

300 New Jersey Avenue, N.W., Suite 900
Washington, D.C. 20001
Phone: 202-465-8728

February 27, 2023

Patrick A. Salvi II
President
Illinois Trial Lawyers Association
401 W. Edwards Street
P.O. Box 5000
Springfield, IL 62704

Dear Mr. Salvi,

As you know, Rep. La Shawn K. Ford has introduced House Bill 35, amending the Illinois Wrongful Death Act to allow for the recovery of punitive damages in wrongful death actions. If signed into law, this statutory change will allow heirs of decedents to recover punitive damages in wrongful death actions. Long overdue! Imagine the cruelty of the present law where Boeing escapes punitive damages for their wrongful death of 346 innocents in the 737MAX crashes but would have had to pay punitive damages were these passengers and crew seriously injured but survived. Clearly a grotesque twisting of the deterrent impact of tort law. By the way, the undersigned believe that present Illinois law is unconstitutional. (See attached).

We have searched the public domain without unearthing enthusiastic support of ITLA for Bill 35 and Rep. Ford's initiative. Over the years, ITLA has not championed this kind of bill, notwithstanding that Illinois' joining other states without a ban on punitive damages for wrongful death actions is in the very clear interest of decedents' next of kin or other heirs. This is so contrary to expectations of plaintiff attorneys that we asked some of your colleagues why?

The only specific reply we received was that getting a prejudgment interest bill was a higher priority. But that resistance became moot when on May 28, 2001, the Illinois Governor signed a bill providing for prejudgment interest at 6% in personal injury suits. Other explanations were general references to the variables involved in settlements.

As long-time supporters of the law of torts and opponents of attempts by the insurance lobby and tortfeasors lobby to weaken tort law (tort reform) year after year, we urge you as the leader of ITLA to make the maximum effort to secure passage.

Last year, some of the families spent time on this matter including many a day by the mother of Samya Rose Stumo – the formidable Nadia Milleron – meeting with many legislators one at a time in Springfield. She secured the support of many of them, along with well-regarded political figures in the state.

The families have already worked hard on Congress (leading to public hearings and passage of an aviation safety law) and on the FAA to shape up and become a regulatory agency instead of a

consulting firm to Boeing etc. The mass media covered their activities in print, TV, radio and through several documentaries on network television.

Many of these families are represented by Illinois plaintiff lawyers before the federal district court in Chicago.

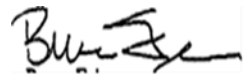
They are entitled to expect vigorous, enthusiastic ITLA support for this very long overdue legislation to end cruel and grave injustices.

We look forward to your considered response – soon! Please read the enclosed open letter in 2012 from Ralph Nader to the plaintiff tort bar and Bruce Fein's memorandum on punitive damages in wrongful death suits. Thank you.

Sincerely,



Ralph Nader, Esq.



Bruce Fein, Esq.

CC: Committed and Interested parties

Enclosed:

Punitive Damages in Wrongful Death Suits Memorandum by Bruce Fein
Open Letter to Plaintiff Trial Lawyers, August 13, 2012 by Ralph Nader