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WCJC Applauds Assembly for Passing Common Sense Civil Litigation Reforms

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MADISON - The Wisconsin Civil Justice Council thanks the Wisconsin Assembly for passing Assembly Bill 773, which contains a number of important civil litigation reforms, including discovery and class action rules.

“These important litigation reforms will help reduce costs for small to large businesses and bring Wisconsin into the mainstream when it comes to discovery and class action lawsuits,” said Bill G. Smith, president of the Wisconsin Civil Justice Council and state director for National Federation of Independent Business-Wisconsin.

AB 773 aligns Wisconsin’s civil procedures for discovery and class actions to the corresponding federal rules. The modernization of these court procedures, mostly aimed at costly discovery practices, will reduce litigation costs for businesses, as well as state and local governments who must spend taxpayers’ dollars responding to abusive discovery practices.

Common-sense reforms under the bill will:

- Prevent litigants from abusing the discovery process to leverage a higher potential settlement or engage in a “fishing expedition.”
- Require notice of third-party litigation financing. Such third-party finance can increase the cost of litigation and cause suits to be brought that would not otherwise have been financially justified.
- Limit discovery of electronically stored information (ESI) to address the escalating volume of ESI that is now one of the most significant discovery-related costs.
- Allow parties to appeal a trial court’s decision to certify a class in a class action lawsuit.
- Lower the statute of limitations for certain claims.
- Prohibit the Department of Revenue from entering into contingency fee arrangements with third parties in unclaimed property audits. Working under contingency fee arrangements incentivizes aggressive approaches to audits that unfairly increase costs for businesses in Wisconsin.

The bill is supported by over 30 Wisconsin business organizations.