

Legal & Judicial

Considering the natural and economic assets of this state, Florida stands out as an attractive place to locate a company. However, when we look at Florida's legal climate, Florida counties considered "judicial hellholes" by the American Tort Reform Association are a significant deterrent to our continued economic development and recovery. According to the American Tort Reform Association, "judicial hellholes" are courtrooms where the law is not applied evenhandedly to all litigants and where "litigation tourists," guided by their lawyers, file lawsuits because they know they will receive a large reward, a favorable precedent or both. Due in part to the good work of AIF and other pro-legal reform organizations, South Florida dropped three spots in the "judicial hellhole" top 10 this year. Still, being ranked number four on this dubious list reminds us that the fight to improve Florida's legal climate is not over. For AIF and its members, legal reforms such as the ones described below will go a long way toward helping companies create and retain jobs since fewer resources will be used in defending questionable lawsuits.

In these difficult economic times, Florida businesses need a clear and level playing field in the courtroom. AIF will continue to lead the fight for any legal reforms that decrease the cost of litigation and remove unfair and unpredictable barriers to growth. This year, our efforts will include a closer look at the process by which judicial appointments are made in the civil litigation setting, including workers' compensation. The trial bar's distortion of the current appointment systems by stealthily "stacking the decks" in recent years has undermined the goal of establishing an objective judiciary and must be remedied before Florida's legal climate will be fair and equitable for whom it serves.

Bad Faith Reform

AIF SUPPORTS legislation establishing a 60-day time frame during which an insurer may investigate and, if warranted, offer policy limits to settle a liability claim. Under HB 427 by Rep. Kathleen Passidomo (R-Naples), the offer of policy limits within 60 days demonstrates a "good faith" effort by the insurer to settle a liability claim on behalf of its insured.

An unbalanced civil justice system in Florida dampens the ability for employers to recover from the economic downturn and to create new jobs. Increased civil



Sen. David Simmons (R-Altamonte Springs) is presented with a 2011 Champion for Business Award for his steadfast support of AIF and the business community.

litigation directly costs businesses through increased premiums for liability and automobile insurance and indirectly through management and employees' time diverted to lawsuits. One of the most egregious abuses in the system is denying a business and its insurer a reasonable time to settle a liability claim without litigation.

AIF will also engage in Legal and Judicial issues by:

- Supporting legislation that addresses the standards used in **expert witness** testimony.
- Opposing **claim bills** that set dangerous legal precedents.
- Supporting adequate **funding** for our state's legal system.
- Supporting existing caps on non-economic damages arising from **medical malpractice lawsuits**, as well as measures expanding immunity to health care providers providing medical attention in certain situations.
- Supporting reforms to the **Judicial Nominating Commission** process.



AIF Lobby Team Members Assigned to Legal & Judicial Issues:

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