



WISCONSIN CIVIL JUSTICE COUNCIL, INC.

Promoting Fairness and Equity in Wisconsin's Civil Justice System

Trial Lawyers, Business Groups Agree on Impact of Budget Provisions

More Lawsuits from Sweeping Changes in Gov. Doyle's Budget

For more information, visit www.WisCivilJusticeCouncil.org or contact:

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MADISON – The State's leading personal injury law firm recently agreed with the Wisconsin Civil Justice Council's analysis of sweeping liability provisions in the Governor's budget.

The positions are so close; it's difficult to tell them apart. For example, who said the following?

“Current laws in Wisconsin say that individuals and businesses must be proven to be responsible for at least 51% of the fault in order to be held liable. However, this could change soon.

A line item in Gov. Doyle's 2009-2011 budget could change liability cases greatly. Instead of proving a majority of fault, victims will only have to prove that the fault is there in order to hold the defendant liable.

If this is signed into law, liability cases will change a great deal.”

“That is our position and their words,” said Bob Fassbender, a spokesman for the Council. Making someone 1% at fault pay 100% of damages will certainly change things “a great deal.”

Whether changing “liability cases greatly” is good or bad, however, depends on whether suing is your business or whether it can destroy your business. The trial lawyers quoted above come from Habush, Habush and Rottier, the leading trial lawyers in Wisconsin. Their quote concludes with:

“If you or someone you know has been injured, contact the Lake Geneva personal injury attorneys of Habush, Habush & Rottier, SC.”¹

“That's right,” says Fassbender. “The trial lawyers are already trying to cash in on Gov. Doyle's budget gift. Hurting Wisconsin's economy through an explosion of lawsuits is just good business for the trial lawyers.” These changes buried deep in the budget would:

- 1) Force individuals and businesses as little as 1% at fault to pay up to 100% of jury awards or settlements.
- 2) Allow the person most at fault in an accident to sue those with the least fault.
- 3) Rig the system to give juries a roadmap to maximize payouts from “deep-pockets;” meaning anyone with a business, farm, home or a responsible level of insurance.

“These changes would result in more lawsuits, targeting more people, businesses, charities, and anyone with money or insurance,” said Bill G. Smith, State Director of the National Federation of Independent Business – Wisconsin. “And it appears Wisconsin's wealthiest trial lawyers have wasted no time in trying to cash in.”

“Now that we agree these provisions ‘change liability cases greatly,’ we should agree to consider their sweeping effects properly as separate legislation with public hearings and the full deliberation of elected officials,” said Fassbender. “We will continue to ask that the Joint Finance Committee remove these policy provisions from the budget and suggest that the trial lawyers put on hold what they appear to think is a wonderful marketing opportunity.”

¹ <http://www.lakegenevapersonalinjurylawyer.com/blog/post/Liability-May-Become-Easier-to-Prove.aspx>