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Promoting Fairness and Equity in Wisconsin's Civil Justice System

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Governor-elect Walker's Civil Liability Reforms Send a Strong Signal to Employers

Tort Reforms Place Wisconsin Back In the Mainstream

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**CONTACT INFORMATION:
Andrew Cook or Bob Fassbender – (608) 258-9506**

Madison – The tort reforms unveiled by Gov.-elect Scott Walker will reduce frivolous lawsuits and help Wisconsin attract quality jobs, according to the Wisconsin Civil Justice Council, Inc.

“These common sense policies will bring Wisconsin into the mainstream and reduce frivolous lawsuits,” said Bill G. Smith, President of the Wisconsin Civil Justice Council (WCJC) and State Director of the National Federation of Independent Business.

According to Smith, the proposed legislation overturns a number of controversial decisions issued by the Wisconsin Supreme Court. In 2005, the court created liability theories used nowhere else in the nation.

“By adopting Gov.-elect Walker's civil liability reforms, Wisconsin is signaling to businesses and manufacturers across the nation we are truly open for business,” said James Buchen, Vice President of WCJC and Vice President of Government Relations for the Wisconsin Manufacturers and Commerce.

Buchen points to a recent report by the Chamber of Commerce's Institute for Legal Reform. According to the study, 67 percent of businesses surveyed responded that a state's litigation environment has an impact on such important decisions as where to locate or do business.

“Last session Wisconsin narrowly escaped proposals that would have further weakened our civil justice system. Gov.-elect Walker's proposals move Wisconsin in a positive direction,” said Andrew Franken, President of the Wisconsin Insurance Alliance, and WCJC Treasurer.

A number of the reforms are policies that WCJC proposed to Gov.-elect Walker's Transition Team. Four of the policies passed both the Wisconsin Assembly and Senate during the 2005-06 Session, only to be vetoed by Gov. Jim Doyle.

"These are not radical ideas," said WCJC Secretary and Wisconsin Builders Association's General Counsel Patrick Stevens. "These policies have been fully researched and most have been adopted by the Wisconsin Legislature. Governor-elect Walker is aligning Wisconsin with the majority of other states."

Gov.-elect Walker's proposals include:

- Adoption of more reasonable product liability standards for manufacturers and sellers; Wisconsin is currently **one of only four states** using the harmful "consumer contemplation test" in product liability cases.
- Elimination of the deeply flawed "risk contribution" theory in manufacturing lawsuits; Wisconsin is currently **the only state** with the *Thomas* "risk contribution" doctrine.
- Elimination of junk science in the courtroom and adoption of sound science principles relating to expert opinion evidence; Wisconsin is currently **one of only 15 states** that have not adopted the sound science *Daubert* principles.
- Punitive damages changes to respond to a Wisconsin Supreme Court decision that **wrongly interpreted the meaning and intent of the Wisconsin Legislature** and weakened the standard for the award of damages.
- Sanctions on frivolous lawsuits; Restores to prior law before the Wisconsin Supreme Court amended it.

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The Wisconsin Civil Justice Council, Inc. represents a coalition of Wisconsin business interests on civil liability issues before the Legislature. For more information, see www.WisCivilJusticeCouncil.org.