

# Litigation Imbalance

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## *The Need For Venue Reform In Illinois*

A Ten-Year Analysis Of Venue Disparities In Illinois' System of Civil Justice  
1994-2003

A Study Conducted By:



Illinois Civil Justice League

## Executive Summary

Why do some counties attract more lawsuits than others? With two Illinois counties currently topping the American Tort Reform Association's Judicial Hellhole list,<sup>1</sup> the Illinois Civil Justice League undertook the challenge of collecting, analyzing and summarizing individual county lawsuit filing patterns over the past 10 years in Illinois. In a six-month study that took ICJL research assistants to one-quarter of the state's county courthouses, as well as the seats of all five appellate districts, this study represents the most comprehensive look at litigation filing patterns and irregularities since the legislative passage and judicial defeat of the Civil Justice Reform Amendments of 1995.

Many of the findings from this research echoed the preliminary results of a study of civil defense lawyers in Illinois. In more than half of the responses, defense lawyers cited Cook, Madison or St. Clair County as courts that are "most likely to deny venue change motions." Some respondents named all three.

As the state's population and legal climate have changed over the past decade, one trend appears to have remained constant and even grown: the disproportionate filing of major civil lawsuits in specific venues in Illinois. In fact, after intensive ICJL statistical analysis, major civil litigation filing patterns were found to be lopsided towards select counties, despite the fact that many other counties fit within an equitable and logical pattern.

The data reveal several disturbing patterns in regards the balance between venues in Illinois:

- Cook County, which in 1994 represented 44 percent of the state's population and only 46.6 percent of the state's major civil litigation, now – a decade later – occupies 43 percent of the state's population, but a staggering 63.6 percent of the litigation.
- The per capita separation between Cook County and the rest of Illinois in 1994 equaled only 0.4 major civil lawsuits per thousand residents but now equals nearly 2.5 lawsuits per thousand residents, representing a 580 percent widening of the venue imbalance.
- Madison County, with a Litigation Index score of 8.077 (lawsuits per thousand residents), is almost twice as litigious as Cook County (4.338) and more than four times as litigious as the average of the 101-county area outside of Cook County.
- A major venue imbalance exists among the case filing levels between the First and Fifth Appellate Districts and the Second, Third and Fourth Appellate Districts. The disparity is so pronounced that the levels are more than twice as high in the Cook County and Southern Illinois than in the large area in between.
- The disparity in the major civil case filings between Cook County and Outside Cook are so disproportionate, to "rebalance" the 2003 major civil case filings one would have to remove 7,560 major civil cases from Cook County and redistribute them among 95 other counties.

The following study summary utilizes both qualitative and quantitative evidence to describe venue imbalance in Illinois. The lawsuit filing data was collected directly from Circuit Clerk's offices, the Administrative Office of the Illinois Courts, and the Supreme Court. Explanations for the disparities were compared, while considering demographic, geographic, and political trends, in an effort to pinpoint the sources of the imbalance. The result is a more comprehensive picture of the filing disparities and venue imbalances in Illinois' major civil litigation landscape.

## About the Illinois Civil Justice League

The Illinois Civil Justice League is a coalition of Illinois citizens, small and large businesses, associations, professional societies, not-for-profit organizations and local governments that have joined together to work for fairness in the Illinois civil justice system.

Created in late 1992, the League currently represents more than 500,000 Illinois residents directly, and additional hundreds of thousands indirectly. Members and supporters include many of the major business and professional associations and societies in Illinois.

This study was developed and written by Al Adomite, who serves as the Director of Government Relations for ICJL. A native of Madison County, Adomite earned his Bachelors of Journalism from the University of Missouri School of Journalism and has a Master's in Public Administration from Southern Illinois University in Edwardsville.

## **Litigation Imbalance: The Need For Venue Reform In Illinois**

### **A Ten-Year Analysis Of Venue Disparities In Illinois' System of Civil Justice 1994-2003**

What phenomenon creates an imbalance between Illinois counties that makes lawsuits twenty times more prevalent in one venue than another? Madison County, identified as a Judicial Hellhole<sup>®</sup> by the American Tort Reform Association,<sup>1</sup> was Illinois' most litigious county in 2003 with 2,102 major civil lawsuits brought to its Edwardsville courthouse to be heard by a jury chosen from among its 260,000 residents. Meanwhile, rural Hancock County, Illinois' least litigious county in 2003, saw only ten major civil suits in 2003, of which only one case reached verdict to bother a significant number of its 21,400 citizens.

On the surface, the two counties' histories are somewhat similar. Madison County is known as the site of the famous departure of Lewis & Clark. Hancock County is known as the site of the famous departure of Mormons to Utah. The two counties, both situated on the Mississippi River approximately 175 miles from each other on the western edge of the state, hold an immense amount of historical similarities and yet represent polarizing opposites within Illinois' civil justice system.

Each year, approximately 4.2 million cases will be filed in Illinois courts, with approximately 700,000 or 17% of the cases falling into the civil division of the circuit courts. Of these 700,000 civil cases – most of which are divorces, adoptions, small claims and estate cases – roughly five percent are *major* civil actions. Since 1994, an estimated 340,000 major civil lawsuits have been filed in Illinois, roughly one lawsuit for every 36 citizens in Illinois.

Most of these suits<sup>2</sup> sought more than \$50,000 in damages, bringing the estimate on minimum liability value to these actions to \$17 billion. Some of these suits were dismissed. Many were settled long before trial. One Madison County judgment topped \$10 billion.<sup>3</sup>

Despite the fact that major civil actions occupy less than one percent of the overall judicial docket, an immense amount of time and public resources are put into providing judges, juries and clerks to arbitrate these claims. In Madison County for example, five of the nineteen judges are assigned to the Law Division. State and local taxpayers spend \$3.1 million to run a 77-employee circuit clerk office. Major civil cases take an average of 26.6 months to reach verdict.

Venue is not a relevant issue only to the attorneys in a potential case. The filing and disposition of each major civil suit places a burden upon local taxpayers. More than \$4 million<sup>4</sup> is proposed in Madison County's 2006 budget to run Circuit Court and Circuit Clerk operations and another \$6 million was recently expended to add new courtrooms and expand court facilities.<sup>5</sup>

As Article One of the Illinois Constitution guarantees all citizens "certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation" and that justice will be obtained "freely, completely and promptly," the civil justice system is an important and necessary part of our state's government. However, as county taxpayers are asked to share in the cost of maintaining this system of justice, the volume of civil claims within each venue has an impact upon each and every taxpayer within an individual county.

## Qualitative Evidence: Survey of Defense Lawyers

The preliminary results of a recent survey of some practicing Illinois defense lawyers<sup>6</sup> has shown qualitative evidence of a venue problem in Illinois. The anonymous survey asked pertinent venue questions of defense lawyers covering a representative geographic span in Illinois. Among the responses, survey participants were asked to report the number of venue motions that had been approved or denied, as well as what their experiences were with the reasoning behind those decisions.

The preliminary results found that nearly 75 percent of participants felt that either Cook, Madison or St. Clair counties were most likely to deny motions for venue changes, with Cook County garnering acknowledgment from over half of participants and Madison County receiving recognition from nearly one-third. When asked to give an estimate of what percentage of venue motions are denied in these three counties, the average denial rate of the given responses was 78 percent. When asked about their own trial experiences, the participants estimated that slightly less than half of the motions to consider venue in their cases had been denied.

Participants were asked to give reasons as to why motions to consider venue are usually denied in their cases and roughly 60 percent provided an answer to the question. Of those responses, 21 percent cited similar responses about “convenience factors for witnesses” in the case, however more than two-thirds of the responses centered on “loose business connections” to the county. In fact, one participant responded that the “case law is not sufficiently clear on what constitutes sufficient factual basis for ‘doing business in a county.’” Only two responses cited actual facts in the case.

## Quantitative Evidence: The Litigation Index

With the qualitative evidence suggesting specific venue problems within the Illinois civil justice system, the Illinois Civil Justice League also sought statistical evidence to help supplement the results of the survey. In order to truly study the venue disparity in Illinois, a comprehensive examination of the “L” or Law cases in each county was necessary.

Under the Illinois Constitution, the judiciary branch – led by the Supreme Court – manages a judicial system of Appellate and Circuit courts. Illinois divides the state into five Appellate jurisdictions and twenty-one circuits. The circuit court is the original jurisdiction for most lawsuits. Circuit courts in Illinois include as few as one county and as many twelve contiguous counties. The Annual Report of the Illinois Courts, a document published each year by the Administrative Office of the Illinois Courts, reports the caseload statistics each year as reported by the county circuit clerks.

Each county circuit clerk is responsible for the record keeping for every case filed within the local court. Cases generally fall into several broad case law categories, such as civil, criminal, traffic and juvenile. Civil caseload types are very diverse, including: adoption, dissolution of marriage, eminent domain, law, orders of protection, probate and small claims. Just as criminal cases are divided into felony and misdemeanor categories, law cases are divided into categories of over \$50,000 or under \$50,000. In general, law cases over \$50,000 are given case numbers

with an “L”, so the first law case seeking over \$50,000 in damages in 2006 will be given the case number 2006-L-1.

More than 99 percent of the 4.2 million annual civil cases are divorces, bankruptcies, small claims, and traffic tickets, or other cases that fall outside of the civil justice realm. This study examines only the 33,000 or more major civil cases filed each year. In 2003, for example, circuit clerks reported 36,507 “L” cases in the 102 counties.

Because of the disparity between populations for the Appellate (largest is 5.35 million, smallest is 1.28 million) and Circuit (largest is 932,000, smallest is 135,000) districts, the filing rate for major civil suits are best described by county in terms of the *number of suits per thousand residents*. The Illinois Civil Justice League has entitled this result of this calculation as the **Litigation Index**, as it provides a standardized index score to compare between counties, circuits, and the Appellate districts in Illinois.

**Figure 1: Computing the Litigation Index score**

$$\text{Litigation Index (LI)} = \frac{\text{Cases} * 1,000}{\text{Population}}$$

Example:

$$\text{Madison County} = \frac{2,102 * 1,000}{260,259}$$

$$\text{LI} = 8.077$$

By comparing the individual county scores based off a per capita evaluation, the “level” of major civil filings can more accurately be described and compared. In 2003, the Madison County courts oversaw the filing of 2,102 major civil lawsuits (seeking more than \$50,000), including 953 asbestos suits, 106 class action suits, and 59 medical malpractice suits. Based off on the 2000 Census population data for Madison County (260,259 residents), the 2,102 lawsuits **represented approximately eight lawsuits filed for every one thousand Madison County residents** – the most of any county by nearly a two-fold margin.

Moving north to Hancock County (19,909 residents), which held the distinction of processing the fewest lawsuits per capita for 2003, plaintiffs filed only eight total major civil lawsuits for a Litigation Index score of 0.402 lawsuits per thousand residents.

### Comparing Litigation Index Scores

A comparison of Litigation Index averages by Appellate District displays the distinctly different legal climates of Cook County (the First District), Southern Illinois (the Fifth District), and the nearly equalized three districts in between. With the population of Cook County stretching to 5,350,000, the First District represents almost 43 percent of the state’s population and a huge 63.6 percent of the total major civil litigation in 2003. The alarming disparity between these two percentages is discussed further below.

