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Illinois
State
Medical
Society

OPPOSE EFFORTS TO REPEAL PROTECTIONS AND UNDERMINE OUR COURT SYSTEM

House Bill 5044 repeals the long-standing doctrine of “forum non conveniens” that ensures fundamental fairness when a plaintiff’s choice of where the case is to be tried is without merit, leaving defendants without recourse. House Bill 5044 will allow medical liability cases to be tried almost anywhere, regardless of where the medical care was delivered.

Forum non conveniens is a well-established equitable doctrine that is founded in *consideration of fundamental fairness* and sensible and effective judicial administration.

This important doctrine, which HB 5044 seeks to repeal, affords courts discretionary power that is exercised only in rare circumstances when the interests of justice require a trial in a more appropriate forum. The burden is on the defendant to show that relevant factors strongly favor the defendant's choice to warrant changing the plaintiff’s choice. A plaintiff’s choice of forum is already entitled to substantial deference.

This safeguard is needed as the initial venue is chosen by the plaintiff, and a medical liability suit can be brought, for example, in a county with just one witness when all the medical care was provided in another county.

Illinois’ current medical liability systems heavily favor the plaintiffs’ bar. Passage of this bill would further destabilize an already precarious liability environment for physicians and hospitals, making it more difficult to continue operating in Illinois.

Please reject this effort to remove fairness in our court system and vote NO on HB 5044.