

NEWS RELEASE

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**Supreme Court Ruling Striking Down Liability Limits is a Jobs Killer
Legislative Action Needed to Overturn Activist Court**

MADISON – A state Supreme Court ruling striking down malpractice liability caps is “a dangerous jobs killer” that should be overturned by the Legislature, WMC said Thursday.

“Today, the Wisconsin Supreme Court crossed over and established itself as an activist court, and this has terrible implications for Wisconsin’s economy,” said James S. Haney, president of Wisconsin Manufacturers & Commerce. “This ruling sets up the court as a super Legislature that can overturn state laws on its whim, and that will make Wisconsin a place where businesses won’t create jobs. This ruling is a dangerous jobs killer.”

The court Thursday issued its 4-3 ruling striking down the \$350,000 non-economic damages in medical malpractice cases. The WMC-backed reform, passed in the 1990s, is considered model legislation and has been used as a recruiting tool to bring in world class doctors to Wisconsin.

“The people of Wisconsin lost today in this court ruling,” Haney said. “Not only will we be losing jobs, we’re going to be losing great doctors and driving up health care costs. The only winners are the trial lawyers who seek to get rich with huge jury awards. With this court ruling, the trial lawyers won the lottery.”

Haney said the Legislature must evaluate, and hopefully, overturn the court ruling. The court established a new standard of reviewing legislation that allows the court to search for ways to overturn legislation. Historically, the court had deferred to the Legislature in searching for ways to uphold state laws.

“If we don’t overturn this ruling,” Haney said, “Wisconsin will be a place where great doctors don’t practice, businesses don’t expand, and families don’t have jobs.”

The 4-3 majority included Chief Justice Shirley Abrahamson, and Justices Ann Walsh Bradley, Pat Crooks, and Louis Butler. Justices David Prosser, Jon Wilcox and Pat Rogensack dissented.