



## **American Tort Reform Association**

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(202) 682-1163 ■ Fax: (202) 682-1022 ■ [www.atra.org](http://www.atra.org)

### **CIVIL JUSTICE REFORM *OUTLOOK*** **January 2008**

To: ATRA Members and Friends

From: Matt Fullenbaum, Director of Legislation  
Elizabeth Emery, Assistant Director of Legislation

Re: ATRA's Civil Justice Reform *Outlook*, 2008

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Attached is the 2008 edition of ATRA's tort reform *Outlook*, our compendium of the civil justice reform activity expected in the states for 2008. Last year we saw numerous states consider legislation to improve the civil justice system. However, we did witness an unprecedented level of activity in state legislatures by the trial bar – over 80 bills were considered in nearly 25 states that would have benefited personal injury lawyers. We expect the trial bar to be at least as active if not more active during 2008.

Many states, including Washington, California, Illinois, Michigan, New Jersey, and several others, are already in the thick of the defensive fight. Personal injury lawyers are pushing their agenda on issues such as wrongful death, consumer protection, expansion of damages, etc. In the face of this increased activity from our opponents, ATRA's foundation is developing a white paper to educate the civil justice reform committee on the nature of the problem and the danger posed. That publication will be released in a few weeks; we will send you more information closer to the release date. This legislative year will put a greater focus on defensive efforts as we seek to protect past gains and defeat plaintiff lawyer-led efforts to create new theories of liability. Nevertheless, ATRA and the civil justice community will continue to aggressively pursue pro-active reforms that will bring much needed positive changes to the civil justice system.

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While we try to be comprehensive with our *Outlook*, this document is by no means meant to be exhaustive. If you have supplemental information, please do not hesitate to share it with us.

## ALABAMA

**SESSION DATE** 02/05/08 – 05/19/08  
**HOUSE** 61 D 43 R 1 Ind.  
**SENATE** 23 D 12 R

**GOVERNOR:** Bob Riley (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Skip Tucker</b> Alabama Voters Against Lawsuit Abuse (AVALA) P. O. Box 2487 Montgomery, Alabama 36102 334-263-0052 Fax # 334-206-1044	<b>Mr. Larry Vinson</b> Executive Director Alabama Civil Justice Reform Committee P. O. Box 240757 Montgomery, Alabama 36124 334-260-7970 Fax # 334-272-7128
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While 2008 legislative activity in Alabama is likely to be marked by many defensive efforts, it also is expected to bring the introduction of appeal bond reform, consumer protection reform, and litigation “sunshine” law legislation. Also possible is the introduction of a toxic tort reform bill. Currently the Alabama legislature is controlled by the trial bar, but there have been some promises not to attack reforms enacted in 1999. The House and Senate Rules and Judiciary Committees are both headed and controlled by trial bar-friendly legislators. There is also a push amongst the trial lawyer community and the media to switch to a merit selection of judges for the state, but only statewide appellate courts will be appointed.

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## ALASKA

**SESSION DATE** 01/15/08 – 04/15/08  
**HOUSE** 17 D 23 R  
**SENATE** 9 D 11 R

**GOVERNOR:** Sarah Palin (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Jim Jordan</b> Executive Director Alaska State Medical Association 4107 Laurel Street Anchorage, Alaska 99508 907-562-0304 Fax # 907-561-2063	<b>Al Tamagni, Sr.</b> Alaskans for Liability Reform 520 E. 34 <sup>th</sup> Avenue Suite 303 Anchorage, Alaska 99503 907-562-3938 Fax # 907-562-1366
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No legislative activity reported.

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## ARIZONA

**SESSION DATE** 01/14/08 – 04/19/08  
**HOUSE** 27 D 33 R  
**SENATE** 13 D 17 R

**GOVERNOR:** Janet Napolitano (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Glenn Hamer</b> President Arizona Chamber of Commerce 1850 N. Central Avenue, Suite 1010 Phoenix, Arizona 85004 602-248-9172 Fax # 602-265-1262	<b>Ms. Michelle Bolton</b> State Director NFIB/Arizona 3550 North Central Avenue, Suite 1806 Phoenix, AZ 85012 602-263-7690 Fax # 602-263-7790	<b>Mr. Chic Older</b> Executive Vice President Arizona Medical Association 810 West Bethany Home Rd. Phoenix, Arizona 85013 602-246-8901 FAX: 602-242-6283
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Civil justice reform proponents are not bullish about the chances of passing reform during this year's session. Last year, the legislature devoted a substantial amount of time to a controversial proposal regarding illegal immigrants. In addition, contacts in Arizona indicate that organized labor is emboldened and will make a push to focus lawmakers on labor issues. All of this is to say that civil justice reform is in the background and will not garner significant attention during the 2008 session. We expect legislation to be introduced that would provide some liability protections to emergency room physicians, but the chances of it passing are extremely slim.

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## ARKANSAS

**SESSION DATE** No Regular 2008 Session  
**HOUSE** 75 D 25 R  
**SENATE** 27 D 8 R

**GOVERNOR:** Mike Beebe (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. David Wroten</b> Executive Vice President Arkansas Medical Society P. O. Box 55088 Little Rock, Arkansas 72215 501-224-8967 Fax # 501-224-6489	<b>Mr. Nick Thompson</b> Committee to Save Arkansas Jobs 425 West Capitol, Suite 1800 Little Rock, Arkansas 72201 501-688-8834 Fax # 501-688-8807
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The Arkansas Legislature does not meet in regular session this year. However, the civil justice reform community is very concerned about court challenges to the 2003 comprehensive tort bill, H.B. 1038. Already, lower courts have declared unconstitutional the cap on punitive damages and the affidavit of merit requirement for filing a medical malpractice lawsuit. Observers expect some or many of these cases to reach the Arkansas Supreme Court this year.

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## CALIFORNIA

**SESSION DATE** 01/07/08 – 08/31/08  
**HOUSE** 47 D 32 R 1 Ind.  
**SENATE** 25 D 15 R

**GOVERNOR:** Arnold Schwarzenegger (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. John H. Sullivan</b> President Civil Justice Association of California 1201 K Street, Suite 1960 Sacramento, California 95814 916-443-4900 Fax # 916-443-4306	<b>Mr. Michael Shaw</b> Legislative Director NFIB/California 455 Capitol Mall, Suite 225 Sacramento, California 95814 916-448-9904 Fax # 916-448-5442
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Legislation potentially to be introduced during 2008 includes: class action reform; summary judgment reform; appeal bond limits; punitive damages reform; and Americans with Disabilities Act (ADA) access lawsuit reform. Like many states, the opposition in California is stronger and more formidable this year. We expect them to attack in several areas, introducing liability issues in privacy bills – under the guise of consumer protection; consumer disclosure bills regarding consumer products, food safety, etc, with liability issues; limits on confidential settlements; prohibitions on arbitration; punitive damages to the state; increased penalties for discrimination actions, and attempting to lift limits on non-economic damages. All relevant civil justice legislation will go to the Assembly and Senate Judiciary Committees, both of which are unfriendly to tort and civil justice reform. Senator Ellen Corbett is the chair of the Senate Judiciary, a trial lawyer herself. During her time in the Assembly, she authored many bills hostile to civil justice reform. Chair of the Assembly Judiciary is Assemblyman Dave Jones, selected as “Legislator of the Year” in 2005 by the trial lawyer lobbying group.

