

## The Honorable Dick Thornburgh The Honorable Jeb Bush The Honorable John Engler Steve Hantler

### The Issue: Legal Reform - A View from the States

This edition of Washington Legal Foundation's CONVERSATIONS WITH examines the key components for bringing fairness and predictability to state civil justice systems. Former Attorney General of the United States and Pennsylvania Governor **Dick Thornburgh** leads an informative discussion with Florida Governor **Jeb Bush**; President and CEO of the National Association of Manufacturers and former Michigan Governor **John Engler**; and DaimlerChrysler Assistant General Counsel and American Justice Partnership Chairman, **Steve Hantler**. The participants share their insights about what strategies have worked in the states, why non-legislative efforts, such as judicial selection, are critical to legal reform, and how reformers can better communicate their message directly to citizens.

**Governor Thornburgh:** Steve, can you give us a general overview of some recent legal reform successes in the states?

**Steve Hantler:** We've had considerable success at the state level in two arenas. In the legislative arena, significant gains have been made in Georgia, Mississippi, Missouri, and South Carolina. One

critical success factor in these states was gubernatorial leadership - Governors Perdue, Barbour, Blunt and Sanford pushed hard for reform and galvanized their respective business communities. Instead of fracturing over which reforms would benefit some industries more than others, the business communities in these states remained unified. In Georgia, for example, Speaker Richardson's leadership was instrumental in this regard.

Last year in the political arena, the legal reform community sent a strong message to activist judges who abandon the rule of law and yield to the temptation to legislate from the bench. Activist incumbents and candidates for state supreme court were turned away by voters in Alabama, Illinois, Louisiana, Michigan, Mississippi, Ohio and West Virginia. Activist incumbents and candidates for state attorney general and state legislature were also turned away by voters in many states. The public sent a strong message to elected officials that they must do something to fix our broken state tort systems. We still have a long way to go, however, in competing with the trial bar for the hearts and minds of the public, but we are making progress.



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Kirkpatrick & Lockhart  
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Jeb Bush  
Governor of Florida



John Engler  
National Association of  
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Steve Hantler  
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**Governor Thornburgh:** Interest in legal reform is certainly not a recent phenomenon in the states, but it seems that such reform efforts have intensified in the past few years, especially those pursued by large national institutions and businesses. Why is that the case, Steve?

**Mr. Hantler:** There is a higher interest in legal reform by both large and small business because the stakes in tort litigation have risen dramatically in the last few years. This is because the trial bar - dubbed Trial Lawyers, Inc. by The Manhattan Institute - no longer tries lawsuits only before juries. Lawsuits are now tried before customers, shareholders and other stakeholders in the court of public opinion. And, as I wrote in a recent *Wall Street Journal* column, in today's litigation environment, "share value, brand equity, corporate reputation and even a company's business model are at stake." The damage to company and product reputation from the trial bar's aggressive litigation communication campaigns often exceeds the total costs of litigation. Even more significant is the trial bar's full frontal attack on share value to drive companies to the settlement table. I don't think there is anything that will get a CEO's attention faster than threats to share value.

**Governor Thornburgh:** Governor Bush, when did you first become interested in the issue of legal reform?

**Governor Jeb Bush:** I became interested in tort reform many years ago. When I was a private citizen and a businessman, I saw the negative impact frivolous lawsuits had on economic growth and general fairness. I've long

believed that a fair and predictable legal environment is one of the most important factors in providing a positive business climate. In fact, one of the first things I did after I was elected Governor in 1999 was sign a tort reform act that brought significant improvements to our state's legal system.

**Governor Thornburgh:** John, how about you, when did it first become a priority issue for you in your career?

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*Governor Bush*

**Governor John Engler:** Civil liability reform became an interest of mine in the earliest days of my legislative career, which began in 1971, as a member of the Michigan House of Representatives. An assignment, as a minority member, to the House Insurance Committee, brought me into contact with the tort system and its impact on availability and affordability of insurance coverage. However, it became a priority in the mid-1980's,

when a declining number of malpractice insurers, charging excessive rates for coverage, jeopardized continuation of medical and hospital services for Michigan citizens.

**Governor Thornburgh:** What sort of atmosphere do legal reformers in government, be they governors or legislators, need in order to successfully pursue reform? John, is a crisis required?

