



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

February 10, 2012

The Honorable Michelle L. Fischbach
President of the Senate
226 State Capitol
St. Paul, Minnesota 55155

Dear Madam President:

With this letter, I am vetoing and returning Chapter 120, SF 429, a measure that has been rejected several times by the legislature and the courts.

I am deeply concerned that this legislation would make it more difficult for average citizens to defend themselves against powerful interests. The suggestion that passage of this measure will somehow create jobs in Minnesota lacks merit and substantiation. Not a single job would be created – but important protections would be greatly impaired.

Over 300 Minnesota statutes require the shifting of attorney fees to the wrongdoer – all of which would be negatively impacted by this legislation. Deployed military personnel, farmers, vulnerable adults, and victims of workplace harassment, wrongful termination, and discrimination are just a few of the classes of individuals that would be harmed by this legislation.

This legislation would require that attorneys' fee awards must be in proportion to the damages awarded in a civil case. This requirement would seriously undermine the legislative purpose for enacting statutes that allow Minnesota businesses, consumers, and employees to collect their damages - plus reasonable attorney fees - for certain wrongful conduct. A rule of proportionality would make it difficult, if not impossible, for individuals to bring important and meritorious claims of relatively small value. To ensure that those claims are brought forward, the legislature has shifted the costs of bringing the claim to the negligent party, and rightly so. This legislation removes that protection.

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Further, the courts already review fee awards to ascertain that they are in relation to the recovery. However, the court will also consider other relevant factors like the time involved in the case and the nature of the controversy. No evidence has been presented that the current system is unfair to those found in violation of Minnesota laws.

Additionally, the legislation would change the process for settlements under Rule 68 of the Minnesota Rules of Civil Procedure. The Minnesota Supreme Court Rules Committee thoroughly reviewed, and rejected, the changes proposed in this bill in 2008. The Supreme Court Task Force on Civil Justice again rejected this change in its December 2011 report.

The experts on these Supreme Court committees, including judges and lawyers who represent plaintiffs and defendants, are in the best position to understand the impact of this change on Minnesotans. They have soundly and repeatedly rejected this concept, and I will rely upon their wisdom.

Eliminating Minnesotan's rights to redress and trial by jury is not a jobs program. This bill would benefit those who commit fraud, negligently injure our citizens and businesses, or allow an unfair work environment. I will not agree to it.

Sincerely,



Mark Dayton
Governor

cc: Senator David H. Senjem, Senate Majority Leader
Senator Thomas M. Bakk, Senate Minority Leader
Senator Scott J. Newman
Representative Kurt Zellers, Speaker of the House
Representative Paul Thissen, House Minority Leader
Representative Pat Mazorol
The Honorable Mark Ritchie, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives