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Institute for Legal Reform

ILR Briefly

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The Illinois Challenge

Excessive Litigation and Liability in the Land of Lincoln

“Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough.”

—Abraham Lincoln[1]

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Introduction and Executive Summary

Illinois has earned a reputation for no-injury lawsuits and nuclear verdicts. Its courts are a magnet for asbestos and class action litigation. While other states have adopted reforms to curb excessive liability and lawsuit abuse, Illinois has enacted laws that encourage unwarranted litigation and forum shopping.

This report examines Illinois's liability landscape, identifies key drivers of excessive litigation and disproportionate liability, and presents opportunities for policymakers to restore balance. Without meaningful reform, Illinois risks further entrenching its reputation as plaintiffs' preferred jurisdiction for high-stakes litigation, with significant consequences for residents, employers, and the state's economy.

A Liability System in Need of an Overhaul

Illinois is viewed as having one of the most challenging legal environments in the nation for civil defendants. This reputation stems from expansive liability laws that are outside of the mainstream, a judicial system that is prone to nuclear verdicts, and a state legislature that has only adopted civil justice reforms when lawsuit abuse reaches crisis levels.

Key Findings

- While other states are tackling lawsuit abuse and emerging issues of concern, Illinois has not adopted significant reforms in decades. The state lacks key safeguards that facilitate a balanced liability system.
- Illinois is among a handful of states that adheres to a lax *Frye* "general acceptance" standard for admissibility of expert testimony that federal courts and most states have abandoned in favor of a gatekeeper approach in which judges scrutinize the reliability of the science.
- The ability to recover unlimited noneconomic and punitive damage awards, and inflated damages for medical expenses, drive litigation.
- Plaintiffs' lawyers employ manipulative tactics that lead juries into reaching excessive pain and suffering awards with the tacit approval of the judiciary.
- Illinois ranks among the top states for nuclear verdicts, which are concentrated in Cook County.
- Three Illinois counties—Cook, Madison, and St. Clair—host about half of the nation's asbestos litigation.
- No-injury class actions—driven by the state's Biometric Information Privacy Act (BIPA)

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and consumer protection laws—have fueled litigation with little public benefit.

- Efforts in Illinois to turn public nuisance law into a "super tort" continue.
- Illinois courts permit prejudicial practices, like joint trials in mass tort litigation, that can distort litigation outcomes and add settlement pressure.

A Plaintiffs' Lawyer Paradise

It should come as no surprise that Illinois has the fifth most lawyers of all states, exceeded only by litigation centers such as New York, California, Texas, and Florida. Illinois also has the fourth highest number of lawyers per capita among the states—one lawyer for every 200 residents.[2]

A trio of Illinois counties—Cook, Madison, and St. Clair—have also been consistently named a Judicial Hellhole® over the past two decades in the American Tort Reform Foundation's annual report, which identifies places viewed as especially unfair to businesses and other civil defendants.[3]

Heading in the Wrong Direction

Rather than address concerns about excessive liability, the Illinois General Assembly contributes to the state's problems with liability-expanding legislation. For example, though the state has enacted laws intended to protect residents, by incorporating private rights of action in those laws, Illinois has generated litigation that primarily benefits attorneys. For example, BIPA is a national posterchild for litigation abuse.[4]

The legislature has also gone in the wrong direction in addressing the state's excessive litigation and liability. For instance, rather than rein in its courts' propensity for nuclear verdicts, the legislature amended the state's Wrongful Death Act in 2023 to authorize punitive damage awards for the first time.[5] Illinois also recently established a six percent prejudgment interest rate for personal injury and wrongful death actions, which will effectively make large awards even higher for businesses that defend themselves in court rather than settle.[6] And, instead of addressing forum shopping in Illinois courts, the legislature last year enacted a law subjecting corporations that register to do business in Illinois to personal jurisdiction in Illinois courts even when their activity in the state is unrelated to the lawsuit.

Meanwhile, other states, like Florida and Georgia, recently adopted comprehensive civil

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justice reform packages to improve their attractiveness to businesses. Those laws both addressed areas where state law imposed excessive and unpredictable liability and areas of rising concern, such as the influx of outside money into funding litigation. This year, New York Governor Kathy Hochul has also discussed certain legal reforms as a means of lowering the cost of living in the Empire State.[7]

A Judiciary Prone to Expanding Liability

The Illinois Supreme Court also plays a significant role in shaping the state's liability environment. Over the past several decades, the court has struck down attempts at enacting civil justice reform. As a result, unlike many other states, Illinois allows for unlimited noneconomic and punitive damages in personal injury cases, including medical liability cases.[8] Court rulings interpreting BIPA have facilitated no-injury lawsuits and extraordinary statutory damages.[9]

Of course, there are exceptions to the overall trend, including a recent Illinois Supreme Court ruling that may curb no-injury lawsuits[10] and judges who have sometimes pushed back against rampant forum shopping.[11]

"Illinois's litigation environment also affects its business climate. . . . [And the] reality is that businesses are leaving Illinois."

The Cost for Illinois Residents

Excessive litigation imposes substantial costs on Illinois residents. The state's tort costs totaled an estimated $21.3 billion in 2022—$4,281 per household and 2.1 percent of state GDP, according to a Brattle Group study based on insurance data.[12] Tort costs per household are significantly higher in Illinois than in neighboring states.

State	Tort Costs Per Household
Wisconsin	$2,538
Iowa	$2,797
Kentucky	$2,808
Indiana	$2,962
Missouri	$3,387
Illinois	$4,281

Illinois's litigation environment also affects its business climate. The state placed 36th overall in U.S. News's 2025 "Best States" rankings.[13] It also received a C-minus for business friendliness in CNBC's 2025 Top States for Business report, a factor that includes the state's lawsuit and liability climate.[14]

Those rankings are not merely abstract assessments—the reality is that businesses are leaving Illinois. According to the Illinois Policy Institute, Illinois lost 2,616 businesses to other states between 1994 and 2023.[15] There has been a loss of businesses every year during this period. Since 2017, the rate of businesses fleeing the state began to increase significantly, and the rate has tripled since the pandemic.[16] With the exception of California and New York, Illinois had the most business losses in 2023.[17] Meanwhile, states like Florida, Tennessee, and Texas—states that have made efforts to address excessive liability and lawsuit abuse—are flourishing. While factors such as high taxes play a role,[18] Illinois's litigious environment is certainly also a contributing factor in its struggle to attract and retain business.

Opportunities for Legal Reform

Policymakers have clear opportunities to restore balance to the legal system and create conditions of prosperity for families and businesses. Key reform priorities include modernizing liability rules, strengthening evidentiary standards, curbing excessive damages, discouraging forum shopping, reforming biometric privacy litigation, preventing unwarranted expansion of public nuisance law, and increasing transparency in third-party litigation funding.

Behind the Times

Illinois has long been held back from achieving meaningful civil justice reform due to its influential plaintiffs' bar and a supreme court that has historically invalidated the few significant reforms that have passed. The state does not have laws and court procedures found in other states that facilitate a balanced civil liability system.

Illinois has not enacted a comprehensive civil liability reform bill in decades that has survived the state supreme court's review. Illinois last successfully enacted a major tort reform bill in 1986, when it prohibited plaintiffs' lawyers from making media-grabbing calls for punitive damages in complaints, limited joint and several liability for minimally at fault defendants in some cases, and adopted modest collateral source reform.[19] In 1995, the legislature adopted another reform package that addressed product liability laws and attempted to control excessive awards.[20] In 2005, the legislature tackled concerns about the impact of liability on accessible and affordable healthcare.[21] The Illinois Supreme Court, however, struck down the 1995 and 2005 laws.[22]

Expert Testimony

Illinois is one of a handful of states that adheres to an outdated, lax standard for evaluating the admissibility of expert testimony, known as the *Frye* "general acceptance" test.[23] Under that approach, if an expert has adequate credentials, lays a foundation for the evidence, and the evidence is relevant to the case, courts often admit it, even if novel and inadequately supported.