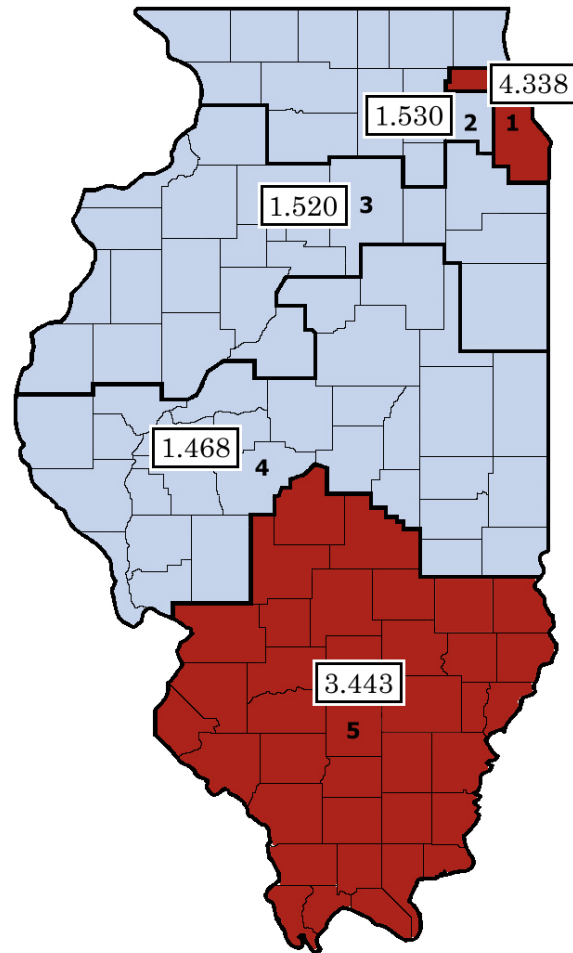
**Figure 2: Cook County Versus 101 Other Illinois Counties**

<i>Appellate District</i>	<i>Population</i>	<i>Population %</i>	<i>03 LI Score</i>	<i>03 L Case Totals</i>	<i>03 L Case %</i>
Cook County (First District)	5,350,269	42.86%	4.338	23,208	63.57%
Outside Cook (101 Counties)	7,132,032	57.14%	1.865	13,299	36.43%
Statewide (All 102 Counties)	12,482,301		2.925	36,507	

The Litigation Index for the First District is not only dramatically higher, but it is more than double the rate of the other four Appellate Districts. Comparing Cook County with the other 101 counties shows a dramatic Litigation Index difference of 4.338 to 1.865. This imbalance of high scores in Chicago and Southern Illinois drives the statewide average to 2.925, even though a larger area of geographic representation is normalized to approximately 1.5 lawsuits per thousand residents.

Finding a geographic or demographic explanation for the wide disparity of index scoring between different areas of the state is a daunting task. The traditional political and demographic divides in Illinois, such as the Upstate/Downstate or Cook/Collar Counties comparisons, simply don't correlate with the differences in statistics.

Figures 3A and 3B demonstrate, for example, that there is almost no correlation between the size of a county's population and the Litigation Index score. Of the four Illinois counties that have approximately a quarter-million residents, McHenry and Winnebago counties – venues very similar in size to Madison and St. Clair counties – each saw fewer than 500 suits filed in 2003. St. Clair County, however, nearly doubled McHenry or Winnebago counties in suits filed and Madison County had five times more lawsuits than McHenry County and 1,260 more than even St. Clair County.



**Figure 3A: Comparing The Litigation Index – Counties With A Quarter-Million Residents**

	Population	2003		2002		2001	
		L Suits	L Index	L Suits	L Index	L Suits	L Index
Madison County	260,259	2,102	<b>8.077</b>	1729	6.643	1878	7.216
St. Clair County	256,599	842	3.281	909	3.542	802	3.106
McHenry County	270,504	402	1.486	421	1.556	460	1.701
Winnebago County	279,943	485	1.732	483	1.725	492	1.758

Outside of Cook County, all six of the counties larger than Madison demonstrated Litigation Index scores approximately one-quarter the score of Madison County. Madison County, with 2,102 filings in 2003, outpaced all of the Collar Counties in both raw totals of lawsuit filings and in Litigation Index scores, despite the fact that its population is nearly one-quarter the size of DuPage County and half the size of either Lake or Will counties.

Similarly, Litigation Index scores varied among Illinois' smallest counties. Some small counties have shown Litigation Index scores nearly double the score of DuPage County. Massac County and Saline County totals have steadily increased since 2001, peaking at a total that is eight times the rate of tiny Hancock County. Massac County, with nearly 5,000 fewer residents, saw its docket increase to 46 major civil suits in 2003, 38 more than Hancock's total of eight suits.

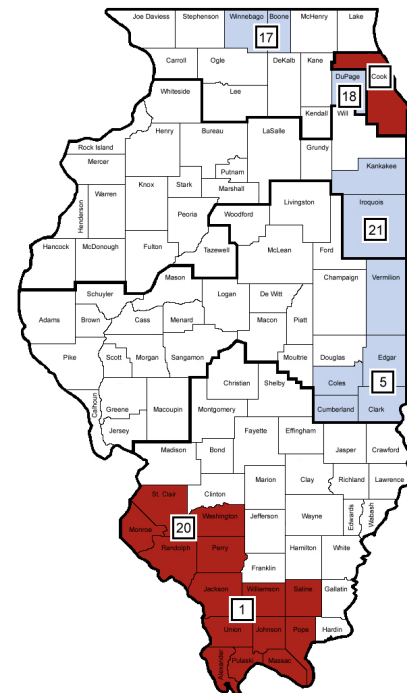
**Figure 3B: Comparing Litigation Index Scores – DuPage County vs. Smaller Counties**

	Population	2003		2002		2001	
		L Suits	L Index	L Suits	L Index	L Suits	L Index
DuPage County	912,044	1,390	1.524	1,419	1.556	1,411	1.547
Massac County	15,081	46	3.050	37	2.453	36	2.387
Saline County	26,325	78	2.963	72	2.735	64	2.431
Hancock County	19,909	8	0.402	39	1.959	19	0.954

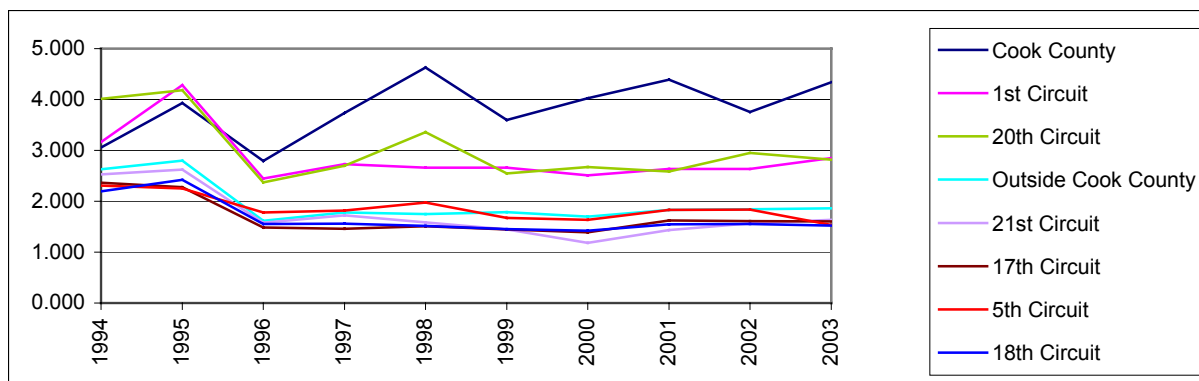
The diversity of per capita caseloads is erratic when comparing between “upstate” and “downstate” counties, and even within the metropolitan regions. For example, three of the four most litigious circuits after the 3<sup>rd</sup> Circuit (Madison County) include Cook County, the 20<sup>th</sup> Circuit and the 1<sup>st</sup> Circuit. These areas are dramatically different in geography and demographics, ranging from the most populous and dense in the state to nearly the most rural.

Similarly, the 5<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, and 21<sup>st</sup> Circuits are nearly equal and just below average in their Litigation Index scores, yet the similarities between the rural Eastern areas, DuPage County, and the Rockford metropolitan circuits are also dramatically different. However, their scores are nearly identical, even when tracked over time.

The graph and chart contained in Figures 4 and 5 display the Litigation Index scores from 1994 to 2003, with the



**Figure 4: Comparison of Selected Litigation Index Scores**



highlighted year of 1996 marking the one full year of tort reform in Illinois. As the chart displays – reinforced by the graph depicted in Figure 5 - the historical trends by county show minor fluctuations, but are overshadowed by the steady trends of the more litigious counties.

**Figures 5: A Comparison of Selected Judicial Circuit Litigation Index Scores 1994-2003**

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Cook County	3.056	3.930	2.792	3.736	4.628	3.598	4.024	4.388	3.752	4.338
1st Circuit	3.166	4.286	2.448	2.733	2.658	2.663	2.509	2.635	2.635	2.849
20th Circuit	4.013	4.181	2.369	2.700	3.361	2.549	2.675	2.582	2.949	2.817
Outside Cook County	2.630	2.796	1.619	1.781	1.748	1.789	1.697	1.833	1.844	1.865
21st Circuit	2.526	2.622	1.578	1.726	1.585	1.444	1.185	1.437	1.563	1.637
17th Circuit	2.365	2.279	1.484	1.456	1.512	1.447	1.388	1.620	1.611	1.605
5th Circuit	2.311	2.251	1.777	1.820	1.973	1.673	1.635	1.831	1.837	1.532
18th Circuit	2.194	2.423	1.556	1.561	1.513	1.451	1.420	1.547	1.556	1.524

The dramatic drop in 1996 is directly attributable to the comprehensive Civil Justice Reform Act of 1995, which was later ruled unconstitutional in 1997. During the reform year of 1996, major civil filings decreased statewide by nearly 14,500 lawsuits or 35.3%, from 40,963 to 26,486. However, after the December 1997 Supreme Court ruling, lawsuit filings rose statewide from their 1996 levels by 40.5%, or 10,739 lawsuits.

### Litigation Index Scores: The Cook County Venue Distortion

The analysis of individual counties provides an even greater picture of disparity between Index scores. At a population of more than 5,350,000, Cook County now represents almost 44 percent of the state’s population and a disproportionate 63.6 percent of the total major civil litigation recorded in 2003.

