



# WISCONSIN CIVIL JUSTICE COUNCIL, INC.

*Promoting Fairness and Equity in Wisconsin's Civil Justice System*

## Officers & Members

- President - Bill Smith  
*National Federation of Independent Business*
- Vice President - James Buchen  
*Wisconsin Manufacturers & Commerce*
- Treasurer-Andy Franken  
*Wisconsin Insurance Alliance*
- Secretary - Pat Stevens  
*Wisconsin Builders Association*
- John Mielke  
*Associated Builder & Contractors*
- James Boullion  
*Associated General Contractors of Wisconsin*
- Michael Crooks  
*Wisconsin Defense Counsel*
- Beata Kalies  
*Electric Cooperatives*
- Gary Manke  
*Midwest Equipment Dealers Association*
- Nickolas George  
*Midwest Food Processors Association*
- Mary Ann Gerrard  
*Wisconsin Automobile & Truck Dealers Association*
- Peter Thillman  
*Wisconsin Economic Development Association*
- Eric Borgerding  
*Wisconsin Hospital Association Inc.*
- Mark Grapentine  
*Wisconsin Medical Society*
- Thomas Howells  
*Wisconsin Motor Carriers Association*
- Matthew Hauser  
*Wisconsin Petroleum Marketers & Convenience Store Association*
- Edward Lump  
*Wisconsin Restaurant Association*

**TO:** Members, Wisconsin Assembly  
**FROM:** Andrew Cook  
**RE:** Opposition to Senate Bill 203 – Expanding Medical Malpractice Liability  
**DATE:** April 16, 2010

The Assembly has scheduled a floor vote for SB 203 on Tuesday, April 20. Senate Bill 203 expands medical liability by allowing recovery for “loss of society and companionship” damages for adult children and their parents.

Wisconsin Civil Justice Council strongly **OPPOSES** Senate Bill 203 for the following reasons:

- If SB 203 is passed, businesses will be forced to pay higher health care premiums for their employees, making Wisconsin less competitive.
- The Congressional Budget Office issued a [memorandum](#) last fall analyzing certain liability reforms as proof that medical malpractice lawsuits drive up health care costs. The CBO study found that enactment of certain malpractice law reforms could reduce the federal deficit by \$54 billion over the next 10 years.
- In a follow-up [memorandum](#) (Dec. 29, 2009) reinforcing its earlier findings, the CBO actually revised its research. The new CBO finding almost doubles its estimate—from 6 percent to 10 percent—of the reduction in costs of medical liability insurance that would occur through a number of tort reforms. At the same time, the report found there is no clear evidence that tort reform would diminish health care.
- Recent studies have found that 93 percent of physicians report practicing “defensive medicine” and a significant amount of tests are ordered with the threat of a potential lawsuit. This leads to roughly \$124 billion in added health care costs nationally.
- SB 203 overturns two Wisconsin Supreme Court decisions that have expressly addressed the issue of whether loss of society and companionship damages should be expanded for adult children and their parents. [*Estate of Wells v. Mt. Sinai Med. Ctr.*, 183 Wis. 2d 667, 515 N.W.2d 705 (1994) (Decided 6-1); *Czapinski v. St. Francis Hospital, Inc.* 236 Wis. 2d 316, 613 N.W.2d 120 (2000) (Decided 6-0)]
- In almost any medical malpractice case involving the death of a patient, the decedent’s estate has the right to pursue pre-death pain and suffering damages. Therefore, contrary to claims made by the plaintiffs’ bar, families do have the right to file a lawsuit seeking justice.

**Please help keep health care costs lower in Wisconsin. Vote NO on SB 203!**