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# Asbestos Litigation in Madison County, Illinois: The Challenge Ahead\*

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The American Tort Reform Association (ATRA) has singled out Madison County, Illinois, as America's number one "judicial hellhole."<sup>1</sup> The *Chicago Tribune* has called Madison County a "jackpot jurisdiction," a "hotbed of megabuck litigation," a "local slot machine," and "the most magic of all" magic jurisdictions.<sup>2</sup> The

\* This Article complements the *Journal's* forthcoming symposium on litigation issues in Madison County, Illinois, 20 WASH. U. J.L. & POL'Y (forthcoming 2005), which will examine this popular forum from multiple perspectives.—Ed.

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† The views and opinions expressed in this Article are those of the authors and do not necessarily state or reflect the views and opinions of other Shook, Hardy & Bacon L.L.P. attorneys or the firm's clients.

1. AM. TORT REFORM ASS'N, BRINGING JUSTICE TO JUDICIAL HELLHOLES (2003), <http://www.atra.org/reports/hellholes>; see generally David Baillet, *Illinois County Court a Corporate "Hellhole"*, REUTERS, Oct. 5, 2003; Brian Brueggemann, *Study: Metro-East is "Lawsuit Capital of the World"*, BELLEVILLE NEWS-DEMOCRAT, May 1, 2002; Amalia Deligiannis, *Madison County: A Corporation's Worst Nightmare*, CORP. LEGAL TIMES, Feb. 2004, at 52.

2. Greg Bums, *Lawyers Bring an International Class Action to Rural Madison County . . . Why? Because It's the Lawsuit Capital*, CHI. TRIB., Mar. 8, 2004, at 1; Christi Parsons, *Downstate County is a "Plaintiff's Paradise"*, CHI. TRIB., June 17, 2002, at 1; Amity

*St. Louis Post-Dispatch* has said: "It's lawyer heaven."<sup>3</sup> Former U.S. Attorney General Griffin Bell has said that jurisdictions that have a reputation for treating civil defendants unfairly, such as Madison County, bring a "stain on our system."<sup>4</sup>

Retired Circuit Judge John DeLaurenti, who heard cases in Madison County for twenty-seven years until 2000, has acknowledged that there is some merit to the accusations of bias in Madison County: "When people come from hither and thither to file these cases, there's gotta be an inducement . . . They're not coming to see beautiful Madison County."<sup>5</sup> Those inducements include the county's "national reputation as a place where the scales of justice seem oddly tilted against corporations,"<sup>6</sup> and awards to plaintiffs that are "widely known [to be] generous."<sup>7</sup>

Madison County now trails only Cook County (Chicago) in the number of filed claims in Illinois that seek damages of more than

Shlaes, Commentary, *Big Judgments, Bigger Mistakes: Legal Windfalls in Madison County Demonstrate the Need to Limit Forum Shopping of Class-Action Lawsuits*, CHI. TRIB., June 29, 2004, at 15; Editorial, *The Judges of Madison County*, CHI. TRIB., Sept. 6, 2002, at 22; Editorial, *A Madison County Jackpot*, CHI. TRIB., Apr. 2, 2003, at 22.

3. Editorial, *Lawsuit Heaven*, ST. LOUIS POST-DISPATCH, Jan. 13, 2003, at B6 [hereinafter *Lawsuit Heaven*].

4. Trisha L. Howard, *Big Clash Over Class Actions: Lawyer in Big-Money Suits Is Scornful of Ex-Attorney General*, ST. LOUIS POST-DISPATCH, Apr. 15, 2004, at C1; see also Brian Brueggemann, *Forum Participants: Investigate Madison County Court System*, BELLEVILLE NEWS-DEMOCRAT, Apr. 15, 2004; Sanford J. Schmidt, *Lawyers Spar Over Asbestos Filings*, THE TELEGRAPH, Apr. 15, 2004. Judge Bell's remarks were made at an April 14, 2004 conference sponsored by the *Washington University Journal of Law & Policy* and by Washington University School of Law's Trial and Advocacy Program. The next day, a Madison County judge barred Judge Bell and his law firm from representing clients in cases in Madison County. See Paul Hampel & Trisha Howard, *Criticism of Court Leads to Ban on Atlanta Law Firm*, ST. LOUIS POST-DISPATCH, Apr. 17, 2004, at 10; "Judicial Hellhole" Deepens With Law Firm's Banishment, THE PANTAGRAPH, Apr. 27, 2004, at A8; Editorial, *The Fringes of Madison County*, WALL ST. J., May 26, 2004, at A16.