**Governor Engler:** While governmental leaders often want to be pro-active on subjects like civil liability reform without waiting for a "crisis", it is nearly impossible to do so because those opposing change are so well entrenched, organized and well financed. Also, the subject of civil liability reform involves obscure or technical issues, about which the general public have limited ability to judge which is the better practice. Lastly the "sound bites" seem to work far better for those who promote and profit from a generous tort system. While it may not be necessary to actually reach a state of crisis, there has to be a sufficiently serious set of circumstances which, if not altered, will affect the quality of life of the average citizen - who must be aware of that risk - before change is possible.

**Governor Thornburgh:** Steve, how much of an impact do you think ratings by national groups like the American Tort Reform Association (ATRA) and the U.S. Chamber of Commerce have on public opinion in the states, and, in turn, on legal reform efforts?

**Mr. Hantler:** When these ratings are reported in the media, especially the electronic media, they are very helpful.

And that's the key - getting reported in the media or noticed by policy makers. Tom Donohue of the U.S. Chamber has been very helpful in this regard. The best report or study, however, has no impact if it is just put on the shelf after it is issued, but if it gets noticed then good things can happen. The best example of this is ATRA's Judicial Hellholes Report, which awarded Madison County, Illinois the dubious honor of being the top Hellhole in the country. Shortly after this report was issued, President Bush was holding a press conference in Madison County about class action reform with Sherman "Tiger" Joyce and Victor Schwartz of ATRA at his side.

**Governor Thornburgh:** In your pursuit of legal reform, Governor Bush, how much of an influence do you feel national rankings of the state legal systems, and reforms in surrounding states, have on debate?

**Governor Bush:** A recent report by the U.S. Chamber of Commerce found perceptions of our legal environment declining significantly - to 42nd of the 50 states. Meanwhile, some nearby Southeastern states - Mississippi, Georgia and South Carolina come to mind - are making serious strides to eliminate joint and several liability and address other issues. As our neighbors take steps to deal with the problem, I fear Florida could become a dumping ground for unfair litigation if we do not act.

**Governor Thornburgh:** What types of reforms did you pursue, and what motivated the focus on those specific items?

**Governor Bush:** Our reform proposal included abolition of joint and several

liability (the legal doctrine by which wrongdoers with only a partial role in a wrongdoing are held disproportionately liable for damages), asbestos litigation reform, class action reform, and limits on forum shopping, among others. Our motivation was simple: make our civil justice system fair, predictable and grounded in common sense. Our system has been fault-based for many decades. Someone who makes a mistake should pay for his wrong, not the mistake of another. Unfortunately, our law still forces people to pay more

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*Steve Hantler*

than their fair share of fault. It also imposes liability on the basis of what we own, rather than what we do wrong. These inequities cannot continue. They impose a tort tax on all of our citizens and reduce our economic productivity and competitiveness.

**Governor Thornburgh:** How did these proposals differ from the law passed in 1999? What was enacted then?

**Governor Bush:** The 1999 Act made great strides in the areas of punitive damages and product liability, and it made some steps toward limiting joint and several liability. It did not, however, abolish joint and several liability or the vicarious liability of automobile owners. In addition, new forms of abusive litigation have cropped up since that time that were not addressed in the 1999 reforms. Specifically, the widespread abuses of asbestos litigation and class actions have imposed considerable cost and inefficiencies in Florida's civil justice system. We need to deal with these growing threats and fully do away with the inequities of joint and several liability.

**Governor Thornburgh:** Steve, what lessons can be drawn from recent successes in Georgia and Mississippi, or other states?

**Mr. Hantler:** I mentioned earlier that two of the critical factors for legislative success are gubernatorial leadership and a galvanized or unified business community. CEO leadership is also important since CEOs bring a broad vision and financial resources to bear in fixing badly broken tort systems across the country.

In the political arena, a critical success factor is an informed and engaged public. In this regard, we need to do a better job of making the case that the real victims of a broken tort system are consumers who pay an annual tort tax of \$3,280; patients who cannot find a doctor close to their homes; employees who lost their jobs because of the asbestos litigation scandal; investors who lost their retirement savings because of bankruptcies or share values

losses of companies in the cross hairs of the trial bar; and small business owners who cannot obtain insurance for their operations because of the litigation crisis in the U.S. The key to all successful public education efforts is a powerful message that connects with the public, i.e., hits the public in the "collective gut" and drives them to take action - for example, robust constituent pressure on elected and appointed officials to restore predictability to the civil justice system. Public education without a public action component is not nearly as effective.

**Governor Thornburgh:** John, Michigan is often looked to as a model for a positive civil justice environment for free enterprise. You achieved significant reform during your time as Governor. Where did the impetus for reform come from? Did the stakeholders do a good job in your states in explaining to the public the need to support reform?

