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Promoting Fairness and Equity in Wisconsin's Civil Justice System

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Senate Removes Liability Provisions from Budget

Coalition of over 70 business groups commends Senate Democrats for action

Madison-The Democratic majority in the Wisconsin State Senate has removed joint and several liability from the state budget. Senate action comes days after the Assembly Democrats pulled the same provisions during their budget deliberations and the Governor expressed his acceptance of dealing with the issue in separate legislation.

“Senate Democrats, like their counterparts in the Assembly recognized this issue is extremely unpopular in our state and the people wanted it out of the budget,” said Bill G. Smith, Director of the National Federation of Independent Business-Wisconsin. “Senate Democrats should be commended for hearing the will of the people they represent.”

With over 70 statewide associations and organizations coming together, the WCJC led a large and most diverse coalition of employers in Wisconsin. The members include local chambers of commerce, hospitals, farmers and many more.

“This is a victory for Wisconsin’s employers,” stated Smith. “The joint and several provision is a policy item which had no place in a budget. Its impact on jobs would have been perilous for Wisconsinites already suffering during a recession.”

The joint and several liability provision was amended by the Joint Finance Committee to have the appearance of preventing parties less than 20% at fault from paying 100% of the claim. A closer look revealed the amendment was more extreme than the Governor’s original proposal. The amendment still allowed 1% fault to be forced to pay 100% in many cases and allowed a party more at fault to collect nearly 100% of the claim from a party less at fault.