5. Martin Kasindorf, *Robin Hood Is Alive in Court, Say Those Seeking Lawsuit Limits*, USA TODAY, Mar. 8, 2004, at A1; see also *Bland v. Norfolk & Co.*, 506 N.E.2d 1291, 1297 (Ill. 1987) (describing Madison County's "burden of . . . imported litigation."); Jim Copland, *The Tort Tax*, WALL ST. J., June 11, 2003, at A16; Alan J. Ortbal, *Plaintiffs' Attorneys Flock to Madison County for Turnstile Justice*, ILL. BUS. J., July 2004, at 3.

6. Editorial, *Tilted Scales*, ST. LOUIS POST-DISPATCH, Jan. 23, 2004, at B6; see also Noam Neuser, *The Judges of Madison County*, U.S. NEWS & WORLD REP., Dec. 17, 2001, at 39.

7. Kevin McDermott, *Madison County Judges Raise Much More than Others: Political Donations Come Mainly from Lawyers*, ST. LOUIS POST-DISPATCH, Apr. 27, 2003, at C1; see also Mike Fitzgerald, *Where Money Talks*, BELLEVILLE NEWS-DEMOCRAT, Oct. 5, 2003.

\$50,000, even though Madison County is the eighth most populous county in the state.<sup>8</sup> In 2001, over 1900 such lawsuits were filed in Madison County, quadruple the number of filings in Kane, McHenry, and Winnebago Counties,<sup>9</sup> and exceeding the number of similar filings in DuPage County—which has almost four times as many residents as Madison County.<sup>10</sup>

"Mad County" is giving the entire Illinois judicial system a black eye.<sup>11</sup> Illinois now ranks forty-fourth on the U.S. Chamber of Commerce's latest survey of the legal environments in the fifty states, down from thirty-fourth place two years ago.<sup>12</sup> The state's overall poor showing is largely due to the litigation environment in Madison County.<sup>13</sup>

### I. MADISON COUNTY: A "JUDICIAL HELLHOLE?"

Why is Madison County attracting so many claims and so much attention? What makes the lawsuit industry different there compared to other jurisdictions?

We do not think the county's reputation is the fault of jurors. In many cases, jurors are simply making judgments based on the evidence they are permitted to hear and the instructions they are given. As the *St. Louis Post-Dispatch* has said: "It's a little hard to blame Madison County juries, since [cases] rarely come to trial. They're normally settled. Instead, we wonder about the judges."<sup>14</sup> Similar concerns have been raised with respect to the Madison County Circuit Court's handling of serious personal injury cases, such as asbestos-exposure suits.<sup>15</sup>

8. See ILL. STATE DATA CTR., ILL. DEP'T OF COMMERCE & Cmty. AFFAIRS, ILLINOIS CENSUS 2000 16-29 (2001).

9. See *id.*

10. See *id.*

11. Geri L. Dreiling, *Mad County*, ILL. TIMES, Mar. 25, 2004, <http://www.illinoisistimes.com/gbase/Gyrosite/Archive>.

12. Editorial, *The "Judicial Hellhole"*, CHI. TRIB., Mar. 11, 200, at 22; see also U.S. Chamber of Commerce, *U.S. Chamber Announces State Legal Fairness Rankings*, Mar. 8, 2004, <http://www.legalreformnow.com/pdfs/national%20harris%20press%20release.pdf>.

