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ABOUT MEMBERS EVENTS & MEETINGS MOD NEWS

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Separation of Powers: Prevention of Retroactive Judicial Lawmaking

Summary:

In one area of law, tort law, courts have been empowered to develop rules based on precedent, decisions that already have taken place. In recent times, however, courts in some states have created brand new duties on citizens that have no precedent in past decisions. In creating those new duties, courts have imposed liability on a retroactive basis.

Fundamental principles of fairness, as well as constitutional mandates, prevent legislatures from making law on an ex post facto basis. The same principle of prevention of retroactive lawmaking should apply to the judicial branch of government.

Model Legislation:

Section 1: (Short Title) This Act shall be known and titled as The Separation of Powers Act: Prevention of Retroactive Judicial Lawmaking.

Section 2: (Legislative Intent)

The judicial branch of this state shall not create rules of law on a retroactive basis, including rules of law that would apply to conduct that occurred prior to the time of the filing of a claim arising out of that conduct.

Section 3: (Effective Date)

Adopted by ALEC's Civil Justice Task Force at the States and Nation Policy Summit December 10, 1999. Approved by full ALEC Board of Directors January, 2000.

Did you know that Victor Schwartz--a lawyer who represents companies in product litigation--was the corporate co-chair in 2011?

Center for Media and Democracy quick summary:

This bill provides that the judiciary may not create rules of law that would apply retroactively. This bill is mostly irrelevant: court decisions do not normally have retroactive effect in light of the Constitution's Due Process clause.

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

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 - Kraft Foods, Inc.
 - Coca-Cola Co.
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 - Peabody Energy
 - Intuit, Inc.
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 - Reynolds American Inc.
 - Wal-Mart Stores, Inc.
 - Salt River Project
 - Altria Client Services, Inc.
 - American Bail Coalition
 - State Farm Insurance
- For more on these corporations, search at www.SourceWatch.org.

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