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*Promoting Fairness and Equity in Wisconsin's Civil Justice System*

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TO: Members, Wisconsin Legislature  
FROM: Andrew Cook, on behalf of the Wisconsin Civil Justice Council  
DATE: April 22, 2013  
RE: **AB 19/SB 13 – Personal Injury Trust Claims Transparency – Response to Groups Claiming that the Bill Negatively Affects Veterans**

The Wisconsin Civil Justice Council (WCJC) fully supports and has the utmost respect for the men and women who have served in the military and protected our country. We also have the utmost sympathy for veterans who are injured as a result of their service. The WCJC would not support legislation that attempts to unfairly limit the remedies available to veterans and their families. Certain veterans groups' comments on Assembly Bill 19/Senate Bill 13, which the WCJC supports, appear to be based on misrepresentations made to veterans by individuals and groups that have a vested interest in maintaining the status quo. As explained below, their assertions about the supposed impact of the proposed legislation are simply not true. **In fact, by protecting the limited funds available to trusts and the limited resources of solvent businesses, AB 19/SB 13 will help ensure that veterans and other legitimate victims receive fair compensation in the future.**

Assembly Bill 19/Senate Bill 13 is designed to provide fairness and transparency in personal injury cases and to ensure that all responsible parties pay their fair share of any damages. The bill does **NOT**, as some have incorrectly portrayed, "delay justice" or otherwise prevent an injured person from receiving just compensation.

Attached is testimony provided by Attorney Trevor Will of the law firm Foley & Lardner, LLP, who testified on behalf of the WCJC at public hearings on both AB 19 and SB 13. Mr. Will has practiced in this area of the law since 1984 and is one of the leading attorneys in his field.

As Mr. Will's testimony explains, AB 19/SB 13 would **NOT** delay resolution of personal injury lawsuits. Nor would the legislation prevent individuals injured by asbestos or any other product from receiving fair compensation. AB 19/SB 13 would allow plaintiffs to receive compensation from both trust funds and tort lawsuits. If plaintiffs have valid trust claims, they can make them. If plaintiffs also have valid tort claims, they can make those too. All the bill does is make sure that both systems are utilized in a timely fashion, and that claims made in both systems are transparent.

The unfortunate truth is that some plaintiffs and their attorneys are attempting to "double dip" by making inconsistent representations to trust funds and in lawsuits against solvent businesses, including Wisconsin companies. This practice was highlighted in a recent *Wall Street Journal* article that discussed the potential fraud associated with asbestos trust funds (see attached WSJ article). AB 19/SB 13 will

help prevent these abuses in Wisconsin. By requiring the timely filing and disclosure of trust claims, AB 19/SB 13 would prevent the filing of bogus claims and lawsuits.

**Conclusion**

WCJC respects those who have honorably served our country. In short, AB 19/SB 13 is about disclosure and transparency. For more information about AB 19/SB 13, please visit the Wisconsin Civil Justice Council's website: (<http://www.wisciviljusticecouncil.org/policy-project/>).