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Leery of tort reform, lawyers expedite suits

FROM STAFF AND WIRE REPORTS

Lawyers around the state celebrated New Year's a few days early by flooding the courts with hundreds of new lawsuits.

The lawyers didn't want to wait to file until this year and risk running into caps on damage awards proposed by Republicans in Washington and Springfield. Such legislation could reduce the size of jury verdicts for their clients — and, as a result, their own legal fees.

Nearly 100 personal-injury lawsuits were filed on Dec. 30 at the office of the Cook County Circuit Court clerk, about five times the number on an average day.

And in Madison County, 289 lawsuits were filed in December — nearly three times the amount filed in the same month a year earlier, said Teri Blakes, a deputy circuit clerk.

However, officials in the Sangamon County circuit clerk's office said the trend didn't hold true in Springfield. There was no rush to file in late December here.

"We did not have an unusual number of law cases," said Sangamon County Circuit Clerk Carl Oblinger.

"We are concerned, particularly on the federal level, that tort reform could be made retroactive to Jan. 1," said Robert Clifford, one of the state's top personal-injury lawyers.

As long as the Democrats were in control in Washington and Springfield, lawyers didn't need to worry

about tort reform. Trial lawyers have long supported Democrats with votes and campaign contributions.

But the environment has suddenly changed, with Republicans taking over both houses of Congress last week and both chambers of the General Assembly this week.

Some of the GOP's biggest constituencies, including business, insurance and physician groups, have pushed for years for caps on damages and other measures designed to curb the number of lawsuits.

Under the changes being discussed, huge awards that offered compensation for pain and suffering or that punished negligence could be significantly reduced. At the extreme, damages could be limited to actual losses, such as hospital bills or lost wages.

Congressional Republicans have already included such ideas in their "Contract with America." Among the proposals are limits on the size of damages awarded in product-liability lawsuits and a measure that would require losers to pay winners' court costs in federal civil cases.

"I suspect there may be trial lawyers out there who are saying, 'The sky is falling, so let's file all these suits because we don't know what is coming,'" said Mark Gordon, a spokesman for Illinois Senate President James "Pete" Philip, a strong advocate of tort reform.

"They may find the changes aren't nearly as drastic," Gordon said.

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