**Governor Engler:** The impetus for reform came from those directly impacted by the current state of the law. In the mid 1980's, a massive march to the State Capitol by Michigan doctors along with hospital and other medical staff dramatically focused public attention on the necessity for medical malpractice reform if health care was to continue to be available and accessible throughout Michigan.

Likewise, a broad-based collection of Michigan job-providers, functioning as the Product Liability Reform Coalition, focused public attention on the "tort tax" and how it increased consumer cost, reduced jobs and thwarted innovation, making the case for reform legislation.

Each was very effective. Work by the legislative and executive branches supported and enhanced the scope of their activities. Yes, stakeholder participation was absolutely vital to raising the importance of civil liability reform issues and convincing the general public of the need for change.

**Governor Thornburgh:** Tell us a bit about what legal reforms were adopted in Michigan.

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*Governor Engler*

**Governor Engler:** In 1986, while I was Michigan Senate Majority Leader, progress was made in civil liability reform issues related to medical malpractice. Some changes were highly effective; for example, "notice of intent to sue" and "affidavit of merit." Others, like "joint and several liability" or "venue" were weak because of compromises required by divided government. By the time I became Governor in 1991, venue reform had already been diluted by expansive judicial interpreta-

tions. However, 1995 proved to be a banner year for comprehensive civil liability reform in Michigan. By that time supporters of reform were in leadership positions in the House (albeit in alternative months because of a tie) the Senate and as Governor.

These reforms fall into two categories: general tort reform and product liability reform. In the area of general tort reforms, the law altered the venue rules to prevent forum shopping; expanded previous changes to joint and several liability rules; prohibited non-economic damages in cases where the percent allocated to the plaintiff's fault is greater than the aggregate fault of all defendants; and strengthened the standards under which scientific expert testimony is judged.

On product liability, the 1994-95 legislation was the first statutory effort to clarify the scope of manufacturers' or sellers' liability for harm caused by products it made or sold. It offered statutory definitions of key terms that arise in such litigation; clarified evidentiary standards and burdens of proof; and placed caps on non-economic damages, which are inapplicable upon proof of defendant's gross negligence. The validity of three of the "most controversial" provisions, damages caps, expert testimony and governmental standards have been litigated, and all were upheld by the Michigan Supreme Court

**Governor Thornburgh:** How important was legal reform to your overall economic agenda in Michigan?

**Governor Engler:** Michigan, often referred to as a "rust-belt" state, has to



struggle to maintain and compete for manufacturing jobs and to attract new industrial and technology jobs. Factors such as extensive unionization and high energy costs remain deterrents in this competition. Until 1995, litigation cost was also part of that list. These civil liability reforms, along with business and income tax reductions, streamlining state regulations and increased workforce productivity propelled Michigan into prominence as the four-time winner of the prestigious "Governor's Cup" for the state creating more jobs than any other from 1998 to 2002.

**Governor Thornburgh:** How critical is legal reform to the economic welfare of Florida?

**Governor Bush:** As I noted before, common sense legal reform is essential to the economic strength of Florida. The present inequities impose a tort tax on the elderly and those on fixed incomes who can least afford to pay for these inefficiencies. They diminish the economic productivity of our workers and have a real impact on the ability of Florida businesses to compete nationally and internationally. A common sense and predictable legal system has a clear and direct beneficial impact upon the economic welfare of Florida's citizens.

**Governor Thornburgh:** Do legal reform advocates do an adequate job, Steve, of explaining the link between a state's civil justice system and its economic welfare?

**Mr. Hantler:** While we're certainly doing a better job, it is not enough. Many governors and state legislators connect the dots between an

unpredictable and unfair civil justice system and jobs, economic development and consumer welfare. A growing number of companies, including DaimlerChrysler, take state legal climates into consideration when making decisions on expansion. We all need to do a better job of communicating this to elected and appointed officials. The need for legal reform, however, is still not a top-of-the-mind issue to very many people. We need to do more to bring to light that consumers have the greatest stake in a stable legal climate in their states. When consumers come to appreciate this

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fully, they will demand that their elected and appointed officials fix badly broken civil justice systems. We have already seen this in a few states that reached crisis levels for patients who could not find doctors when they needed them and for employees who lost jobs when businesses moved operations out of some of the most notorious jurisdictions.

**Governor Thornburgh:** As we saw in Mississippi, moving legal reform

forward can involve a rather elaborate dance through the legislative process. How important are relationships with legislative leaders in achieving success?