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## COLORADO

**SESSION DATE** 01/09/08 – 05/09/08  
**HOUSE** 40 D 25 R  
**SENATE** 20 D 15 R

**GOVERNOR:** Bill Ritter (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Jeff Weist</b> Executive Director Colorado Civil Justice League 1512 Larimer Street Denver, Colorado 80202 303-884-0727 Fax # 303-436-1191	<b>Mr. Tony Gagliardi</b> State Director NFIB/Colorado 1410 Grant Street, Suite C-107 Denver, Colorado 80203 303-831-6099 Fax # 303-860-1787
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Among potential reform efforts planned for Colorado’s 2008 legislative session are obesity litigation reform and consumer protection reform. However, after trial lawyers spent over a million dollars in the last election, it is clear they have definite goals for the 2008 legislative session in Colorado. Workers compensation lawyers, construction defect lawyers, false claims lawyers, employment-law plaintiff lawyers, and the Colorado Trial Lawyers Association are hard at work to undo many of Colorado’s past reforms.

## CONNECTICUT

**SESSION DATE** 02/06/08 - 05/07/08  
**HOUSE** 106 D 45 R  
**SENATE** 24 D 12 R

**GOVERNOR:** M. Jodie Rell (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Kevin R. Hennessy</b> Staff Attorney Connecticut Business & Industry Association 350 Church Street Hartford, Connecticut 06103 860-244-1979 Fax # 860-244-8501	<b>Mr. Ken Ferrucci</b> Director of Government Affairs Connecticut State Medical Society 160 St. Ronan Street New Haven, Connecticut 06511 203-865-0587 Fax # 203-865-4997
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The landscape in Connecticut does not look promising this year. Attorney General Richard Blumenthal is expected to submit legislation to have Connecticut adopt a state false claims act. In addition, observers expect the trial bar to be active and believe they will push legislation to: expand loss of consortium claims; expand the toll for the statute of limitations for negligence claims by minors; and provide for the disclosure of liability insurance prior to the filing of a claim. Most, if not all, of these bills will go through the Joint Judiciary Committee. House Chairman Michael Lawlor is a staunch ally of the trial bar and although Senate Chair Andrew McDonald has been a friend to the business community in the past, he will be under pressure to move the trial bar's agenda.

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## DELAWARE

**SESSION DATE** 01/08/08 – 06/30/08  
**HOUSE** 19 D 22 R  
**SENATE** 13 D 8 R

**GOVERNOR:** Ruth Ann Minner (D)  
**RE-ELECTION YEAR:** 2008

<b>Mr. Nitin S. Rao</b> Director, Health Policy Research Medical Society of Delaware 131 Continental Drive, Suite 405 Newark, Delaware 19713 302-658-7596 Fax # 302-658-9669
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No legislative activity reported.

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## DISTRICT OF COLUMBIA

**ALL YEAR SESSION  
D.C. COUNCIL**

**MAYOR: Adrian Fenty (D)  
RE-ELECTION YEAR: 2010**

**Mr. K. Ed Shanbacker  
Executive Vice President  
Medical Society of the District of Columbia  
1115 30<sup>th</sup> Street, NW  
Washington, D. C. 20007  
202-466-1800 Fax # 202-452-1542**

No activity reported

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## FLORIDA

**SESSION DATE 03/04/08 - 05/02/08  
HOUSE 42 D 76 R 2 Ind.  
SENATE 14 D 26 R**

**GOVERNOR: Charlie Crist (R)  
RE-ELECTION YEAR: 2010**

<b>Mr. Barney T. Bishop III President &amp; CEO Associated Industries of Florida 516 N. Adams Street Tallahassee, Florida 32301 850-224-7173 Fax # 850-557-5255</b>	<b>Mr. William W. Large President Florida Justice Reform Institute 210 South Monroe Street Tallahassee, Florida 32301-1824 850-222-0170 Fax # 850-222-1098</b>	<b>Mr. Jeffery Scott Associate General Counsel Florida Medical Association 123 South Adams Street Tallahassee, Florida 32301 850-893-4155 Fax # 850-668-2852</b>
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Both chambers of the Florida Legislature are controlled by Republicans, and in the past few years, civil justice reform proponents have succeeded in passing affirmative legislation. This year we expect civil justice reform advocates to push for business courts, bad faith reform, sovereign immunity for emergency room healthcare providers, and a *Daubert* bill to increase the standard for admitting expert evidence. However, there is a growing populist strain amongst Florida Republican lawmakers who are much more sympathetic to the trial bar's perspective. The Senate, in particular, will present a challenge to passing reform legislation. Conversely, we expect personal injury lawyers to pursue a rollback of previously enacted nursing liability reforms. We also expect them to focus on apportionment of damages of non-parties.

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## GEORGIA

**SESSION DATE** 01/04/08 – 04/18/08  
**HOUSE** 77 D 103 R  
**SENATE** 22 D 34 R

**GOVERNOR:** Sonny Perdue (R)  
**RE-ELECTION YEAR:** 2010

Mr. David Raynor  
State Director  
NFIB/Georgia  
10 Piedmont Center, Suite 115  
Atlanta, Georgia 30305  
404-876-8516 Fax # 404-876-1253

No legislative activity reported.

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## HAWAII

**SESSION DATE** 01/16/08 - 05/08/08  
**HOUSE** 44 D 7 R  
**SENATE** 21 D 4 R

**GOVERNOR:** Linda Lingle (R)  
**RE-ELECTION YEAR:** 2010

Gary Slovin, Esq.  
Coalition to Stop Lawsuit Abuse  
Goodsill, Anderson, Quinn & Steifel  
1099 Alakea Street, Suite 1800  
Honolulu, Hawaii 96813  
808-547-5600 Fax # 808-547-5880

Ms. Paula Arcena  
Executive Director  
Hawaii Medical Association  
1360 S. Beretania Street, Suite 200  
Honolulu, Hawaii 96814  
808-536-7702 Fax # 808-528-2376

During the 2008 legislative session, Hawaii tort reform proponents expect medical liability reform and other liability reform efforts, while the trial bar makes its usual efforts to broaden class actions and attempts to introduce private antitrust legislation. The State Judiciary remains pro-plaintiff.

