

Testimony of

The Honorable Herb Kohl

September 25, 2002

Mr. Chairman,

Thank you for calling a hearing on the asbestos litigation problem. As we begin to address the problem, I hope that we can all agree on a few major principles. First, the truly sick must be compensated before the unimpaired. Second, those who have been exposed must not lose the right to sue if they get bumped from the front of the line. Third, the number of frivolous lawsuits must be kept to a minimum for the sake of our court system and the companies forced to defend them. Finally, we should try our utmost to respect the workings of our civil justice system while understanding the unique nature of this problem.

We have heard from constituents throughout Wisconsin who are trying to do the right thing about the numerous asbestos lawsuits being brought against them, but are afraid that the potential liability will drive them into bankruptcy. Perhaps worse, those who are truly sick with asbestos-related illnesses are receiving only cents on the dollar for their claims due to the financial difficulties of the defendant companies and the costs of bringing suit. And, there are stories about very sick people waiting for their turn in court behind others who have been exposed, but have not exhibited any symptoms. Simply put, some of the most seriously injured are just not getting their day in court quickly enough.