

BACKGROUND: The current system creates challenges for Kentucky businesses and acts as a barrier to economic development.

Uncertainty and unlimited liability are the hallmark features of Kentucky's "wild west" legal liability environment—one of the worst in the nation according to the U.S. Chamber of Commerce. For most Kentucky businesses and health care providers, it isn't a question of *if* they will face a lawsuit from the powerful trial attorney bar, but *when*. Under current law, there are no guidelines or limits for juries deciding how to compensate individuals who have been hurt or injured. This creates great disparities across the state, giving undue influence to aggressive, profit-driven personal injury lawyers who have made Kentucky a target for liability cases.

THE ISSUE: The legal liability climate is an economic growth and development issue.

- The current system limits the Commonwealth's ability to attract and foster the next generation of employers, health care providers, and innovators. By encouraging a more predictable legal environment, SB 2 will help bring Kentucky in line with regional competitors like Indiana, Ohio, and Tennessee.
- Senate Bill 2 would allow Kentuckians to empower their elected representatives to establish commonsense thresholds on jury-awarded damages. Commonsense standards will help juries effectively compensate plaintiffs and provide much-needed certainty of risk to businesses and caregivers.

THE SOLUTION: Commonsense tort reform makes sense for Kentucky.

Senate Bill 2:

- **Gives voters a voice in the legal liability system:** The bill asks Kentuckians to approve a constitutional amendment allowing their elected officials in the General Assembly to establish reasonable thresholds for jury awards—a common practice across the United States.
- **Establishes flexible, but necessary guidelines for judges, juries, and attorneys:** Establishing standards and guidelines for jury awards will ensure that justice is served across the Kentucky, while providing consistency and clarity for plaintiffs, defendants, judges, juries and attorneys.
- **Creates Certainty for Kentucky businesses and health care providers:** Establishing commonsense thresholds for jury awards can provide critical certainty around the liability risks that come with operating a business or providing health care in Kentucky, which they do not have today.
- **Ensures Kentucky is competitive with other states in our region:** Kentucky's uncertain and inconsistent legal liability climate puts our state at a competitive disadvantage when it comes to attracting and retaining businesses and caregivers.
- **Helps all Kentucky businesses, caregivers and care facilities:** SB 2 is about making Kentucky a better place to do business and provide care. It is about fostering new jobs, economic development and better access to health care for Kentuckians, not lining the pockets of personal injury lawyers.

Let Voters, Not Personal Injury Lawyers, Determine Kentucky's Legal Liability Climate.