In contrast, federal courts have instructed judges to serve as "gatekeepers" over the reliability of expert testimony, giving them a responsibility to ensure testimony is only admitted when backed by sound science. Under Federal Rule of Evidence 702, judges take a more active role, examining whether the proposed testimony has been tested and peer-reviewed, for example.[24] The vast majority of states align with the federal approach, which discourages plaintiffs' lawyers from bringing cases based on junk science to states that have a more lenient approach to admissibility.[25]

In 2023, the federal judiciary amended Rule 702 in response to cases in which judges did not properly apply it to require those seeking to introduce expert testimony to demonstrate that the testimony is based on reliable scientific principles and methods.[26] These changes emphasize that the burden is on the party offering the testimony to show that their expert's opinions are more likely than not reliable and that judges—not juries—must determine whether the testimony meets these reliability standards.[27] Even as states such as Arizona, Kentucky, Louisiana, Michigan, Ohio, and Oklahoma have updated their standards to track the federal amendments, the Illinois Supreme Court has repeatedly declined to adopt the federal standard,[28] retaining instead a standard established in 1923.[29]

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"Damages awarded in personal injury cases for medical expenses in Illinois are routinely inflated far beyond their true value."

Allocation of Fault

While many states allow juries to consider the responsibility of all parties that may have contributed to a plaintiff's injury and to allocate fault among them, Illinois only allows juries to consider the fault of named defendants that go to trial. Juries cannot consider, for example, the responsibilities of entities or individuals that are immune from suit or insolvent, even if they were a significant cause of a plaintiff's injury. Illinois juries cannot even consider the responsibility of settling parties when allocating fault.[30] As a result, plaintiffs' lawyers may pursue lawsuits even after the party that is largely responsible settles, resulting in defendants who go to trial paying damages disproportionate to their level of responsibility.

Joint and Several Liability

Many states have adopted "fair share" liability, in which each defendant pays damages in proportion to fault. Illinois retains joint and several liability in many actions, forcing a defendant that is partially responsible to pay the entire damage award.[31]

Inflated Damages for Medical Expenses

Damages awarded in personal injury cases for medical expenses in Illinois are routinely inflated far beyond their true value. This occurs because Illinois courts allow plaintiffs' lawyers to introduce evidence of the list prices for medical treatment, referred to by hospitals as chargemaster rates, even when healthcare providers accepted substantially lower amounts as full payment for the medical services provided.[32] Jurors, who see only the billed amounts, are misled to believe that these rates reflect the actual cost paid for care when they actually stem from medical billing practices and are typically an opening bid for negotiating rates with Medicare, Medicaid, and private insurers.

For example, after a minor accident, an ER exam, plus imaging and testing to confirm there is no significant injury, might result in "billed" charges totaling $15,000. The healthcare provider, however, may accept $4,500 as full payment for that care. In cases involving more significant injuries or extended medical care or rehabilitation, billed charges can easily go into the hundreds of thousands of dollars, even when the amount accepted as full payment may be 10 times less. The difference between the list price and the amount actually paid or expected to be paid for future care is referred to as "phantom damages" because no one ever pays these amounts.

Since 2020, seven states have enacted legislation providing that evidence offered to prove the amount of damages for past medical treatment or services is limited to the amount actually paid, regardless of the source of payment.[33] They join others that have taken this approach through legislation.[34] State high courts have also addressed the issue, rejecting use of billed rates to compute damage awards.[35] Illinois, however, has not acted.

Unlimited Noneconomic and Punitive Damage Awards

Illinois lacks meaningful constraints on damages. While two thirds of states set statutory maximums for noneconomic damages in medical malpractice or all personal injury cases, Illinois allows for unlimited awards. And more than half of states have punitive damages limits in place to ensure that punishment is proportionate to the injury. Illinois has neither.

Anchoring Tactics

To make matters worse, Illinois law allows plaintiffs' lawyers to manipulate juries into reaching damage awards that far exceed levels they would likely reach if left to decide an amount based purely on the evidence presented at trial and their life experience and values. This tactic, known as "anchoring," involves plaintiffs' lawyers implanting in the minds of jurors an arbitrary amount or suggesting the use of an arbitrary formula (such as an amount per hour, day, or year) designed to lead to excessive awards. This practice is especially impactful in the context of noneconomic damages because these awards are highly subjective. To put it simply, the more lawyers ask for, the more they get.[36]

Sixty years ago, when noneconomic damages awards paled in comparison to amounts awarded today, the Illinois Supreme Court allowed plaintiffs' lawyers to suggest to the jury a dollar amount to award for a person's pain and suffering.[37] Even then, however, the court prohibited counsel from suggesting mathematical formulas, finding they create "an illusion of certainty."[38] "[R]ather than encouraging reasonable and practical consideration, [offering formulas] tend[s] to discourage such consideration."[39] Expecting a defendant to counter plaintiff's anchor would not "remedy the situation because this would only emphasize the improper argument and would further mislead the jury into relying on the formulae and figures rather than the actual evidence of damages."[40]

Despite the Illinois Supreme Court's instruction that use of mathematical formulas "transcends the bounds of proper argument,"[41] Illinois appellate courts have repeatedly refused to reverse verdicts after a plaintiffs' counsel has engaged in such conduct.[42] The state high court has not revisited this issue, even as noneconomic damages have grown to become the largest portion of awards in personal injury lawsuits.

Appeal Bond Fairness

Illinois places no limit on the amount of an appeal bond, which a defendant must post to stay execution of judgment during an appeal.[43] Court rules require the defendant to post a bond that covers the entire judgment, plus interest, unless the court allows otherwise. This may jeopardize the ability of defendants to appeal an extraordinary and excessive verdict, which is of particular concern in Illinois given the state's propensity for nuclear verdicts. Nearly all of Illinois's neighboring states set a maximum amount.[44]

Judgment Interest

Illinois has not updated its post-judgment interest rate. The state applies a flat nine percent rate, which is often several times greater than the annual rate of inflation.[45] Many states have abandoned rates at this level and, instead, indexed their rates to the Federal Reserve rate. Instead, Illinois added a new six percent pre-judgment interest rate applicable to personal injury cases in 2021 that begins to accrue immediately upon filing a lawsuit.[46]

Interlocutory Appeal

Illinois does not provide a right to an interlocutory (immediate) appeal of a court's order certifying a class action.[47] For defendants, this means that whenever a trial court certifies a class, the defendant is strongly incentivized to settle the case because the risks of an adverse judgment become too great, even if the case lacks merit or the certification decision was a legal error. Unlike Illinois, many states, such as Arizona, Kentucky, New York, Ohio, and Tennessee, provide a right to appeal a class certification.[48]

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Illinois: The Land of Lawsuits

Illinois's failure to adopt key civil justice reforms sets the stage for making Illinois one of the nation's most active venues for litigation. As a result, certain areas of the state are known for nuclear verdicts, asbestos and other mass tort litigation, and no-injury class actions. While other states address long-running civil justice issues and emerging concerns, Illinois has moved in the opposite direction with new opportunities for forum shopping.

Nuclear Verdicts

The frequency of nuclear verdicts ($10 million or more) in Illinois shows why the state is a preferred choice for many plaintiffs' lawyers. A 2024 ILR study found that Illinois courts had the fifth most nuclear verdicts in personal injury and wrongful death trials of all the states between 2013 and 2022.[49] The state tied with Georgia in that category, though since then Georgia, unlike Illinois, has enacted comprehensive civil justice reform legislation addressing some of the primary contributors to excessive awards.

Of the top 10 states for nuclear verdicts, Illinois's massive awards were the most concentrated in medical liability trials, but also frequently occurred in product liability actions.[50] These verdicts are most frequent in Cook County.

Examples of this trend continue to accrue. For instance, in September 2025, a truck driver who slipped on oil at a gas station, landing on her hand, received a $32 million verdict against the station owner in Cook County.[51]

The Nation's Asbestos Court

According to KCIC, a consulting firm that tracks asbestos litigation, the two most popular jurisdictions in the country for plaintiffs' attorneys to file asbestos lawsuits are Madison and St. Clair counties.[52] These two counties, with a combined population of about 500,000, host nearly half of the nation's asbestos litigation. Cook County places fifth, following New York City and Philadelphia. And, while asbestos claims are declining in most jurisdictions, St. Clair and Cook counties have both seen their numbers rise over the years. In St. Clair County, asbestos lawsuit filings rose 53 percent from 536 to 820, while Cook County experienced a 59 percent increase, from 111 to 176, between 2022 and 2024.[53]

Even within these Illinois courts, plaintiffs' lawyers have their preferred venues for different types of asbestos claims. Mesothelioma lawsuits often land in Madison County, which has five times as many mesothelioma cases as New York City, the second most popular county for such cases.[54] Cases alleging a client's lung cancer resulted from asbestos exposure, rather than other causes, frequently are filed in St. Clair County, which, by far, hosts the most of these claims nationwide.[55] Each asbestos lawsuit complaint filed in these three counties names scores of companies as defendants.[56] It is no surprise that the two law firms that file the most asbestos lawsuits, The Gori Law Firm and Simmons Hanly Conroy,[57] are based in Madison County.

