



News

David Levitt Quoted in Chicago Lawyer Articles Discussing Pro-Plaintiff Aspects of Illinois Civil Procedure and the Illinois Prompt-Payment Law

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David H. Levitt, a partner in the firm's Intellectual Property Practice and president of the Illinois Association of Defense Trial Counsel (IDC), was quoted in the October 2014 *Chicago Lawyer* cover story, "Defense's plan to 'level the playing field'" and the article, "It's their money, and they want it now." He also is pictured on the cover of the issue.

The cover story addresses the "contested belief that case law, statutes and court rules that affect civil suits across Illinois are tilted in the plaintiff's favor" and the IDC's campaign to educate the public about the bias, including by informing people of the many pro-plaintiff rules that exist, such as, for example, that: (1) juries are told that if they find a plaintiff 50 percent liable, the plaintiff gets no monetary recovery; (2) juries are not told that if a defendant is 25 percent liable, the defendant might have to pay 100 percent of the plaintiff's damages; and (3) plaintiffs can recover damages on medical bills that are multiple times more than the actual amount paid for health-care costs. Mr. Levitt is hopeful that the IDC's educational efforts on these issues will ultimately lead to the Illinois legislature taking action as requested by the association. "It used to be that we couldn't get the legislature to call us on the phone," he says. "Now, they call us. . . . We're doing more of that as time has gone on. We have been asked to testify about such things."

The article "It's their money, and they want it now," discusses the prompt-payment law (Public Act 98-548), which is designed to "force slow-moving defendants in settlements to quickly pay up" by imposing "interest penalties on defendants who settle cases but don't give the money to the plaintiffs within 30 days." Mr. Levitt is skeptical that the law was necessary in the first place, noting that "the frequency of waiving the statute only indicates that many plaintiff lawyers—outside of the ones who directly lobbied for the law—don't feel they need it in practice. . . . There was never any empirical evidence of a problem." He adds, "I don't know a single insurance company that has a desire to not meet its obligations. The claims people want to close their file once they made a deal." Mr. Levitt also cautions that "the statute could discourage settlements if the plaintiff bar insists on enforcing it. . . . This has the potential to create disputes that don't have to otherwise exist."

Mr. Levitt is an experienced trial lawyer who focuses his practice in a number of distinct areas. His primary practice is intellectual property, with wide experience in insurance, commercial litigation, products liability and trucking.

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