**Governor Engler:** Michigan's constitution provides for a strong Governor. However, these powers are useless unless a majority in each house of the legislature support the Governor's agenda. When we were enacting civil liability reform in Michigan, the House and Senate leaders, who shared my party identification, also shared a reliable and steadfast commitment to civil liability reform. If they said they had the votes - they had the votes. In the end we were successful because the team - legislative and executive - was committed to this issue. Either, without the other, could not have succeeded.

**Governor Thornburgh:** Steve, John's response amplifies a point you often make - that legal reform is as much about getting the right people in the right positions in government as it is about passing new laws. Could you elaborate on that for us?

**Mr. Hantler:** In speaking about legal reform a few years ago to a group of Michigan companies when he was our Governor, John said something that helped shape my views on how to accomplish legal reform. He said that, "The best piece of tort reform legislation is only as good as the next supreme court that declares it unconstitutional." Time has proven the Governor right; we have seen several activist state supreme courts ignore the constitutionally expressed will of their state legislatures and strike down tort reform legislation. For this reason, the success

of state tort reform efforts requires supreme courts with *rule of law* majorities. Of course, legislation cannot be enacted into law in the first instance without gubernatorial support and majority support in state legislatures. With the right people - *rule of law* judges and pro-reform governors and legislators - in office, legal reform efforts will succeed. And, I don't want to forget the importance of state attorneys general who resist the temptation to engage in regulation through litigation.

**Governor Thornburgh:** Getting the right judges on the bench in the states is a very high priority these days for reform proponents. In your state, Governor Bush, what role does the Governor play in shaping the judiciary? Are your citizens engaged on the issue of judges in relation to legal reform?

**Governor Bush:** In Florida, the Governor has the right to appoint appellate judges and some trial court judges from a list of three to six nominees selected by judicial nominating commissions. The Governor also plays a substantial role in selecting the members of the commissions. I share the view of many of our citizens that Florida's judiciary has, at times, stepped into policy debates and failed to give appropriate deference to legislative decision making. I believe Florida citizens agree with me that judicial activism is contrary to our constitution and to the separation of powers.

**Governor Thornburgh:** John, what were your experiences with the judiciary in Michigan?

**Governor Engler:** Although Michigan has an elected judiciary - on a nonpartisan ballot - the Governor has essentially free rein to make appointments to fill vacancies. Consistently, one-half of Michigan's judges gain office by appointment. Michigan has about 650 judges, but I quickly learned that not all judges are equal when it comes to litigation challenging legislation. In this context, the 7 trial judges in Ingham County (which contains Lansing, the state capital) and the 60 judges in Wayne county (which contains the city of Detroit) play an extraordinary role. So these judges, along with the 28

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*Governor Engler*

Court of Appeals and 7 Supreme Court Justices, warrant special attention in both the elective and appointment process.

When selecting judges, the criterion is easy to state but hard to find - judges who will follow the law. It is universally acknowledged that the legislature is the "policy-making" body and the judicial is the "interpretive" body. Legislators are representative of the people and their processes are organized to afford

transparency so all manner of interests can be vetted.

In contrast, the judiciary is neither meant nor organized to be representative. In deciding issues, judges can consider only the information on the record, limited to that particular set of facts and parties. Whenever the judiciary asserts itself into the policy-making function, which certain federal judges do on a regular basis, it thwarts fundamental democratic process, leaving the public confused, frustrated and often angry. Conversely, if these separation of powers principles are followed, both conservatives and liberals would want to elect or appoint judges who accept their limited function - interpreting, not making, the law. We are looking for persons whose experience and character give a reasonable degree of certainty that they will adhere to this principle, following the law, over their years of service.

**Governor Thornburgh:** We've talked a bit about ratings of state legal systems, but how about rating state judiciaries, would that be productive?

**Governor Engler:** Computer technology, the Internet and the introduction of the Michigan.gov portal, made Michigan appellate court decisions immediately, universally and freely accessible. By using key-words, significant cases and the judges deciding them are easily identified. Just as a system of recording votes brings accountability to the legislative process, a system that publicly ranks judges based on their decisions will foster accountability in the judicial process. This is something that should be done for state and federal court decisions. Shining some

light on this process will be very beneficial.

**Governor Thornburgh:** Steve, what more can legal reform organizations, the business community, and others do to make sure the judiciary polices America's liability system fairly and with fidelity to the rule of law?

