

The Wisconsin Civil Justice Council has a national reputation for its successes and also for accomplishing its objectives efficiently as well as effectively.

Bill G. Smith, State Director, National Federation of Independent Business

WE NEED YOUR SUPPORT BECOME A PARTNER

WCJC's mission is to promote fairness and equity in Wisconsin's civil justice system. Often we must fight against an aggressive anti-business agenda being advanced by the plaintiffs' bar that would weaken the state's ability to attract new or keep existing businesses.

Our success is predicated on financial and lobbying support from the WCJC Board members and our vital partners. To date, this leadership and solidarity among the business and professional communities has resulted in sweeping victories. But help is always needed.

Please consider becoming a partner by making a contribution to the:

*Wisconsin Civil Justice Council, Inc.
c/o Andrew Cook
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Madison, WI 53703*



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WISCONSIN CIVIL JUSTICE COUNCIL, INC.

Promoting Fairness and Equity in Wisconsin's Civil Justice System



*Protecting Wisconsin's
Business Climate through
Leadership and Solidarity*

Proposed changes to our liability system that were recently defeated would have been devastating to Wisconsin's tourism industry and overall economic development. This victory could not have been accomplished without the leadership of the Wisconsin Civil Justice Council.

Tom Diehl

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The recent rejection of anti-business efforts to increase the number and amount of damage awards was accomplished by a textbook government relations effort, in the best sense of the term. Congratulations and thank you to Wisconsin Civil Justice Council for leading that effort and setting the right example.

Jonathan Barry, former legislator and County Executive, small business owner

ABOUT US

The Wisconsin Civil Justice Council, Inc. (WCJC) was formed in 2009 to represent Wisconsin business interests on civil litigation legislation before the Wisconsin Legislature. Our goal is to achieve fairness and equity, reduce costs, and enhance Wisconsin's image as a place to live and work.

FIGHTING for FAIRNESS (and WINNING)

The 2009-10 Legislative Session presented daunting challenges as the plaintiffs' bar pushed an aggressive anti-business agenda. For example, policies buried deep in the budget bill would have drastically changed Wisconsin's litigation landscape and assured more litigation, higher awards and a less competitive Wisconsin by:

- Forcing someone as little as 1% at fault to pay 100% of the damages.
- Allowing someone more at fault to sue those less at fault.
- Requiring the court to inform the jury how to maximize awards from "deep pockets."

Legislation Defeated by the Wisconsin Civil Justice Council in 2009-10 Session

AB 75 (Budget – 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.

AB 75 (Budget – Combined Fault): Allows someone that is less at fault than the plaintiff to be sued if the combined fault of all persons sued is equal to or greater than that of the plaintiff.

AB 75 (Budget – 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 damages.

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

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

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.

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

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

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.

SB 337/AB 480 (Gender-based Cause of Action): Creates a cause of action, with a 7-year statute of limitations, for a person who suffers physical, emotional, or economic harm due to a gender-based act.

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.*).

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

CHALLENGES AHEAD

The plaintiffs' bar will attempt again next session to advance these same ill-advised policies. Regardless of how the November 2010 elections turn out, we must defeat such legislation or otherwise see a weakening of Wisconsin's business climate.

Beyond playing defense, WCJC will advance civil justice policies that will enhance our ability to grow Wisconsin jobs.

June 15, 2010