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No-Injury BIPA Class Actions

An Illinois law requiring businesses to inform individuals and obtain express consent when they collect or store a person's biometric data has led to a lawsuit industry in Illinois.

Legislators enacted BIPA in 2008. It includes a private right of action and authorizes individuals to recover $1,000 per negligent violation and as much as $5,000 for reckless or intentional violations, plus attorneys' fees and litigation expenses.[58]

Plaintiffs' lawyers have used the statute to bring lawsuits against numerous employers, claiming that time clock and property access systems that rely on hand or finger scans violate the Act. BIPA lawsuits can also target other business activities. For example, a Cook County judge certified a BIPA class action against Apple that alleges that its devices' Siri function runs afoul of the Illinois law because it relies on "voiceprints."[59] That class action includes any Illinois resident who used Siri since September 2014.

Litigation under this law was relatively sparse until 2019, when the Illinois Supreme Court ruled that a plaintiff does not need to show an actual injury from the collection or storage of biometric data to qualify as "aggrieved" under the statute and collect statutory damages.[60] "In 2020, plaintiffs filed more than six times as many class action lawsuits for alleged violations of the BIPA than they filed in 2017 and more than the number of class action lawsuits they filed from 2008 through 2016 combined," according to a law firm tracking the litigation.[61]

In 2023, two more Illinois Supreme Court decisions led to a further spike in BIPA litigation.[62] The court ruled that each biometric scan can count as a separate violation of the Act,[63] posing a threat of astronomic damages. It also found that a five-year statute of limitations applied to BIPA actions,[64] allowing plaintiffs to reach back to accumulate violations and damages.

Most businesses, afraid of the risk of extraordinary liability, routinely settled such cases, which only led to the filing of more lawsuits. The first BIPA class action to go to trial resulted in a $228 million verdict—based on 45,600 fingerprint entry scans multiplied by $5,000 per violation.[65] While a federal judge later threw out this award,[66] the message was loud and clear: settle or else.

Litigation under BIPA became so untenable that the ordinarily liability-friendly Illinois legislature was compelled to intervene. In 2024, Illinois amended BIPA to clarify that statutory damages apply per person, not per scan.[67] Since that amendment, BIPA litigation substantially dropped from its peak of 417 lawsuits in 2024. A federal appellate court is currently considering whether this clarification of the law applies to pending lawsuits, a question that, as one judge observed, has "billions of dollars of consequences."[68] Even with the amendment, BIPA remains popular with plaintiffs' lawyers, who filed 150 class actions under that law in 2025.[69]

A Favorite for Consumer Class Actions

Illinois is a popular state for plaintiffs' lawyers to file consumer class actions. A common type of class action targets foods and beverages, claiming products are labeled or advertised in a way that might mislead consumers. According to an annual survey by law firm

"According to an annual survey by law firm Perkins Coie, only California and New York exceeded Illinois for the number of [consumer class actions] in 2024, with Missouri, another jurisdiction known for lawsuit abuse, placing a close fourth."

Efforts in Illinois continue to transform public nuisance law into a "super tort," capable of imposing sweeping liability on product manufacturers.

Perkins Coie, only California and New York exceeded Illinois for the number of these lawsuits in 2024, with Missouri, another jurisdiction known for lawsuit abuse, placing a close fourth.[70] For example, a recent Illinois lawsuit contended, on behalf of all consumers in Illinois and nationwide, that boxes of Cocoa Pebbles and Fruity Pebbles provided fewer servings than labeled.[71]

Federal courts have viewed these claims with a healthy dose of skepticism. For instance, in February 2026, the Northern District of Illinois dismissed a lawsuit claiming Buffalo Wild Wings misled consumers because its boneless wings were not actually "wings."[72] In doing so, the judge wryly remarked that the lawsuit "has no meat on its bones."

Several months prior, the same court dismissed a lawsuit claiming that, because a popular snack bar included a "climate neutral certified" logo, a consumer believed that producing the product did not cause any greenhouse gas emissions. The manufacturer had obtained this certification by meeting standards developed by the Change Climate Project for measuring, managing, and reducing the footprint of their products. "There is nothing deceptive about [the manufacturer] including on its packaging a true statement," the court ruled.[73]

After a New York lawyer known for filing class actions challenging food labeling found judges in his home state unreceptive to his lawsuits, he increasingly filed them in Illinois.[74] One of those lawsuits claimed a consumer was lured into buying gum that had a blue leaf on it, believing the leaf suggested that the gum included actual mint, rather than artificial mint flavor.[75] The other alleged that a jar of reduced-fat mayonnaise did not contain as much olive oil as a consumer expected.[76] Federal courts in Illinois dismissed the claims, and suggested the lawyer could face sanctions.[77] Although these judges do not appear to have followed through on their threat, a federal judge in Florida later ordered the same attorney to pay $144,000 in attorneys' fees after dismissing a frivolous suit involving the labeling of coffee.[78]

Novel Public Nuisance Lawsuits

Efforts in Illinois continue to transform public nuisance law into a "super tort," capable of imposing sweeping liability on product manufacturers. Historically, a public nuisance claim provided a means to address disruptive activities on a property that unreasonably interfere with the public's use of land.[79] Traditional public nuisance lawsuits target activities like blocking public roads or using property for gambling, drug-dealing, or prostitution. Several Illinois statutes reflect this understanding of public nuisance law.[80]

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As past ILR research has documented, plaintiffs’ lawyers have sought to redefine and dramatically expand the tort’s requirement of an “unreasonable interference with public rights,” recasting public nuisance as a catch-all doctrine that could apply to an almost limitless range of circumstances.[81]

In a bevy of lawsuits filed across the country, contingency-fee lawyers hired by state and local governments have claimed that manufacturers and distributors of lawful products—including fuel, paint, automobiles, firearms, pharmaceuticals, and even beverages sold in plastic bottles—may be held liable under public nuisance for the societal costs associated with the use (or misuse) of those products. In many such cases, the challenged products are not only lawful but also heavily regulated, widely used, and valued by consumers.

Illinois courts are among those that have rejected past invitations to “extend public nuisance liability further than it has been applied in the past” to the lawful sale of products.[82] Nevertheless, in 2024, the city of Chicago sued more than a dozen energy companies, alleging their promotion and sale of fuel contributes to the “public nuisance” of global climate change.[83] As experts have explained, such lawsuits “have no legal merit” and propose to “impose a penalty on energy use” that “will do nothing to move the needle on climate change.”[84] Yet, Illinois is one of the carefully selected jurisdictions around the country where claimants seek to break the traditional bounds of public nuisance law.

These attempts to distort public nuisance law erode predictability and fairness in the civil justice system by exposing entire industries to potentially boundless liability untethered from established legal principles. They also risk destabilizing essential sectors of the economy, such as energy production, by creating uncertainty about whether lawful commercial conduct may later be reframed as a “public nuisance.”

Forum Shopping

When given the choice by the state’s general venue statute and the locations of possible defendants, plaintiffs’ attorneys choose to file their lawsuits in certain Illinois counties because

Together, [Cook, Madison, and St. Clair] counties host more than two thirds of Illinois’s major civil litigation, even as they account for less than half of the state’s population.

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they believe their clients will get a better result—through favorable rulings, outcomes, and higher damages awards.

According to the most recent data reported by the Administrative Office of the Illinois Courts, about 55 percent of Illinois lawsuits seeking over $50,000 are filed in the Cook County Circuit Court.[85] Madison and St. Clair are in a dead heat for the second and third most popular counties in the state for filing such claims.[86] Together, these three counties host more than two thirds of Illinois's major civil litigation, even as they account for less than half of the state's population.

The reasons for the disproportionate litigation in these counties are clear. As discussed earlier, Cook County has a history of hosting a disproportionate number of the state's nuclear verdicts. And, as discussed below, Madison and St. Clair counties have a national reputation as favorable venues for asbestos claims and other litigation.

