



The Honorable J.B. Pritzker  
207 State House  
Springfield, IL 62706

January 18, 2021

Dear Governor Pritzker:

We strongly urge you to veto House Bill 3360, a measure introduced by the Illinois Trial Lawyers Association and passed by the General Assembly. The bill would require the payment of prejudgment interest in medical liability cases.

As physicians hard hit by the pandemic and struggling economy, we are alarmed that trial attorneys seek to take advantage of a tragic public health crisis, advancing legislation now dangerously close to becoming law.

Illinois law has not previously recognized prejudgment interest in tort actions for personal injury or wrongful death. Our state's judgment interest statute only imposes post-judgment interest in tort actions at the rate of 9 percent per year from the date of the judgment through the date of the judgment's satisfaction.

House Bill 3360 would instead impose that 9 percent per year prejudgment interest in all tort actions seeking recovery for personal injury or wrongful death but with accrual to begin on the date when the defendant is informed of the incident itself or receives written notice.

Delays during civil litigation frequently occur due to reasons outside of a defendant's control. In medical malpractice cases, it could be two years or more before the case is actually filed. This has been further exacerbated by COVID-19, which has dramatically slowed civil proceedings.

Given that Illinois has a two-year statute of limitations for most tort actions and a four-year statute of limitations for construction-related injuries, House Bill 3360 could potentially add up to four years of interest to a plaintiff's judgment before any suit is even filed.

Finally, the bill is effective immediately upon enactment into law, including in cases where the alleged personal injury or wrongful death occurred before the bill's effective date.

This law is completely contrary to the current Illinois civil justice system.

The legislation would assess prejudgment interest not just on out-of-pocket losses, like lost wages or medical expenses, but also on pain and suffering damages, which are not devalued by inflation or passage of time. Additionally, instead of compensating a claimant for the time value of out-of-pocket losses, HB 3360 would allow the court to seize a portion of the prejudgment interest award and divert it to any state agency or department.

We believe the bill will substantially increase insurance costs for physicians and employers. If enacted, it will accelerate the closing of small practices as well as safety net hospitals, causing further harm to underserved communities across the state.

Physicians continue to put their lives on the line to fight COVID, while also suffering from burnout and exhaustion. Many of us face an uncertain economic future post-pandemic.

HB 3360 is a slap in the face to professionals making these sacrifices. We urge you to veto HB 3360.

Sincerely,

Tariq H. Butt, MD  
President  
Chicago Medical Society

Cc: Theodore D. Kanellakes, CEO, Chicago Medical Society