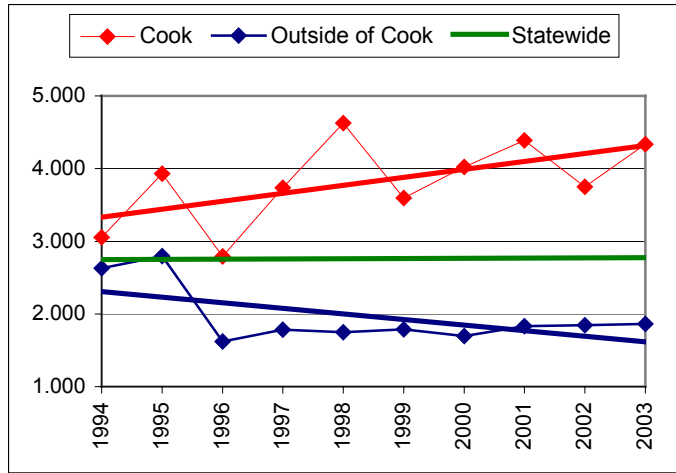
**Figure 6: Cook County Versus 101 Other Illinois Counties**

	Number of Counties	Population				Litigation			
		1994	%	2003	%	1994	%	2003	%
Cook	1	5,146,400	44.0%	5,350,269	42.9%	16,352	<b>46.6%</b>	23,208	<b>63.6%</b>
Outside of Cook	101	6,550,600	56.0%	7,132,032	57.1%	18,755	53.4%	13,299	36.4%
Statewide	102	11,697,000		12,482,301		35,107		36,507	

However, Cook County has not always attracted a supermajority of the litigation in Illinois. In 1994, Cook County only accounted for 46.6 percent of the litigation, much closer to its overall population of 44 percent.

The Litigation Index trends from 1994 to 2003 paint a vivid picture of the venue problem in Cook County. In 1994, the Litigation Index for Cook County and Outside Cook were 3.056 and 2.630, respectively, which was well within range of the statewide average of 2.813.

**Figure 7: The Cook County Venue Gap**

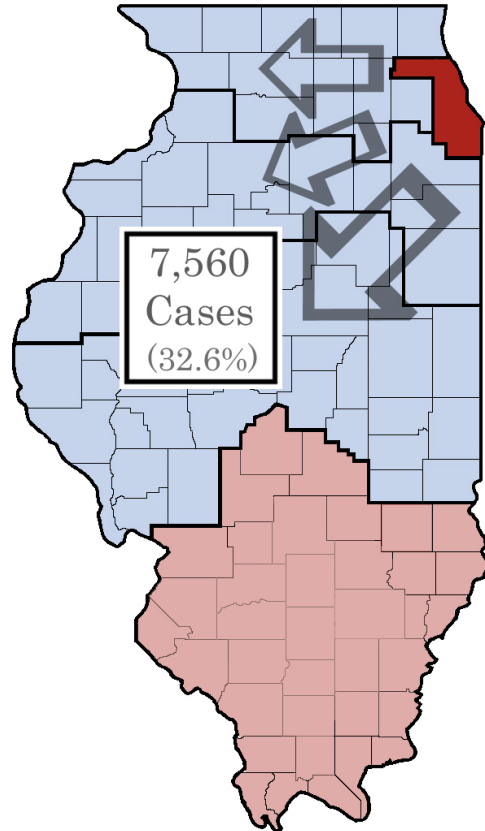


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By 2003, the Cook and Outside Cook index scores had moved steadily apart to 4.338 and 1.865, respectively. Although the statewide average had only grown minimally, the range between Cook and Outside Cook had grown 580 percent, from 0.426 to 2.473.

If the courts were to restore the same filing balance that existed in 1994, more than 6,200 major civil lawsuits, or approximately 26.7 percent of the Cook County docket, would need to be moved to the other 101 counties in Illinois. To fully balance the Cook County venue with 2003 population ratios, a total of 7,560 major civil lawsuits, or 32.6 percent of the Cook County docket, would need to be moved to the other 101 counties.

In contrast, the ratio of Cook County criminal felony cases was found to be within only two percentage points of the ratio of population. In fact the ratio for the entire judicial caseload for Cook County tracks within a half percentage point of the of the population, and in fact EVERY other docket (criminal misdemeanor, adoptions, divorces, traffic tickets, municipal ordinance violations, tax and probate cases) are all tracking closer to population ratios.



**Figure 8: A Comparison Of Dockets**

	Cook	%	Outside of Cook	%
Major Civil Caseload	23,208	63.6%	13,299	36.4%
Criminal Felony Caseload	37,913	40.8%	55,000	59.2%
Total Judicial Caseload	1,811,631	43.4%	2,360,034	56.6%
Population	5,350,269	42.9%	7,132,032	57.1%

## Litigation Index Scores: Individual Counties

Removing Cook County and its immense civil docket, the other 101 counties have a much smaller index average of 1.865. When separating the Litigation Index scores in the area outside Cook County, the remaining 101 counties can be divided into two groups: the 19 counties that rate above the 1.865 average and 82 counties that rate below the average.

**Figure 9: Counties That Exceed The 101-County Litigation Index Average of 1.865**

County	Population	L Cases	L Index	% Above
Madison	260,259	2,102	8.077	333%
Williamson	61,794	267	4.321	132%
St. Clair	256,599	842	3.281	76%
Hardin	4,824	15	3.109	67%
Massac	15,081	46	3.050	64%
Saline	26,325	78	2.963	59%
Franklin	38,796	113	2.913	56%
Union	18,263	44	2.409	29%
Peoria	181,676	436	2.400	29%
Marion	41,446	99	2.389	28%
Jackson	58,838	138	2.345	26%
Jefferson	40,113	87	2.169	16%
LaSalle	111,580	233	2.088	12%
Effingham	34,352	70	2.038	9%
Vermilion	83,300	166	1.993	7%
Sangamon	189,379	366	1.933	4%
Macon	112,964	217	1.921	3%
White	15,264	29	1.900	2%

Of the 19 counties exceeding the average, all but seven exceed the average by more than 25 percent.

Madison County, which is widely renowned for its reputation as a magnet jurisdiction, ranks high above even Cook and St. Clair counties with its 8.077 Litigation Index score. While St. Clair County's ranking may not be surprising, Williamson County far exceeds the 101-county averages by more than 132 percent.

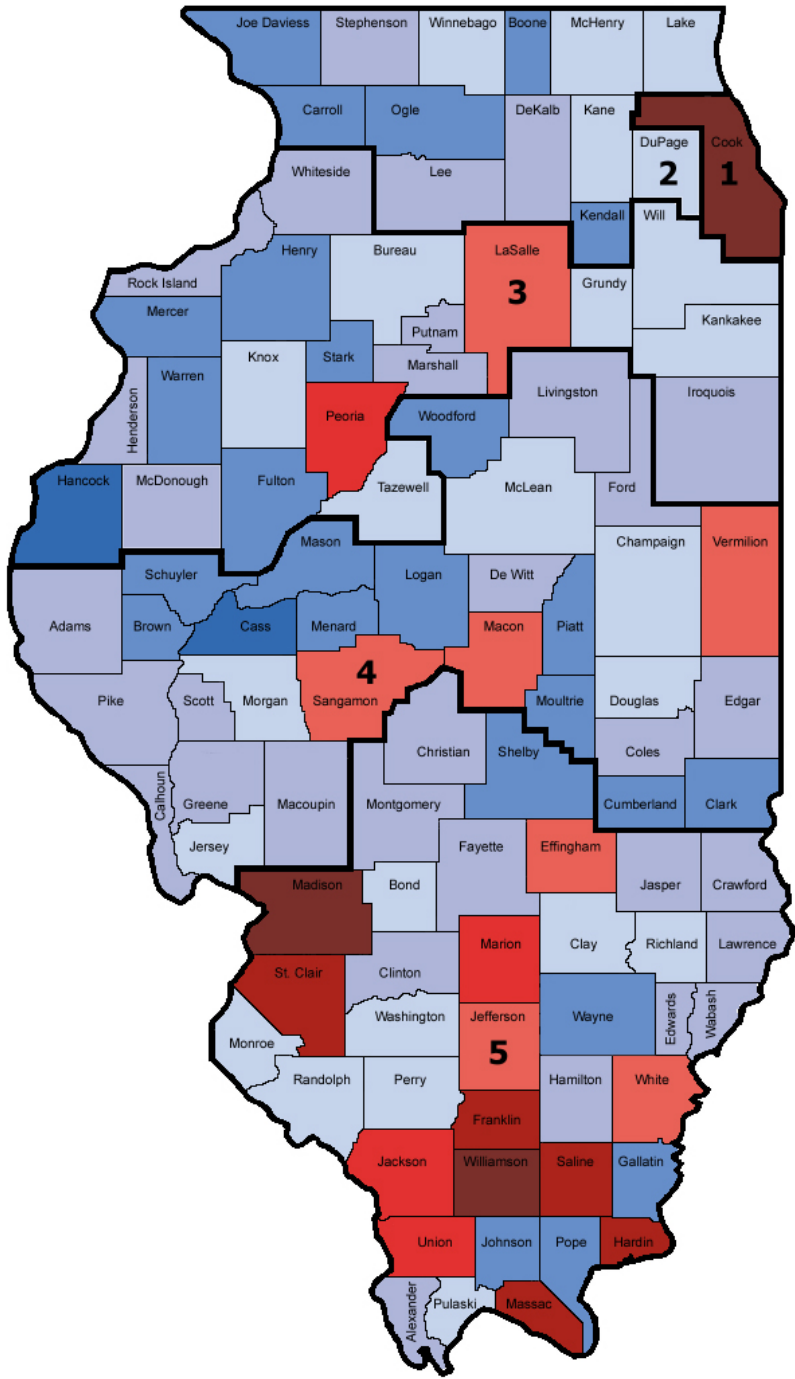
Hardin, Massac, Saline and Franklin counties also rate more than 50 percent above the average, meaning they each have between 50-70 percent more litigation than neighboring White, Perry, Randolph and Pulaski counties, which rank only slightly above and below the average.

In fact, when assessing neighboring counties, many of the differences are dramatic:

- St. Clair County (3.281) has a LI more than twice that of Monroe (1.579) or Washington (1.583) counties, and thrice the average of Clinton County (1.094).
- Peoria County (2.400), which represents the only real central Illinois venue with litigation levels significantly above the 101-county average, exceeds neighboring Tazewell County (1.411) by a large margin, but not as significantly when compared to the bordering Woodford (0.670) and Fulton (0.845) counties.
- The Collar Counties of DuPage (1.524), Lake (1.779), McHenry (1.486), Kane (1.563) and Will (1.478) are nearly equal in their Litigation Index ratings, but are all much less than half the Cook County total (4.338).

Because these trends fail to indicate neither a consolidation toward metropolitan centers, because of the high ratios in smaller and more rural Southern Illinois counties, nor any demographic or geographic rationale, any explanation is again thrown back to the examination of the legal and judicial climates in these litigation-intensive venues.

**Figure 10:**  
**A Map Of The 102 Illinois Counties Indicating High (Red) and Low (Blue)**  
**Levels of Litigation, According To 2003 Litigation Indexing Results**



## The Dockets: High-Density Litigation v. Quiet Courthouses

What phenomenon is guiding the dockets of the most litigious counties? In an effort to determine the cause of the higher-density Litigation Index scores, ICJL research assistants visited 24 downstate counties and the County of Cook to seek more in-depth docket summaries and statistics. While visiting all 102 counties would present time and resource difficulties, the Circuit Clerk Offices that were visited embodied almost 91 percent of all the major civil litigation filed in the state.

