



From the President

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On, Wisconsin! The hazards of speaking up

The efforts of Wisconsin's Republican Governor Scott Walker to prevent public employee unions from collectively bargaining for wages, and to end the state's collection of union dues from paychecks, has been temporarily put on hold. Circuit Court Judge Maryann Sumi granted a preliminary injunction barring the Wisconsin Secretary of State from publishing the law, a required step prior to implementation. Republican legislators claim the judge had no authority to prevent the newly passed law from taking effect.

Governor John Kasich, Republican of Ohio, just signed a similar bill curbing collective bargaining and strikes by more than 360,000 public employees. A Democrat-sponsored referendum to block the new law is in the works.

Shortly after Judge Sumi's ruling, William Cronon, a University of Wisconsin history professor, wrote that the attacks did not originate there. He claimed that they are part of a well-planned and coordinated national campaign by a powerful network of conservatives trying to undermine union rights and disenfranchise Democratic voters.

He specifically pointed to the American Legislative Exchange Council (ALEC) as the originator of the effort. The American Prospect called ALEC the "most powerful lobby you've never heard of"—a tax exempt Trojan horse of corporate advocacy under the guise of a supposedly objective non-profit organization.

Smart ALEC

ALEC, he explained, takes policy ideas of corporate friendly think tanks and turns them into model state legislation aimed at, among other things, undermining unions and trial lawyers.

Its Web site lists goals that include limiting non-economic and punitive damages, preventing frivolous lawsuits and such. The model legislation it sponsors is couched in the guise of the "Honesty in Lawyering Act," the "Full and Fair Economic Damages Act," the "Truth in Damages Act" and so on.

ALEC, founded in 1973 by the late conservative activist, Paul Weyrich, (who coined the term "moral majority" for Rev. Jerry Falwell and also co-founded the Heritage Foundation) bills itself as the "largest bipartisan individual membership association of state legislators."

Politically appropriate state lawmakers become members for dues of \$100 for two years. Hundreds of corporate members, however, pay up to \$50,000 per year in dues. Corporate funders include Koch Industries, Altria, Pfizer, Walmart and State Farm.

State lawmakers said to be members seem to have little or no real control over its inner workings. The money and the power come from the corporate sector. Its tax return in 2000 shows \$56,000 from legislative members and more than \$5 million from other revenue. Legislative members get junkets to ALEC meetings at luxury locations and corporate executives get face time with politically friendly lawmakers.

Business interests serve side-by-side with state legislators on the same boards and task forces developing model state legislation. ALEC has 700 pieces of model legislation posted on its Web site for members to download including its tort reform bills to limit medical malpractice and personal injury suits and awards. It claims to have had 200 of its model bills become law in the past year.

ALEC's efforts go far beyond union busting. Its 2,500 legislative members across the country (about one-third of the total) receive its "Guide to Repealing ObamaCare." Fifty state legislatures are receiving cookie-cutter bills and game plans for their passage from drug and insurance companies and others profiting from health-care legislation.

Although ALEC has been around for nearly 40 years, it gets little public scrutiny.

Freedom of Information Act

Conservatives may claim to support the right of free speech, but apparently

they don't like people speaking up against them. Among the tactics they use to suppress free speech is the Freedom of Information Act.

The Freedom of Information Act, meant as a means to more transparent government, has become a political tool for silencing adverse opinions.

What did Professor Cronon get for his modest disclosure effort? A Freedom of Information request from the Wisconsin Republican party for all of his university e-mails with the terms "Republican," "union," "Walker," "protest" etc. Also on the hit list were any e-mails involving eight Republican state legislators who were the subject of recall campaigns.

For Professor Cronon and others, speaking up resulted in Republican attacks. In Virginia, Republican Attorney General Kenneth Cuccinelli did a similar e-mail raid on a scientist claiming manmade climate change was genuine.

A similar Republican demand was made in Michigan for e-mails from professors at the University of Michigan, Michigan State and Wayne State with such suspicious keywords as "Rachel Maddow," "Scott Walker," "Madison" and "Wisconsin."

Medical Center gags doctors

Closer to home, in medical malpractice lawsuits, experts for plaintiffs have come under attack by their professional societies upon complaint by defendants or their colleagues. A major research hospital has restricted its physician staff from testifying for plaintiffs regardless of the merits of the case; they have, however, carte blanche to help defendants. How many of you face the same defense experts over and over again? Malpractice insurance carriers can rely on a "drop-down menu" of physicians seemingly available no matter what the facts happen to be. How many of those have ever been reported to their professional societies? I haven't heard of any.