

Richard, Rob

From: Sen.Fitzgerald
Sent: Wednesday, January 12, 2011 1:54 PM
To: Romportl, Daniel
Cc: Hogan, John
Subject: FW: Wisconsin Assembly Bill 1 (Tort Reform), Special Session

From: Bryan Weynand [mailto:bweynand@alec.org]
Sent: Wednesday, January 12, 2011 1:08 PM
To: Sen.Fitzgerald
Subject: FW: Wisconsin Assembly Bill 1 (Tort Reform), Special Session

Senator Fitzgerald:

This issue alert went out yesterday from the ALEC Civil Justice Task Force to our Wisconsin members on the relevant committees, I wanted to make you aware of it.

Regards,

Bryan Weynand
Legislative Assistant
Civil Justice and Energy, Environment, and Agriculture Task Forces
American Legislative Exchange Council
202.379.4380
bweynand@alec.org

From: Stephanie Linn
Sent: Tuesday, January 11, 2011 12:50 PM
Subject: Wisconsin Assembly Bill 1 (Tort Reform), Special Session

URGENT ISSUE ALERT

To: ALEC Members on the Wisconsin Assembly Judiciary and Ethics Committee
From: ALEC's Civil Justice Task Force
Date: January 11, 2011
Re: Wisconsin Assembly Bill 1 (Tort Reform), Special Session

We understand that the Assembly Committee on Judiciary and Ethics and the Senate Committee on Judiciary, Utilities, Commerce, and Government will hold a joint hearing on AB 1 and SB 1 this afternoon. At the request of Gov. Walker, Rep. Ott and Sen. Zipperer, the Committee on Assembly Organization introduced this legislation to foster fairness and predictability in the Wisconsin state legal system. Many of the reforms encompassed by AB 1 have foundation in ALEC model legislation. **This bill is a strong piece of reform legislation that will have significant positive effects on Wisconsin's legal climate and economic viability.** ALEC is deeply committed to the advancement of substantive civil justice reform in the United States and

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supports this legislation which contains numerous provisions that reflect ALEC's civil justice reform policy and model legislation.

AB 1 would instill sound principles for the admission of expert witness testimony in cases and would ensure that those testifying are adequately qualified. ALEC's model *Reliability in Expert Testimony Standards Act* includes multiple such provisions aimed at keeping junk science from controlling the direction of justice.

AB 1 would also improve the handling of products liability cases. Just as ALEC's *Product Liability Act* aims to achieve, AB 1 requires a strengthened link between the product that caused the plaintiff's injury and the specific manufacturer being sued for a case to move forward.

It also bolsters the conditions for determining whether a product is defective and under which a product manufacturer can be held liable. Strengthening such rules will serve to encourage only the bringing of products liability cases with decided merit.

Additionally, AB 1 raises the standards that must be met in order to receive punitive damages, encouraging their awarding only when such punishment is truly warranted. ALEC's *Constitutional Guidelines for Punitive Damages Act* contains similar safeguarding guidance for the allotting of punitive damages.

AB 1 brings together numerous reforms with one overarching goal: providing predictability and fairness in the legal system. Such reforms offer a rational way to restore confidence for businesses as the economy struggles to recover. Fostering reliable justice will in turn promote a fair business climate and pave the way for job creation in Wisconsin.

If you have any questions about this issue, please contact Amy Kjose, ALEC's Civil Justice Task Force Director, at (202) 742-8510 or by email at akjose@alec.org. Thank you for your consideration of this matter.