



WISCONSIN CIVIL JUSTICE COUNCIL, INC.

Promoting Fairness and Equity in Wisconsin's Civil Justice System

Highlights of 2009-10 Legislative Successes

Legislation Opposed by Wisconsin Civil Justice Council

AB 75 (Budget Bill – Joint and Several Liability): Alters Wisconsin's joint and several liability law by forcing defendants as little as one percent at fault to pay for 100 percent of the damages.

Status: DEAD

AB 75 (Budget Bill – Combined Fault): Allows a person or business that is less at fault than the plaintiff to be sued so long as the combined fault of all the persons sued is equal to or greater than that of the plaintiff.

Status: DEAD

AB 75 (Budget Bill – Jury Instructions): Requires the court to explain to the jury how the percentage of negligence they find attributable to each party will impact liabilities and related damage amounts.

Status: DEAD

SB 628/AB 815 (Medical Records and Medical Exams): Allows plaintiffs to hide prior injuries by limiting access to plaintiffs' medical records and restricting independent medical exams.

Status: DEAD

SB 203/AB 291 (Medical Malpractice Liability): Expands medical liability by allowing adult children and their parents sue for loss of society and companionship damages.

Status: DEAD

SB 447/AB 792 (False Claims): Provides a 15 to 25 percent bounty plus attorney fees for private parties that file false claim lawsuits on behalf of the state.

Status: DEAD

SB 275/AB 367 (Credit Histories): Allows job applicants and employees to sue employers for punitive and compensatory damages if an employer "discriminates" against them based on that person's credit history.

Status: DEAD

AB 894 (Workplace Bullying): Adds a private cause of action, along with punitive and compensatory damages, for alleged workplace bullying.

Status: DEAD

SB 319/AB 453 (Statute of Limitations): Provides a three-year window for plaintiffs to file childhood sexual abuse claims, regardless of the previous expiration of the statute of limitations.

Status: DEAD

SB 337/AB 480 (Gender-based Cause of Action): Creates a new civil cause of action, with a seven-year statute of limitations, for a person who suffers physical, emotional, or economic harm as a result of a gender-based act.

Status: DEAD

SB 563 (Medical Malpractice Statute of Limitations): Extends wrongful death statute of limitations in cases dealing with medical malpractice (overturning *Estate of Genrich v. OHIC Ins. Co.*).

Status: DEAD

AB 938 (Bifurcation of Trials for Claims of Interest): Provides that if a trial court bifurcates a trial with respect to a claim for interest that is allegedly due on insurance proceeds that were not timely paid, all claims must be heard by the same jury.

Status: DEAD