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Promoting Fairness and Equity in Wisconsin's Civil Justice System

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WCJC Thanks the Assembly for Passing Asbestos Trust Fund Transparency Legislation

Madison – The Wisconsin Assembly on Thursday passed important legislation that will bring transparency and end double dipping by plaintiff attorneys in lawsuits involving asbestos related claims.

“As a state with a strong manufacturing sector, Wisconsin businesses stand to lose if plaintiff attorneys are not required to disclose key evidence in asbestos lawsuits,” said Scott Manley, Vice President of the Wisconsin Civil Justice Council and Vice President, Government Relations, Wisconsin Manufacturers and Commerce (WMC). “The court deserves to know all the information when awarding damages,” added Manley.

AB 19 will allow greater transparency by:

- Requiring asbestos plaintiffs to disclose any and all claims that they have filed or will file with asbestos trust funds, along with all of the documents and information that support the trust claims.
- Requiring judges to admit trust claims and supporting materials into evidence at trial; prohibiting plaintiffs from spuriously alleging that trust claims and their supporting documents are privileged.
- Providing defendants with a powerful tool to ensure that plaintiffs file and disclose all possible claims with asbestos trusts. AB 19 authorizes defendants to identify trust claims that the plaintiff could and should file. If a judge agrees, the case is stayed until that claim is filed and disclosed.

“We thank the Assembly for passing this landmark legislation,” said Bill G. Smith, WCJC President and NFIB State Director. “Wisconsin joins Ohio and Oklahoma by enacting laws that protect large and small businesses from unscrupulous plaintiff attorneys who double-dip against asbestos trust funds and Wisconsin businesses.”

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The Wisconsin Civil Justice Council's mission is to promote fairness and equity in Wisconsin's civil justice system, with the ultimate goal of making Wisconsin a better place to work and live. To learn more about WCJC, visit <http://www.wisciviljusticecouncil.org>.