentionally or recklessly committed. Enacted in August 2024, **S.B. 2979** limits the number of violations occurring to a single instance, regardless of how many times a business scans or transmits a person's biometric information. Even with this reform, the liability exposure businesses face under BIPA remains high because, when a class action includes thousands of people, each can seek $1,000 or $5,000 in damages.

Genetic Information Privacy Act

The Illinois' **Genetic Information Privacy Act**, enacted in 1998, addresses the disclosure and use of an individual's genetic information. It restricts employers from requiring genetic testing as a condition of employment and states that the results of genetic testing cannot be used to affect the terms of employment. It includes a private right of action that allows any "aggrieved person" to collect $2,500 for a negligent violation and $15,000 for a reckless or intentional violation, plus attorneys' fees and litigation expenses, regardless of whether they experienced any actual loss. Given their immense success under BIPA, plaintiffs' lawyers have started exploiting GIPA's broad definition of "genetic information" and the availability of substantial statutory damages to generate lucrative class action lawsuits targeting businesses across the state.

Food, Beverage & Cosmetic Cases

Illinois ranked in the Top 3 states for the most class action lawsuits against food and beverage makers in 2024, moving up from previous years. The state also ranks third for hosting the most consumer class actions against cosmetic companies. Only fellow Judicial Hellholes® New York and California are home to more of these types of lawsuits.

Asbestos

Cook, Madison, and St. Clair counties remain hotspots for asbestos claims, attracting plaintiffs from across the country due to their favorable litigation environments. Plaintiffs' firms continue to choose this trio of counties as their preferred destinations while defendants bear the burden of fighting what are often unsubstantiated claims. Through July 2025, these three Illinois counties each ranked in the Top 5 courts in the nation for the most asbestos lawsuit filings, accounting for nearly 40% of all asbestos filings nationwide, with Madison and St. Clair Counties topping the list.

"Legal system abuse is a drain on the state's economy and is costing Illinois residents $1,919 per year," said Reilly. "It is time for Illinois lawmakers to take a stand for Illinoisians and not plaintiff lawyers by creating a fair, efficient, and predictable legal system for all."

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