13. See Kevin McDermott, *Legal Climate in Madison County Is Called Unfair to Business*, ST. LOUIS POST-DISPATCH, Mar. 9, 2004, at B1.

14. *Lawsuit Heaven*, *supra* note 3, at B6 (referring to class actions).

15. See Trisha L. Howard, *Two Judges Discuss Justice in Madison County: Hellhole*

We understand that the judges in Madison County work hard, and we believe they mean well. They may view their role as helping to facilitate the resolution of claims on behalf of legitimately injured plaintiffs.<sup>16</sup> For example, they may believe it is appropriate to handle asbestos cases from around the United States because asbestos litigation is national in scope.<sup>17</sup> Nevertheless, it seems that the drive for efficiency is being promoted over basic fairness.<sup>18</sup> It also appears that procedures adopted by the court to manage its large docket have simply invited the filing of more claims.<sup>19</sup>

In this article, we will touch on some of the issues. We will then focus on asbestos litigation in Madison County, and suggest ways the asbestos litigation environment in the county should be improved and made fairer.

*Label Has Tainted Public View, They Say*, ST. LOUIS POST-DISPATCH, Mar. 22, 2004, at B1 (noting that ATRA's "judicial hellhole" label was not directed at criminal or family law matters).

16. See *Hefner v. Owens-Corning Fiberglas Corp.*, 659 N.E.2d 448, 454 (Ill. Ct. App. 1995).

17. See Madison County Circuit Court, Report of Proceedings, Pre-Trial Motions, vol. I(A) (Morning Session), p. 27 (May 11, 2004) ("[M]y philosophy is give an American dying of mesothelioma, or even lung cancer if they make the case, a forum.")

18. See Union Carbide Corp.'s Memorandum in Support at 3, Union Carbide Corp. v. Hon. Nicholas Byron, (Ill. May 6, 2004) (No. 03-L-1294) (quoting Tr. at 35-36 (statement of the court) ("If [expedited mesothelioma cases] are from the United States, I'm certainly not going to bar them. . . if they think they can get [justice] here faster.") (on file with the authors) [hereinafter Union Carbide Motion, May 2004]).

19. See generally Victor E. Schwartz & Rochelle M. Tedesco, *The Law of Unintended Consequences in Asbestos Litigation: How Efforts to Streamline the Litigation Have Fueled More Claims*, 71 MISS. L.J. 531 (2001). As Professor Francis McGovern of Duke Law School has written:

Judges who move large numbers of highly elastic mass torts through their litigation process at low transaction costs create the opportunity for new filings. They increase the demand for new cases by their high resolution rates and low transaction costs. If you build a superhighway, there will be a traffic jam.

Francis E. McGovern, *The Defensive Use of Federal Class Actions in Mass Torts*, 39 ARIZ. L. REV. 595, 606 (1997).

### A. Class Actions

#### 1. Class Action Filings by the Numbers

Madison County ranks as one of the country's three most active class action jurisdictions.<sup>20</sup> The Manhattan Institute's Center for Legal Policy reported that between 1998 and 2000, more class actions were filed in Madison County than any other county in the United States except for Los Angeles County and Cook County (Chicago), Illinois, both of which have substantially larger populations than Madison County.<sup>21</sup> The Manhattan Institute has calculated that Madison County's class action filing rate, per capita, is about twenty times the national average.<sup>22</sup>

Moreover, the number of class action filings in Madison County has dramatically risen over the past few years.<sup>23</sup> The Manhattan Institute has reported that from 1998 to 1999, the number of class actions filed in Madison County jumped from two to sixteen.<sup>24</sup> By 2000, that number was up to thirty-nine. In 2001, at least fifty class actions were filed in the county.<sup>25</sup> Between 1998 and 2000, the county experienced a 3650% increase in the number of class action filings.<sup>26</sup> In 2002, seventy-seven class actions were filed in Madison

20. *The New York Times* has said that Madison County is "famously hospitable" to class actions, and that the courts there have "never met a class-action lawsuit they did not like." Adam Liptak, *Court Has Dubious Record as a Class-Action Leader*, N.Y. TIMES, Aug. 15, 2002, at 14. A commentary in the *Chicago Tribune* has noted that "Madison County judges frequently decided to hear cases that other courts have refused to hear." Amity Shlaes, *Big Judgments, Bigger Mistakes; Legal Windfalls in Madison County Demonstrate the Need to Limit Forum Shopping of Class-Action Lawsuits*, CHI. TRIB., June 29, 2004, at 15.