The following summaries of relevant statistics and conclusions start the process of describing the major civil caseload of Illinois as a whole:

### **Madison County: A Unique Venue**

The Madison County major civil docket is an interesting collection of class actions, asbestos litigation, medical malpractice and product liability cases. Cases involving benzene, welding rods, silica, and a multitude of different pharmaceuticals also fill the files. In addition, lawsuits against municipalities and local employers, such as the two gambling casinos, also dot the docket. However the civil lawsuits of the norm in many counties – cases involving car accident claims, small business contract disputes, and even negligence and wrongful death suits – are overshadowed by the multitude of larger actions.

The county has a long history of out-of-state litigation. One publication noted the county's history with railroad litigation:<sup>7</sup>

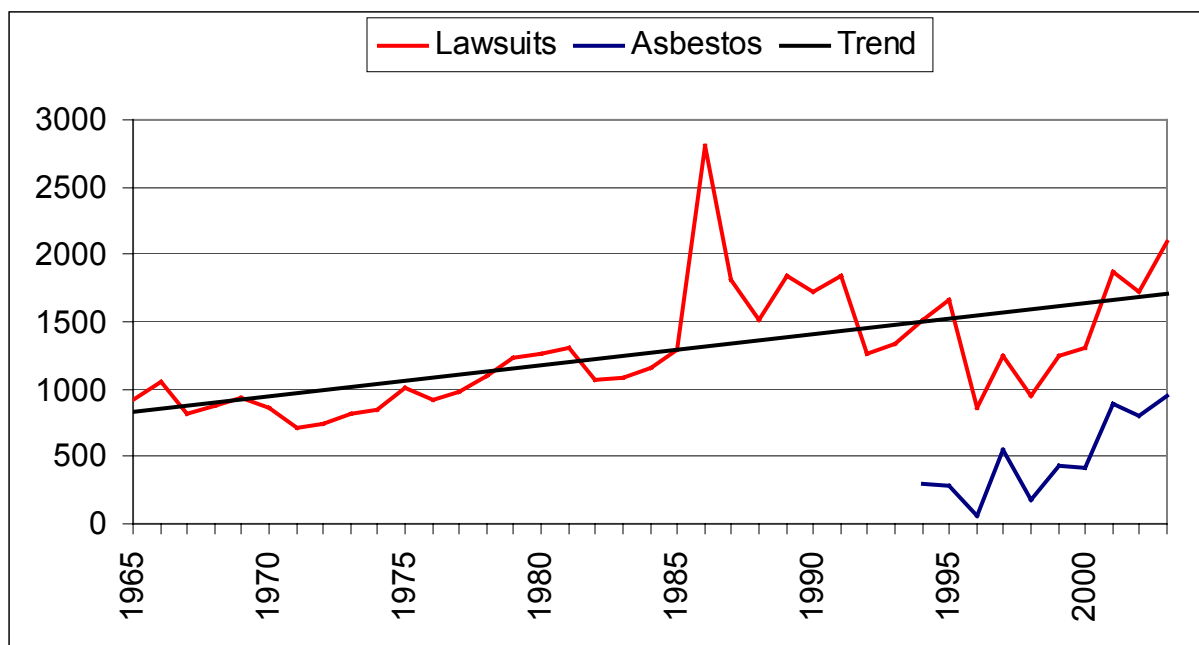
By 1915, 80 percent of the nation's railroad claims, involving accidents that occurred from Georgia to Oregon, were being resolved in Madison County. The reason was simple: Claims could be filed in any jurisdiction where the railroad did business. Since just about every railroad in the country had lines that wound through Madison, injured persons were eligible to file there--and the judges of Madison County had proven themselves particularly favorable to such appeals. Word of easy judges travels fast.

The county once nationally renowned for railroad and barge injury cases is now known for its record-setting awards in asbestos and class action cases. The caseload in just these two types of litigation equaled 1,059 cases, or 50.4 percent of the major civil docket in 2003. In 2002 and 2001, the litigation in these three litigation areas totaled 51.2 and 50.5 percent, respectively. In the ten-year period from 1994-2003, Madison County drew 4,853 asbestos filings and 298 class action filings.

Madison County has one judge assigned to mostly asbestos litigation – Judge Nicholas Byron until September 2004, and now Judge Daniel Stack. According to a January 2005 Inside Counsel magazine article, about 75 percent of the cases come from out-of-state.<sup>8</sup> Estimates on that issue are all that exist, because the electronic docket and individual case files rarely disclose anything but the lawyers' zip codes.

The 953 asbestos cases, of 2,102 total civil cases, are probably the second-most filed in a single year in Madison – second only to 1986, the year asbestos lawyer Randy Bono filed an estimated 1,500 asbestos suits. Only one asbestos suit had been filed the year before.<sup>9</sup>

**Figure 11: Madison County Historical Lawsuit Filings 1965-2003**



### **Jersey County: Quiet Courthouse**

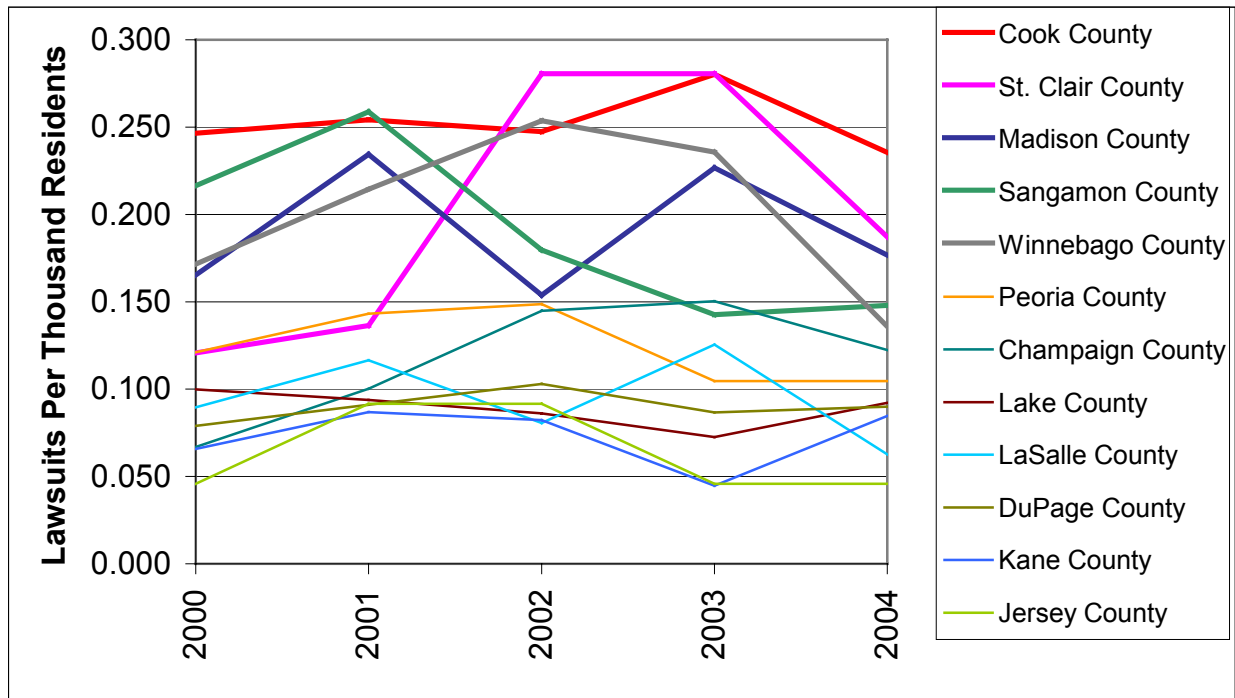
Employees in the Jersey County Courthouse laughed when asked about class action cases by an ICJL research assistant. “Not around here,” one employee remarked. Sure enough, even though the two courthouses sit about 30 miles from each other, not one class action or asbestos suit has been filed in Jersey County in the past five years. Even though most Jersey County residents shop, visit, and travel to and from Madison County, not one case has been filed in Jersey County. Statistically, to balance the 363 class actions filed in Madison County the past five years, the 21,820 Jersey County residents would have to file an average of 6 class actions a year.

From 2000-2004, 249 medical malpractice suits were filed in Madison County. In Jersey County, medical malpractice filing rates were a fraction of the size of their neighbor, generally one-quarter the rate of Madison County, with only seven cases in five years.

### **St. Clair County: Highest Rates of Suits Against Doctors & Hospitals**

Statistics provided by the Illinois Trial Lawyers Association,<sup>10</sup> as well as from research collected from individual courthouses by ICJL research assistants, confirm the high rates of medical malpractice lawsuits in St. Clair, Madison and Cook counties.

**Figure 12: Med Mal Lawsuit Filings For 12 Counties 2000-2004**



Individual per capita rates for medical malpractice filings show the rates for Cook and St. Clair counties as the highest amongst the individual counties studied, with Winnebago and Madison counties not far behind. Lawsuit filings spiked in both 2001 and 2003.

**Williamson, Saline, Franklin & Jefferson Counties: Emerging Silica Litigation**

An emerging trend is developing in the four venues that were studied in the 1<sup>st</sup> and 2<sup>nd</sup> Circuits, including Williamson, Saline, Franklin and Jefferson counties. Plaintiffs’ lawyers from Edwardsville, IL, and New Orleans, LA, filed silica lawsuits in all four venues in 2004, the only such activity filed within the five-year period of study. Additionally, at least eighteen similar suits were filed in Madison County in 2003 and 2004. One such Madison County suit is even copied and included in the file for a Franklin County case.<sup>11</sup>

**Figure 13: Silica Litigation In Four Southern Illinois Counties in 2004**

	Silica Cases	Plaintiffs	Judge
Saline County	20	48	Stewart
Jefferson County	15	15	Wexsten
Franklin County	10	35	***
Williamson County	7	14	Eckiss
Totals	52	112	

\*\*\* Franklin County records omit Judge of record

The New Orleans firm – Gertler, Gertler, Vincent & Plotkin – was recently cited by the Trial Lawyers for Public Justice<sup>12</sup> as a 2005 Trial Lawyer of the Year Award Finalist for their \$800 million 2004 jury verdict<sup>13</sup> in the class action case Scott v. American Tobacco Company. The Madison County firm – Goldenberg, Miller, Heller & Antognoli – is well-known as the former

firm of asbestos lawyer Randy Bono and a firm that continues to file a dozens of asbestos cases in Madison County.

These new lawsuits are part of 388,000 lawsuits nationwide that accuse 3M and several other manufacturers of manufacturing faulty disposable respirator masks.<sup>14</sup> Twenty-two similar cases have been filed in Madison County over the past three years against 3M.