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## IDAHO

**SESSION DATE** 01/07/08 – 04/07/08  
**HOUSE** 19 D 51 R  
**SENATE** 7 D 28 R

**GOVERNOR:** C.L. Butch Otter (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Kenneth R. McClure</b> Coordinator Idaho Liability Reform Coalition P. O. Box 2720 Boise, Idaho 83701 208-388-1200 Fax # 208-388-1300	<b>Mr. Alex LaBeau</b> Idaho Association of Commerce & Industry P. O. Box 389 Boise, Idaho 83701 208-343-1849 Fax # 208-338-5623
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Barring any unexpected efforts by the trial bar, Idaho's legislative session promises little action on the civil justice front. Introduction of the *Personal Attorney Retention Sunshine Act* is possible, and the opposition may present legislation dealing with attorneys' fees and alternative dispute resolution for small claims. After the successful 2003 reforms, some hard feelings remain, and introduction of PARSAs legislation would only be with the consent of Idaho's Attorney General, Lawrence Wasden. Trial lawyers in the state have not done anything of significance for the past three years and are not expected to show a strong presence this session.

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## ILLINOIS

**SESSION DATE** 01/09/08 - 01/13/09  
**HOUSE** 67 D 51 R  
**SENATE** 36 D 22 R 1 Ind.

**GOVERNOR:** Rod Blagojevich (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Edward D. Murnane</b> President Illinois Civil Justice League P. O. Box 308 Arlington Heights, Illinois 60006 847-222-9673 Fax # 847-890-6123	<b>Ms. Suzanne Nelson</b> Vice President of Government Affairs Illinois State Medical Society 20 North Michigan Avenue, Suite 700 Chicago, Illinois 60602-4890 312-782-1654 Fax # 312-782-2023	<b>Ms. Kim Clarke Maisch</b> State Director NFIB/Illinois 600 South Second Street, Suite 101 Springfield, Illinois 62704 217-523-5471 Fax # 217-523-3850
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Illinois tort reformers are poised for yet another difficult year of defensive efforts. The opposition is expected to be very active, particularly as they attempt again to pass S.B. 1296, joint and several legislation that would allow trial lawyers to target deep-pocketed defendants. In its present form, the Illinois Civil Justice League and others in Illinois believe they can continue to block it, though the trial bar will make an effort to exempt local governments from the proposal, thus potentially removing the opposition of local governments, including the City of Chicago. Regardless, trial lawyers will continue to push their agenda during this legislative session.

There are also several pro-reform bills carried over from the 2007 session, including H.B. 1892 and S.B. 1571 – venue reform legislation; H.B. 1893 and S.B. 1570 – class action reform legislation; H.B. 1894 and S.B. 1562 – joint and several liability legislation, intended to counteract the trial lawyers' effort to expand liability through S.B. 1296; H.B. 1895 and S.B. 1549 – legislation to extend non-economic damages limits from medical malpractice to all civil liability claims; and other reform legislation. No action is likely on any of the reform legislation during this year. House and Senate Judiciary Committees are both generally hostile to positive reforms.

## INDIANA

**SESSION DATE** 11/12/07 – 03/14/08  
**HOUSE** 51 D 49 R  
**SENATE** 17 D 33 R

**GOVERNOR:** Mitch Daniels (R)  
**RE-ELECTION YEAR:** 2008

**Mr. Ed Roberts**  
Vice President, Legal & Political Matters  
Indiana Manufacturers Association  
P. O Box 82012  
Indianapolis, Indiana 46282  
317-632-2474 Fax# 317-231-2320

The Indiana Judiciary Committee chairs in both House and Senate are likely to be cooperative should any reform legislation be introduced. Senator Richard Bray, chair of the Senate Judiciary, is a staunch conservative who can be counted on to help defeat trial-lawyer sponsored legislation. However, despite the strong Republican majority in the Senate, and with a slight Democratic majority in the House, it is unlikely we will see much reform legislation from the Indiana Legislature this year. Already filed are a few civil justice bills, including H.B. 1126, concerning the wrongful death or injury of a child, and H.B. 1195, regarding assessment of fault and compensatory claims.

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## IOWA

**SESSION DATE** 01/14/08 – 04/22/08  
**HOUSE** 54 D 46 R  
**SENATE** 30 D 20 R

**GOVERNOR:** Chet Culver (D)  
**RE-ELECTION YEAR:** 2010

**Mr. John R. Gilliland**  
Senior Vice President  
Iowa Association of Business and Industry  
904 Walnut Street, Suite 100  
Des Moines, Iowa 50309  
515-235-0566 Fax # 515-244-8907

**Mr. Andy Warren**  
State Director  
NFIB/Iowa  
200 East Grand Avenue, Suite 390  
Des Moines, Iowa 50309  
515-243-4723 Fax # 515-244-8143

The political dynamic has changed dramatically in the Hawkeye State over the past year as Democrats control the legislature and the executive branch for the first time since 1965. Both Governor Chet Culver and Democrat lawmakers are heavily supported by the trial bar. We therefore expect the business community to have difficulty passing affirmative reforms while also having to block legislation that would expand liability. Last year, the trial bar made a hard push to pass a sweeping expansion of the state's consumer protection statute, and we expect this fight again in 2008. On the flip side, civil justice reform advocates have introduced legislation, H.F. 305, which would require a certificate of merit for civil actions against healthcare providers in claims for personal injury or wrongful death.

## KANSAS

**SESSION DATE** 01/14/08 – 04/30/08  
**HOUSE** 47 D 78 R  
**SENATE** 10 D 30 R

**GOVERNOR:** Kathleen Sebelius (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Brad Smoot</b> Coordinator Kansas Civil Law Forum 800 SW Jackson Street, Suite 808 Topeka, Kansas 66612 785-233-0016 Fax # 785-234-3687	<b>Mr. Derrick Sontag</b> State Director NFIB/Kansas 112 SW Sixth Street, Suite 408 Topeka, Kansas 66603 785-213-9769	<b>Ms. Marlee Carpenter</b> Vice President, Government Affairs Kansas Chamber of Commerce & Industry 835 S. W. Topeka Blvd. Topeka, Kansas 66612 785-357-6321 Fax # 785-357-4732
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The civil justice reform community is expected to pursue collateral source rule reform as well as expert evidence reform to move the standard for admitting expert evidence away from the loose *Frye* standard and closer to something based on *Daubert*. We would expect Governor Sebelius (D) to veto any civil justice reform legislation that makes it to her desk as she is a former trial lawyer and former head of the Kansas Trial Lawyers Association.

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## KENTUCKY

**SESSION DATE** 01/08/08 – 04/01/08  
**HOUSE** 60 D 38 R 2 Ind.  
**SENATE** 16 D 21 R 1 Ind.

**GOVERNOR:** Steve Beshear (D)  
**RE-ELECTION YEAR:** 2011

<b>Mr. Bryan Sunderland</b> Director, Public Affairs Kentucky Chamber of Commerce 464 Chenault Road Frankfort, Kentucky 40601 502-695-4700 Fax # 502-848-8745	<b>Mr. Patrick Padgett</b> Executive Vice President Kentucky Medical Association 4965 US Highway 42, Suite 2000 Louisville, Kentucky 40222 502-426-6200 Fax # 502-426-6877
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Much of the civil justice legislation for Kentucky's 2008 session will be similar to that introduced during the 2007 legislative session. Reform opponents will again bring up proposed changes to workers' compensation laws that would expand litigation opportunities (similar to last year's H.B. 398), expanded loss of consortium legislation (2007 H.B. 403), and identity theft legislation that would expand causes of action against business (2007 H.B. 7). Proponents of reform will introduce legislation to allow limits on damage awards (similar to 2007's H.B. 300) and for medical malpractice insurance relief (2007 H.B. 505).

