

Justice for Sale

The Judges of Madison County

A Collaborative Study Sponsored By:



Illinois Lawsuit
Abuse Watch



Illinois Civil
Justice League

About the Sponsors

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. The League's agenda is limited to working for, and preservation of, a civil justice system that is fair to all Illinois citizens and interests.

The League believes a fair and impartial judiciary is essential to a fair civil justice system. Thus the ICJL and its members will closely monitor the performance of judges and will evaluate the qualifications and experience of candidates for the judiciary.

The League believes the three branches of Illinois government, Executive, Legislative and Judiciary, are separate, with clearly defined responsibilities. One of the responsibilities of the Legislative branch is the establishment of public policy, including laws dealing with tort liability and other aspects of the Code of Civil Procedure. It is not the function of the Judiciary to establish public policy.

It is important to maintain public awareness of the problems of lawsuit abuse and thus the League will continue to serve as a champion for a fair civil justice system in the news media, through public speeches, and in the halls of government as necessary.

Illinois Lawsuit Abuse Watch

Illinois Lawsuit Abuse Watch (I-LAW) is a grassroots watchdog group of concerned citizens, community leaders, small business people and non-profit organizations dedicated to educating the public about the widespread costs of lawsuit abuse. As a consequence of rampant lawsuit abuse in the Metro-East, health care is threatened, jobs are lost and economic opportunity is under siege.

As a broad-based, non-partisan watchdog group, I-LAW's mission is to educate and alert the public about the overall costs of lawsuit abuse to Illinois consumers, taxpayers and small businesses. I-LAW communicates to the public through a variety of grassroots activities, including public forums, research studies, letters to local newspapers, appearances on radio and television talk shows, educational mailings and by speaking to interested individuals and groups.

I-LAW's goal is to bring balance, fairness, responsibility and restraint to our civil justice system. Reducing the number of frivolous lawsuits will allow those individuals with legitimate claims to receive fair treatment and timely access to the courts. I-LAW focuses on the adverse effects of abusive and frivolous lawsuits on all Illinoisans. By raising the profile of lawsuit abuse, we believe there will be change in public understanding, attitude and behavior. Clearly, the system is out of control and needs correction, and correction begins with education.

Justice for Sale:

The Judges of Madison County

Introduction

In a September 2002 Illinois State Senate Judiciary Subcommittee Hearing in Edwardsville, IL, a Metro-East lawyer expounded a theory about why businesses might have the upper-hand in class action lawsuits. He stated: “My Golden Rule is follow the money. If you follow the money, you'll learn that the people with the gold rule.”¹ While it’s an interesting theory about class action lawsuit litigation, a majority of class action lawsuits never reach trial in Madison County and are instead settled out of court before corporate attorneys ever get a chance to flex their muscle in front of a jury.

Therefore, in an ongoing effort to attempt to quantify and explain why the documented 3,800 percent increase in class action lawsuit filings is happening in one Illinois circuit court,² the Illinois Civil Justice League and Illinois Lawsuit Abuse Watch studied more than 1,450 contribution transactions in Supreme Court, Appellate and Circuit-level judicial races revolving around Madison County candidates over a 23-year period. More than 150 pages of contributions documents were pulled from files at the State Board of Elections in Springfield, IL, and more recent contributions were studied from their online database. The total donations analyzed in the study equaled \$791,661. (The summary of races included in the study is available in the Appendix tables)

Contributions were grouped into categories and classified by contributor. Those contributors were then cross-referenced through online searches, phone book advertisements and entries, and compared to other contributions. Contributions listed from spouses, family members, and past associates of law partners and business owners were grouped together to analyze the *real* sources of campaign influence in Metro-East judicial elections. The analysis of the trends and movement of these contributions over two decades of elections is summarized below.

Plaintiffs Lawyer Contributions

When analyzing the source of the judicial contributions, contributors were grouped into several categories, including plaintiffs lawyers, non-plaintiffs lawyers, labor organizations, businesses, doctors, judges, and other public officials.

The major trend in contributors was the fact that 75% of the total contributions were from plaintiffs trial lawyers practicing in personal injury, class action, or medical malpractice litigation. In total, 90% of contributions came from some sort of verified practicing lawyer or retired lawyer.