The silica litigation docket ballooned, however, in September and October of this year, when a St. Louis attorney filed 172 new asbestos and silicosis suits on behalf of Texas attorneys Brent Coon & Associates.<sup>15</sup> Eleven of the silica-exposed plaintiffs who filed suit have also sued in Madison County for asbestos exposure.<sup>16</sup>

When *The Record*, a Madison County legal journal, contacted several of the newly-filed out-of-area plaintiffs, many were unaware they had even filed cases.<sup>17</sup>

Retired locomotive makers who filed asbestos suits in Madison County last month did not know they had filed the suits until just days ago. They heard about it from a reporter. Eight plaintiffs interviewed by the *Record* said no one told them they had become litigants. Six said they did not know where Madison County was.

These facts prompted *The Record* to editorialize prior to the Fall Veto Session of the Illinois General Assembly:<sup>18</sup>

Illinois legislators are back in Springfield this week, and if pondering our state's lagging economy they'd be best served to read Steve Korris' investigation into Madison County's latest asbestos lawsuit swoon. Korris' reports offer a rare and revealing look at how such "mass torts" were seeded, incubated, and prepared specifically to overwhelm an Illinois county courthouse.

**Excerpt from "Retired Workers, Unwitting Plaintiffs," from *The Record*, October 20, 2005**

The Electro-Motive plaintiffs that the *Record* contacted belong to Local 719. They responded to a union notice of asbestos screening from Sept. 29 to Oct. 2, 2003.

"We had nothing to do with it," said the person who answered the phone at Local 719. "All we did was let them have space so they could take tests."

She said X-rays were taken by asbestos respiratory services, "or something like that."

Asked if it was Respiratory Testing Services (RTS), she said it was.

She would not give her name. She said the president of the local should comment, but he was at a meeting in Detroit. His name, she said, was Frank Lewandowski.

A person with that name filed one of the suits. Upon hearing this, the person who answered the phone said, "I'm probably in there, too."

Asked if she was Berneda Robb, she said yes.

At least she knew Madison County was somewhere around St. Louis. So did plaintiff Robert Peroutky of South Beloit. None of the others knew that much.

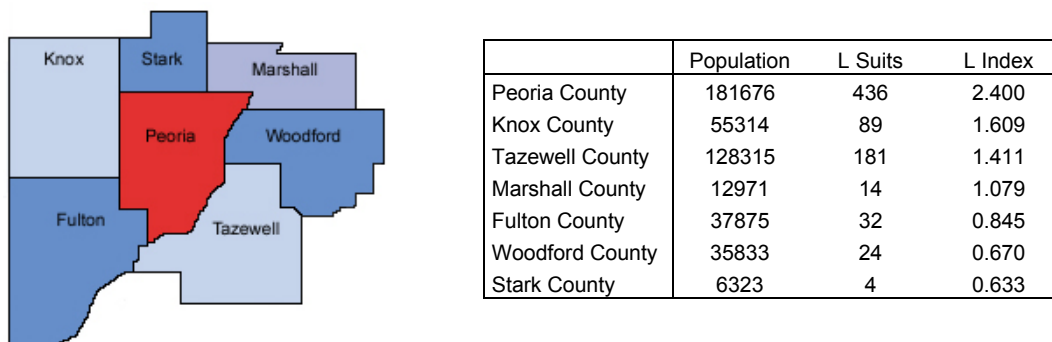
The Record reporter Steve Korris did echo similar complaints as ICJL research assistants when working to track the filing of lawsuits from out-of-state plaintiffs: “The complaints did not give addresses for plaintiffs, not even cities or counties. The complaints did not give middle initials.”

As a result, finding out exactly how bad the venue problem of out-of-area or out-of-state claims being filed in many local Illinois courts is impossible.

### Peoria County: A History of Tort Liability From Out-Of-Area Trial Attorneys

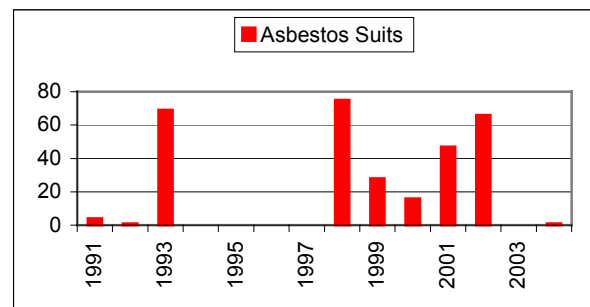
As the only highly litigious county in Central Illinois, Peoria County has a history of attracting lawsuits filed by out-of-area trial attorneys, especially one asbestos firm from Madison County. The fact that all of Peoria’s neighboring counties rank significantly lower in Litigation Index scores suggests that the metropolitan center is a magnet venue for the region’s judicial system.

**Figure 14: Litigation In Peoria and Surrounding Counties in 2003**



If the Litigation Index scores are not proof enough of the imbalance in the Peoria region, the individual study of the Peoria County docket confirms its status as a magnet jurisdiction. Over the past 14 years, Peoria County has experienced a series of asbestos filings – totaling 232 suits over five years – mostly from the same Madison County firm that has helped to make its home county earn its reputation as a “plaintiffs paradise.”

**Figure 15: Peoria County Asbestos Filings**



With 286 filings over the 14-year time period, the firm of Goldenberg, Miller, Heller & Antognoli (formerly Bono, Hopkins, Goldenberg & Bilbrey) has accounted for 93.2 percent of the 307 asbestos suits identified from the Peoria County docket. While the number pales in comparison to the estimated five thousand suits filed in Madison County over the past decade, however from a per capita perspective the top years in Peoria County score at a level ten times higher than recent Cook County filings, but still less than half the rates in Madison County.

## Litigation Causality: Was It The Chicken, The Egg, Or The Lawyers?

If the comparing and contrasting of demographic and geographic trends fails to describe the growing imbalance of litigation levels between Illinois counties, perhaps the explanation can be rooted out in simple causality, or simply: “Are litigation levels driving increased lawyer registrations in certain Illinois counties, or vice versa?”

An examination and analysis of lawyer registration audits from Illinois’ Attorney Registration and Disciplinary Commission shows the Cook, Madison and DuPage counties as the top three counties to gain per capita in lawyer registration between 2000 and 2003.<sup>19</sup> Figure 16 displays both the real and per capita gains.

**Figure 16: Increases In Lawyer Registration From 2000 To 2003**

	Population	2003 Reg. Lawyers	2000 Reg. Lawyers	2003-2000 Gain/Loss	Per Capita
Cook County	5350269	41229	39300	+1929	0.00036
Madison County	260259	623	547	+76	0.00029
DuPage County	912044	3859	3640	+219	0.00024

Although individual county patterns were erratic at best, it is significant that the per capita increase in lawyer registration was six times higher in Cook County compared to the other 101 counties. That being considered, causality is hard to prove either way without looking at registrations of only civil attorneys. Although the disparity of criminal felony rates are geographically neutral from region to region in Illinois, a better analysis of litigation causality might include possible comparisons to the county-by-county memberships of the Illinois Association of Defense Trial Counsel and the Illinois Trial Lawyers Association. That information has not been sought and is unlikely to be voluntarily provided by either organization.

### Summary

The American Tort Reform Association, in its 2002 Judicial Hellhole report, cited the reasons for new venue disparities and the problems posed for the local residents when their courts become an imbalanced venue.<sup>20</sup>

Efforts by plaintiffs’ lawyers to try their cases in “favorable” courts and jurisdictions are not new. Forum shopping has been practiced for a long time. What is new is the extent to which certain courts and jurisdictions have become powerful magnets for litigation. Due to advances in technology such as the internet and increased mobility and communications, personal injury lawyers are now much more able to forum shop their cases than in the past. Consequently, defendants are sometimes brought into courtrooms in areas of the country that have little or no connection to the case being tried. This is not only unfair to defendants, it is also unfair to the individuals who live in these hellhole jurisdictions. When local courts are unduly burdened with cases from elsewhere, the local residents may have their own cases subjected to substantial delay.

Right now, local defendants seeking a speedy and fair trial in the courtrooms they support with their tax dollars are being filled with a cases brought from out-of-area or even out-of-state plaintiffs and their lawyers who seek convenience over fairness, and advantage over justice. Absent of any geographical, demographical or environmental factors that might present a litigation crisis in a certain venue of Illinois, no reasonable explanation exists to defend the immense statistical imbalance within the state's civil justice system.

More importantly, to preserve a representative balance of justice within an elected judiciary in Illinois, one venue should not be allowed to dominate all others within Illinois. When 64 percent of all civil cases are heard by only 43 percent of the state's elected judiciary, equal justice is not served in Illinois. While this problem was statistically significant in 1994, the anomaly is now almost six times more distinct, making forum shopping and a legislative solution a top priority.

## Footnotes

<sup>1</sup>American Tort Reform Association. "Judicial Hellholes 2004." Dec. 15, 2004. Available at: <http://www.atra.org/reports/hellholes/>.

<sup>2</sup>The labeling of the L case designation was raised to \$50,000 from \$15,000 in 1995.

<sup>3</sup>Price v. Philip Morris. Madison County Circuit Case: 2000-L-112. Copy of judgment available at: <http://news.findlaw.com/hdocs/docs/tobacco/pricepm32103jud.pdf>.

<sup>4</sup>Proposed 2006 Madison County Budget. Available at: <http://www.co.madison.il.us/Documents/FY2006ProposedBudget.pdf>.

<sup>5</sup>Horrell, Steve. "County is cashing in." Edwardsville Intelligencer. Oct. 8, 2005. Available at: [http://www.goedwardsville.com/site/news.cfm?newsid=13100892&BRD=2291&PAG=461&dept\\_id=473648&rfi=6](http://www.goedwardsville.com/site/news.cfm?newsid=13100892&BRD=2291&PAG=461&dept_id=473648&rfi=6).

<sup>6</sup>Survey of defense lawyers was administered in October 2005.

<sup>7</sup>Tucker, William. "Lawsuit Lollapalooza." American Enterprise Online. April 2005. Available at: [http://www.taemag.com/issues/articleID.18470/article\\_detail.asp](http://www.taemag.com/issues/articleID.18470/article_detail.asp).

<sup>8</sup>Nicholas, Adele. "Judicial shakeup signals reform in Madison County." Inside Counsel. January 2005. Available at: [http://www.insidecounsel.com/issues/insidecounsel/15\\_158/circuits/33-1.html](http://www.insidecounsel.com/issues/insidecounsel/15_158/circuits/33-1.html).

<sup>9</sup>Hampel, Paul. "Bono's firm opened floodgate to asbestos lawsuit here." Sept. 18, 2004. Available at: <http://www.stltoday.com/stltoday/news/special/asbestos.nsf/0/B7805A3CAC2318E886256F1300625CDB?OpenDocument>.