21. See John H. Beisner & Jessica Davidson Miller, *They're Making a Federal Case Out of It . . . In State Court*, 25 HARV. J.L. & PUB. POL'Y 143 (2001) [hereinafter *They're Making a Federal Case Out of It*].

22. See Noam Neusner, *The Judges of Madison County*, U.S. NEWS & WORLD REP., Dec. 17, 2001, at 39.

23. See *They're Making a Federal Case Out of It*, supra note 21.

24. *Id.* at 161.

25. *Id.*; see also JOHN H. BEISNER & JESSICA DAVIDSON MILLER, MANHATTAN INST., NO. 5, CLASS ACTION MAGNET COURTS: THE ALLURE INTENSIFIES 1 (2002), [http://www.manhattan-institute.org/cjt\\_05.pdf](http://www.manhattan-institute.org/cjt_05.pdf).

26. See *They're Making a Federal Case Out of It*, supra note 21, at 161.

County.<sup>27</sup> The number of filings rose again in 2003 to 106 class actions.<sup>28</sup>

## 2. An Open Invite to Plaintiffs

The majority of class actions filed in Madison County have, at best, a tenuous connection with that forum.<sup>29</sup> The cases are not being filed in Madison County because a significant number of the plaintiffs live there or because the defendant companies do business there.<sup>30</sup> Rather, Madison County's popularity may be attributed to the "local judiciary's propensity to approve settlement that may benefit plaintiffs' lawyers and defendants more than the plaintiffs themselves."<sup>31</sup> The *Wall Street Journal* suggests that the county's appeal may be because plaintiffs' lawyers are looking for "a courtroom where the judges will certify a class without looking too closely at the merits of the case."<sup>32</sup>

Examples of class certification abuse are not difficult to find. One instance involved a putative nationwide class action filed on behalf of potentially tens of thousands of current and former property owners who claimed that Sprint installed over 18,000 miles of fiber optic cable on or next to railroad, pipeline, energy, or other utility companies' rights-of-way which run through the landowners' property.<sup>33</sup> The plaintiffs claimed that Sprint installed the cable without seeking the landowners' permission.<sup>34</sup>

27. Deligiannis, *supra* note 1.

28. *See id.*; Brian Brueggemann, *Class-Action Lawsuits Top Old County Record*, BELLEVILLE NEWS-DEMOCRAT, Jan. 2, 2004, at 1A.

29. *See* Editorial, *Class-Action Paradise*, BELLEVILLE NEWS-DEMOCRAT, Apr. 1, 2002, at 4A.

30. *Id.*

31. Liptak, *supra* note 20.

32. Editorial, *Class War*, WALL ST. J., Mar. 25, 2002, at A18; *see also* Victor E. Schwartz & Leah Lorber, *Taking a Stand Against Lawlessness in American Courts: How Trial Court Judges and Appellate Justices Can Protect Their Courts from Becoming Judicial Hellholes*, 27 AM. J. TRIAL ADVOC. 215, 216 (2003) (stating that "Madison County, Illinois, is regarded as a judicial hellhole due in large part to the fact that class actions are certified there which would not be certified elsewhere.").

33. Isaacs v. Sprint Corp., No. 00-CV-0155-MJR, 2001 WL 775982 (S.D. Ill. Apr. 6, 2001).

34. *See id.* at \*1.