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## LOUISIANA

**SESSION DATE** 03/31/08 – 06/23/08  
**HOUSE** 57 D 45 R 3 Ind  
**SENATE** 25 D 14 R

**GOVERNOR:** Bobby Jindal (R)  
**RE-ELECTION YEAR:** 2011

<b>Kerry Cooley, J.D.</b> Assistant Director Louisiana State Medical Society 6767 Perkins Road Baton Rouge, Louisiana 70808 225-763-8500 Fax # 225-763-9881	<b>Ms. Jonica Coates</b> Director, Civil Justice Reform Council Louisiana Association of Business & Industry 3113 Valley Creek Drive Baton Rouge, Louisiana 70808 225-928-5388 Fax # 225-929-6054
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While the Louisiana legislature does not convene until later in the year, they plan to have a special session focused on ethics reform prior to the regular session. During the legislative session they expect to see obesity litigation reform, appeal bond reform, consumer protection reform, and litigation “sunshine” legislation introduced. Thus far there are no indications that the trial bar will be making much of an effort to push any legislation this year. Both the House Civil Law and Senate Judiciary A committees will be key in reform efforts, but as yet we do not know who will be chairing these committees. Also during the next year, Supreme Court Chief Justice Pascal Calogero is expected to retire.

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## MAINE

**SESSION DATE** 01/02/08 – 04/16/08  
**HOUSE** 89 D 59 R 6 Ind  
**SENATE** 18 D 17 R

**GOVERNOR:** John Baldacci (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Andrew B. MacLean</b> Deputy Executive Vice President Maine Medical Association P. O. Box 190 Manchester, Maine 04351 207-622-3374 Fax # 207-622-3332	<b>Mr. David R. Clough</b> State Director NFIB/Maine P. O. Box 796 South Freeport, Maine 04078 207-846-5776 Fax # 207-846-6067
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No legislative activity reported.

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## MARYLAND

**SESSION DATE** 01/09/08 – 04/07/08  
**HOUSE** 104 D 37 R  
**SENATE** 33 D 13 R

**GOVERNOR:** *Martin O'Malley (D)*  
**RE-ELECTION YEAR:** 2010

<b>Mr. Ronald W. Wineholt</b> Vice President, Government Affairs Maryland Chamber of Commerce 60 West Street, Suite 100 Annapolis, Maryland 21401 410-269-0642 Fax # 410-269-5247	<b>Ms. Ellen Valentino</b> State Director NFIB/Maryland 176 Main Street, Suite A Annapolis, Maryland 21401 410-267-0335 Fax # 410-990-9503
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The Free State is quickly moving towards becoming one of the most business hostile states in the country. The General Assembly considered a number of bills during last year's session that would have benefited trial lawyers at the expense of virtually everyone else, including: replacement of the long-standing doctrine of contributory negligence with comparative fault; allowing novel legal theories to be used against manufacturers of lead paint, including "market share" liability; weakening of certain medical liability reform provisions; and an unfair change to the statute of limitations. Fortunately, all were defeated except for the change to the statute of limitations. As an encore, Governor Martin O'Malley convened a special session of the General Assembly last December, during which the General Assembly passed, and O'Malley signed, the largest tax increase in the history of the state, which included increases in the sales tax, corporate income tax, personal income tax, and cigarette tax. This year, we expect Annapolis lawmakers to again pursue elimination of contributory negligence, as well as most, if not all, the pro-trial lawyer proposals that failed last year.

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## MASSACHUSETTS

**SESSION DATE** 01/02/08 – 01/06/09  
**HOUSE** 138 D 19 R 3 Ind  
**SENATE** 35 D 5 R

**GOVERNOR:** *Deval Patrick (D)*  
**RE-ELECTION YEAR:** 2010

<b>Mr. Brian Gilmore</b> Vice President of Public Affairs Associated Industries of Massachusetts 222 Berkeley Street Boston, Massachusetts 02117 617-262-1180 Fax # 617-536-6785	<b>Mr. William Vernon</b> State Director NFIB/Massachusetts 10 High Street, Suite 401 Boston, Massachusetts 02110 617-482-1327 Fax # 617-482-5286	<b>Charles Alagero</b> Vice President & General Counsel Massachusetts Medical Society 860 Winter Street Waltham, Massachusetts 02451 781-893-4610 Fax # 781-893-3481
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As in 2006 and 2007, the most pressing issue facing lawmakers this year on civil justice reform will be to fix the problems with the state's consumer protection statute, 93A. The business community, led by Associated Industries of Massachusetts, has been actively working on a legislative solution to the problem. Although both houses of the General Court are dominated by Democrats, there has been receptivity in some quarters to fixing 93A, and we expect lawmakers to give strong consideration to reform legislation this year.

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## MICHIGAN

**SESSION DATE** 01/09/08 – 12/31/08

**HOUSE** 58 D 52 R

**SENATE** 17 D 21 R

**GOVERNOR:** Jennifer Granholm (D)

**RE-ELECTION YEAR:** 2010

<p><b>Ms. Wendy Block</b> Director, Health Policy and Human Resources Michigan Chamber of Commerce 600 S. Walnut Street Lansing, MI 48933 (517) 371-7678 Fax # (517) 371-7224 wblock@michamber.com</p>	<p><b>Mr. Robert B. Dorigo Jones</b> President Michigan Lawsuit Abuse Watch (M-LAW) 39555 Orchard Hill Place, Suite 600 Novi, Michigan 48901 248-449-2990 Fax # 734-207-1527 bob@mlaw.org</p>
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Legislation introduced in 2007 carries over into Michigan's 2008 session, meaning many of last year's legislative threats to civil justice are expected to see action at any time during 2008. This includes House Bills 4044 through 4046 and Senate Bills 431 and 552 – retroactive repeal of FDA defense law; H.B. 4301 and S.B. 124 – expansion of liability under no-fault law; and H.B. 4217 – expansion of liability under the Consumer Protection Act. The effort to pass the above legislation is expected to be very strong, and the trial bar will be lobbying hard. While there are legislators in both House and Senate who will be obstacles to the legislation, the fight will be difficult, as there are those on both sides of the aisle who cannot be counted on to help defeat the bills. Also carried over from the previous year are several pro-reform bills, including: H.B. 4423 – to require “affidavit of merit” for all lawsuits against professionals; S.B. 589 – to clarify present value of future tort damages; H.B. 4708 – to establish that an expression of sympathy not be a liability admission, and others. In the House, civil justice reform issues are referred to the House Judiciary, chaired by pro-plaintiff Representative Paul Condino. In the Senate, reform legislation would likely be referred to either the Commerce or Economic Development Committees.