- <sup>10</sup>Hebeisen, Keith A. “Caps on damages protect insurers at the expense of those injured or killed by medical malpractice: The patients’ perspective.” Illinois Trial Lawyers Association. May 2005.
- <sup>11</sup>2003-L-1987. Madison County Circuit Clerk.
- <sup>12</sup>Trial Lawyers for Public Justice. “West Virginia, Ohio attorneys win 2005 Trial Lawyer of the Year Award for settlement holding DuPont accountable for C8 pollution.” Available at: [http://www.tlpj.org/pr/tloy\\_2005\\_072605.htm](http://www.tlpj.org/pr/tloy_2005_072605.htm).
- <sup>13</sup>Herman, Herman, Katz & Cotlar. “Practice area: Class action/complex litigation.” Available at: [http://www.hhkc.com/apg\\_pg13\\_Class\\_Action\\_Complex\\_Litigation.html](http://www.hhkc.com/apg_pg13_Class_Action_Complex_Litigation.html).
- <sup>14</sup>Gordon, Greg. “Liability lawsuits galore dog 3M over dusk masks.” Star-Tribune. Apr. 18, 2004. Available at: [http://www.mesothel.com/pages/star\\_trib\\_apr18\\_pag.htm](http://www.mesothel.com/pages/star_trib_apr18_pag.htm).
- <sup>15</sup>Korris, Steve. “New asbestos/silicosis suits may be interchangeable.” Madison County Record. Oct. 14, 2005. Available at: <http://www.stclairrecord.com/news/newsview.asp?c=168344>.
- <sup>16</sup>Knef, Ann. “Silicosis litigation raising ‘red flags.’” Madison County Record. Sept. 29, 2005. Available at: <http://www.madisonrecord.com/news/newsview.asp?c=167617>.
- <sup>17</sup>Korris, Steve. “Retired workers unwitting plaintiffs.” Madison County Record. Oct. 20, 2005. Available at: <http://www.stclairrecord.com/news/newsview.asp?c=168630>.
- <sup>18</sup>“Manufacturing lawsuits.” Madison County Record. Oct. 23, 2005. Available at: <http://www.stclairrecord.com/arguments/argumentsview.asp?c=168702>.
- <sup>19</sup>Illinois Attorney Registration Disciplinary Commission. “2003 Annual Report” and “2000 Annual Report.” Available at: <http://www.iardc.org/orginfo.html>.
- <sup>20</sup>American Tort Reform Association. “Bringing Justice To America’s Judicial Hellholes 2002.” Available at: [http://www.atra.org/reports/hellholes/2002/hellholes\\_report\\_2002.pdf](http://www.atra.org/reports/hellholes/2002/hellholes_report_2002.pdf).

## Appendix A: Major Civil Case Filings Per Year By County 1994-2003

A	Circuit	County	Population	L Cases By Year										
				2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
5	1	Alexander	9,544	22	12	17	21	18	19	20	23	17	22	27
5	1	Jackson	58,838	118	138	145	152	120	121	170	178	143	241	206
5	1	Johnson	13,089	7	11	8	9	15	12	11	17	20	29	19
5	1	Massac	15,081	29	46	37	36	24	82	41	35	24	93	23
5	1	Pope	4,341	5	3	6	2	9	5	6	7	2	9	9
5	1	Pulaski	7,167	9	12	14	14	15	11	22	15	9	56	12
5	1	Saline	26,325	92	78	72	64	75	89	60	78	77	117	82
5	1	Union	18,263	31	44	37	29	38	30	42	29	36	40	37
5	1	Williamson	61,794	243	267	229	238	224	202	198	204	197	312	264
5	2	Crawford	20,251	18	21	21	27	24	12	21	21	29	37	34
5	2	Edwards	6,848	4	9	3	1	4	3	7	8	7	6	12
5	2	Franklin	38,796	125	113	127	124	102	109	133	90	115	157	147
5	2	Gallatin	6,318	10	3	7	11	12	16	8	14	20	12	15
5	2	Hamilton	8,450	6	9	12	13	10	12	5	14	14	18	14
5	2	Hardin	4,824	5	15	9	8	15	17	19	5	12	8	9
5	2	Jefferson	40,113	110	87	91	89	106	75	77	123	84	98	126
5	2	Lawrence	15,287	24	20	15	14	17	11	14	10	17	24	29
5	2	Richland	16,042	29	27	24	22	16	27	26	25	36	36	34
5	2	Wabash	12,784	22	13	15	13	10	12	10	5	7	16	18
5	2	Wayne	17,076	13	11	15	15	19	22	15	19	14	32	34
5	2	White	15,264	30	29	33	22	15	16	22	28	11	36	28
5	3	Bond	17,758	14	30	16	16	17	14	21	16	21	27	13
5	3	Madison	260,259	1,439	2,102	1,729	1,878	1,313	1,250	946	1,249	866	1,661	1,520
5	4	Christian	35,350	30	36	59	37	62	51	56	44	56	96	84
5	4	Clay	14,262	13	25	24	16	23	18	28	12	17	25	20
5	4	Clinton	35,658	33	39	32	45	41	45	48	44	64	61	48
5	4	Effingham	34,352	71	70	77	87	77	79	73	71	65	94	88
5	4	Fayette	21,710	25	30	15	26	25	32	21	30	25	57	42
5	4	Jasper	10,037	15	11	7	12	9	12	7	9	6	9	15
5	4	Marion	41,446	111	99	88	124	147	109	120	165	119	162	164
5	4	Montgomery	30,462	31	35	38	37	41	29	35	43	67	65	57
5	4	Shelby	22,681	24	16	23	24	23	28	32	24	22	49	26
4	5	Clark	16,964	19	15	16	17	11	11	18	19	20	25	24
4	5	Coles	52,629	77	70	109	123	98	101	135	99	120	162	139
4	5	Cumberland	11,173	13	10	12	7	14	19	25	10	10	13	12
4	5	Edgar	19,410	29	20	28	30	28	26	30	35	25	33	20
4	5	Vermilion	83,300	170	166	172	159	149	150	154	171	151	180	229
4	6	Champaign	179,643	311	311	294	309	350	348	405	367	375	568	537
4	6	DeWitt	16,708	21	16	17	16	23	18	9	14	14	34	42
4	6	Douglas	19,887	14	28	25	20	20	20	13	30	26	32	27
4	6	Macon	112,964	197	217	206	185	195	226	216	256	193	387	374
4	6	Moutrie	14,307	7	10	6	10	12	18	14	16	9	19	18
4	6	Piatt	16,315	26	13	14	23	8	10	18	8	8	24	22
4	7	Greene	14,573	17	16	15	20	14	15	19	8	19	24	25
4	7	Jersey	21,832	27	34	39	30	39	22	24	39	35	61	48
4	7	Macoupin	48,924	50	54	34	55	50	52	55	56	51	113	68

A	Circuit	County	Population	L Cases By Year										
				2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
4	7	Morgan	36,221	44	57	52	54	45	37	42	40	41	93	58
4	7	Sangamon	189,379	388	366	425	395	396	784	586	517	375	782	688
4	7	Scott	5,500	3	6	5	4	6	12	6	10	6	13	9
4	8	Adams	67,937	73	79	104	80	85	63	83	90	107	129	157
4	8	Brown	6,897	5	4	3	11	6	5	5	2	4	6	10
4	8	Calhoun	5,082	4	5	2	8	10	4	6	5	1	4	18
4	8	Cass	13,508	2	6	8	11	16	7	11	11	13	26	20
4	8	Mason	15,960	9	8	11	13	14	14	13	17	13	16	27
4	8	Menard	12,556	10	7	9	6	11	7	12	17	15	11	13
4	8	Pike	17,199	14	23	23	28	18	19	19	14	15	37	41
4	8	Schuyler	7,059	9	6	7	8	4	4	19	5	6	17	7
3	9	Fulton	37,875	32	32	31	33	34	49	54	46	38	51	61
3	9	Hancock	19,909	10	8	39	19	10	17	31	17	19	23	29
3	9	Henderson	8,205	6	10	8	9	6	6	9	5	4	14	14
3	9	Knox	55,314	79	89	94	102	82	78	81	64	58	108	111
3	9	McDonough	32,575	29	31	32	29	21	28	22	25	32	44	51
3	9	Warren	18,374	19	16	17	10	30	14	14	22	16	35	34
3	10	Marshall	12,971	16	14	10	10	18	14	5	7	5	21	16
3	10	Peoria	181,676	413	436	497	484	452	493	458	375	407	756	646
3	10	Putnam	6,124	11	8	13	11	10	8	8	15	9	7	13
3	10	Stark	6,323	5	4	1	6	4	2	5	4	1	6	7
3	10	Tazewell	128,315	148	181	178	179	175	190	186	171	174	314	266
4	11	Ford	14,159	16	17	13	9	5	8	15	16	12	27	25
4	11	Livingston	39,441	37	53	50	40	51	39	54	47	51	89	75
4	11	Logan	30,805	24	22	37	26	38	27	37	33	37	53	46
4	11	McLean	151,878	197	213	211	212	218	197	220	221	246	348	311
4	11	Woodford	35,833	18	24	24	33	24	24	29	22	31	43	43
3	12	Will	536,416	747	793	765	736	693	745	677	684	581	1,167	1,152
3	13	Bureau	35,280	42	56	39	47	54	45	48	48	45	79	59
3	13	Grundy	38,331	72	67	79	64	71	55	54	74	54	96	85
3	13	LaSalle	111,580	225	233	265	262	208	192	207	203	205	333	336
3	14	Henry	50,773	34	37	58	46	37	49	53	49	30	70	69
3	14	Mercer	16,971	7	9	14	10	7	10	9	15	19	25	27
3	14	Rock Island	148,379	157	182	185	208	218	233	219	235	219	413	403
3	14	Whiteside	60,495	76	67	95	72	69	80	76	122	113	126	142
2	15	Carroll	16,526	12	14	28	27	21	11	21	29	16	23	30
2	15	Jo Daviess	22,356	22	20	27	41	32	29	28	29	35	43	39
2	15	Lee	35,971	39	44	48	54	41	43	32	52	48	75	56
2	15	Ogle	51,729	48	41	33	39	46	38	39	75	64	84	83
2	15	Stephenson	48,401	59	53	61	49	60	50	40	42	45	76	66
2	16	Dekalb	89,743	124	92	116	100	125	88	98	120	100	170	163
2	16	Kane	425,545	646	665	637	588	642	987	676	727	635	1,200	1,100
2	16	Kendall	58,227	56	46	69	67	56	45	64	64	49	74	74
2	17	Boone	43,472	48	34	38	32	38	28	44	47	51	45	45
2	17	Winnebago	279,943	452	485	483	492	411	440	445	424	429	692	720
2	18	DuPage	912,044	1,390	1,390	1,419	1,411	1,295	1,323	1,380	1,424	1,419	2,210	2,001
2	19	Lake	661,111	1,049	1,176	1,073	1,090	998	1,039	1,032	1,088	984	2,052	2,151