The putative class action was initiated in federal district court, which certified two subclasses consisting of current and former owners of land subject to an easement for a limited purpose obtained by a railroad through condemnation or land grant proceedings.<sup>35</sup> The court also ordered discovery to determine the manageability of a third proposed subclass involving current and former owners of land subject to an easement for a limited purpose obtained by a railroad as a result of private conveyance.<sup>36</sup>

On interlocutory appeal, the Seventh Circuit Court of Appeals reversed the district court's certification order, holding that the trial court failed to make any of the determinations that Federal Rule of Civil Procedure 23(a) makes prerequisite to certification.<sup>37</sup> In that regard, Judge Posner observed that "[t]he case involves different conveyances by and to different parties made at different times over a period of more than a century . . . in 48 different states . . . which have different laws regarding the scope of easements . . . making it unlikely that common issues predominate over individual-claim issues."<sup>38</sup> Importantly, the court went on to characterize the case as a "nightmare of a class action" and stated that class action treatment would be "decidedly inappropriate" given the numerous individual factual and legal questions at issue.<sup>39</sup> The plaintiffs then proceeded to file essentially the same class claims in the Madison County Circuit Court, which certified three subclasses under the Illinois companion to federal Rule 23.<sup>40</sup>

As the Sprint litigation illustrates, Madison County courts do not appear to seriously consider whether proposed class actions satisfy the proper requirements for class certification. Efficiency appears to be promoted over other considerations.

35. *See id.* at \*8-9.

36. *See id.* at \*9.

37. *See Isaacs v. Sprint Corp.*, 261 F.3d 679, 682 (7th Cir. 2001) (Posner, J.).

38. *Id.*

39. *Id.*

40. *See Poor v. Sprint Corp.*, No. 99-L-421 (Madison County Cir. Ct. Feb. 20, 2003); compare Fed. R. Civ. P. 23 with 735 ILCS 5/2-801.

### B. Welding Rods

Welding rod litigation is another area where Madison County appears unique. Welding rod lawsuits are based on the allegation that exposure to fumes containing the element manganese let off while welding may damage a part of the brain called the basal ganglia, and may cause Parkinson's disease.

On October 28, 2003, a sixty-five-year-old retired welder from Collinsville, Illinois, Larry Elam, received a million-dollar verdict in Madison County.<sup>41</sup> He claimed that fumes he inhaled from welding while he was employed in Missouri caused him to develop Parkinson's disease. According to the *Belleville News-Democrat*, the Elam verdict "was the first time a plaintiff prevailed in such a case. In seven previous trials across the country, jurors sided with the defense six times and were unable to reach a unanimous decision in [a June 2003 trial involving the Elam plaintiff]."<sup>42</sup> One must speculate as to whether the judge exercised a "gatekeeper" role in this case and kept bad science out of evidence.

### C. Medical Malpractice

Madison County has become the center of a statewide debate in Illinois "over skyrocketing medical malpractice insurance rates for doctors, and the resulting exodus of many physicians from the area."<sup>43</sup> *The Telegraph* has reported that between the beginning of 2003 and March 2004, 131 doctors left Madison and St. Clair Counties.<sup>44</sup>

41. See John Shaffery, *Welding Rod Injury and its Current Litigation: A Brief Overview*, HARRISMARTIN'S TOXIC TORT WATCH, Mar. 2004, at 6, <http://www.poolshaffery.com/welding.pdf>.

42. Brian Brueggemann, *More Research Is Needed in Welding Fumes Welders Seem Unworried About Parkinson's After Jury Awards \$1 Million to Ailing Man*, BELLEVILLE NEWS-DEMOCRAT, Nov. 2, 2003, see also Brian Brueggemann, *Ailing Plaintiff Wins \$1 Million Award From Jury*, BELLEVILLE NEWS-DEMOCRAT, Oct. 29, 2003, at 1B.

43. Kevin McDermott, *Illinois Legislators Will Aim to Contain Malpractice Rates*, ST. LOUIS POST-DISPATCH, Mar. 24, 2004.

