

MEMORANDUM

To: Members, Wisconsin State Assembly

From: Attorney Lisa Roys
Public Affairs Director
State Bar of Wisconsin

Date: April 19, 2010

Re: State Bar of Wisconsin SUPPORT for AB 291 and SB 203 -- Family Justice Bill

The State Bar of Wisconsin supports Assembly Bill 291 and Senate Bill 203 because they would open our civil justice system to families whose loved ones die at the hands of negligent medical professionals.

Current law does not allow a parent to recover for loss of society and companionship if the parent's adult child dies as the result of medical malpractice. Similarly, an adult child cannot recover for loss of society and companionship if the adult child's parent dies as the result of medical malpractice. Under AB 291 and SB 203, both the parent and the adult child would be allowed to recover in these situations.

Oddly enough, current law allows an adult child to bring a claim for loss of society and companionship when a parent is killed by a driver who failed to yield the right of way under the wrongful death statute, § 895.04 (4), Wis. Stats. However, that same adult child would not be able to sue for loss of society and companionship if a parent dies on the operating table because of negligence by a physician.

Assembly Bill 291 and Senate Bill 203 are about fairness and accountability. They will make the law more consistent as to who can recover and will ensure that a negligent health care provider can be held accountable when a family loses a loved one due to that provider's negligence.

The Senate passed SB 203 by a voice vote in January, and the Assembly Judiciary Committee recommended passage of AB 291 in September 2009. As the current legislative session draws to a close, the State Bar of Wisconsin strongly urges you to support this legislation.

State Bar of Wisconsin