**Mr. Hantler:** We can and need to do more of what we're already doing in terms of ensuring that *rule of law* judges are elected and appointed and shining spotlights - no, make that floodlights - on judges who perpetuate lawsuit abuse in their courts. The American Tort Reform Association's Judicial Hellholes Project is one of the best examples of shining enough light on "rule of plaintiffs' lawyer" jurisdictions to cause change. We also need more judicial evaluation reports like those painstakingly researched and prepared by the Michigan Chamber of Commerce. To this end, the American Justice Partnership, a new "partnership approach" to state legal reform, is working with several state coalitions on these reports for their states. I am excited about this project and the work of the American Justice Partnership, which John Engler asked me to chair.

**Governor Thornburgh:** Let's talk a bit more about the process of seeking reform in the states. Steve, large national groups and companies have gotten more involved in state legal reform. Assess their effectiveness in working with state and local business groups and reform advocates.

**Mr. Hantler:** As you might expect, the results have been mixed in terms of the effectiveness of national legal reform

organizations working with state and local groups, but the trend line is clearly upward. The four national organizations dedicated exclusively to legal reform are the: American Justice Partnership, American Tort Reform Association, Civil Justice Reform Group, and the Institute for Legal Reform. I think we've all learned that forging effective partnerships with state reform organizations yields the best results. There is no single group that has a monopoly on all the right ideas or strategies. The partnership approach allows the best ideas and strategies of all the groups to surface and be

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embraced as a unified plan. Under this environment, legal reform has the best chance to succeed. Another factor that plays a major role in all of this is the competition for credit, which is not conducive to the partnership approach. There is certainly enough credit to go around and attempts to monopolize credit create barriers to success.

**Governor Thornburgh:** Governor Bush, what role have the state manufacturing groups, think tanks, and

legal reform associations played in Florida legal reform?

**Governor Bush:** Our legal reform efforts have been spearheaded by Florida companies who largely coalesced under the Florida Justice Reform Institute to commit to a long-term effort to improving our civil justice system. This single focused entity has enjoyed great support from state and national organizations and important think tanks such as the James Madison Institute. I am particularly pleased that the Institute and Florida's business community are committed to a long-term approach to ensuring fairness in our civil justice system.

**Governor Thornburgh:** John, what was your experience in Michigan working with similar advocates?

**Governor Engler:** The Michigan State Chamber of Commerce, under the sustained and highly effective leadership of Jim Barrett, was the critical non-governmental player in the successful legislative effort for civil liability reform. The Michigan Chamber also deserves special recognition for its continuing, highly focused efforts to secure and maintain in office public officials who will adhere to these laws.

In Michigan we also have a highly credible conservative think tank, the Mackinac Institute. Their role has been largely limited to developing information that documents the deficiencies of current systems and suggests reforms. Lawsuit abuse groups have to be careful about their message. One group in Michigan used judicial decisions to identify "pro-business Judges." This description was used by the opposition

as ammunition against these judges in the next election cycle. Another concern is that too many of these groups will dilute the message and resources. There may be a place for all, but co-ordination is essential.

**Governor Thornburgh:** How did your experiences as Governor of Michigan inform your role as a national advocate for legal reform at the National Association of Manufacturers?

**Governor Engler:** As a Governor, you can be a direct change agent. You devise the strategy and, over time, put together the elements necessary to get the job done. In Michigan, this issue was a priority in certain circles (Republican office-holders, doctors, and hospitals), long before we were successful. Supporters eventually recognized we could not "change hearts and minds" of opposing legislators or governors on liability reform issues. It was only when we changed the bodies in the seats to persons committed to supporting these issues that change was realized.

An advocate's role as a change agent is indirect. However, the same kind of strategic planning is necessary. Leadership, in all organizations that consider civil liability reform a critical issue, must be mobilized to identify other state or national leaders who support or oppose reform. Advocates cannot focus exclusively on decision-makers. We must be equally persuasive in the larger community that the reforms we support will improve overall social and economic values.

**Governor Thornburgh:** What lessons can supporters of state reform draw

from the long and now successful battle for the Class Action Fairness Act in Congress, Steve?

**Mr. Hantler:** Dick, I wasn't involved in the efforts to pass the Class Action Fairness Act or CAFA, but I think I can still speak about two of the lessons learned. First, never give up. It is reported that the business community spent tens of millions of dollars from 2001 to 2004 without getting a bill out of the Senate Judiciary Committee. While this might have caused some to give up the fight, those legal reform advocates who were part of the CAFA coalition never gave up and their dogged determination was rewarded by the passage of CAFA in 2005.

