

TO: Members of the Assembly Democratic Caucus
DATE: June 5, 2009
SUBJECT: Opposition to Liability Language in AB 75

We are writing to ask that the liability provisions in the state budget be removed. These provisions relate to joint and several liability, combining fault, and jury instructions. Each provision changes Wisconsin's civil justice system in a way that would hurt your efforts to strengthen our economy and add jobs.

The undersigned trust you fully appreciate our position that the changes to the liability provisions in the budget by the Joint Committee on Finance are not a compromise. They worsen the budget provisions to the detriment of the entire State, create legal traps never before seen in Wisconsin, and go far beyond reverting to Wisconsin law prior to the 1995 reforms. Wisconsin businesses and citizens will be litigation targets in ways not seen in any other state.

Those being sued under these unfair laws may well see debilitating legal judgments and related costs. Others will see higher insurance rates or more limited coverage, or both. These are your businesses, your local units of government, your farming communities, your charities, your tourism destinations, your health care providers, your homeowners, and your neighbors. That's because anyone who has savings, equity in homes, farms or businesses, insurance or otherwise have financial assets can be the next "deep pocket" target.

The plaintiff lawyers are under no obligation to distinguish their targets. To believe they will set their sights on big business profits but not on your neighbor's retirement or college savings is to believe they will not vigorously represent their clients. They will and must pursue all legal avenues provided by the Legislature to recover damages. It is vital, therefore, that our laws have balance. The proposed laws before you do not.

At a minimum, these provisions must be considered in the normal course of the legislative process in order to provide you, as lawmakers, the opportunity to fully understand how these changes would impact the Wisconsin economy, Wisconsin jobs, and your constituents.

Thank you for your consideration.

Michael Bakken
President
Aggregate Producers of Wisconsin

Peter Madland
Executive Director
Tavern League of Wisconsin

Steven Thomas
Senior Vice President
Alliance of Wisconsin Retailers

Jonathan Barry
President
Tyrol Basin Ski and Snowboard Area

Carol Godiksen
Executive Director
American Council of Engineering Companies of
Wisconsin

Ken Lucht
Community Development Manager
Wisconsin & Southern Railroad Co.

Erin Roth
Executive Director
American Petroleum Institute

Ferron Havens
President & CEO
Wisconsin Agribusiness Council

John Mielke
Director of Government Relations
Associated Builders & Contractors of Wisconsin

Julia Hertel
Executive Director
Wisconsin Association of Convention & Visitors
Bureaus

Jim Boullion
Director of Government Affairs
Associated General Contractors of Wisconsin, Inc.

Jim Tlusty
President
Wisconsin Association of Mutual Insurance
Companies

Michael Fabishak
CEO
Associated General Contractors of Greater
Milwaukee

Brian Swingle
Executive Director
Wisconsin Association of Textile Services

Tom Diehl
President
Association of Wisconsin Tourism Attractions

Mary Ann Gerrard
Legal Counsel
Wisconsin Automobile & Truck Dealers
Association, Inc.

Samuel Gratz
BNSF
CN (Canadian National) Railroad
CP (Canadian Pacific) Railroad
Union Pacific Railroad

Michael Semmann
Director – Government Relations
Wisconsin Bankers Association

Patrick Stevens
Director of Development Council and Regulatory
Affairs
Wisconsin Builders Association

Carol White
Executive Director
Brookfield Chamber of Commerce

David Cuene
President
Wisconsin Car Rental Alliance

Bill Oemichen
President and CEO
Cooperative Network

Robert Peaslee
President
Wisconsin Cast Metals Association

Michael Heifetz
Vice President, Government Affairs
Dean Health Systems, Inc.

Bill G. Smith
President
Wisconsin Civil Justice Council, Inc.

Dennis Peterson
Executive Vice President
Delta Dental Plan of Wisconsin, Inc.

Mara Brooks
Director of Government Services
Wisconsin Dental Association

Andy Lisak
Executive Director
The Development Association, Inc., Superior

Peter Thillman
Past President
Wisconsin Economic Development Association

Kenneth Stubbe
Executive Director
Economic Development Corporation of Manitowoc
County

Paul Zimmerman
Executive Director of Governmental Relations
Wisconsin Farm Bureau Federation

Beata Kalies
Director of Government Relations
Electric Cooperatives

Brian Swingle
Executive Director
Wisconsin Green Industry Federation

Joseph R. Reitemeier
President and CEO
Fond du Lac Association of Commerce

Michelle Kussow
President
Wisconsin Grocers Association

Dan Cunningham
Vice President – Government Affairs & Education
Forward Janesville, Inc.

Jolene Plautz
Wisconsin State Horse Council

Max Ericson
Great Lakes Timber Professionals Association

Trisha Pugal
President, CEO
Wisconsin Innkeepers Association

Paul Jadin
President
Green Bay Area Chamber of Commerce

Dan Schwartzer
Executive Director
Independent Business Association of Wisconsin

Grant Willnow
President
Lake States Lumber Association

Nathan Elias
Director, Government Relations
Marshfield Clinic

David Seitz
Executive Vice President
Mechanical Contractors Association of Wisconsin

Steve Baas
Director of Governmental Affairs
Metropolitan Milwaukee Association of Commerce

Gary Manke
Executive Vice President – CEO
Midwest Equipment Dealers Association

Nick George
President
Midwest Food Processors Association, Inc.

Susan Linck
Executive Vice President and CEO
National Association of Insurance & Financial
Advisors, Wisconsin

Bill G. Smith
State Director
National Federation of Independent Business

Dennis Tomorsky
CEO
Wisconsin Institute of Certified Public
Accountants

Andrew Franken
President
Wisconsin Insurance Alliance

James Buchen
Vice President, Government Relations
Wisconsin Manufacturers & Commerce

Mark Grapentine, JD
Senior VP - Government Relations
Wisconsin Medical Society

Tom Howells
President
Wisconsin Motor Carriers Association

Ed Wilusz
Vice President, Government Relations
Wisconsin Paper Council

Matthew Hauser
President
Wisconsin Petroleum Marketers & Convenience
Store Association

Michael Theo
Vice President for Legal and Public Affairs
Wisconsin Realtors Association

Pete Hanson
Director of Government Relations
Wisconsin Restaurant Association

David Storey
President
Wisconsin Retail Council

John Casper
President
Oshkosh Chamber of Commerce

Jim Engel
President
Wisconsin Ski Industries Association

Ron Von Haden
Executive Vice President
Professional Insurance Agents of Wisconsin

Ed Lump
President
Wisconsin Tourism Federation

Roger Caron
President
Racine Area Manufacturers & Commerce

Richard W. Wanta
Executive Director
Wisconsin Underground Contractors Association

Dave Minor
President
Superior/Douglas County Chamber of Commerce