For example, Chicago is a jurisdiction of choice for personal injury attorneys to file medical liability lawsuits against healthcare providers, given the Cook County Circuit Court's propensity for record-breaking awards.[87] Illinois law allows plaintiffs' lawyers to establish venue in Cook County by including as a defendant any doctor, nurse, or other healthcare professional that lives in that county, or by showing that the hospital or other medical practice has a presence there. In some instances, lawyers have filed medical liability cases in Cook County even when their client's medical care occurred hours away. Such distant litigation places a burden on doctors and can disrupt their treatment of patients, and on law enforcement and other witnesses who may be required to travel across the state. In some instances, healthcare providers and other defendants have successfully requested that trial courts transfer cases filed in Cook,[88] Madison,[89] and St. Clair[90] circuit courts that have no practical connection to those counties to where the plaintiff's injury occurred.

Illinois has also become a hotbed for lawsuits from around the country alleging that specialized infant formula that hospitals provide to premature infants leads to babies developing a condition known as necrotizing enterocolitis, or NEC. These lawsuits poured in after a St. Clair County court returned a $60 million verdict in the first case to go to trial.[91] Plaintiffs' lawyers say this may be the largest compensatory damages award in St. Clair County history.[92] More recently, an Illinois appellate court found that 23 NEC claims filed in Cook County by residents of other states were properly dismissed and should instead be filed in their home courts, though it allowed cases by Illinois residents who lived elsewhere in the state to proceed in Cook County.[93] The appellate court recognized that, while the lawsuits were filed in Illinois, "the infants [were] born and treated elsewhere, by out-of-state doctors and hospitals," the formula was not designed or made in Illinois, and most employees with information relevant to the product are in Ohio.[94]

Rather than address blatant forum shopping, efforts are underway to open the door to more lawsuits in these plaintiff-favorite courts. The Illinois Trial Lawyer Association recently urged the Illinois Supreme Court to abandon the longstanding doctrine of intrastate forum non conveniens.[95] Defendants rely on that doctrine to respond to forum shopping and ask courts to transfer cases when it best serves the interests of the parties, witnesses, and jurors, and protects local interests in deciding local cases. Fortunately, in a 2025 decision, the Illinois Supreme Court declined to consider that invitation.[96]

"A substantial body of research confirms that juries in consolidated trials are significantly more likely to find for the plaintiff and render a larger damages award than if the cases were tried individually."

In a decision that may caution others against bringing their no-injury class actions to Illinois, the Illinois Supreme Court reversed. Outside the BIPA context, the court found that "an increased risk of harm is a purely speculative future injury" insufficient to provide standing to bring a claim for damages.

While that attempt has been at least temporarily thwarted, Illinois recently enacted a law providing that when an out-of-state corporation registers to do business in Illinois, it is deemed to have agreed to be subject to lawsuits in Illinois courts regardless of whether a claim is related to any conduct or injury in Illinois.[97] This "consent through registration" law applies to lawsuits alleging injuries from exposure to any substance that is capable of causing injury. Its broad scope will allow plaintiffs' lawyers to bring lawsuits targeting products ranging from food to medications from their home states to Illinois's courts.

Joint Trials in Mass-Tort Litigation

In late 2024, the Circuit Court of Cook County established a trial-consolidation policy for mass-tort cases that embraces a practice that is highly prejudicial to defendants: multi-plaintiff trials.

Attempts to consolidate dissimilar claims, often in the name of judicial expediency, are not new and have long been discredited.[98] State and federal courts around the country have consistently held that such multi-plaintiff trials, particularly in product liability litigation, raise serious due process problems by tilting the scales of justice against defendants and distorting litigation outcomes.[99] They mask weaknesses in plaintiffs' claims, blur important complexities among claims, and overwhelm juries with details they cannot reasonably keep straight.[100] As a result, juries tend to make their liability decisions for each plaintiff based on the accumulated evidence across all of the cases, rather than focusing on the evidence solely germane to that individual plaintiff.[101] Indeed, courts have found that lumping cases together into a single trial creates for the jury the false impression that if more than one plaintiff is making the accusations, the claims are more likely true.[102]

A substantial body of research confirms that juries in consolidated trials are significantly more likely to find for the plaintiff and render a larger damages award than if the cases were tried individually.[103] In fact, an ILR study of all multi-plaintiff product liability trials in federal court MDL proceedings during a 10-year period found that juries found in favor of plaintiffs over 78 percent of the time in multi-plaintiff MDL trials, compared to under 37 percent in single-plaintiff MDL trials.[104]

In a series of cases, the U.S. Chamber joined others in urging the Illinois Supreme Court to intervene to prevent this practice.[105] The court, however, denied motions for a supervisory order, leaving the policy of allowing joint trials of dissimilar tort claims in place.[106]

A Reason for Hope

A recent Illinois Supreme Court decision has the potential to reduce no-injury class actions in Illinois.

The Federal Fair and Accurate Credit Transaction Act (FACTA), to protect against identity theft and fraud, prohibits the printing of more than the last five digits of a credit card number on a receipt. In some instances, consumers have brought class actions alleging that merchants provided receipts that did not comply with the law, such as if the receipt included the last six rather than five digits or the first rather than last five digits of the card. Courts uniformly rejected such lawsuits when a plaintiff had experienced no injury from the noncompliant receipt and there was no reason to believe that there was a real risk of identity theft or fraud.[107] Not surprisingly, emboldened perhaps by the Illinois Supreme Court's willingness to allow no-injury actions in the BIPA context, plaintiffs made an attempt to pursue these lawsuits in Illinois.

". . . Illinois law allows a person to sue even when the individual does not suffer an actual harm or an adverse effect."

A case arrived before the Illinois Supreme Court in which an Arizona plaintiff filed a nationwide class action on behalf of 1.6 million consumers against a drug store that printed the first six digits of a reloadable prepaid debit card (identifying the issuing bank) along with the last four digits when she made a purchase in her home state.[108] The plaintiff had not been a victim of identity theft, nor was there any harm to her credit, and, in fact, the plaintiff could point to no one who had seen the receipt at issue.[109]

After a trial court certified the class, an intermediate appellate court affirmed, finding that while uninjured plaintiffs lack standing to pursue a lawsuit in federal courts, Illinois law allows a person to sue even when the individual does not suffer an actual harm or an adverse effect.[110]

In a decision that may caution others against bringing their no-injury class actions to Illinois, the Illinois Supreme Court reversed. Outside the BIPA context, the court found that "an increased risk of harm is a purely speculative future injury" insufficient to provide standing to bring a claim for damages.[111]

As an experienced Illinois defense attorney observed, the decision "signals that for at least this kind of case, Illinois is not going to be the forum for this sort of a class action dispute that it might otherwise have been."[112] Another attorney similarly noted that "Illinois has been sort of a safe haven for plaintiffs, and particularly class action plaintiffs, who lack standing [in federal court] because of Article III, and now they can't use the state courts as a back door."[113]

Priorities for Legal Reform

Illinois faces mounting challenges in its civil justice system that threaten fairness, predictability, and public confidence in the courts. Compared with many other states, Illinois has fallen behind in adopting core legal reforms that balance the rights of injured plaintiffs with the need to prevent abusive litigation practices and excessive costs. To restore balance, Illinois policymakers should modernize liability rules, address excessive damage awards, and curb lawsuit abuse. These measures can reduce unnecessary costs for consumers and businesses, and ensure reasonable compensation for legitimate claims.

Adopt Core Civil Justice Reforms

Illinois needs to play catch-up with other states by adopting key elements of a balanced civil justice system. These include:

- Allowing juries to allocate fault among all parties that caused a plaintiff's injury, not just those that go to trial, including settling parties and nonparties.[114]
- Providing that each defendant is liable for damages in proportion to its level of responsibility for the plaintiff's injury.[115]
- Strengthening expert evidence standards so that Illinois courts provide the same level of scrutiny to proposed testimony as federal courts and most other state courts, rather than inviting junk science.[116]
- Establishing a right to immediate (interlocutory) appeal of class certification orders that lead to settling claims that lack merit.[117]
- Barring prejudicial multi-plaintiff trials where unrelated claimants merely allege an injury from the same or similar product or service.[118]
- Protecting the ability to appeal an astronomical verdict by establishing a maximum amount for an appeal bond.[119]

"Illinois needs to play catch-up with other states by adopting key elements of a balanced civil justice system."