Second, to paraphrase the political advisor to one of our former Presidents, "It's the politics, stupid." Real movement in the Senate occurred after November 2004 - the two most important factors to passing CAFA were President Bush's leadership and the 2004 U.S. Senate elections in which key votes for passage were gained. At the risk of sounding like a broken record, ensuring the right people are in office is the first step in a successful legal reform strategy. And, applying this to the state level, some of the money spent on reaching friendly politicians who already share our views or on lobbyists would be better spent on ensuring that there are enough pro-reform legislators in office so that reform legislation actually becomes law.

**Governor Thornburgh:** Are you at all concerned that the public perception may be that that federal congressional action has solved America's litigation

problem, and further reform isn't needed in the states?

**Mr. Hantler:** I'm concerned about not only about public perception, but state legislator and CEO perceptions. The Class Action Fairness Act is a solid first step in reining-in class action abuse, but that's all it is - a first step. Much more needs to be done at the state level and if the public and state legislators perceive that CAFA solved the class action problem in this country, than it will be much more difficult to achieve state reform.

I draw a parallel to The Securities Litigation Uniform Standards Act of 1998. There have been more securities lawsuits filed since the effective date of the Act than before. We may find that the same is true with CAFA - one nationwide class action could be replaced with 25 to 30 separate state court class actions. If this happens, then the need for state-by-state class action reform becomes paramount. I am also concerned about CEO perceptions because some CEOs genuinely believe that CAFA is the magic bullet to ending class action abuse. And, when they come to realize that while CAFA is indeed a good first step, but not the magic bullet, I am concerned that this may diminish their interest and participation in legal reform. This is something we have to watch very carefully.

**Governor Thornburgh:** From the perspective of your position at NAM, John, do you feel federal reform should be a higher priority for business advocates, in relation to seeking change state-by-state?



**Governor Engler:** A lot of tort litigation is still state-based; therefore, state reforms are still very productive. Also don't underestimate states as the "laboratories of democracies" in which various approaches, outcomes and constitutional sustainability are tested. Class actions and products liability cases, which are very important to manufacturers, are thought of as issues least amenable to state reforms. But I think we have done a great deal of good just in Michigan with our products legislation. In addition, we have set an example for other states and the federal government to follow. On the other hand, differing standards, laws, and precedents in 50+ jurisdictions, would make manufacturing untenable. Nonetheless I support moving forward with state by state reforms, until federal resolution can be obtained.

**Governor Thornburgh:** Governor Bush, how does legal reform impact a state like Florida's economy and culture in the long term? Who wins, and who loses?

**Governor Bush:** When a state's legal system makes people pay their fair share of fault, and when they must pay on the basis of what they do wrong rather than what they own, and when Florida courts are reserved for legitimate disputes and not legal "gotchas," all Floridians win. The system will make common sense, be fair, and provide predictability. Florida's injured citizens will be fairly compensated and the state's residents will have greater faith in our justice system. Furthermore, a fair civil justice system will promote innovative ideas in the marketplace and encourage an

entrepreneurial spirit, thereby attracting more businesses to Florida.

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#### BIOGRAPHIES

**The Honorable Dick Thornburgh** is a former Attorney General of the United States, Governor of Pennsylvania, and Under-Secretary-General of the United Nations. He is currently Of Counsel to the law firm Kirkpatrick & Lockhart Nicholson Graham LLP, and Chairman of Washington Legal Foundation's Legal Policy Advisory Board.

**The Honorable Jeb Bush** was elected Florida's 43rd Governor in 1998 and re-elected in 2002. In 1987-88, he served as Florida's Secretary of Commerce and promoted Florida's business climate worldwide. Following an unsuccessful bid in 1994 for the Governor's Office, Governor Bush founded the Foundation for Florida's Future, a not-for-profit organization,

to influence public policy at the grass-roots level.

**The Honorable John Engler** is president and CEO of the National Association of Manufacturers (NAM), the largest industry trade group in America, representing small and large manufacturers in every industrial sector and in all 50 states. He was elected to the first of his three terms as Governor of Michigan in 1991, and prior to that he had served for 20 years in the State legislature, including seven years as State Senate Majority Leader.

**Steven Hantler** is the Assistant General Counsel for Government and Regulation of DaimlerChrysler Corporation. He also serves as Chairman of the American Justice Partnership. Mr. Hantler is one of the nation's leading experts on legal reform and has contributed to legal reform initiatives in many states and at the federal level.

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