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## MINNESOTA

**SESSION DATE** 02/12/08 - 05/19/08

**HOUSE** 85 D 49 R

**SENATE** 44 D 22 R 1 Ind.

**GOVERNOR:** Tim Pawlenty (R)

**RE-ELECTION YEAR:** 2010

<p><b>Mr. Mike Hickey</b> State Director NFIB/Minnesota 332 Minnesota Street Suite E-1316 - FNB Bldg St. Paul, Minnesota 55101 651-293-1283 Fax # 651-293-0084</p>	<p><b>Mr. Dave Renner</b> Director, State and Federal Legislation Minnesota Medical Association 1300 Godward Street, NE, Suite 2500 Minneapolis, Minnesota 55413 612-378-1875 Fax # 612-378-3875</p>
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Though it is unlikely we will see much civil justice reform legislation from Minnesota this year, obesity litigation reform legislation is likely to be introduced during the legislative session. Trial lawyers are expected to introduce legislation on joint and several liability and “bad faith” insurance cause of action. There will also be a debate on the statute of limitation for childhood sexual abuse claims.

## MISSISSIPPI

**SESSION DATE** 01/08/08 – 05/12/08  
**HOUSE** 74 D 48 R  
**SENATE** 29 D 23 R

**GOVERNOR:** *Haley Barbour (R)*  
**RE-ELECTION YEAR:** 2011

<b>Mr. Scott Waller</b> Senior Vice President, Government Relations MS State Chamber of Commerce 666 North Street, Suite 104 P. O. Box 23276 Jackson, Mississippi 39225 601-969-0022 Fax # 601-353-0247	<b>Mr. Mark Leggett</b> Director, Government Affairs Mississippi Manufacturers Association 720 N. President Street Jackson, Mississippi 39202 601-948-1222 Fax # 601-948-1475
<b>Ms. Charmain Kanosky</b> Executive Director Mississippi State Medical Association P. O. Box 2548 Ridgeland, Mississippi 39158 601-853-6733 Fax # 601-853-6746	<b>Mr. David L. Allen</b> Mississippians for Economic Progress 1995 Lakeland Drive P. O. Box 3025 Ridgeland, Mississippi 39158 601-352-6337 Fax # 601-352-7869

Mississippi's business community is expected to consider a number of legislative proposals during the 2008 legislative session. Most likely to garner attention is legislation already under consideration by lawmakers that is based on the Private Attorney Sunshine Act, which creates guidelines for relationships between state attorneys general and private contingency fee attorneys.

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## MISSOURI

**SESSION DATE** 01/09/08 – 05/16/08  
**HOUSE** 69 D 90 R 3 Ind.  
**SENATE** 14 D 20 R

**GOVERNOR:** *Matt Blunt (R)*  
**RE-ELECTION YEAR:** 2008

<b>Mr. Thomas L. Holloway</b> Director of Government Relations Missouri State Medical Association P. O. Box 1028 Jefferson City, Missouri 65102 573-636-5151 Fax # 573-636-8552	<b>Mr. Daniel P. Mehan</b> President and CEO Missouri Chamber of Commerce P O Box 149 Jefferson City, Missouri 65102 573-634-3511 Fax # 573-634-8855	<b>Mr. Brad Jones</b> State Director NFIB/Missouri 308 E. High Street, Suite 110 Jefferson City, Missouri 65101 573-634-7660 Fax # 573-636-7010
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Several pro-reform bills introduced in last year's session will likely be reintroduced in Missouri this year, including: asbestos reform (2007's S.B. 512 and H.B. 261), consumer protection act reform, and expert evidence reform. Missouri's House, Senate, and Governor are all friendly to reform efforts and the trial bar has not been very active or aggressive in pushing any legislation, though they have done more in defending against reform legislation. House and Senate Judiciary Committees will receive most civil justice legislation. Governor Matt Blunt's recent decision not to seek re-election may affect the political environment in the state as several legislators consider gubernatorial bids.

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## MONTANA

**SESSION DATE** *No Regular 2008 Session*  
**HOUSE**        **59 D   50 R   1 Ind**  
**SENATE**       **25 D   25 R**

**GOVERNOR:** *Brian Schweitzer (D)*  
**RE-ELECTION YEAR:** *2008*

<b>Mr. Jon Bennion</b> Government Relations Director Montana Chamber of Commerce P. O. Box 1730 Helena, Montana 59601 406-442-2405 Fax # 406-442-2409	<b>Jacqueline T. Lenmark, Esq.</b> Director Montana Liability Coalition P. O. Box 598 Helena, Montana 59624 406-442-0230 Fax # 406-449-2256
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The Montana State Legislature will not meet in regular session during 2008. The business community, however, is developing its civil justice reform agenda for 2009 and is considering campaign finance reform for judicial elections, seat belt admissibility reform, and medical liability reform.

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## **NEBRASKA**

**SESSION DATE** *01/09/08 – 04/15/08*  
**UNICAMERAL LEGISLATURE**  
**49 INDEPENDENTS**

**GOVERNOR:** *Dave Heineman (R)*  
**RE-ELECTION YEAR:** *2010*

<b>Mr. Ronald J. Sedlacek</b> Vice President & General Counsel Nebraska Chamber of Commerce & Industry P. O. Box 95128 Lincoln, Nebraska 68509 402-474-4422 Fax # 402-474-5681
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Lawmakers will consider a number of civil justice reform proposals during the 2008 session of the Nebraska unicameral legislature. Issues which we expect to be addressed include obesity litigation reform, liability protections regarding employee reference checks, and recreational liability reform. Conversely, we expect the trial bar to pursue dram shop legislation as well as public sector liability (parks, recreation, etc.).

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## NEVADA

**SESSION DATE** *No Regular 2008 Session*

**HOUSE**        27 D    15 R

**SENATE**       10 D    11 R

**GOVERNOR:** *Jim Gibbons (R)*

**RE-ELECTION YEAR:** *2010*

<p>Mr. Lawrence Matheis Executive Director Nevada State Medical Association 3660 Baker Lane, Suite 101 Reno, Nevada 89509 702-825-6788 Fax # 702-825-3202</p>	<p>Mr. George Ross Director, Legislative &amp; Government Affairs Snell &amp; Wilmer, LLP 3883 Howard Hughes Pkwy, Suite 1100 Las Vegas, Nevada 89169-0965 702-784-5220 Fax # 702-784-5252</p>
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Nevada is not in session during 2008.

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## NEW HAMPSHIRE

**SESSION DATE** *01/02/08 – 06/30/08*

**HOUSE**        237 D   164 R   2 Ind.

**SENATE**       14 D    10 R

**GOVERNOR:** *John Lynch (D)*

**RE-ELECTION YEAR:** *2009*

<p>Mr. Palmer H. Jones Executive Vice President New Hampshire Medical Society 7 North State Street Concord, New Hampshire 03301 603-224-1909 Fax # 603-226-2432</p>
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No legislative activity reported.