44. Dave Whaley, *Delegation Takes Case for Malpractice Reform to Springfield*, THE TELEGRAPH, Mar. 24, 2004.

Anderson Hospital in Madison County reports that it has "lost four obstetricians, three general surgeons, two internists, two family practice doctors, one otolaryngologist, one neurosurgeon, and one anesthesiologist, all who claimed they were leaving due to the overwhelming increases in premiums they were being asked to pay."<sup>45</sup> Keith Page, Anderson's president and chief executive officer, told the *Edwardsville Intelligencer* that he expects a fifteen-percent reduction in the number of babies delivered at the hospital in 2004 compared to 2003, because "there are four fewer OB doctors and their volume cannot be absorbed by the OB doctors that remain."<sup>46</sup>

Dr. Greg Gabliani of Alton has explained: "Practicing medicine in Madison County is like walking through a bad neighborhood. . . . You're just waiting to get mugged. The costs are going out the ceiling, and we can't pass along the malpractice costs to our patients."<sup>47</sup> Doctors want to help their patients, but they fear that being named in a lawsuit could damage their practice and reputation.

## II. AN ASBESTOS "MECCA"

Former Attorney General Bell has observed that Madison County "has allowed itself to become a Mecca for asbestos lawsuits."<sup>48</sup> From 1985 through 2002, about 8,000 asbestos suits were filed in Madison County.<sup>49</sup> The "filing curve" is pointed skyward: 953 asbestos cases were filed in Madison County in 2003, up from about 884 cases in 2001, 411 in 2000, 176 in 1998, and 65 in 1996.<sup>50</sup> Between 1996 and

45. Norma Mendoza, *Anderson Feels Insurance Pinch*, EDWARDSVILLE INTELLIGENCER, Mar. 15, 2004.

46. *Id.*

47. Dave Whaley, *Doctor Exodus Threatens Hospitals*, THE TELEGRAPH, Mar. 21, 2004.

48. Griffin B. Bell, *Asbestos & The Sleeping Constitution*, 31 PEPP. L. REV. 1, 7 (2004).

49. Paul Hampel & Philip Dine, *Asbestos Litigation Deal Could Force Law Offices to Find New Specialties: Bill Would Substitute Trust Fund for Lawsuits*, ST. LOUIS POST-DISPATCH, July 23, 2003, at A1.

50. Source, from Madison County clerk's office, on file with authors; see also Trisha L. Howard, *Plaintiffs' Lawyers Seek Limits on Asbestos Suits by People with Nonmalignant Illnesses: Awards in Such Cases Imperil Assets for Those Gravely Ill*, ATTORNEYS SAY, ST. LOUIS POST-DISPATCH, Dec. 11, 2001, at C4; Memorandum in Support at 2, *In re All Asbestos Litig.* Filed in Madison County (Madison County Cir. Ct. Apr. 9, 2003) (on file with authors) [hereinafter Joint Motion to Amend]; Union Carbide Corp.'s Memorandum and Explanatory Suggestions in Support, at 9, Union Carbide Corp. v. Hon. Ralph J. Mendelsohn (Ill. Apr. 10, 2003) (No. 02-L-1428) (on file with the authors) [hereinafter Union Carbide Motion, Apr.

2002, the number of asbestos filings in the county skyrocketed 1144%.<sup>51</sup> The number of asbestos cases set for trial also has jumped. In 2001, 480 cases were set for trial (forty per month).<sup>52</sup> By 2002, that number had risen to 993 cases (eighty-three per month).<sup>53</sup> The increase continued in 2003, when 1,000 asbestos cases were set for trial. As of this writing, the number is on pace to set a new record in 2004.<sup>54</sup>

For the most serious asbestos illness, mesothelioma (a type of cancer), more than 400 cases were filed in 2003.<sup>55</sup> More such cases were set for trial that year in Madison County than in New York City, which has a population many times greater than Madison County.<sup>56</sup> In a recent two-year period, one corporation had more mesothelioma claims filed against it in Madison County than in any other jurisdiction in the country.<sup>57</sup>

There are two key problems with the way asbestos cases are handled in Madison County. First, the circuit court allows plaintiffs with no relation to the county, or even the State of Illinois, to file cases in the county. Second, the court manages asbestos cases in ways that unfairly disadvantage defendants and benefit plaintiffs.

