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Toxic Tort

Kelly M. Libbra
HeplerBroom LLC, Edwardsville

A Book Review of *The Pain Brokers: How Con Men, Call Centers, and Rogue Doctors Fuel America's Lawsuit Factory* by Elizabeth Chamblee Burch

Attorneys are seldomly the heroes of the story. *The Pain Brokers* is an exception in which the author portrays a handful of attorneys as unveiling a devious scheme to mislead vulnerable women. By the point the scheme is unveiled, hundreds of women had suffered the devastating consequences of being tricked into undergoing unwarranted pelvic mesh removal surgeries to fund the greed of others.

The Pain Brokers reads like a fictional novel but is described by the author as "a work of narrative nonfiction; details are neither invented nor imagined." Elizabeth Chamlee Burch, The Pain Brokers 11 (2026). Burch's vivid, descriptive writing and sense of humor make the book an entertaining read. Her diligent research is impressive. Specifically, Burch reports conducting in excess of 150 interviews and over 209,000 pages of documentation, "including police reports, criminal records, civil court records, trial transcripts, medical records, newspaper articles, corporate records, and postings in social media accounts." *Id.* at 11.

The book opens with a scene at a "Mass Torts Made Perfect" conference of the plaintiff's bar in Las Vegas which conjures images of mafia movies with its depiction of high rolling gambling and hookers. Far from this scene, Burch highlights the stories of three women, Sharon Gore, Barbara Shepard, and Jerri Plummer. *Id.* at 11. These three women were only three of hundreds of women who Burch believes suffered at the hands of greed.

Burch writes that many women who had previously undergone surgery to have pelvic mesh implanted in their bodies were contacted by callers from party call centers with intimate details of the women's health information. *Id.* at 11-12. Women reported being misled to believe that the callers represented the pelvic mesh manufacturers when, in fact, the calls were made by call centers paid to solicit women to undergo mesh removal surgeries so lawsuits could be filed on their behalf against the mesh manufacturers. *Id.* at 14, 23-24, 72, 91-94.

Burch says that the call centers used scare tactics to convince the women that the pelvic mesh had to be removed immediately because it posed an imminent threat to their health. For instance, Sharon Gore was contacted by a caller who explained to Gore that the pelvic mesh inside of her was "faulty and was being recalled." *Id.* at 11-12. The caller warned Gore that, "You have a ticking time bomb in you. It's got to be taken out quickly. We'll arrange it all." Burch, The Pain Brokers at 12. Further, the women reported that the call centers misled them by informing them that the mesh had been recalled, which was inaccurate at the time of the calls. *Id.* at 14. Many of the women, including the three women highlighted in the store, were led to believe that they had to travel to Florida to a medical specialist physician to have their mesh removed. *Id.* at 15, 17, 19. Once in Florida, the women were rushed through surgeries and then flown back to their homes the following day without any follow up consultations.

Burch says that the scheme included loaning money for the pelvic mesh surgeries at very high interest rates. Prior to their surgeries, the women signed voluminous documents under pressure without comprehending the implications of the

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documents. Burke writes that the document packets included agreements to attorney representation, consent to surgery, loan agreements with unconscionable interest rates and arbitration agreements. The women were denied the opportunity to use their medical insurance to pay for the surgeries. Further, Burch believes the women were not offered the opportunity to have the surgeries performed locally.

By the time their initial attorneys were resolving their cases, some women owed more than their settlements. For example, Jerri Plummer's initial advance for her surgery was $21,000. Two years later, Jerri owed the litigation funding company, LAWCASH, $67,485.76, an amount that continued to increase at an interested rate of 44%. *Id.* at 160. While the women had signed agreements to be represented by legal counsel to file lawsuits against the mesh manufacturers, the women apparently had little contact with their counsel.

The book also raises questions regarding the participation of non-lawyers in litigation, including through third party litigation financing. *The Pain Brokers* was released two months before Representative Dan Ugaste of Illinois introduced a bill to create a Litigation Financing Transparency Act, H.B.5244, 104th Gen. Assemb., Reg. Sess. (Ill. 2025-2026). The proposed bill, "[p]rovides that a person shall not engage in litigation financing in the State unless the person is registered as a litigation financier under the Act." *Litigation Financing Transparency Act*, H.B.5244. The bill sets forth specific registration requirements and outlines rules of conduct. *Id.* Further, the bill specifically permits discovery on the "existence and terms and conditions of a litigation financing agreement if it is the subject of or is involved in a pending action." *Id.* At the time of this publication, the Act has not become law. Even if the bill does not ultimately become law, the bill's existence demonstrates the growing concern of states regarding litigation funding.

The Pain Brokers is a vividly written book that is an enjoyable read while highlighting for attorneys issues that might arise with third-party litigation funding and third-party involvement in litigation. Attorneys should be aware of the potential involvement of third parties funders in their cases and the impacts of those third-party funders on their cases. Further, attorneys should follow any changes in Illinois law regarding third party involvement in litigation.

About the Author

Kelly M. Libbra is a partner in the Edwardsville, Illinois, office of *HeplerBroom LLC*. Ms. Libbra focuses her practice on trials involving complex business litigation matters, including toxic torts, premises liability, and product liability. She represents clients in Illinois and Missouri. She received her J.D. from St. Louis University School of Law and holds an M.S. in Experimental Psychology from Western Illinois University.

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