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## NEW JERSEY

**SESSION DATE** 01/08/08 - 01/11/09  
**ASSEMBLY** 50 D 31 R  
**SENATE** 23 D 18 R

**GOVERNOR:** Jon Corzine (D)  
**RE-ELECTION YEAR:** 2009

<b>Ms. Christine Stearns</b> Vice President, Health & Legal Affairs New Jersey Business & Industry Association 102 West State Street Trenton, New Jersey 08608-1102 609-393-7707 Fax # 609-695-9597	<b>Mr. Curt Macysyn</b> Executive Vice President New Jersey CALA 1675 Whitehorse - Mercerville Rd Mercerville, New Jersey 08619 609-588-0030 Fax # 609-588-0040
<b>Mr. Marcus Rayner</b> Executive Director New Jersey Lawsuit Reform Alliance 128 West State Street, 3 <sup>rd</sup> Floor Trenton, NJ 08608 609-392-6557 Fax: 609-392-6552	<b>Ms. Laurie Ehlbeck</b> State Director NFIB/New Jersey 150 West State Street, Suite 130 Trenton, New Jersey 08608 609-989-8777 Fax # 609-393-0781

With many retirements in the state Senate, the lines have yet to be drawn completely on which legislators will align themselves with the trial bar. Some reform legislation is expected, and introduction of obesity litigation and consumer protection reform bills is possible. Already this year, wrongful death legislation (S.B. 176/A.B. 1511) was passed out of the Senate and Assembly, though it was pocket vetoed by Governor Corzine.

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## NEW MEXICO

**SESSION DATE** 01/15/08 - 02/14/08  
**HOUSE** 42 D 28 R  
**SENATE** 23 D 18 R 1 Ind.

**GOVERNOR:** Bill Richardson (D)  
**RE-ELECTION YEAR:** 2010

<b>Dr. Beverlee J. McClure</b> President Association of Commerce & Industry of New Mexico P. O. Box 9706 Albuquerque, New Mexico 87119 505-842-0644 Fax # 505-842-0734	<b>Mr. Barbara Bruin</b> Director New Mexico Alliance for Legal Reform P. O. Box 7576 Albuquerque, New Mexico 87194 505-710-1661 Fax # 505-242-4490 bbbruin@earthlink.net
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The New Mexico Legislature meets in a fiscal-only session during 2008.

## NEW YORK

**SESSION DATE** 01/09/08 – 01/07/09  
**HOUSE** 107 D 43 R  
**SENATE** 29 D 32 R 1 Ind.

**GOVERNOR:** Eliot Spitzer (D)  
**RE-ELECTION YEAR:** 2010

Mr. Mike Elmendorf  
State Director  
NFIB/New York  
One Commerce Plaza, Suite 1119  
Albany, New York 12260  
518-434-1262 Fax# 518-426-8799

No legislative activity reported.

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## NORTH CAROLINA

**SESSION DATE** 05/12/08 – 07/25/08  
**HOUSE** 68 D 52 R  
**SENATE** 31 D 19 R

**GOVERNOR:** Mike Easley (D)  
**RE-ELECTION YEAR:** 2008

Mr. John B. McMillan  
North Carolinians for Lawsuit Abuse  
Manning Fulton & Skinner  
P. O. Box 20389  
Raleigh, North Carolina 27619  
919-787-8880 Fax # 919-787-8902

Mr. S. Lewis Ebert  
President & CEO  
North Carolina Chambers  
701 Corporate Center Drive, Suite 400  
Raleigh, North Carolina 27607  
919-836-1407 Fax # 919-836-1425

The 2008 North Carolina session is a budget-only session. The rules effectively preclude the introduction of legislation not affecting the budget unless recommended by a study commission.

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## NORTH DAKOTA

**SESSION DATE** No Regular 2008 Session  
**HOUSE** 33 D 61 R  
**SENATE** 20 D 26 R 1 Ind.

**GOVERNOR:** John Hoeven (R)  
**RE-ELECTION YEAR:** 2008

Mr. David Peske  
Director of Government Relations  
North Dakota Medical Association  
P. O. Box 1198  
Bismarck, North Dakota 58502  
701-223-9475 Fax # 701-223-9476

No legislative session in 2008.

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## OHIO

**SESSION DATE** 01/02/08 – 12/31/08  
**HOUSE** 46 D 53 R  
**SENATE** 12 D 21 R

**GOVERNOR:** Ted Strickland (D)  
**RE-ELECTION YEAR:** 2010

<b>Antonio C. Fiore, Esq.</b> Director, Labor & HR Policy Ohio Chamber of Commerce 230 East Town Street Columbus, Ohio 43215 614-228-4201 Fax # 614-228-6403	<b>Rick Sites</b> General Counsel & Sr. Director, Health Ohio Hospital Association 155 East Broad Street Columbus, Ohio 43215-3620 614-457-0027 Fax # 614-221-4771	<b>Mr. Tim Maglione</b> Sr. Director, Government Relations Ohio State Medical Association 3401 Mill Run Drive Hilliard, Ohio 43026 614-527-6746 Fax # 614-527-6763
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Given that the legislature is Republican controlled, it is unlikely there will be many efforts to repeal past reforms or expand liability. Yet with statements from Governor Ted Strickland directly stating he will not support additional tort reform, it is also unlikely Ohio will see any meaningful reforms during the 2008 legislative session. Ohio's tort reform opponents will focus its attention on changing the composition of the Ohio Supreme Court to be more trial bar friendly. Two of seven justice positions on the court will be up for election in the November elections, with incumbents Stratton and O'Connor likely to be reelected. Both are judicial conservatives.

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## OKLAHOMA

**SESSION DATE** 02/04/08 – 05/30/08  
**HOUSE** 44 D 57 R  
**SENATE** 24 D 24 R

**GOVERNOR:** Brad Henry (D)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Mike Seney</b> Senior Vice President, Operations Oklahoma State Chambers 330 N.E. 10 <sup>th</sup> Street Oklahoma City, Oklahoma 73104 405-235-3669 Fax # 405-235-3670
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Last year, the civil justice reform community was successful in getting a comprehensive bill out of the legislature and to Governor Brad Henry (D). Unfortunately, Governor Henry vetoed the legislation knowing that there were insufficient votes in the legislature to overturn his veto. Reform-minded Republicans have a majority in the House, but the Senate is equally split 24-24 between Republicans and Democrats. Observers expect a quiet year during 2008 and at the time we went to print, it was unknown what, if any, measures the civil justice reform community would pursue this year.

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## OREGON

**SESSION DATE** *No Regular 2008 Session*

**HOUSE** 31 D 29 R

**SENATE** 18 D 12 R

**GOVERNOR:** *Ted Kulongoski (D)*

**RE-ELECTION YEAR:** 2010

<b>Mr. Chris Shultz</b> <b>Oregon Liability Reform Coalition</b> 1328 NW Kearney Street Portland, Oregon 97209 503-296-5732 cshultz@ulum.com	<b>Mr. Kevin L. Mannix</b> <b>Director</b> <b>Oregon Tort Reform Coalition</b> 2007 State Street Salem, Oregon 97301 503-364-1913 Fax # 503-362-0513
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Oregon does not meet in regular session in 2008. There will be a special session in early 2008, where the only civil justice legislation expected is a bill to extend the statute of ultimate repose in product liability actions.