Respond to Nuclear Verdicts

Illinois can take steps to address excessive damages awards. These include:

- Precluding "phantom damages" by allowing juries to determine awards for medical expenses based on amounts actually paid for treatment rather than inflated rates that appear only in medical billing systems and as charges on invoices that no one pays.[120]
- Amending judgment interest rates to index them to market rates, rather than a flat percentage that exceeds inflation.[121]
- Precluding manipulation of juries through anchoring tactics used by plaintiffs' lawyers, which lead juries to award far higher amounts for difficult-to-quantify noneconomic damages.[122]

Address Rampant Forum Shopping

Illinois should require lawsuits to be filed where the plaintiff lives or was injured, not where a plaintiff's lawyer believes he or she is most likely to get favorable rulings and the largest award.

- When a lawsuit is filed in a county with little connection to the litigation, courts should transfer or dismiss the case, requiring it to proceed where it belongs.
- Courts and the legislature should reject invitations from the plaintiffs' bar to eliminate the doctrine of *forum non conveniens*.
- The legislature should repeal its 2025 law providing Illinois courts with jurisdiction over out-of-state corporations in certain cases, merely because they have registered to do business in the state.

Fix BIPA

Illinois should address BIPA lawsuit abuse. While clarifying that statutory damages apply per plaintiff rather than per biometric scan is a good start, it is not enough. The current law continues to impose disproportionate penalties on businesses that operate in good faith, encouraging class actions on behalf of no-injury plaintiffs that only enrich lawyers.

"Illinois should require lawsuits to be filed where the plaintiff lives or was injured, not where a plaintiff's lawyer believes he or she is most likely to get favorable rulings and the largest award."

For example, pending legislation would:

- Set a one-year statute of limitations for BIPA claims, which reduces the size of class actions and aggregation of penalties.
- Require plaintiffs to provide 30 days' notice of an alleged BIPA violation to a business, giving the business an opportunity to correct the issue before filing a lawsuit.
- Exempt collection of biometric identifiers and information for security purposes, such as to prevent theft or other criminal activity on a property, when an entity has a documented process for deleting the data.
- Exempt collection of biometric identifiers and information by alarm systems, or by time clocks or locks when the data cannot be used to recreate the person's biometric identifier or information.[123]

Codify Public Nuisance Law

Illinois should codify its public nuisance law to maintain clear and rational boundaries on the tort and prevent its misuse through unsound litigation.

Legislation can:

- Make clear that public nuisance doctrine applies only to rights commonly held by all members of the public to the use of public land, air, and water, and implicates prohibited conduct.
- Recognize that making, selling, or distributing a product (for which Illinois has product liability laws) cannot constitute a public nuisance, providing much-needed clarity for businesses, courts, and communities alike.
- Eliminate confusion regarding the required elements of a public nuisance claim and the separate remedies available to government entities and private parties.

Require TPLF Disclosure and Safeguards

Abraham Lincoln once said, "Never stir up litigation. A worse man can scarcely be found than one who does this."[124] Today, however, hedge funds, institutional investors, foreign sovereign wealth funds, and wealthy investors are pouring unprecedented sums of money into funding lawsuits.[125]

These investors front money to law firms in exchange for a share of any recovery in an individual lawsuit or a portfolio of lawsuits.[126]

"Third-party litigation funding [TPLF] turns the American justice system into a financial playground by transforming lawsuits into investment vehicles," according to George Mason Law School Professor Donald Kochan.[127]

Boston University Law School Prof. Maya Steinitz told *60 Minutes* that TPLF is "reshaping every aspect of the litigation process—which cases get brought, how long they are pursued, when are they settled. But all of this is happening without transparency. So we have one of the three branches of government, the judiciary, that's really being quietly transformed."[128]

In addition, when plaintiffs in personal injury litigation take "lawsuit loans" at predatory rates, they may find all or most of their recovery siphoned by the lender and their attorney's contingency fee. This both hurts consumers and drives up settlement demands.

"'Third-party litigation funding [TPLF] turns the American justice system into a financial playground by transforming lawsuits into investment vehicles,' according to George Mason Law School Professor Donald Kochan."

In recent years, a growing number of states have responded to these concerns.[129] This session, Representative Dan Ugaste introduced legislation in Illinois. As he observed, the bill "does not ban litigation funding. It simply creates basic rules — registration, disclosure and guardrails — to ensure outside funders aren't steering cases, pressuring settlements or turning a legal system into a business opportunity."[130]

The legislation would:

- Prohibit litigation financiers from controlling litigation or settlement, selecting counsel, providing legal advice, or offering or accepting referral fees or commissions.
- Bar law firms, medical providers, or others that provide services to a litigant from having a financial interest in a litigation financier.
- Permit discovery of the existence and terms and conditions of a litigation financing agreement if it is the subject of or is involved in a pending action.
- Protect plaintiffs by limiting the share a litigation financier can take from the recovery to 25 percent after payment of attorneys' fees and costs.
- Stop litigation financiers from working with foreign adversaries that may have an interest in undermining the civil justice system, economy, or national security.[131]
- Impose joint and several liability against litigation financiers for damages, costs, or monetary sanctions against a consumer.

Abraham Lincoln once said, "Never stir up litigation. A worse man can scarcely be found than one who does this."

Conclusion

Personal injury lawyers flock to Illinois for a reason: Its courts are open to no-injury class actions and provide an inviting environment for asbestos and other mass tort litigation. Illinois's laws have not kept up with the times and subject businesses to excessive liability.

The costs of this environment are borne by Illinois residents. Excessive litigation drives up the price of goods and services, increases insurance premiums for drivers and homeowners, discourages investment, and strains public resources. A liability system that is perceived as unpredictable and unfair drives businesses away from investing in the state and weakens Illinois's economic competitiveness.

Illinois is not without options. Other states have adopted common sense reforms that promote proportionate liability, prevent junk science in their courts, curb inflated damages, and discourage forum shopping and abusive class actions. Reforms to address biometric privacy litigation, attempts to expand public nuisance law, limit excessive interest rates and appeal bonds, and provide transparency and safeguards for third-party litigation funding can further restore balance. These measures do not deny injured individuals their day in court; rather, they ensure that liability is tied to responsibility and that compensation reflects real harm.

Past legislative and judicial decisions have contributed to Illinois's challenging liability environment, but they also demonstrate that civil justice reform is possible when policymakers recognize the urgency of the problem. Restoring balance will require sustained commitment, bipartisan cooperation, and a willingness to resist pressures that favor litigation over fairness.

Without reform, the state risks further entrenching its reputation as a litigation hotspot, with escalating costs for households, employers, and taxpayers. With targeted changes, Illinois can reestablish a civil justice system that is fair, predictable, and accessible—for individuals and businesses—by compensating legitimate injuries while discouraging abuse.

"A liability system that is perceived as unpredictable and unfair drives businesses away from investing in the state and weakens Illinois's economic competitiveness."

Endnotes

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4 *See* Stephen Joyce, "Illinois Biometric Privacy Cases Jump 65% After Seminal Ruling," Bloomberg Law, May 2, 2023; Rachel Metz, "Here's Why Tech Companies Keep Paying Millions to Settle Lawsuits in Illinois," CNN, Sept. 20, 2022.

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6 Pub. Act 102-006 (Ill. 2021) (S.B. 72) (adding 735 ILCS § 5/2- 1303(c)).

7 *See* Gov. Kathy Hochul, Press Release, "Money in Your Pockets: Governor Hochul Highlights Proposals to Bring Down Costs of Auto Insurance Rates and Tackle Fraudulent Claims," Feb. 11, 2026.

8 The Illinois Supreme Court has struck down attempts to limit noneconomic damages in medical liability actions. *See LeBron v. Gottlieb Mem. Hosp.*, 930 N.E.2d 895 (Ill. 2010); *Best v. Taylor Mach. Works, Inc.*, 689 N.E.2d 1057 (Ill. 1997).

9 *See infra* notes 60, 63, and 64 (discussing *Cothron v. White Castle Sys., Inc.*, 216 N.E.3d 918 (Ill. 2023); *Tims v. Black Horse Carriers, Inc.*, 216 N.E.3d 845 (Ill. 2023); *Rosenbach v. Six Flags Entertainment Corp.*, 192 N.E.3d 1197 (Ill. 2019)).