Classification	Total Contributions
Plaintiffs Trial Lawyers	\$593,061.00
Non-Trial Lawyers	\$115,394.00
Private Citizens	\$32,725.00
Businesses	\$11,427.00
Labor Organizations	\$5,350.00
Doctors	\$4,000.00
Public Officials	\$3,150.00
Judges	\$2,200.00

When broken down by individual races, spotlighting the 2002 campaign for Appellate Judge in the Fifth Judicial District (Melissa Chapman v. John Long) and the one 2002 judicial retention race with an active committee in the Third Circuit (Nicholas Byron), plaintiffs trial lawyer contributions totaled nearly 85%. Total lawyer contributions for the 2002 Melissa Chapman race equaled 94%, with 88% of total contributions coming from plaintiffs trial lawyers.

2002 Melissa Chapman Contributions

Classification	Contribution Totals
Plaintiffs Trial Lawyers	\$91,690.00
Non-Trial Lawyers	\$6,730.00
Businesses	\$1,960.00
Doctors	\$1,000.00
Labor Organizations	\$400.00

2002 Nicholas Byron Contributions

Classification	Contribution Totals
Plaintiffs Trial Lawyers	\$53,550.00
Non-Trial Lawyers	\$12,000.00
Doctors	\$500.00

Increasing Contributions Over Time

Another staggering conclusion from the data is the increasing totals of contributions in individual races over the 23 years of elections cycles. While it is very apparent that plaintiffs trial lawyers are fueling the surge in judicial campaign contributions, the increase in donations from the 1980 Horace Calvo appellate race to the 2002 Melissa Chapman appellate race is exponential.

In fact, when comparing four Metro-East-native Appellate Court races evenly spaced between 1980 and 2002, contributions have doubled every six to eight years to a now staggering \$106,880.

Appellate Election Cycle	Total Contributions
1980 Horace L. Calvo	\$16,556.00
1988 Richard J. Goldenhersh	\$32,014.00
1994 Gordon E. Maag	\$66,625.00
2002 Melissa A. Chapman	**\$106,880.00

** Does not include final pre-election report

However, the increasing totals are not just limited to Appellate Court races. Analyzing the campaign contributions of Judge Nicholas Byron, one of the Madison County judges who handles civil court cases – including personal injury and class action cases, it appears that interest in civil court judicial races in the Madison County-based court is at an all-time high.

Circuit Court Election	Total Contributions
1990 Nicholas Byron	\$52,205.00
1996 Nicholas Byron	\$5,250.00
2002 Nicholas Byron	\$68,550.00

Judge Nicholas Byron has received more contributions in his bid for retention – he will have NO opponent in 2002 – than he received in his first two elections.

A St. Louis Post-Dispatch article providing details of an exclusive fundraiser at local Bilbrey Farms in Edwardsville noted: “Among the guests were lawyers for a firm that routinely argues multimillion-dollar asbestos suits in Byron's court, and who collectively contributed more than \$4,000 to his campaign in February.”³ Ironically enough, the whole fundraiser was hosted by a Madison County personal injury lawyer, Mike Bilbrey, formerly of Hopkins & Bilbrey.

Contributions Culminate from Same Firms

Campaign records also show that the same groups of firms and former law partners are heavily contributing to these judicial races. At Judge Byron's recent fundraiser, twenty-four different donations were made by partners, associates, and former colleagues of the class-action and personal injury firm Carr, Korein, Tillery, Kunin, Montroy, Cates, Katz & Glass, totaling \$11,700 in donations from just one firm. The second largest firm contributing to Judge Byron was another major Madison County class action firm, The Lakin Law Firm, whose associates and former associates contributed twelve times for \$6,000.

While the Post-Dispatch Illinois political writer Kevin McDermott noted that most of Judge Byron's fundraising was from Metro-East attorneys, several national personal injury and class action lawyer celebrities contributed to the campaign, including Stanley, Mandel & Iola, a firm that won a \$16,000,000 settlement from a Madison County Court just last December.⁴ That Dallas-based firm has no local Metro-East office, yet made three contributions totaling \$1,500. Another major Chicago personal injury firm, Cooney & Conway, made five contributions totaling \$2,500. Cooney & Conway was nominated for "Trial Lawyer of the Year" by Trial Lawyers for Public Justice in 1997, and achieved the "largest personal-injury settlement in the history of the State of Illinois" in 1999, according to their website.⁵ It is uncertain whether law partners from these two firms made personal appearances at the small, rural farm in Edwardsville this past February.

Overall, partners and associates from the former law firm Chapman, Chapman, & Carlson (now Morris B. Chapman & Associates and Carlson & Carlson) have contributed \$67,650 to Madison County judicial candidates since 1979. Carr, Korein, Tillery, Kunin, Montroy, Cates, Katz & Glass has donated \$52,400. The total judicial investments for The Lakin Law Firm and the old firm culmination of Bono, Goldenberg, Hopkins & Bilbrey are \$46,600 and \$45,000, respectively.

