

TO: Members of the Senate Democratic Caucus

DATE: June 15, 2009

SUBJECT: Opposition to Liability Language in AB 75

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We are writing to ask that the liability provisions in the state budget be removed. These provisions relate to joint and several liability, combining fault, and jury instructions. Each provision changes Wisconsin's civil justice system in a way that would hurt your efforts to strengthen our economy and add jobs.

The undersigned trust you fully appreciate our position that the changes to the liability provisions in the budget by the Joint Committee on Finance are not a compromise. They worsen the budget provisions to the detriment of the entire State, create legal traps never before seen in Wisconsin, and go far beyond reverting to Wisconsin law prior to the 1995 reforms. Wisconsin businesses and citizens will be litigation targets in ways not seen in any other state.

Those being sued under these unfair laws may well see debilitating legal judgments and related costs. Others will see higher insurance rates or more limited coverage, or both. These are your businesses, your local units of government, your farming communities, your charities, your tourism destinations, your health care providers, your homeowners, and your neighbors. That's because anyone who has savings, equity in homes, farms or businesses, insurance or otherwise have financial assets can be the next "deep pocket" target.

The plaintiff lawyers are under no obligation to distinguish their targets. To believe they will set their sights on big business profits but not on your neighbor's retirement or college savings is to believe they will not vigorously represent their clients. They will and must pursue all legal avenues provided by the Legislature to recover damages. It is vital, therefore, that our laws have balance. The proposed laws before you do not.

At a minimum, these provisions must be considered in the normal course of the legislative process in order to provide you, as lawmakers, the opportunity to fully understand how these changes would impact the Wisconsin economy, Wisconsin jobs, and your constituents.

Thank you for your consideration.

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