10 *See infra* note 103, at 12 (discussing *Fausett v. Walgreen Co.*, -- N.E.3d --, 2025 WL 3237846 (Ill. Jan. 26, 2026)).

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12 David McKnight & Paul Hinton, *Tort Costs in America: An Empirical Analysis of Costs and Compensation of the U.S. Tort System*, at 21 (U.S. Chamber Inst. for Legal Reform, Nov. 2024).

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15 *See* Bryce Hill, "Businesses Moving Out of Illinois Triples Since Pandemic," Illinois Policy Inst., Aug. 12, 2025 (citing Bureau of Labor Statistics data).

16 *Id.*

17 *Id.*

18 *See* Matt Paprocki, Op-ed, "Blame High Taxes, Excessive Regulations for Businesses Fleeing Illinois," *Daily Herald*, Aug. 20, 2025.

19 S.B. 1200, 85th Ill. Gen. Assem., Reg. Sess. (Ill. 1986).

20 H.B. 20, 89th Ill. Gen. Assem., Reg. Sess. (Ill. 1995).

21 S.B. 475, 94th Ill. Gen. Assem., Reg. Sess. (Ill. 2005).

22 *LeBron v. Gottlieb Mem. Hosp.*, 930 N.E.2d 895 (Ill. 2010) (finding $1 million noneconomic damages cap applicable to hospitals and $500,000 noneconomic damages cap applicable to doctors violated the separation of powers provision of state constitution); *Best v. Taylor Mach. Works, Inc.*, 689 N.E.2d 1057 (Ill. 1997) (overturning Civil Justice Reform Amendments of 1995 in their entirety by finding that $500,000 limit on noneconomic damages award violated the state constitutional prohibition against special legislation and separation of powers provision of the state constitution; amendments to the Joint Tortfeasor Contribution Act were arbitrary and unconstitutional; abolition of joint liability violated the state constitutional prohibition against special legislation; and access to medical records provision violated separation of powers and right to privacy provisions of the state constitution; the invalid provisions were nonseverable from the rest of the statute; therefore, the entire Act was held to be unconstitutional).

23 *See* Cary Silverman, *Fact or Fiction, Ensuring the Integrity of Expert Testimony*, at 18 (U.S. Chamber Inst. for Legal Reform, Feb. 2021).

24 *See* Fed R. Evid 702; *see also Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

25 *See* Silverman, *Fact or Fiction, supra*, note 23 at 18. Aside from Illinois, states following *Frye v. United States*, 293 F. 1013 (1923) include California, Minnesota, New York, Pennsylvania, and Washington. *See id.*

26 Fed. R. Evid. 702 advisory committee's notes (2023 amendments).

27 *Id.*

28 *See Donaldson v. Central Illinois Public Service Co.*, 767 N.E.2d 314 (Ill. 2002) (indicating three prior instances in which the court rejected *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)); *see also* Illinois Rule of Evidence 702 (adopted 2010) (confirming "Illinois is a *Frye* state").

29 In the Matter of Rule 702, Rules of Evidence, No. R-23-0004 (Ariz. Aug. 24, 2023); Order, *In re: Amendment of Rule 506 and Rule 702 of the Kentucky Rules of Evidence*, No. 2024-19 (Ky. June 24, 2024); Order, *Amendments of Rules 702 and 804 of the Michigan Rules of Evidence*, ADM File No. 2022-30 (Mich. Mar. 27, 2024); Amendment to Rule of Evidence 702 (Ohio July 1, 2024). Louisiana and Oklahoma enacted legislation updating its evidence rule to align with the 2023 amendments to the federal Rule 702. *See* S.B. 16 (La. 2024) (amending La. Code of Evid. Art. 702); S.B. 453, § 9 (Okla. 2025) (amending 12 Okla. Stat. § 2702).

30 *See Ready v. United/Goedecke Servs., Inc.*, 905 N.E.2d 725 (Ill. 2008) (holding that a settling co-defendant's name cannot be included on the jury verdict form). More recently, members of the Illinois Supreme Court have declared that *Ready* was wrongly decided and called upon the legislature to amend the statute to clarify that settling parties should be included on the verdict form. *See Antonicelli v. Rodriguez*, 104 N.E.3d 1211 (Ill. 2018) (specially concurring opinions of Justices Thomas and Garman and dissenting opinion of Chief Justice Karmeier).

31 In personal injury actions, defendants are jointly and severally liable for the full amount of plaintiff's past and future medical expenses. Defendants that are 25 percent or more at fault, or are more at fault than the plaintiff, are jointly liable for all damages. Joint and several liability also applies in medical malpractice actions and environmental claims. 735 Ill. Comp. Stat. Ann. 5/2-1117, 5/2-1118.

32 *Wills v. Foster*, 892 N.E.2d 1018, 1033 (Ill. 2008) (The defendant "may not . . . introduce evidence that the plaintiff's bills were settled for a lesser amount because to do so would undermine the collateral source rule."); *Arthur v. Catour*, 833 N.E.2d 847 (Ill. 2005) (the plaintiff may introduce the full amount billed by the health-care provider, even though a lesser sum was accepted in satisfaction of the charges).

33 Ark. H.B. 1204 (2025) (amending Ark Code § 16-64-120); Fla. Stat. Ann. § 768.0427(2) (enacted 2023); Ga. S.B. 68 (2025) (to be codified at Ga. Code Ann. § 51-12-1.1); Iowa Code §§ 622.4, 668.14A (enacted 2020); La. S.B. 231 (2025) (amending La. Rev. Stat. § 9:2800.27); Mont. Code Ann § 27-1-308 (enacted 2021); Tenn. Code Ann. § 29-26-119 (enacted 2024).

34 *See, e.g.*, N.C. Gen. Stat. Ann. ch. 8C, Rule 414 (enacted 2011); Okla. Stat. Ann. tit. 12, § 3009.1 (enacted 2011); Tex. Civ. Prac. & Rem. Code Ann. § 41.0105 (enacted 2003).

35 *See, e.g., Gardner v. Norman*, 2025 UT 47, ¶¶ 4, 41, -- P.3d -- (Utah Oct. 30, 2025) ("The gross charge does not reflect [the plaintiff's] past medical expenses because neither he nor his insurance were ever obligated to pay that amount," and finding that, instead, "the amount of the negotiated charge reflects the actual loss incurred, which is the measure of special damages."); *Howell v. Hamilton Meats & Provisions, Inc.*, 257 P.3d 1130, 1138 (Cal. 2011) (holding that "a personal injury plaintiff may recover *the lesser* of (a) the amount paid or incurred for medical services, and (b) the reasonable value of the services."*); Haygood v. De Escabedo*, 356 S.W.3d 390, 393 (Tex. 2011) (observing that healthcare provider "list" rates reflect negotiations with government programs and private insurers and are rarely collected).

36 *See, e.g.*, Martin Boerlin, *Verdicts on Trial: The Behavioral Science Behind America's Skyrocketing Legal Payouts* (Swiss Re, Sept. 2025); Mark A. Behrens, Cary Silverman & Christopher E. Appel, Summation Anchoring: Is it Time to Cast Away Inflated Requests for Noneconomic Damages, 44 Am. J. of Trial Advoc. 321, 327-29 (2021); Krystia Reed et al., Accounting for Awards: An Examination of Juror Reasoning Behind Pain and Suffering Damage Award Decisions, 96 Denv. L. Rev. 841, 864 (2019); Christopher T. Stein & Michelle Drouin, Cognitive Bias in the Courtroom: Combating the Anchoring Effect Through Tactical Debiasing, 52 U.S.F. L. Rev. 393, 395-99 (2018); John Campbell, et al., Time is Money: An Empirical Assessment of Non-Economic Damages Arguments, 95 Wash. U. L. Rev. 1, 22 (2017); Bradley D. McAuliff & Brian H. Bornstein, All Anchors are Not Created Equal: The Effects of Per Diem Versus Lump Sum Requests on Pain and Suffering Awards, 34 L. & Human Behavior 164, 167 (2010); Gretchen B. Chapman & Brian H. Bornstein, The More You Ask For, the More You Get: Anchoring in Personal Injury Verdicts, 10 Applied Cognitive Psychology 519, 534 (1996).

