



U.S. CHAMBER

Institute for Legal Reform

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December 8, 2014

The Honorable Pat Quinn  
Governor of Illinois  
Office of the Governor  
207 State House  
Springfield, IL 62706

Dear Governor Quinn:

On behalf of the Illinois-based and national members of the U.S. Chamber Institute for Legal Reform, I urge you to veto Illinois Senate Bill 2221, which was rushed through the Illinois General Assembly in the six-day fall veto session.

This bill would eliminate claims for asbestos-related injury from the construction statute of repose. This would make Illinois only one of three states without such a statute. According to the Illinois Association of Defense Trial Counsel, forty-eight states and the District of Columbia currently have statutes of repose for construction.

IADTC has also correctly observed that the point of a statute of repose is to end liability—in this case, for the contractors and professionals involved in the design, planning, supervision, observation or management of construction—“after a finite period of time, regardless of whether a cause of action has yet accrued or whether the potential plaintiff has ‘discovered’ a claim.”

SB 2221 would further Illinois’ reputation for an abusive legal climate. The most recent Lawsuit Climate report, a Harris Interactive survey of senior attorneys of major American employers, found that Illinois’ lawsuit climate ranked as one of the worst (46<sup>th</sup>) in the country. More than two-thirds (70%) of those surveyed said that a state’s legal climate impacts “important decisions such as where to locate or do business.”

In that survey, two Illinois counties—Madison and Cook—ranked among the ten “least fair” local jurisdictions, with Cook coming in as the worst local jurisdiction in America.

A major reason for this reputation is Illinois’ (especially Madison County’s) status as a national magnet for asbestos litigation. In a 2012 *St. Louis Post-Dispatch* article, former Madison County Judge Daniel Stack noted that, “One-fourth of all asbestos cases filed in the U.S. get resolved in Madison County every year.”

Furthermore, in 2013, 1,660 asbestos lawsuits were filed in Madison County, IL alone—with only twenty of those suits being filed by Madison County residents. In other words, 99 percent of asbestos lawsuits filed in Madison County were filed by people from outside of the county.

SB 2221 would only make the situation worse. As the Illinois Chamber of Commerce notes, this bill “stands to increase the number of asbestos suits and bankrupt additional Illinois businesses in a state that is well-known for the most asbestos suits in the nation.”

Further, we are concerned about the constitutionality of the bill, should it apply to claims that are currently barred under the previous statute of limitations.

The nature in which this bill was fast-tracked through the legislature in the veto session makes it clear that this legislation is little more than political payback to the plaintiffs’ bar. It would be a shame if one of the last bills you sign during your tenure as governor is one that was passed in such a manner.

On behalf of our members, Illinois businesses who will be impacted by this legislation, and companies across the country who might think twice about locating in Illinois as a result of this legislation, I urge you to veto SB 2221.

Sincerely

A handwritten signature in black ink, reading "Lisa A. Rickard". The signature is written in a cursive, flowing style with a large initial "L".

Lisa A. Rickard  
President  
U.S. Chamber Institute for Legal Reform