



1999 ASSEMBLY JOINT RESOLUTION 113

March 13, 2000 – Introduced by Representatives PETTIS, SYKORA and PETROWSKI.
Referred to Committee on Rules.

1 **Relating to:** urging Congress to pass asbestos litigation legislation.

2 Whereas, there are more asbestos lawsuits in state and federal courts than any
3 other kind of civil case today; and

4 Whereas, with nearly 200,000 asbestos cases pending in state and federal
5 courts and 30,000 to 50,000 new cases filed every year, the asbestos litigation
6 problem is national in scope and demands a national solution; and

7 Whereas, those truly injured by exposure to asbestos must wait years for
8 compensation and find that an average of two-thirds of every dollar spent on
9 asbestos litigation is eaten up by attorney fees and other transaction costs; and

10 Whereas, more disturbing is the fact that a majority of the claims filed are by
11 individuals who are not sick and who may simply have been exposed to asbestos; and

12 Whereas, in 2 separate rulings in the past few years, the U.S. Supreme Court
13 has recognized the escalating crisis in asbestos litigation, and on both occasions
14 concluded that an administrative claims system would best serve the true victims of
15 asbestos; and

1 Whereas, in June 1999, in the U.S. Supreme Court decision in *Ortiz v.*
2 *Fibreboard*, Justice Souter forcefully stated that asbestos litigation is an
3 “elephantine mass” that “defies customary judicial administration and calls for
4 national legislation”; and in the same ruling, Chief Justice Rehnquist echoed Justice
5 Souter, stating that the current asbestos litigation system “cries out for a national
6 solution”; and

7 Whereas, Justice Ginsburg similarly commented in the 1997 *Amchem* decision
8 that an administrative claims process “would provide the most secure, fair, and
9 efficient means of compensating victims of asbestos exposure”; and

10 Whereas, the Fairness in Asbestos Compensation Act (Act) carries bipartisan
11 support in Congress and would fairly and promptly compensate those asbestos
12 victims who are truly sick; and

13 Whereas, the key principles of the Act were originally agreed to in a class action
14 settlement in 1994 by members of the trial bar, labor unions and former asbestos
15 manufacturers; and

16 Whereas, the U.S. Judicial Conference Ad Hoc Committee on Asbestos
17 Litigation, appointed by Chief Justice William Rehnquist in 1991, found that the
18 typical asbestos case took 31 months to wind its way to resolution through the court
19 system, compared with 18 months for a typical liability suit; now, therefore, be it

20 ***Resolved by the assembly, the senate concurring, That*** the legislature of
21 the state of Wisconsin hereby urges Congress to pass asbestos litigation legislation
22 (H.R. 1283 and S. 758); and, be it further

23 ***Resolved, That*** the assembly chief clerk shall provide a copy of this joint
24 resolution to the president and secretary of the U.S. senate, to the speaker and clerk
25 of the U.S. house of representatives and to each member of the congressional

1 delegation from this state attesting the adoption of this joint resolution by the 1999
2 legislature of the state of Wisconsin.

3 (END)