

## *Wisconsin Coalition for Civil Justice*

TO: Members, Assembly Committee on Energy and Utilities

FROM: Jim Hough, Legislative Counsel & Bill Smith, President

DATE: January 6, 2004

RE: **OPPOSITION TO AB 529**

On behalf of the Wisconsin Coalition for Civil Justice (WCCJ) (see attached list), we respectfully, but strongly, oppose Assembly Bill 529 as AB 529 impacts on Wisconsin's civil justice system.

WCCJ's mission is to support a rational and reasonable civil justice system that promotes fairness under rules and procedures that provide all parties with an equal opportunity to obtain a just result.

Assembly Bill 529 proposes numerous changes that would create an "injustice" within our civil justice system. These proposed changes run contrary to current law and even more so to changes that the Coalition has been seeking to improve the current operation and fairness within our civil justice system.

We have concerns regarding the creation of a private cause of action and special evidentiary exceptions and grave concerns about a statutory judgment on expert opinion evidence and "special" products liability provisions.

There is clearly no consensus regarding the "science" implied in the legislation. While we do not presume to render an "expert" opinion, we are concerned about process and fairness and oppose having a statutory "finding" regarding the reliability of highly controversial data. We commend committee members to Senate Bill 49 which deals directly with the manner of addressing expert opinion evidence in civil cases.

Assembly Bill 529 also creates separate products liability treatment. The language goes beyond the issue of whether or not products liability law even applies and provides special findings and treatments for this "product". We strongly oppose this approach as unwise, unfair and contrary to the equal application of the principles of products liability law. Further, we would prefer to see the law relating to all products cases improved as provided in AB 317. The provisions of AB 529 run contrary to current law and the thrust of AB 317.

We thank you for your time and consideration and respectfully urge you not to advance AB 529.

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