The average judicial donation was \$543 and the largest single donation was \$25,000 given to Melissa Chapman by her former law partner and father Morris B. Chapman.

2002 contribution information for two other Third Circuit judges, Edward Ferguson and Phillip Kardis, were unavailable due to the fact that they just formed campaign committees after the July 1, 2002, filing deadline. All 2002 judicial candidates with campaign committees will file a pre-election report with the Illinois State Board of Elections by October 21, 2002. Information for those reports will be available on the State Board of Elections website at:

<http://www.elections.state.il.us/>.

Appendix

Top 16 Largest Single Contributions		
\$25,000.00	2002 Melissa Chapman	Morris B. Chapman
\$10,000.00	1994 Gordon Maag	Lakin Law Firm
\$10,000.00	1992 Moses Harrison	Kujawski, Rosen, & Faerber
\$10,000.00	1994 Gordon Maag	Lance Callis
\$10,000.00	1994 Gordon Maag	Bono, Goldenberg, Hopkins & Bilbrey
\$6,250.00	1992 Moses Harrison	Morris B. Chapman & Associates
\$6,000.00	1992 Moses Harrison	Jerome Mirza
\$5,000.00	1994 Gordon Maag	Pratt, Bradford & Tobin
\$5,000.00	1992 Moses Harrison	Carr Korein Tillery Kunin Montroy Cates Katz & Glass
\$5,000.00	1992 Moses Harrison	Bono, Goldenberg, Hopkins & Bilbrey
\$5,000.00	2002 Melissa Chapman	John Simmons
\$5,000.00	1988 Horace Calvo	Pratt & Callis
\$5,000.00	2002 Melissa Chapman	Lakin Law Firm
\$5,000.00	2002 Melissa Chapman	Morris B. Chapman & Associates
\$5,000.00	1988 Horace Calvo	Lakin & Herndon
\$5,000.00	1994 Gordon Maag	Carr Korein Tillery Kunin Montroy Cates Katz & Glass

Campaigns Studied for Contributions Report		
1980 Horace Calvo	Citizens for Horace L Calvo for Appellate Judge	Appellate
1988 Goldenhersh	Committee to Elect Judge Goldenhersh	Appellate
1988 Horace Calvo	Citizens for Calvo for Supreme Court	Supreme
1988 Six Judges/Rentention	Committee for a Fair Judiciary	Circuit
1990 Nicholas Byron	Committee to Elect Judge Byron	Circuit
1992 Andy Matoesian	Committee for the Retention of Andy Matoesian for Circuit Judge	Circuit
1992 Charles Chapman	Campaign Committee for the Election of Charles W Chapman	Supreme
1992 Don Weber	Weber for Supreme Court	Supreme
1992 Moses Harrison	Citizens for Harrison	Supreme
1994 Gordon Maag	Friends of Gordon Maag	Appellate
1994 P.J. O'Neill	O'Neill for Judge	Circuit
1996 Nicholas Byron	Friends of Judge Nicholas Byron	Circuit
1998 Andy Matoesian	Committee for the Retention of Andy Matoesian for Circuit Judge	Circuit
1998 Charles Chapman	Campaign Committee for the Election of Charles W Chapman	Appellate
1998 Goldenhersh/Rarick	The Judges Committee & Friends of Judge Rarick	Appellate
2000 Ann Callis	Citizens for Ann Callis	Circuit
2000 Moran/O'Neill/Romani	Judicial Retention Committee	Circuit
2002 Melissa Chapman	Citizens for Chapman	Appellate
2002 John Long	Southern Illinois for Long	Appellate
2002 Nicholas Byron	Friends of Judge Nicholas G Byron	Circuit

Footnotes

¹Mendoza, Norma. "Taking action against class action." Edwardsville Intelligencer. Sept. 11, 2002.

²Beisner, John H. and Jessica Davidson Miller. "Class action magnet courts: the allure intensifies." Civil Justice Report of the Center for Legal Policy at The Manhattan Institute. June 2002.

³McDermott, Kevin. "Lawyers are big contributors to Illinois judges' campaigns." St. Louis Post-Dispatch. Sept. 9, 2002.

⁴Further information available at <http://mesotheliomainfo.com/mesothelioma-news13b.htm>.

⁵Facts listed in "News" section at <http://www.cooneyconway.com/>.

Acknowledgements

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