



ILR Research Review

Winter 2026

From the Top: The President's Perspective

This edition of the *ILR Research Review* showcases several reports that provide both proof-points and guideposts to support legal reform in 2026.

This year, Indiana was among the latest states to consider reforms to cabin the increasingly problematic public nuisance legal theory, which continues to take root in lawyer-driven litigation around the country. Our latest *ILR Briefly* documents Indiana's recent legal reform history and points out opportunities for reform that will help the state build on its economic momentum.

Traditional private arbitration helps resolve disputes more quickly, more fairly, and with better claimant outcomes than litigation. Mass arbitration, however, is very different. The rise of abusive mass arbitration practices by the plaintiffs' bar is harming businesses, consumers, and employees alike. *Private Power, Public Harm* documents specific examples of this escalating problem and offers practical solutions to address it.

City and county lawsuits are also accelerating litigation costs, and plaintiffs' lawyers have developed a sophisticated strategy for fostering those lawsuits and maximizing their gains.

Municipality Litigation: The Plaintiffs' Lawyer Playbook explores plaintiffs' lawyers' evolving framework for encouraging and profiting from this litigation, in a manner that often delays relief for individuals and undermines the authority of state attorneys general. ILR's paper recommends reforms to curb the expansion of this playbook and mitigate its negative impacts on municipal plaintiffs, businesses, and consumers.

Trucking plays a vital role in the U.S. economy, but lawsuits against the commercial transportation sector have imposed significant costs, impacting businesses and consumers reliant on trucking supply chains—which is to say, almost all of them. The data outlined in ILR's latest *Tort Costs in America* report, *Commercial Auto: An Analysis of the Economic Impact of Commercial Automobile Tort Costs*, highlights the economic benefits of reducing excessive commercial transportation lawsuits.

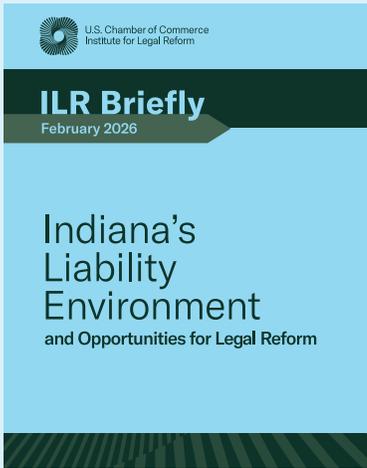
With this research in hand, we have yet more powerful arguments to drive change in the civil justice system, and we have solutions that can move the needle. Let's make it happen in 2026.

Go, fight, win.



Stephen Waguespack

President, Institute for Legal Reform
Senior Vice President, U.S. Chamber
Federation, State and Local Advocacy
U.S. Chamber of Commerce



February 2026

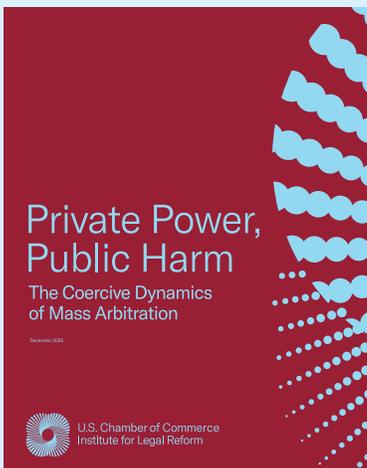
Cary Silverman and
Christopher E. Appel
Shook, Hardy & Bacon LLP

ILR Briefly: Indiana's Liability Environment and Opportunities for Legal Reform

Indiana has a strong tradition of implementing reforms that foster balance and predictability within its civil justice system, discourage excessive liability, and curb lawsuit abuse. Although these actions have helped to strengthen the state's competitive position, there remains much work that can be done to make Indiana an even better place to do business. This edition of *ILR Briefly* examines the state's litigation landscape, focusing on legislative accomplishments, judicial impact, and opportunities for advancing reforms. These latter include establishing caps on noneconomic damages in personal injury cases, addressing misleading lawsuit advertising, increasing attorney fee award limits to deter unnecessary litigation, codifying public nuisance laws to prevent misuse, enacting reasonable constraints on liability for another's unlawful acts, and implementing bifurcated trials to reduce jury prejudice and improve efficiency.

In the News: Indiana's Push for Change

Earlier this year, Indiana policymakers considered [House Bill 1417](#), which would have helped the state reinforce its legal environment and encourage further economic momentum. Introduced by Rep. Matt Lehman (R-Berne) and subsequently amended, this legislation sought to narrow the scope of public nuisance lawsuits to a more traditional application of the legal theory, heading off the kind of ill-founded public nuisance suits that have proliferated in recent years. Though the bill did not advance beyond the House in 2026, it will likely be reintroduced alongside other legal reform priorities in 2027.