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## PENNSYLVANIA

**SESSION DATE** *01/01/08 – 11/30/08*

**HOUSE** 102 D 101 R

**SENATE** 21 D 29 R

**GOVERNOR:** *Ed Rendell (D)*

**RE-ELECTION YEAR:** 2010

<b>Mr. David J. Thompson</b> <b>Assistant Director, Legislative Affairs</b> <b>Pennsylvania Medical Society</b> P. O. Box 8820 Harrisburg, Pennsylvania 17105 717-558-7750 Fax # 717-558-7841	<b>Mr. Brian Kelly</b> <b>Director, Government Affairs</b> <b>Pennsylvania Chamber of Business</b> <b>&amp; Industry</b> 417 Walnut Street Harrisburg, Pennsylvania 17101 717-720-5569 Fax # 717-230-8733
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The Pennsylvania 2008 session has started strongly with a roster of civil justice reform legislation already introduced. In the Senate it includes, S.B. 705 – to establish a 15-year statute of repose; S.B. 435 – to establish the Fair Share Act; and S.B. 50 – to place limits on non-economic damages. In the House, the list is even longer, including H.B. 850 – House Fair Share Act bill; House Bills 1941 and 1942 – limiting attorney fees in liability cases; H.B. 860 – establishing limits on non-economic damages; H.B. 1005 – establishing a 15 year statute of repose; H.B. 686 – limiting venue; H.B. 1946 – Private Attorney Retention Sunshine Act; H.B. 1262 – limiting recovery of punitive damages; and H.B. 1945 – “I’m sorry” legislation. In addition, obesity litigation and consumer protection reform legislation is expected. The trial-bar opposition is expected to be active, and will introduce amendments and legislation to expand liability. With the support of Governor Rendell and grassroots trial lawyer efforts, fighting for civil justice reform in Pennsylvania will be difficult.

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## RHODE ISLAND

**SESSION DATE** 01/01/08 – 06/30/08  
**HOUSE** 60 D 15 R  
**SENATE** 33 D 5 R

**GOVERNOR:** Don Carcieri (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Paul DeRoche</b> Rhode Islanders for Lawsuit Reform Providence Chamber of Commerce 30 Exchange Terrace Providence, Rhode Island 02903 401-621-6106 Fax # 401-751-2434	<b>Mr. Stephen DeToy</b> Director of Public Affairs Rhode Island Medical Society 235 Promenade Street, Suite 500 Providence, Rhode Island 02903 401-331-3207 Fax # 401-751-8050	<b>Mr. Terrance S. Martiesian</b> State Director NFIB/Rhode Island 159 Elmgrove Avenue Providence, Rhode Island 02906 401-421-0480 Fax # 401-421-8676
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The trial bar and their allies in the Rhode Island Legislature have considerable influence over public policy in the Ocean State. Contacts advise that the Rhode Island Association of Trial Lawyers is expected to pursue consumer protection act legislation as well as legislation targeting medical malpractice insurance companies. They also will be aggressive in blocking reform efforts. We expect reform efforts to include pre- and post- judgment interest reform, joint and several liability reform, and medical liability reform.

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## SOUTH CAROLINA

**SESSION DATE** 01/08/08 – 06/05/08  
**HOUSE** 51 D 72 R 1 Ind.  
**SENATE** 29 D 27 R

**GOVERNOR:** Mark Sanford (R)  
**RE-ELECTION YEAR:** 2010

<b>Mr. Cam Crawford</b> Executive Director South Carolina Civil Justice Coalition PO Box 12586 Columbia, SC 29211 803-771-0008 Fax # 803-771-4272	<b>Otis B. Rawl, Jr.</b> Vice President, Public Policy South Carolina Chamber of Commerce 1201 Main Street, Suite 1810 Columbia, South Carolina 29201 803-799-4601 Fax # 803-779-6043
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We expect a comprehensive tort reform bill to be introduced after the November 2008 elections. Elements of this legislation will most likely include the following: reasonable limits on punitive damages and noneconomic damages, class action reform, expert evidence reform, and appeal bond caps. On the flip side, there are several pro-trial lawyer bills already pending in the legislature, including false claims act legislation (S. 82) and anti- workers compensation legislation (S. 382, S. 388, and S. 390).

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## SOUTH DAKOTA

**SESSION DATE** 01/08/08 - 03/17/08  
**HOUSE** 21 D 50 R  
**SENATE** 15 D 20 R

**GOVERNOR:** Mike Rounds (R)  
**RE-ELECTION YEAR:** 2010

Ms. Barbara A. Smith  
Chief Executive Officer  
South Dakota State Medical Association  
1323 South Minnesota Avenue  
Sioux Falls, South Dakota 57105  
605-336-1965 Fax # 605-336-0270

No legislative activity reported.

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## TENNESSEE

**SESSION DATE** 01/08/08 – 05/23/08  
**HOUSE** 52 D 46 R  
**SENATE** 16 D 17 R

**GOVERNOR:** Phil Bredesen (D)  
**RE-ELECTION YEAR:** 2010

Mr. Gary Selvy  
Regional Public Policy Director  
NFIB/Tennessee  
53 Century Blvd., Suite 110  
Nashville, Tennessee 37214  
615-872-5855 Fax # 615-874-5267

Little civil justice legislation is expected from the Tennessee Legislature this year. While no meaningful reforms are likely to be introduced, it is unlikely the trial bar will strongly pursue their legislative agenda.

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## TEXAS

**SESSION DATE** *No Regular 2008 Session*  
**HOUSE**        **70 D   80 R**  
**SENATE**       **11 D   20 R   1 Ind.**

**GOVERNOR:** *Rick Perry (R)*  
**RE-ELECTION YEAR:** *2010*

<b>George Christian Scott</b> <b>President</b> <b>Texas Civil Justice League</b> <b>401 West 15th Street, Suite 975</b> <b>Austin, Texas 78701</b> <b>512-320-0474 Fax # 512-474-4334</b>	<b>Mr. Will Newton</b> <b>State Director</b> <b>NFIB/Texas</b> <b>1201 Rio Grande, Suite 100</b> <b>Austin, Texas 78701</b> <b>512-476-9847 Fax # 512-478-6422</b>
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The 2007 Texas legislative session was challenging for legal reform, although defensive efforts were largely successful. Civil justice reform advocates were instrumental in defeating several proposals that would have been damaging to business and industry. Among this legislation were anti-indemnity measures applicable to construction contracts, a broad *qui tam*/false claims act that would have created a lawsuit bonanza, and proposed owner-controlled insurance program regulatory requirements. These issues are expected to surface again when the Texas Legislature convenes in January 2009.

