

October 14, 2013

Re: Veteran Support for AB 19/SB 13, Personal Injury Trust Funds

Dear Honorable Wisconsin Senators,

As a veteran and past Veterans of Foreign Wars Wisconsin State Commander, I thank the Assembly and the Senate Judiciary and Labor Committee for passing AB 19/SB 13 (torts and personal injury trusts). I respectfully request that the Senate take up and pass AB 19/SB 13.

We all empathize with the victims, and their loved ones, who suffer from the terrible effects of the asbestos related disease mesothelioma. However, in my opinion, assertions that AB 19/SB 13 may impede or deny justice to veterans making claims for compensation are a mischaracterization.

On the contrary, AB 19/SB 13 creates discovery and scheduling requirements that addresses justice to all parties, veterans and all other individuals by sharing information, requiring a list that identifies multiple or each personal injury claim made and affords a defendant a setoff amount from previous compensation. This bill will not delay justice, nor will it prevent or impede a person to be fully compensated. Rather, the bill requires trial attorneys to disclose with the court the fact that they have previously received money from a trust fund for the same injury.

Will Asbestos Trusts have enough money to pay future claims? Given the long latency period of asbestos related diseases, new claims are expected to emerge for several decades. Not surprisingly, there are valid concerns that asbestos trust fund assets will not be enough to compensate all future claimants. In short, this bill is about transparency and fairness, to protect our veterans with a concern for availability of assets for our current and especially future veterans.

Again, as a veteran, I thank the authors of the bill (Sen. Glenn Grothman and Rep. Andre Jacque) along with the Senate Judiciary and Labor Committee for passing this bill. I also respectfully request that the full Senate take up and pass AB 19/SB 13 so it can be signed into law.

Sincerely,

Larry Kutschma

Larry Kutschma
Past State Commander
Veterans of Foreign Wars
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