



January 19, 2021

Hon. JB Pritzker
Governor
207 State House
Springfield, IL 62706

Dear Governor Pritzker:

The Illinois Defense Counsel (IDC) represents civil defense attorneys statewide and is dedicated to improving the Illinois judicial system and the practice of law. IDC members are committed to protecting and improving civil justice in Illinois. IDC opposes HB3360, as amended and strongly urges you to veto HB 3360.

Contrary to the usual situation where prejudgment interest is limited to circumstances when liability and amount of damages are known, this bill would impose interest before either are known and likely contested. Indeed, in many situations, the bill would impose interest on damages, such as future medical care costs, that have not even been incurred yet. As a consequence, this bill would serve to coerce defendants to unreasonably settle simply to avoid the potentially draconian effects of this bill's onerous provisions and deprive defendants of their right to a jury trial guaranteed by Art. I, Sec. 13 of the Illinois Constitution.

In addition to the above listed harms of this bill that have been articulated in the January 13, 2021 letter of IDC past presidents and by other interested groups, we write specifically to express our concern about the process that was used to pass such a monumental change to Illinois' civil justice system. With nary any notice and little opportunity for those affected by this proposed change to be heard and no meaningful opportunity for the public at large to participate, the bill, in its current form, was passed less than 48 hours after being introduced.

You now have the time and opportunity to review and consider the bill and account for the deficiencies in this bill that the General Assembly plainly did not. The scale of this change to Illinois law cannot be overstated as it will drive up the costs in Illinois for everyone to do and own a business, own and drive a car, and nearly any other activity, insured or not.

It is especially outrageous to impose this penalty upon defendants, at a time when the COVID-19 pandemic has caused substantial delays in the civil justice system and imposed significant and widespread financial strain on Illinois residents, consumers and businesses, alike. The penalties of HB3360 will have a rippling effect, negatively impacting the already fragile economic status of Illinois business and the services available to Illinois residents and consumers.

The civil justice system is not perfect, but changes should be implemented following reasoned dialogue, discussion and thoughtful analysis. Changes should not be implemented through a hastily enacted, ill-considered, and unwise proposal that substantially and unjustifiably provides a windfall to one group, while unfairly punishing every single other person in the State who are not responsible for the current delay.

In order to have a just system of civil justice, its procedures must be fair. That is, every party must be treated equally. HB3360, as amended is neither fair, nor just and, in fact, unfairly penalizes a majority while providing a windfall to a minority. We urge you to veto it and ask the General Assembly to consider legislation that will fairly incentivize resolution of currently delayed matters without the disruption and costs that this legislation will bring.

Sincerely,

Nicole D. Milos

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