37 *Caley v. Manicke*, 182 N.E.2d 206, 209 (Ill. 1962).

38 *Id.* at 208.

39 *Id.*

40 *Id.*

41 *Id.* at 208.

42 *See, e.g.*, *Kedzie v. DeKalb Clinic Chartered*, 2016 IL App (2d) *150671*-U, ¶¶ 65-55 (2d Dist. 2016); *Allison v. Stalter*, 251 Ill.App.3d 127, 130 (4th Dist.1993); *Friedland v. Allis Chalmers Co.*, 159 Ill.App.3d 1, 8 (1st Dist. 1987); *Barreto v. City of Waukegan*, 133 Ill.App.3d 119, 134 (2d Dist. 1985); *Watson v. City of Chicago*, 124 Ill.App.3d 348, 351-52 (1st Dist. 1984); *Turner v. Chicago Transit Auth.*, 122 Ill.App.3d 419, 430 (1st Dist. 1984); *Thompson v. Lietz*, 95 Ill.App.3d 384, 391 (4th Dist. 1981); *Warp v. Whitmore*, 123 Ill.App.2d 157, 164 (1st Dist. 1976); *Johnson v. Chicago Transit Auth.*, 11 Ill.App.3d 16, 19 (1st Dist.1973); *Fortner v. McDermott*, 1 Ill.App.3d 358, 368 (2d Dist. 1971); *American Nat. Bank & Trust Co. v. Peoples Gas Light & Coke Co.*, 42 Ill.App. 163, 184 (1st Dist. 1963).

43 Ill. Sup. Ct. R. 305(a) (requiring an appeal bond that is ordinarily an amount sufficient to cover the amount of the judgment and costs plus interest reasonably anticipated to accrue during the pendency of the appeal, while providing the court with discretion to approve a lower bond if the full amount is not "reasonably available" to the judgment debtor through its assets, insurers, and indemnitors, if it imposes additional conditions on the judgment debtor).

44 *See* Ind. Code Ann. § 34-49-5-3 ($25 million limit); Iowa Code 625A.9(2)(b) ($100 million limit); Ky. Rev. Stat. § 411.187 ($100 million limit); Mo. Rev. Stat. § 512.099 ($50 million limit); Wis. Stat. § 808.07(2m)(a) ($100 million limit).

45 735 Ill. Comp. Stat. 5/2-1303(a).

46 S.B. 72 (Ill. 2021) (amending 735 ILCS 5/2-1303).

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48 Ariz. Rev. Stat. § 12-1873; Ky. R. Civ. P. 23.06; N.Y. C.P.L.R. § 5701(a)(2)(v); Ohio Rev. Code Ann. § 2505.02(B)(5); Tenn. Code Ann. § 27-1-125. Additional states with a right to immediately appeal a class certification order include Alabama, Arkansas, Connecticut (for consumer claims), Florida, Georgia, Iowa, Louisiana, Montana, North Dakota, Oklahoma, and Texas.

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57 *Id.* at 8.

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60 *See Rosenbach v. Six Flags Entertainment Corp.*, 192 N.E.3d 1197 (Ill. 2019).

61 *Class Action Review 2026*, at 14 (Daune Morris, 2026).

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63 *See Cothron v. White Castle Sys., Inc.*, 216 N.E.3d 918 (Ill. 2023).

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89 *See, e.g.*, *Dawdy v. Union Pac. R.R. Co.*, 297 Ill. 2d 167 (2003) (transferring auto accident case filed in Madison County to Macoupin County, where the other driver and most of the witnesses lived).

90 *See, e.g.*, *Brandt v. Shekar*, 443 Ill. Dec. 840 (5th Dist. 2020) (transferring medical liability action filed in St. Clair to Marion County, where the hospital was located and treatment occurred); *Kuhn v. Nicol*, 444 Ill. Dec. 719 (5th Dist. 2020) (transferring medical liability action filed in St. Clair County to Clinton County, where the hospital was located).

91 *See* Amanda Bronstad, "Mead Johnson Hit with $60M Verdict in First NEC Trial Over Preterm Infant Formula," Law.com, Mar. 14, 2024.

92 *See* Celeste Bott, "Enfamil Maker Hit with $60M Jury Verdict in Infant Death Suit," Law360, Mar. 15, 2024.

93 *See Deppa v. Abbott Labs., Inc.*, 2025 IL App (1st) 241795 (Dec. 12, 2025). The out-of-state plaintiffs came to Illinois from Connecticut, Georgia, Tennessee, Florida, Texas, North Carolina, Massachusetts, New Jersey, Wisconsin, Washington, Pennsylvania, Virginia, and North Dakota.

94 *Id.*; *see also* Jonathan Bilyk, "23 NEC Lawsuits vs Baby Formula Makers Tossed from Cook County Court," Legal Newsline, Dec. 16, 2023.

95 *See* Amicus Curiae Brief of Illinois Trial Lawyers Association in Support of Defendant-Appellant, *Piasa Armory, LLC v. Raoul*, No. 130539 (Ill. filed Aug. 1, 2024).

96 *See Piasa Armory, LLC v. Raoul*, 2025 IL 130539, n.4 (Ill. 2025).

97 *See* John O'Brien, "Pritzker Signs Bill to Open Illinois Courts to More Lawsuits," Legal Newsline, Aug. 15, 2025.

98 James M. Beck, Little in Common: Opposing Trial Consolidation in Product Liability Litigation, 53 No. 9 DRI For the Def. 28, 33 (Sept. 2011) ("Of all the discretionary rulings that a judge can make concerning the course of a trial, few are as pervasively prejudicial to a product liability defendant as deciding to consolidate cases if they bear little similarity other than that the same product resulted in an alleged injury in each case.").

99 *See, e.g., Alamil v. Sanofi US Servs. Inc.*, No. 2:23-cv-04072-HDV (C.D. Cal. Aug. 21, 2023) (denying consolidation sua sponte); Order, *Mount v. 3M Co.*, No. RG21100427 (Cal. Super. Ct. Alameda Cnty., Aug. 14, 2023) (denying trial consolidation); *Ellis v. Evonik Corp.*, 604 F. Supp. 3d 356, 378 (E.D. La. 2022) (severing claims of fourteen plaintiffs); *Ford v. R.J. Reynolds Tobacco Co.*, No. 4:20-cv-1551, 2021 WL 2646413, at *2 (E.D. Mo. June 28, 2021) (denying trial consolidation and holding that a "[d]efendant is entitled to defend a case on its merits and should not be required to lump its defense into one"); *In re Accutane Prods. Liab. Litig.*, No. 8:04-md-2523-T-30TBM, 2012 WL 4513339, at *1 (M.D. Fla. Sept. 20, 2012) ("[P]roduct liability cases are generally inappropriate for multiplaintiff joinder because such cases involve highly individualized facts and [l]iability, causation, and damages will . . . be different with each individual plaintiff."); *Agrofollajes, S.A. v. E.I. Du Pont de Nemours & Co.*, 48 So. 3d 976, 988 (Fla. Ct. App. 2010) (observing that "[u]nfair prejudice as a result of consolidation is a broadly recognized principle").

100 *See, e.g., Rubio v. Monsanto Co.*, 181 F. Supp. 3d 746, 758 (C.D. Cal. 2016) ("by trying . . . two claims together, one plaintiff, despite a weaker case of causation, could benefit merely through association with the stronger plaintiff's case."); *Janssen Pharm., Inc. v. Bailey*, 878 So. 2d 31, 48 (Miss. 2004) (observing the "unfair prejudice for the defendant by overwhelming the jury with . . . testimony, thus creating confusion of the issues").

101 *Hasman v. G.D. Searle & Co.*, 106 F.R.D. 459, 461 (E.D. Mich. 1985). Studies of juror comprehension demonstrate that "comprehension declines as complexity increases, particularly when the complexity arises from the presence of multiple parties or claims." Matthew A. Reiber & Jill D. Weinberg, The Complexity of Complexity: An Empirical Study of Juror Competence in Civil Cases, 78 U. Cin. L. Rev. 929, 929 (2011).

102 *See, e.g., Grayson v. K-Mart Corp.*, 849 F. Supp. 785, 790 (N.D. Ga. 1994) (recognizing that trial consolidation poses "a tremendous danger that one or two plaintiff's [sic] unique circumstances could bias the jury against [a] defendant generally, thus, prejudicing [the] defendant with respect to the other plaintiffs' claims.").

