



THE MATA ADVOCATE

Opposition to Daubert Standard still growing

Last Thursday, Senate Majority Floor Leader Ron Richard announced this week would be “tort reform, court reform” week. He certainly fulfilled that promise. The Senate debated bills dealing with The English Rule, collateral source rule, medical malpractice noneconomic

Legislative Update

damages, and the expert witness standard this week. Every bill saw members of the Senate standing up to defend the 7th amendment right to a jury trial. Only the **medical malpractice bill** passed, and that was after significant amendments.

The bulk of the momentum from opponents of the right to a trial by jury is on the expert witness standard. Only 9 states have passed rules of evidence that model the Federal Rules of Evidence 702-705 - other states follow the Daubert standard but only as a court-made standard for complex cases or novel scientific ideas. Implementing a Daubert standard for all cases in Missouri Courts would be an unreasonable burden on non-tort cases like family law and criminal cases. It would also greatly increase the cost of minor auto accidents. MATA is not the only group opposed to this change. The AFL-CIO, the Railroad Employees Union, the Sheetmetal Workers and other labor groups are very concerned about how this new standard could be implemented in the workers’ compensation arena. Advocates for victims of domestic violence have spoken out about how the increased cost and reporting requirements would affect adult abuse and child custody cases. Additionally, many circuit judges have contacted their Senators to express concerns over the lack of judicial resources to deal with the increased workload. The opposition keeps growing, and we are hopeful that it will make an impact. If you have not already done so, please **contact your State Senator** today and ask them to vote against and speak out against **SB 233**.

Wednesday was MATA Women’s Caucus Lobby Day. Thank you to everyone who came out to Jefferson City. The day was spent working on the Daubert bill as well as a few less urgent issues. After working in the Capital for several hours, the group met up with legislators and judges at a local restaurant for a happy hour. It was a very good day of networking and lobbying.

Welcome, new members!

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Top, from left: Kellie Wingate Campbell, Rachel Klarich, Kristi Kingston, Sharon Jones, Tyler Han, Jenifer Placzek, Sara Schuett, Jill Bollwerk, Joan Lockwood and Rachel Lawrence. Katherine Myers and Sarah Liesen also joined the group to lobby. At right, MATA President Ken Vuylsteke in the Hall of Famous Missourians.



Next week there are hearings in both the House and the Senate on the employment discrimination and workers’ compensation retaliation bills (**HB 1019**). While we have seen the MHRA changes many times in the past, this will be the first time there has been a hearing on the workers’ compensation retaliation language. We have scheduled MATA members who are experienced in both types of cases to come testify against the bills.

Thank you to MATA President Ken Vuylsteke, Executive Committee members Dave Zevan, Brett Emison and Jen Placzek, Past President Steve Garner, Board members Shelly Dreyer and Steve Sanders and member David McColium for visiting the Capitol this week. An additional thank you to Jill Bollwerk, Kellie Wingate Campbell, Kristi Kingston, Rachel Lawrence, Sarah Liesen, Board member Joan Lockwood and Katherine Myers for joining us for women’s caucus lobby day.

Here’s a **full list** of legislation on which MATA is working. If you have questions about any of the legislation being considered, contact Sharon Jones or Leanna Hagenhoff in the MATA office, 573-635-5215.

**Mark your calendars
for Lobby Day!**

**April 14 - New Lawyers Committee
Lobby Day - Jefferson City
Information/RSVP - stacys@socket.net**

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