December 2025

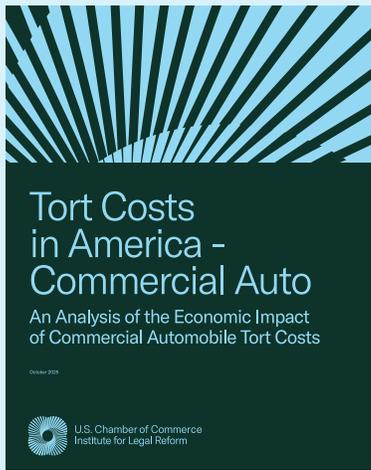
Michael W. McTigue Jr. and
Meredith C. Slawe
Skadden, Arps, Slate, Meagher
& Flom LLP

Private Power, Public Harm: The Coercive Dynamics of Mass Arbitration

As courts face increasing burdens, arbitration is an ever-more important tool for efficiently resolving disputes for consumers and employees. However, abusive mass arbitration threatens this system and can harm all parties involved. Building on 2023's *Mass Arbitration Shakedown* research, *Private Power, Public Harm* highlights dubious client solicitation and vetting practices plaintiffs' lawyers use to stockpile the maximum number of claimants, raising settlement pressure on defendants. To curb this conduct, the report recommends judicial scrutiny of frivolous mass arbitration claims, legislative reforms to ensure transparency in litigation funding that backs these claims, regulatory action against unethical practices, stricter enforcement of attorney ethics rules, adjustments to arbitration rules and fee structures, and improved arbitration agreements to prevent misuse. These measures aim to preserve arbitration's integrity and protect claimants and defendants alike.

In the News: Georgia AG Takes a Stand Against Mass Arbitration Abuses

In a recent letter and [press release](#), Georgia Attorney General (AG) Chris Carr raised concerns about customer harm in mass arbitrations, warning that current abuses may represent only "the tip of the iceberg." While acknowledging initial steps by some arbitration providers to address these issues, such as fee schedule revisions and process arbitrators, he emphasized the need for further action. AG Carr also issued a consumer alert warning against mass social-media arbitration solicitations, cautioning that these may prioritize quantity over merit, offering little benefit to consumers. He urged consumers to verify the legitimacy of such solicitations, check lawyer credentials, and review fee structures carefully.



October 2025

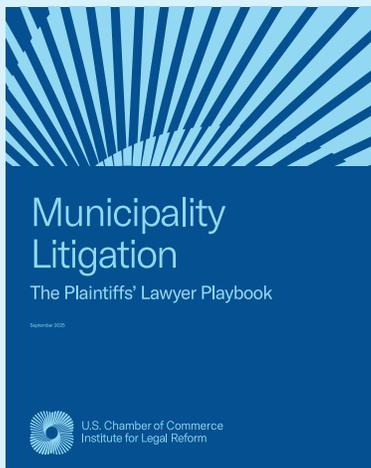
David McKnight, Paul Hinton,
Wonjun Chang, and Natasha Abrol
The Brattle Group

Tort Costs in America – Commercial Auto: An Analysis of the Economic Impact of Commercial Automobile Tort Costs

Trucking is the backbone of the U.S. economy, moving most of the goods Americans rely on every day. For that reason, the recent surge in lawsuits targeting the commercial transportation sector has had far-reaching economic consequences, creating substantial costs that affect not only the industry itself but also the broader U.S. economy. ILR's research, in collaboration with The Brattle Group, shows that reducing those lawsuit costs could deliver major economic gains. The modeled reductions in the study could boost U.S. GDP by \$52.3 billion annually, create 5.7 million jobs, and reduce food-at-home inflation by up to 15 percent over 10 years. The study also finds that every \$1 million increase in tort costs cuts GDP by \$2 million, underscoring the economic burden of litigation costs in the trucking industry.

In the News: New Research Expands Insights on Growing Trucking Litigation

A recent study by the American Transportation Research Institute (ATRI) highlights a sharp rise in large verdicts against trucking fleets, analyzing six years of truck tort cases from 2019 to 2024. In 2022 alone, there were an estimated 12,817 state truck-tractor tort cases, with 147 cases improperly blocked from federal court, where cases are often more protected from potential bias. Nonmedical awards were more than 10 times higher than medical awards in 17.8 percent of cases, indicating the presence of exaggerated nonmedical claims. The study emphasizes that excessive litigation creates serious challenges for the trucking industry, diverting valuable time and resources away from enhancing operations and safety.



September 2025

Municipality Litigation: The Plaintiffs' Lawyer Playbook

The plaintiffs' bar has developed a "playbook" for leveraging issues of widespread controversy to drive mass litigation against businesses, pressuring settlements regardless of merit. This research dives into the evolving elements of the playbook, and shows how it can stand in the way of relief for municipal plaintiffs while undermining the authority of state attorneys general to serve as effective chief law enforcement officers in their states. The paper then proposes reforms to mitigate these harms, including limiting municipal authority to bring suit on statewide issues, reining in contingency fees and litigation funding, narrowing legal grounds for such lawsuits, ensuring impartial venues and enabling case transfers to federal courts, and enhancing the scientific reliability of evidence in these cases.

In the News: Maryland Municipalities Appeal Climate Lawsuit to State Supreme Court

Maryland municipalities have appealed lawsuits against major energy companies to the state's Supreme Court, seeking to overturn lower court dismissals of claims alleging deceptive conduct by major energy companies. These cases, based on state law claims of nuisance, trespass, and failure-to-warn theories, mirror a national wave of climate liability suits filed by municipalities. Defendants argue, here and in similar cases across the country, that federal law preempts these claims. At the time of this writing, it remains unclear what implications, if any, will flow from the Environmental Protection Agency's February 2026 rescission of the 2009 Greenhouse Gas Endangerment finding.



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