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Promoting Fairness and Equity in Wisconsin's Civil Justice System

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TO: Members, Wisconsin Senate
FROM: Andrew Cook, Wisconsin Civil Justice Council
DATE: October 22, 2013
RE: **Wisconsin Businesses Support for AB 19/SB 13, Personal Injury Trusts**

The Wisconsin business community **supports AB 19/SB 13**, providing transparency in personal injury trusts. The Wisconsin Civil Justice Council respectfully requests that the Senate schedule and pass the bill.

This bill does NOT negatively affect veterans: To the contrary, by protecting limited funds available to trusts and the limited resources of solvent Wisconsin businesses, AB 19/SB 13 will help ensure that veterans and other legitimate victims receive fair compensation in the future.

As veteran and former VFW Commander Larry Kutschma has stated: “This bill will not delay justice, nor will it prevent or impede a person to be fully compensated... 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.”¹

Similar legislation has been enacted in two other states (Ohio and Oklahoma), and there was NO opposition by veterans in those states. 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 Wisconsin businesses. **In fact, trial attorneys list on their websites the Wisconsin companies they are targeting for these types of lawsuits.**²

The business community has listened to and provided amendments to address plaintiffs’ attorneys concerns: The plaintiffs’ attorneys claim that they would be okay with a transparency bill, but that AB 19/SB 13 goes too far. The authors of AB 19/SB 13 listened to many concerns raised by the plaintiffs’ attorneys and the bill was substantially amended.³

After the bill passed the Assembly, proponents once again listened to the plaintiffs’ attorneys and provided additional substantive amendments to address their specific concerns, but the plaintiffs’ attorneys rejected those amendments and then wanted more changes. The amendments the plaintiffs’ attorneys offered completely gut the bill. It appears that the national plaintiffs’ attorneys and Chicago-based law firms⁴ are not serious about making meaningful changes but are simply out to kill the bill.

The business community has negotiated in good faith, unlike the trial attorneys.

Substantial Support from Business Community for AB 19/SB 13: Below are the Wisconsin businesses and associations listed on the GAB website that SUPPORT AB 19/SB 13. The Wisconsin Civil Justice Council and the business community respectfully request that the Senate reject the arguments being made by the Chicago-based plaintiffs' firms and pass AB 19/SB 13 so it can be sent to Gov. Walker for his signature.

Wisconsin Business Groups Supporting AB 19/SB 13

Wisconsin Manufacturers & Commerce

Wisconsin Builders Association

Wisconsin Civil Justice Council

Wisconsin Restaurant Association

Wisconsin Insurance Alliance

Wisconsin Paper Council

National Federation of Independent Business

Professional Insurance Agents of Wisconsin

Midwest Food Processors Association

Pharmaceutical Research and Manufacturers of America

Property Casualty Insurers Association of America

Takeda Pharmaceutical America

American Petroleum Institute

BNSF Railway

General Electric

Union Pacific Railroad Company

3M

¹ http://www.thewheelerreport.com/wheeler_docs/files/1017kutschma.pdf.

² <http://www.dustlaw.com/jobsites.html>; <http://www.cascinovaughan.com/asbestos.shtml#mes>.

³ See explanation of Substitute Amendment 1 to AB 19/SB 13, prepared by the Legislative Council: <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab19.pdf>.

⁴ Trial attorneys from the national plaintiffs' bar association (American Association of Justice) and Chicago asbestos law firm, Cascino Vaughn Law Office, testified against the bill in committee and appear to be the driving force behind opposition of this bill.