

WISCONSIN CIVIL JUSTICE COUNCIL, INC.

Promoting Fairness and Equity in Wisconsin's Civil Justice System

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Budget Stimulus for Personal Injury Attorneys

Budget Profits Trial Lawyers, Costs Consumers, Small Businesses and Employers

Hidden in the Budget Bill, unveiled this week by Governor Doyle, is a repeal of fairness reforms previously passed to protect against predatory lawsuit abuse.

Under the provision, called "joint and several liability," even a person judged to be one percent at fault for damages could be forced to pay 100 percent of the damages.

"This is a stimulus for lawsuit abuse in Wisconsin," said Bob Fassbender, of the Wisconsin Civil Justice Council. "The plan will lead to big paydays for trial lawyers; no payday for many Wisconsin workers."

"Here is a policy item that will impact every person, employer, community, charity and government in Wisconsin and it's hidden on page 1,605 of the state budget," said Fassbender. "Such far reaching policy deserves to be considered as a separate bill."

As everyone's risk increases, so will the cost of employing people and making products. Additional cost and liability for families, consumers and employers will deepen the recession here and slow the recovery.

Fassbender went on to point out that, even if you are never the target of a predatory lawsuit, you will end up paying. "Fairness will be replaced by greed. Employers and families won't just need insurance for what they do. They will need insurance for what someone else does."

The Budget provision is most harmful to small businesses that are the main engine of job growth in Wisconsin. Small businesses will face increased costs and a reduced incentive to succeed. "Why risk starting a new business to bring a few jobs to your community when you could lose everything in a lawsuit you are only one percent responsible for?"

Also hidden in the budget is a provision that allows trial lawyers to direct their verdicts toward so-called "deep pockets." This one-sentence, game-changing provision was dropped in page 1,588 of the budget.

Nowhere in the Administration's 90-page description of the budget is there any mention of these sweeping changes to our civil justice system. Not surprising. The budget was supposed to be about fiscal responsibility and providing jobs, not creating a trial lawyer bonanza.

The Wisconsin Civil Justice Council, Inc. (WCJC) was formed to represent Wisconsin employers in civil litigation issues facing Wisconsin. Our primary goal is to achieve fairness and equity in the civil litigation process to enhance Wisconsin's image as a place to live, work and create jobs.