#### A. Problem One: No Logical Connection to the County

It appears that the vast majority of asbestos claimants in Madison County are non-residents that have no real nexus to the forum. For example, based on plaintiffs' complaints and answers to interrogatories, seventy-five percent of the mesothelioma claims set for trial against one defendant during two trial settings in 2003 "lacked any connection to Illinois, let alone Madison County."<sup>58</sup> We

2003].

51. See Joint Motion to Amend, *supra* note 50, at 2.

52. See Union Carbide Motion, May 2004, *supra* note 18, at 9.

53. See *id.*

54. See *id.*

55. Source, from Madison County clerk's office, on file with authors.

56. See U.S. CHAMBER OF COMMERCE & U.S. CHAMBER INST. FOR LEGAL REFORM, THE CASE OF [AGAINST] MADISON COUNTY, June 5, 2003 (on file with authors).

57. Union Carbide Motion, May 2004, *supra* note 18, at 10.

58. Union Carbide Motion, Apr. 2003, *supra* note 50, at 9.

understand that there has been at least one asbestos claim filed in Madison County by a Canadian plaintiff.<sup>59</sup>

The Madison County Circuit Court has said that it applies "kind of a loose" and "liberal" policy in allowing out-of-state asbestos claimants to remain in the county.<sup>60</sup> The circuit court routinely refuses to dismiss or transfer such cases, contrary to Illinois law. For example, the court allows claims to proceed to trial where the plaintiff and defendant are located out-of-state, the plaintiff's exposure occurred outside the state, medical treatment was provided outside the state, no witnesses live in Illinois, and no evidence relates to the state.<sup>61</sup>

In one such case in 2003, an Indiana plaintiff with mesothelioma filed a claim in Madison County against U.S. Steel for injuries he allegedly sustained as a result of asbestos exposure during his thirty-one years of employment at a U.S. Steel plant in Indiana. The plaintiff had no significant connection to Illinois, much less to Madison County.<sup>62</sup> Nevertheless, the plaintiff obtained a \$250 million verdict—believed to be one of the largest verdicts ever awarded to a single plaintiff—for injuries allegedly stemming from asbestos exposure.<sup>63</sup> The company then quickly settled the case.<sup>64</sup> Similarly, the circuit court allows cases to remain in Madison County even though they would be more appropriately heard in another Illinois county. An Illinois appellate court recently reviewed three cases centering on the issue of whether the cases were appropriately tried in Madison County. All three cases involved plaintiffs who resided outside of Madison County, were allegedly exposed to asbestos outside the county, and were treated by physicians located outside the county.<sup>65</sup> In each case the Madison County trial court denied the

59. See Union Carbide Motion, May 2004, *supra* note 18, at 3 (quoting Tr. at 36 (statement of the court, July 9, 2003) ("I don't know why they can't get [justice] faster in Canada or some other state, but it appears we have a pretty good program here.")).

60. *Id.* (quoting Tr. at 16, 22 (Apr. 28, 2004)).

61. See Union Carbide Motion, Apr. 2003, *supra* note 50, at 2-3, 7.

62. See Bell, *supra* note 48.

63. See Brian Brueggemann, *Man Awarded \$250 Million in Cancer Case*, BELLEVILLE NEWS-DEMOCRAT, Mar. 29, 2003, at 40.

64. See U.S. Steel Settles Historic \$250 Million Case for Under \$50 Million, 21 No. 5 ANDREWS TOXIC CHEM. LITIG. REP. 11 (May 1, 2003).

65. See Burns v. A.P. Green Indus., Inc., 761 N.E.2d 380 (Ill. Ct. App. 2001); Dykstra v.