103 *See generally* Christopher E. Appel, The Consolidation Prize: An Analysis of Multi-Plaintiff Product Injury Trials, 47 Am. J. Trial Advoc. 225 (2024).

104 *See* John Beisner et al., *Trials and Tribulations: Contending with Bellwether and Multi-Plaintiff Trials in MDL Proceedings*, at 38 (U.S. Chamber Inst. for Legal Reform, Oct. 2019).

105 *See* Brief of Amici Curiae the Chamber of Commerce of the United States et al., *Abbott Labs. v. Flanagan*, No. 131317 (Ill. filed Dec. 16, 2024); Brief of Amici Curiae the Chamber of Commerce of the United States et al., *Sterigenics U.S. v. Tamm*, No. 131303 (Ill. filed Dec. 11, 2024); Brief of Amici Curiae the Chamber of Commerce of the United States et al., *ConAgra Foods, Inc. v. Bearden*, No. 131287 (Ill. filed Dec. 6, 2024).

106 *Abbott Labs. v. Flanagan*, No. 131317 (Ill. Jan. 2, 2025); *Sterigenics U.S. v. Tamm*, No. 131303 (Ill. Dec. 27, 2024); *ConAgra Foods, Inc. v. Bearden*, No. 131287 (Ill. Dec. 20, 2024).

107 *See, e.g., Thomas v. TOMS King (Ohio), LLC*, 997 F.3d 629, 638-40 (6th Cir. 2021) (finding no injury or increased risk of identity theft from printing the first six and last four digits of a credit card number); *Muransky v. Godiva Chocolatier, Inc.*, 979 F.3d 917, 931 (11th Cir. 2020) (finding time spent safeguarding or destroying a noncompliant receipt is not a concrete harm); *Kamal v. J. Crew Grp., Inc.*, 918 F.3d 102, 115-17 (3d Cir. 2019) (finding plaintiff alleged "a bare procedural violation," not unauthorized third-party disclosure or even a material risk of identity theft); *Katz v. Donna Karan Co., L.L.C.*, 872 F.3d 114, 118 (2d Cir. 2017) (noting that the first six digits of a credit card merely identify the financial institution that issued the credit card).

108 *Fausett v. Walgreen Co.*, -- N.E.3d --, 2025 WL 3237846, at *3 (Ill. Jan. 26, 2026).

109 *Id.* at *10.

110 *Id.* at *5.

111 *Id.* at *10.

112 Celeste Bott, "Top Illinois Decisions of 2025," Law360, Dec. 23, 2025 (quoting Tonya Newman, a Neal Gerber & Eisenberg LLP partner who chairs the firm's litigation and disputes practice group). The U.S. Chamber of Commerce filed an *amicus* brief supporting the outcome of the case. *See* Brief of Amici Curiae the Chamber of Commerce of the United States of America and the Illinois Chamber of Commerce in Support of Defendant-Appellant Walgreen Co., *Fausett v. Walgreen Co.*, No. 131444 (Ill. filed June 4, 2025).

113 *Id.* (quoting Benesch Friedlander Coplan & Aronoff LLP attorney Patrick Beisell).

114 *See, e.g.*, Ind. Code Ann. § 34-51-2-8(b)(1); Mich. Comp. Laws § 600.6304(1)(b).

115 *See, e.g.*, Ind. Code Ann. § 34-51-2-8(b)(4); Ky. Rev. Stat. § 411.182(3).

116 *See, e.g.*, 12 Okla. Stat. § 2702.

117 *See, e.g.*, Ariz. Rev. Stat. § 12-1873; Ky. R. Civ. P. 23.06; N.Y. C.P.L.R. § 5701(a)(2)(v); Ohio Rev. Code Ann. § 2505.02(B)(5); Tenn. Code Ann. § 27-1-125.

118 *See, e.g.*, Ga. Code Ann. § 9-11-42(a) (requiring parties' consent to a joint hearing or trial); Mo. Rev.. Stat. § 507.040(1) (providing that "claims arising out of separate purchases of the same product or service, or separate incidents involving the same product or service" do not qualify for joinder).

119 *See, e.g.*, Ind. Code Ann. § 34-49-5-3 ($25 million limit); Iowa Code 625A.9(2)(b) ($100 million limit); Ky. Rev. Stat. § 411.187 ($100 million limit); Mo. Rev. Stat. § 512.099 ($50 million limit); Wis. Stat. § 808.07(2m)(a) ($100 million limit).

120 *See, e.g.*, Fla. Stat. Ann. § 768.0427(2); Ga. S.B. 68 (2025) (to be codified at Ga. Code Ann. § 51-12-1.1); Mont. Code Ann. § 27-1-308.

121 *See, e.g.*, Iowa Code §§ 668.13(3).

122 *See, e.g.,* Ga. S.B. 68, § 1 (2025) (amending Ga. Code Ann. § 9-10-184 (repealing the statute generally authorizing attorneys to argue the monetary value of pain and suffering to the jury, permitting such arguments in a closing argument only when rationally related to the evidence, and barring references to objects or values having no rational connection to the facts proved by the evidence); *see also Gregory v. Chohan*, 670 S.W.3d 546, 557-58 (Tex. 2023) (ruling that "unsubstantiated anchoring," a "tactic whereby attorneys suggest damages amounts by reference to objects or values with no rational connection to the facts of the case," improperly influence verdicts).

123 *See* S.B. 3122, 104th Ill. Gen. Assem., Reg. Sess. (introduced Feb. 2, 2026); H.B. 2838, 103rd Ill. Gen. Assem., Reg. Sess. (introduced Feb. 6, 2025); H.B. 3667, 103rd Ill. Gen. Assem., Reg. Sess. (introduced Feb. 18, 2025); *see also* S.B. 3856, 104th Ill. Gen. Assem., Reg. Sess. (introduced Feb. 6, 2026) (limited to exempting use of biometric data for security purposes).

124 Lincoln, *supra* note 1.

125 According to Westfleet Advisors, a leading U.S. litigation finance advisory firm, some 42 active funders had $16.1 billion in assets under management and had committed $2.3 billion to new litigation financing agreements in 2024. *See The Westfleet Insider: 2024 Litigation Finance Market Report*, at 3 (Westfleet Advisors, 2025). This amount captures just a portion of the litigation funding market, as it includes only companies whose operations are dedicated to litigation funding and excludes investments in mass tort litigation. *See* Emily R. Siegel, "Fortress' Billions Quietly Power America's Biggest Legal Fights," Bloomberg L., Oct. 16, 2024.

126 *See Third-Party Litigation Financing: Market Characteristics, Data, and Trends,* at 11-12 (U.S. Gov't Accountability Office, GAO-23-105210, Dec. 2022); *see also* Sara Randazzo, "Investors Flock to Back Lawsuits in Exchange for a Cut of Settlements," *Wall St. J*, Sept. 18, 2017.

127 Donald J. Kochan, Op-ed, "Keep Foreign Cash Out of U.S. Courts," *Wall St. J.*, Nov. 24, 2022.

128 Leslie Stahl, "Litigation Funding: A Multibillion-dollar Industry for Investments in Lawsuits with Little Oversight," CBS's "60 Minutes," Dec. 18, 2022 (interview with Prof. Maya Steinitz); *see also* Mark Behrens, Third Party Litigation Funding: A Call for Disclosure and Other Reforms to Address the Stealthy Financial Product That is Transforming the Civil Justice System, 34 Cornell J.L. & Pub. Pol'y 1, 10 (2025); Tom Baker, Where's the Insurance in Mass Tort Litigation, 101 Tex. L. Rev. 1569, 1589 (2023).

129 States that have enacted legislation addressing commercial litigation funding include Arkansas (2025), Colorado (2025), Georgia (2025), Indiana (2024), Kansas (2025), Louisiana (2024), Montana (2023/2025), Oklahoma (2025), West Virginia (2024), and Wisconsin (2018).

130 Dan Ugaste, Letter to the Editor, "Transparency in Lawsuits," *Chicago Tribune*, Feb. 15, 2026.

131 *See* H.B. 5244, 104th Ill. Gen. Assem., Reg. Sess. (introduced Feb. 5, 2026).

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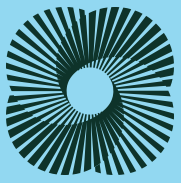

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