A	Circuit	County	Population	L Cases By Year										
				2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
2	19	McHenry	270,504	419	402	421	460	399	368	330	356	339	586	543
5	20	Monroe	28,507	30	45	24	25	27	29	25	19	20	42	84
5	20	Perry	22,972	54	39	51	39	65	47	44	50	35	49	37
5	20	Randolph	33,830	58	56	51	44	47	32	50	73	44	79	76
5	20	St. Clair	256,599	768	842	909	797	802	778	1,059	807	718	1,290	1,212
5	20	Washington	15,157	21	24	18	17	14	24	22	15	29	33	24
3	21	Iroquois	30,874	31	34	50	39	20	27	34	46	35	36	43
3	21	Kankakee	104,122	178	187	161	155	140	168	180	187	178	318	298
1	CC	Cook	5,350,269	21,526	23,208	20,075	23,475	21,529	19,252	24,760	19,991	14,936	21,024	16,352
	OC	Outside Cook	7,132,032	12,221	13,299	13,153	13,071	12,102	12,759	12,465	12,705	11,550	19,939	18,755
	SW	Statewide	12,482,301	33,747	36,507	33,228	36,546	33,631	32,011	37,225	32,696	26,486	40,963	35,107
5	1	1st Circuit	214,442	556	611	565	565	538	571	570	586	525	919	679
5	2	2nd Circuit	202,053	396	357	372	359	350	332	357	362	366	480	500
5	3	3rd Circuit	278,017	1,453	2,132	1,745	1,894	1,330	1,264	967	1,265	887	1,688	1,533
5	4	4th Circuit	245,958	353	361	363	408	448	403	420	442	441	618	544
4	5	5th Circuit	183,476	308	281	337	336	300	307	362	334	326	413	424
4	6	6th Circuit	359,824	576	595	562	563	608	640	675	691	625	1,064	1,020
4	7	7th Circuit	316,429	529	533	570	558	550	922	732	670	527	1,086	896
4	8	8th Circuit	146,198	126	138	167	165	164	123	168	161	174	246	293
3	9	9th Circuit	172,252	175	186	221	202	183	192	211	179	167	275	300
3	10	10th Circuit	335,409	593	643	699	690	659	707	662	572	596	1,104	948
4	11	11th Circuit	272,116	292	329	335	320	336	295	355	339	377	560	500
3	12	12th Circuit	536,416	747	793	765	736	693	745	677	684	581	1,167	1,152
3	13	13th Circuit	185,191	339	356	383	373	333	292	309	325	304	508	480
3	14	14th Circuit	276,618	274	295	352	336	331	372	357	421	381	634	641
2	15	15th Circuit	174,983	180	172	197	210	200	171	160	227	208	301	274
2	16	16th Circuit	573,515	826	803	822	755	823	1,120	838	911	784	1,444	1,337
2	17	17th Circuit	323,415	500	519	521	524	449	468	489	471	480	737	765
2	18	18th Circuit	912,044	1,390	1,390	1,419	1,411	1,295	1,323	1,380	1,424	1,419	2,210	2,001
2	19	19th Circuit	931,615	1,468	1,578	1,494	1,550	1,397	1,407	1,362	1,444	1,323	2,638	2,694
5	20	20th Circuit	357,065	931	1,006	1,053	922	955	910	1,200	964	846	1,493	1,433
3	21	21st Circuit	134,996	209	221	211	194	160	195	214	233	213	354	341
1		1st Appellate	5,350,269	21,526	23,208	20,075	23,475	21,529	19,252	24,760	19,991	14,936	21,024	16,352
2		2nd Appellate	2,915,572	4,364	4,462	4,453	4,450	4,164	4,489	4,229	4,477	4,214	7,330	7,071
3		3rd Appellate	1,640,882	2,337	2,494	2,631	2,531	2,359	2,503	2,430	2,414	2,242	4,042	3,862
4		4th Appellate	1,278,043	1,831	1,876	1,971	1,942	1,958	2,287	2,292	2,195	2,029	3,369	3,133
5		5th Appellate	1,297,535	3,689	4,467	4,098	4,148	3,621	3,480	3,514	3,619	3,065	5,198	4,689

## Appendix B: Litigation Index Scores Per Year By County 1994-2003

A	Circuit	County	Population	L Index Scores By Year										
				2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
5	1	Alexander	9,544	2.305	1.257	1.781	2.200	1.886	1.991	2.096	2.410	1.781	2.305	2.829
5	1	Jackson	58,838	2.006	2.345	2.464	2.583	2.039	2.056	2.889	3.025	2.430	4.096	3.501
5	1	Johnson	13,089	0.535	0.840	0.611	0.688	1.146	0.917	0.840	1.299	1.528	2.216	1.452
5	1	Massac	15,081	1.923	3.050	2.453	2.387	1.591	5.437	2.719	2.321	1.591	6.167	1.525
5	1	Pope	4,341	1.152	0.691	1.382	0.461	2.073	1.152	1.382	1.613	0.461	2.073	2.073
5	1	Pulaski	7,167	1.256	1.674	1.953	1.953	2.093	1.535	3.070	2.093	1.256	7.814	1.674
5	1	Saline	26,325	3.495	2.963	2.735	2.431	2.849	3.381	2.279	2.963	2.925	4.444	3.115
5	1	Union	18,263	1.697	2.409	2.026	1.588	2.081	1.643	2.300	1.588	1.971	2.190	2.026
5	1	Williamson	61,794	3.932	4.321	3.706	3.852	3.625	3.269	3.204	3.301	3.188	5.049	4.272
5	2	Crawford	20,251	0.889	1.037	1.037	1.333	1.185	0.593	1.037	1.037	1.432	1.827	1.679
5	2	Edwards	6,848	0.584	1.314	0.438	0.146	0.584	0.438	1.022	1.168	1.022	0.876	1.752
5	2	Franklin	38,796	3.222	2.913	3.274	3.196	2.629	2.810	3.428	2.320	2.964	4.047	3.789
5	2	Gallatin	6,318	1.583	0.475	1.108	1.741	1.899	2.532	1.266	2.216	3.166	1.899	2.374
5	2	Hamilton	8,450	0.710	1.065	1.420	1.538	1.183	1.420	0.592	1.657	1.657	2.130	1.657
5	2	Hardin	4,824	1.036	3.109	1.866	1.658	3.109	3.524	3.939	1.036	2.488	1.658	1.866
5	2	Jefferson	40,113	2.742	2.169	2.269	2.219	2.643	1.870	1.920	3.066	2.094	2.443	3.141
5	2	Lawrence	15,287	1.570	1.308	0.981	0.916	1.112	0.720	0.916	0.654	1.112	1.570	1.897
5	2	Richland	16,042	1.808	1.683	1.496	1.371	0.997	1.683	1.621	1.558	2.244	2.244	2.119
5	2	Wabash	12,784	1.721	1.017	1.173	1.017	0.782	0.939	0.782	0.391	0.548	1.252	1.408
5	2	Wayne	17,076	0.761	0.644	0.878	0.878	1.113	1.288	0.878	1.113	0.820	1.874	1.991
5	2	White	15,264	1.965	1.900	2.162	1.441	0.983	1.048	1.441	1.834	0.721	2.358	1.834
5	3	Bond	17,758	0.788	1.689	0.901	0.901	0.957	0.788	1.183	0.901	1.183	1.520	0.732
5	3	Madison	260,259	5.529	8.077	6.643	7.216	5.045	4.803	3.635	4.799	3.327	6.382	5.840
5	4	Christian	35,350	0.849	1.018	1.669	1.047	1.754	1.443	1.584	1.245	1.584	2.716	2.376
5	4	Clay	14,262	0.912	1.753	1.683	1.122	1.613	1.262	1.963	0.841	1.192	1.753	1.402
5	4	Clinton	35,658	0.925	1.094	0.897	1.262	1.150	1.262	1.346	1.234	1.795	1.711	1.346
5	4	Effingham	34,352	2.067	2.038	2.241	2.533	2.241	2.300	2.125	2.067	1.892	2.736	2.562
5	4	Fayette	21,710	1.152	1.382	0.691	1.198	1.152	1.474	0.967	1.382	1.152	2.626	1.935
5	4	Jasper	10,037	1.494	1.096	0.697	1.196	0.897	1.196	0.697	0.897	0.598	0.897	1.494
5	4	Marion	41,446	2.678	2.389	2.123	2.992	3.547	2.630	2.895	3.981	2.871	3.909	3.957
5	4	Montgomery	30,462	1.018	1.149	1.247	1.215	1.346	0.952	1.149	1.412	2.199	2.134	1.871
5	4	Shelby	22,681	1.058	0.705	1.014	1.058	1.014	1.235	1.411	1.058	0.970	2.160	1.146
4	5	Clark	16,964	1.120	0.884	0.943	1.002	0.648	0.648	1.061	1.120	1.179	1.474	1.415
4	5	Coles	52,629	1.463	1.330	2.071	2.337	1.862	1.919	2.565	1.881	2.280	3.078	2.641
4	5	Cumberland	11,173	1.164	0.895	1.074	0.627	1.253	1.701	2.238	0.895	0.895	1.164	1.074
4	5	Edgar	19,410	1.494	1.030	1.443	1.546	1.443	1.340	1.546	1.803	1.288	1.700	1.030
4	5	Vermilion	83,300	2.041	1.993	2.065	1.909	1.789	1.801	1.849	2.053	1.813	2.161	2.749
4	6	Champaign	179,643	1.731	1.731	1.637	1.720	1.948	1.937	2.254	2.043	2.087	3.162	2.989
4	6	DeWitt	16,708	1.257	0.958	1.017	0.958	1.377	1.077	0.539	0.838	0.838	2.035	2.514
4	6	Douglas	19,887	0.704	1.408	1.257	1.006	1.006	1.006	0.654	1.509	1.307	1.609	1.358
4	6	Macon	112,964	1.744	1.921	1.824	1.638	1.726	2.001	1.912	2.266	1.709	3.426	3.311
4	6	Moutrie	14,307	0.489	0.699	0.419	0.699	0.839	1.258	0.979	1.118	0.629	1.328	1.258
4	6	Piatt	16,315	1.594	0.797	0.858	1.410	0.490	0.613	1.103	0.490	0.490	1.471	1.348
4	7	Greene	14,573	1.167	1.098	1.029	1.372	0.961	1.029	1.304	0.549	1.304	1.647	1.716
4	7	Jersey	21,832	1.237	1.557	1.786	1.374	1.786	1.008	1.099	1.786	1.603	2.794	2.199
4	7	Macoupin	48,924	1.022	1.104	0.695	1.124	1.022	1.063	1.124	1.145	1.042	2.310	1.390

