

October 6, 2005

Zien/Suder Announce Fairness in Litigation Act

Sen. Dave Zien (R-Wheaton) and Rep. Scott Suder (R-Abbotsford) are introducing legislation today to curb unfair litigation brought by government against businesses and citizens. The Fairness in Litigation Act will protect private citizens against frivolous and unfair lawsuits brought forth by an Attorney General (AG).

Zien and Suder said the legislation is needed to shield Wisconsin citizens and businesses against unfair lawsuits, which ultimately cost millions of dollars in economic development each year. Organizations representing farmers, businesses, cranberry growers, realtors, developers, utilities, and others showed the lawmakers case after case where the current AG has overstepped her bounds and abused her power as an elected official.

“The Attorney General is elected to be the chief law enforcement officer, but has also become a self-annointed lawmaker,” said Zien. “She has abused the power that voters placed in her through vigilante tactics aimed at private citizens and businesses.”

The Zien/Suder legislation will prevent the Attorney General from: bringing nuisance lawsuits against citizens and businesses that are not violating the law, piling on private party lawsuits without the Governor or Legislature’s approval, or joining in a lawsuit commenced by another state without the Governor’s order.

Suder said the AG’s zealous tactics are well known by businesses, farmers and private citizens in Wisconsin.

“In documented case after case the Attorney General has overstepped her bounds and harassed Wisconsin citizens,” said Suder. “In one case the Attorney General went after a family-owned farm and the Supreme Court threw out her case, saying it was completely without merit , this abuse has to stop.”

Zien and Suder said they’ve been researching the issue over the past year, meeting with groups and private citizens, and working to draft legislation to curb legal abuses by the AG, while still allowing the Department of Justice to do its job and go after real criminals.

“We recognize the importance that this elected position has in being the chief law enforcement officer in this state,” says Zien. “But when that law enforcement officer goes after the very people they are elected to protect, it’s time to put some checks and balances in place.”

Continued Suder: “Our legislation provides that balance, and recognizes the separation of powers that must exist between the branches of government. Legislators are elected to be law makers. The AG is elected to be the law enforcer. Our legislation provides the clarity between the two that is currently lacking.”

Zien and Suder said hearings will be held on the legislation yet this fall.