The civil justice reform community laid the groundwork last year for a renewed effort to pass the Low Emission Fuels Act in 2009. H.B. 1927, which did not pass last year, provided protection from lawsuits based on the presence of mandated fuel additives designed to protect air quality. The legislation's intent was to confine legal action only to the party or parties responsible for actually releasing the fuel into the environment and to protect the manufacturer if they committed no wrongful act.

This year, reformers will focus on issue development in five areas: construction liability and risk management, courts, general liability, mass torts, and products liability. There are also efforts to change procedural rules; proposals are being drafted for submission to the Supreme Court. Other matters on the radar of the civil justice community include wide ranging liability issues, such as climate change, contracts, corporate veil, electronic records, healthcare, indemnity, litigation process concerns, medical liability, *qui tam*, and sovereign immunity.

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## UTAH

**SESSION DATE** *01/15/08 – 03/05/08*  
**HOUSE**        **20 D   54 R**  
**SENATE**       **8 D   21 R**

**GOVERNOR:** *John M. Huntsman, Jr. (R)*  
**RE-ELECTION YEAR:** *2008*

<b>Mr. Val J. Bateman</b> <b>Executive Vice President</b> <b>Utah Medical Association</b> <b>310 East 4500 South, Suite 500</b> <b>Salt Lake City, Utah 84107</b> <b>801-747-3500 Fax # 801-532-1550</b>
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No legislative activity reported.

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## VERMONT

**SESSION DATE** 01/08/08 – 05/31/08  
**HOUSE** 93 D 49 R 8 Other  
**SENATE** 23 D 7 R

**GOVERNOR:** Jim Douglas (R)  
**RE-ELECTION YEAR:** 2008

<b>Ms. Shawn S. Banfield</b> State Director NFIB/Vermont 26 State Street Montpelier, Vermont 05601 802-223-1197 Fax # 802-223-1408	<b>Ms. Sandra Dragon</b> President Associated Industries of Vermont P. O. Box 630 Montpelier, Vermont 05601 802-223-3441 Fax # 802-223-2345
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No legislative activity reported.

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## VIRGINIA

**SESSION DATE** 01/09/08 – 03/08/08  
**HOUSE** 44 D 54 R 2 Ind  
**SENATE** 17 D 23 R

**GOVERNOR:** Tim Kaine (D)  
**RE-ELECTION YEAR:** 2009

<b>Mr. Keith Hare</b> Director, Government Affairs Medical Society of Virginia 4205 Dover Road Richmond, Virginia 23221 804-353-2721 Fax # 804-355-6189	<b>Mr. Charles Duvall</b> Virginians for Law Reform Lindl Corporation P. O. Box 170 Richmond, Virginia 23218 804-644-7884 Fax # 804-644-7886
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No legislative activity reported.

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## WASHINGTON

**SESSION DATE** 01/14/08 – 03/13/08  
**HOUSE** 61 D 35 R 1 Ind.  
**SENATE** 32 D 17 R

**GOVERNOR:** Christine Gregoire  
**RE-ELECTION YEAR:** 2008

<b>Mr. Cliff Webster</b> Chairman Washington Liability Reform Coalition 701 Fifth Avenue, Suite 3600 Seattle, Washington 98104 206-622-8020 Fax # 206-467-8215	<b>Ms. Dana Childers</b> Executive Director Washington Liability Reform Coalition 2033 Sixth Avenue, Suite 1100 Seattle, Washington 98121 425-868-2698 Fax # 425-868-8427
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After last year's session of fighting against trial bar-sponsored legislation, it appears Washington's civil justice reform proponents will see no relief during the 2008 session. No reform legislation is expected, although the opposition is hard at work. Regarding the expansion of wrongful death statutes, H.B. 1873 and S.B. 5816 have

already been introduced. An attempt to expand construction liability is seen in H.B. 1935, S.B. 5044, S.B. 5046, S.B. 5048, S.B. 5049, and S.B. 5550. S.B. 5815 attempts to expand the Consumer Protection Act. The Washington Senate Judiciary chairman is a former trial lawyer and hostile to tort reform, while the House Judiciary chair has been voted trial lawyer “legislator of the year” in the past.

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## WEST VIRGINIA

**SESSION DATE 01/09/08 – 03/08/08**

**HOUSE 73 D 28 R**

**SENATE 23 D 11 R**

**GOVERNOR: Joe Manshin III (D)**

**RE-ELECTION YEAR: 2008**

<b>Mr. George Carenbauer</b> West Virginia Alliance for Civil Justice Steptoe & Johnson 707 Virginia Street, East P. O. Box 1588 Charleston, West Virginia 25326 304-353-8130 Fax # 304-353-8180	<b>Mr. Steve Roberts</b> West Virginia Alliance for Civil Justice West Virginia Chamber of Commerce P. O. Box 2789 Charleston, West Virginia 25330-2789 304-342-1115 Fax # 304-342-1130
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Observers expect a quiet year in the West Virginia Legislature. Venue reform legislation, H.B. 4019, is already on third reading in the House and will make minor revisions to last year’s venue reform bill. Legislation based on ALEC’s *Private Attorney Retention Sunshine Act* may also be considered.

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## WISCONSIN

**SESSION DATE 01/15/08 – 01/04/09**

**HOUSE 47 D 52 R**

**SENATE 18 D 15 R**

**GOVERNOR: James Doyle (D)**

**RE-ELECTION YEAR: 2010**

<b>Mr. Bill G. Smith</b> Wisconsin Civil Justice Coalition NFIB/Wisconsin 10 East Doty Street, Suite 519 Madison, Wisconsin 53703 608-255-6083 Fax # 608-255-4909	<b>Mark M. Grapentine, JD</b> Senior Vice President, Government Relations State Medical Society of Wisconsin P. O. Box 1109 Madison, Wisconsin 53701 608-442-3800 Fax # 608-442-3802
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Since Wisconsin’s session meets throughout the year, several civil justice bills are carried over from 2007 into the 2008 session. Those include A.B. 53 – “I’m sorry” legislation; A.B. 121 and S.B. 60 – *Daubert* standard legislation; A.B. 147 and S.B. 59 – Consumer Protection Act legislation; and others. We also expect litigation “sunshine” law legislation to be introduced this year.

## WYOMING

SESSION DATE 02/11/08 – 03/07/08  
HOUSE 17 D 43 R  
SENATE 7 D 23 R

GOVERNOR: Dave Freudenthal (D)  
RE-ELECTION YEAR: 2010

Mr. Daniel J. Perdue  
President  
Wyoming Hospital Association  
P. O. Box 249  
Cheyenne, Wyoming 82003  
307-632-9344 Fax # 307-632-9347

No legislative activity reported.

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*Editors' Notes:* This publication provides information about elections in various states as reported by our sources. The American Tort Reform Association (ATRA) does not endorse or oppose any candidate for elected office, including the Judiciary.

Prepared by: *Matt Fullenbaum, Director of Legislation*  
*Elizabeth Emery, Assistant Director of Legislation*

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