A	Circuit	County	Population	L Index Scores By Year										
				2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
4	7	Morgan	36,221	1.215	1.574	1.436	1.491	1.242	1.022	1.160	1.104	1.132	2.568	1.601
4	7	Sangamon	189,379	2.049	1.933	2.244	2.086	2.091	4.140	3.094	2.730	1.980	4.129	3.633
4	7	Scott	5,500	0.545	1.091	0.909	0.727	1.091	2.182	1.091	1.818	1.091	2.364	1.636
4	8	Adams	67,937	1.075	1.163	1.531	1.178	1.251	0.927	1.222	1.325	1.575	1.899	2.311
4	8	Brown	6,897	0.725	0.580	0.435	1.595	0.870	0.725	0.725	0.290	0.580	0.870	1.450
4	8	Calhoun	5,082	0.787	0.984	0.394	1.574	1.968	0.787	1.181	0.984	0.197	0.787	3.542
4	8	Cass	13,508	0.148	0.444	0.592	0.814	1.184	0.518	0.814	0.814	0.962	1.925	1.481
4	8	Mason	15,960	0.564	0.501	0.689	0.815	0.877	0.877	0.815	1.065	0.815	1.003	1.692
4	8	Menard	12,556	0.796	0.558	0.717	0.478	0.876	0.558	0.956	1.354	1.195	0.876	1.035
4	8	Pike	17,199	0.814	1.337	1.337	1.628	1.047	1.105	1.105	0.814	0.872	2.151	2.384
4	8	Schuyler	7,059	1.275	0.850	0.992	1.133	0.567	0.567	2.692	0.708	0.850	2.408	0.992
3	9	Fulton	37,875	0.845	0.845	0.818	0.871	0.898	1.294	1.426	1.215	1.003	1.347	1.611
3	9	Hancock	19,909	0.502	0.402	1.959	0.954	0.502	0.854	1.557	0.854	0.954	1.155	1.457
3	9	Henderson	8,205	0.731	1.219	0.975	1.097	0.731	0.731	1.097	0.609	0.488	1.706	1.706
3	9	Knox	55,314	1.428	1.609	1.699	1.844	1.482	1.410	1.464	1.157	1.049	1.952	2.007
3	9	McDonough	32,575	0.890	0.952	0.982	0.890	0.645	0.860	0.675	0.767	0.982	1.351	1.566
3	9	Warren	18,374	1.034	0.871	0.925	0.544	1.633	0.762	0.762	1.197	0.871	1.905	1.850
3	10	Marshall	12,971	1.234	1.079	0.771	0.771	1.388	1.079	0.385	0.540	0.385	1.619	1.234
3	10	Peoria	181,676	2.273	2.400	2.736	2.664	2.488	2.714	2.521	2.064	2.240	4.161	3.556
3	10	Putnam	6,124	1.796	1.306	2.123	1.796	1.633	1.306	1.306	2.449	1.470	1.143	2.123
3	10	Stark	6,323	0.791	0.633	0.158	0.949	0.633	0.316	0.791	0.633	0.158	0.949	1.107
3	10	Tazewell	128,315	1.153	1.411	1.387	1.395	1.364	1.481	1.450	1.333	1.356	2.447	2.073
4	11	Ford	14,159	1.130	1.201	0.918	0.636	0.353	0.565	1.059	1.130	0.848	1.907	1.766
4	11	Livingston	39,441	0.938	1.344	1.268	1.014	1.293	0.989	1.369	1.192	1.293	2.257	1.902
4	11	Logan	30,805	0.779	0.714	1.201	0.844	1.234	0.876	1.201	1.071	1.201	1.720	1.493
4	11	McLean	151,878	1.297	1.402	1.389	1.396	1.435	1.297	1.449	1.455	1.620	2.291	2.048
4	11	Woodford	35,833	0.502	0.670	0.670	0.921	0.670	0.670	0.809	0.614	0.865	1.200	1.200
3	12	Will	536,416	1.393	1.478	1.426	1.372	1.292	1.389	1.262	1.275	1.083	2.176	2.148
3	13	Bureau	35,280	1.190	1.587	1.105	1.332	1.531	1.276	1.361	1.361	1.276	2.239	1.672
3	13	Grundy	38,331	1.878	1.748	2.061	1.670	1.852	1.435	1.409	1.931	1.409	2.505	2.218
3	13	LaSalle	111,580	2.016	2.088	2.375	2.348	1.864	1.721	1.855	1.819	1.837	2.984	3.011
3	14	Henry	50,773	0.670	0.729	1.142	0.906	0.729	0.965	1.044	0.965	0.591	1.379	1.359
3	14	Mercer	16,971	0.412	0.530	0.825	0.589	0.412	0.589	0.530	0.884	1.120	1.473	1.591
3	14	Rock Island	148,379	1.058	1.227	1.247	1.402	1.469	1.570	1.476	1.584	1.476	2.783	2.716
3	14	Whiteside	60,495	1.256	1.108	1.570	1.190	1.141	1.322	1.256	2.017	1.868	2.083	2.347
2	15	Carroll	16,526	0.726	0.847	1.694	1.634	1.271	0.666	1.271	1.755	0.968	1.392	1.815
2	15	Jo Daviess	22,356	0.984	0.895	1.208	1.834	1.431	1.297	1.252	1.297	1.566	1.923	1.744
2	15	Lee	35,971	1.084	1.223	1.334	1.501	1.140	1.195	0.890	1.446	1.334	2.085	1.557
2	15	Ogle	51,729	0.928	0.793	0.638	0.754	0.889	0.735	0.754	1.450	1.237	1.624	1.605
2	15	Stephenson	48,401	1.219	1.095	1.260	1.012	1.240	1.033	0.826	0.868	0.930	1.570	1.364
2	16	Dekalb	89,743	1.382	1.025	1.293	1.114	1.393	0.981	1.092	1.337	1.114	1.894	1.816
2	16	Kane	425,545	1.518	1.563	1.497	1.382	1.509	2.319	1.589	1.708	1.492	2.820	2.585
2	16	Kendall	58,227	0.962	0.790	1.185	1.151	0.962	0.773	1.099	1.099	0.842	1.271	1.271
2	17	Boone	43,472	1.104	0.782	0.874	0.736	0.874	0.644	1.012	1.081	1.173	1.035	1.035
2	17	Winnebago	279,943	1.615	1.732	1.725	1.758	1.468	1.572	1.590	1.515	1.532	2.472	2.572
2	18	DuPage	912,044	1.524	1.524	1.556	1.547	1.420	1.451	1.513	1.561	1.556	2.423	2.194
2	19	Lake	661,111	1.587	1.779	1.623	1.649	1.510	1.572	1.561	1.646	1.488	3.104	3.254

A	Circuit	County	Population	L Index Scores By Year										
				2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
2	19	McHenry	270,504	1.549	1.486	1.556	1.701	1.475	1.360	1.220	1.316	1.253	2.166	2.007
5	20	Monroe	28,507	1.052	1.579	0.842	0.877	0.947	1.017	0.877	0.667	0.702	1.473	2.947
5	20	Perry	22,972	2.351	1.698	2.220	1.698	2.830	2.046	1.915	2.177	1.524	2.133	1.611
5	20	Randolph	33,830	1.714	1.655	1.508	1.301	1.389	0.946	1.478	2.158	1.301	2.335	2.247
5	20	St. Clair	256,599	2.993	3.281	3.542	3.106	3.125	3.032	4.127	3.145	2.798	5.027	4.723
5	20	Washington	15,157	1.385	1.583	1.188	1.122	0.924	1.583	1.451	0.990	1.913	2.177	1.583
3	21	Iroquois	30,874	1.004	1.101	1.619	1.263	0.648	0.875	1.101	1.490	1.134	1.166	1.393
3	21	Kankakee	104,122	1.710	1.796	1.546	1.489	1.345	1.613	1.729	1.796	1.710	3.054	2.862
1	CC	Cook	5,350,269	4.023	4.338	3.752	4.388	4.024	3.598	4.628	3.736	2.792	3.930	3.056
	OC	Outside Cook	7,132,032	1.714	1.865	1.844	1.833	1.697	1.789	1.748	1.781	1.619	2.796	2.630
	SW	Statewide	12,482,301	2.704	2.925	2.662	2.928	2.694	2.565	2.982	2.619	2.122	3.282	2.813
5	1	1st Circuit	214,442	2.593	2.849	2.635	2.635	2.509	2.663	2.658	2.733	2.448	4.286	3.166
5	2	2nd Circuit	202,053	1.960	1.767	1.841	1.777	1.732	1.643	1.767	1.792	1.811	2.376	2.475
5	3	3rd Circuit	278,017	5.226	7.669	6.277	6.813	4.784	4.546	3.478	4.550	3.190	6.072	5.514
5	4	4th Circuit	245,958	1.435	1.468	1.476	1.659	1.821	1.638	1.708	1.797	1.793	2.513	2.212
4	5	5th Circuit	183,476	1.679	1.532	1.837	1.831	1.635	1.673	1.973	1.820	1.777	2.251	2.311
4	6	6th Circuit	359,824	1.601	1.654	1.562	1.565	1.690	1.779	1.876	1.920	1.737	2.957	2.835
4	7	7th Circuit	316,429	1.672	1.684	1.801	1.763	1.738	2.914	2.313	2.117	1.665	3.432	2.832
4	8	8th Circuit	146,198	0.862	0.944	1.142	1.129	1.122	0.841	1.149	1.101	1.190	1.683	2.004
3	9	9th Circuit	172,252	1.016	1.080	1.283	1.173	1.062	1.115	1.225	1.039	0.970	1.596	1.742
3	10	10th Circuit	335,409	1.768	1.917	2.084	2.057	1.965	2.108	1.974	1.705	1.777	3.292	2.826
4	11	11th Circuit	272,116	1.073	1.209	1.231	1.176	1.235	1.084	1.305	1.246	1.385	2.058	1.837
3	12	12th Circuit	536,416	1.393	1.478	1.426	1.372	1.292	1.389	1.262	1.275	1.083	2.176	2.148
3	13	13th Circuit	185,191	1.831	1.922	2.068	2.014	1.798	1.577	1.669	1.755	1.642	2.743	2.592
3	14	14th Circuit	276,618	0.991	1.066	1.273	1.215	1.197	1.345	1.291	1.522	1.377	2.292	2.317
2	15	15th Circuit	174,983	1.029	0.983	1.126	1.200	1.143	0.977	0.914	1.297	1.189	1.720	1.566
2	16	16th Circuit	573,515	1.440	1.400	1.433	1.316	1.435	1.953	1.461	1.588	1.367	2.518	2.331
2	17	17th Circuit	323,415	1.546	1.605	1.611	1.620	1.388	1.447	1.512	1.456	1.484	2.279	2.365
2	18	18th Circuit	912,044	1.524	1.524	1.556	1.547	1.420	1.451	1.513	1.561	1.556	2.423	2.194
2	19	19th Circuit	931,615	1.576	1.694	1.604	1.664	1.500	1.510	1.462	1.550	1.420	2.832	2.892
5	20	20th Circuit	357,065	2.607	2.817	2.949	2.582	2.675	2.549	3.361	2.700	2.369	4.181	4.013
3	21	21st Circuit	134,996	1.548	1.637	1.563	1.437	1.185	1.444	1.585	1.726	1.578	2.622	2.526
1		1st Appellate	5,350,269	4.023	4.338	3.752	4.388	4.024	3.598	4.628	3.736	2.792	3.930	3.056
2		2nd Appellate	2,915,572	1.497	1.530	1.527	1.526	1.428	1.540	1.450	1.536	1.445	2.514	2.425
3		3rd Appellate	1,640,882	1.424	1.520	1.603	1.542	1.438	1.525	1.481	1.471	1.366	2.463	2.354
4		4th Appellate	1,278,043	1.433	1.468	1.542	1.520	1.532	1.789	1.793	1.717	1.588	2.636	2.451
5		5th Appellate	1,297,535	2.843	3.443	3.158	3.197	2.791	2.682	2.708	2.789	2.362	4.006	3.614