Originally Processed With FOIA(s):
2021-0094-F

FOIA Number:
2021-0094-F

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Record Group/Collection: Dan Quayle Vice Presidential Records
Collection/Office of Origin: Deputy Chief of Staff's Office
Series: Porter, Richard W., Files
Subseries: Subject Files

OA/ID Number: 21807
Folder ID Number: 21807-005

Folder Title:
Denver-Civil Justice Reform 2/19/92

Stack:	Row:	Section:	Shelf:	Position:
G	34	6	5	4

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Vitae	Re: Robert A. Carnicello; birthdate redacted. (1 pp.)	n.d.	(b)(6)	
02. Vitae	Re: Hamilton; birthdate and Social Security number redacted. (1 pp.)	02/14/92	(b)(6)	
03. Vitae	Re: Thomas A.Petrie; birthdate and Social Security number redacted. (1 pp.)	02/14/92	(b)(6)	
04. Vitae	Re: William E. Murane; birthdate and Social Security number redacted. (1 pp.)	02/14/92	(b)(6)	
05. Letter	Richard Hettler to Vice President Quayle, Re: Issues with the judicial system; redactions. (2 pp.)	08/15/91	(b)(6)	

Collection:

Record Group: Quayle Vice Presidential Records
Office: Deputy Chief of Staff's Office
Series: Porter, Richard, Files
Subseries: Subject Files
WHORM Cat.:
File Location: Denver-Civil Justice Reform 2/19/92

Pinksheet Number: RML14850
OA/ID Number: 21807-005
Date Closed: 3/16/2023
FOIA/Sys Case #: 2021-0094-F **Processed by:** Matt Lee
Re-review Case #: **Processed by:**
P-2/P-5 Review Case #: **Processed by:**

February 14, 1992

TO: ADVANCE OFFICE

FROM: BETH GONSOULIN

Here are the people who will participate in a photo op with the VP just after his speech to the CO Legislature.

David L. Ebershoff
777 South Wadsworth Boulevard
Lakewood, CO 80226
303/980-8686 (o)
303/388-6291 (h)

Kevin Valis
Colorado Paint Co.
303/388-9265 (o)
303/758-0609 (h)
(Wayne Valis' uncle)
*Mr. Valis is aware of the VP's visit, but is out of town until Monday. Mrs. Valis will handle all arrangements for him.

Robert A. Carnicello
President
Gregg Homes, Inc.
2755 South Raritan Street
Englewood, CO 80110
303/781-4697 (o)
303/979-4743 (h)

Colorado

Ross C. Corace
President
Foxmoor Industries, Ltd.
3801 East Florida Avenue
Suite 505
Denver, CO 80210
303/759-4626 (o)
**** We have tried to reach Mr. Corace all day to invite him - he has not returned our phone calls. We will continue to try and reach him on Tuesday, and will let you know if he is able to attend.**

cc: R. Porter

2/14

August 16, 1991

The Honorable Dan Quayle
Vice President of the United States
White House, Washington, D.C.

Dear Vice President Quayle:

I am in receipt of your letter of June 19, 1991 and wish to thank you for your comments.

Although I did not elaborate in my first letter, your performance in office has been, in my opinion, superb. I feel you are very qualified to assume the Presidency and am happy that one of such quality represents all of us in the Executive Branch. I remember all too well what the so called "Best and Brightest" visited upon this country and welcome a man with common sense and sound values. Keep up the good work.

Your recent comments to the ABA were well founded and cheered those of us who attempt to operate in this litigious country. I can think of no group, save possibly Congress, which possesses the disregard of the American people that the legal community does.

Best Wishes and Thank You,

Very truly yours,

W. Ross C. Corace
President "Coarse"

WRCC/nka

303/759-4626

3601 EAST FLORIDA AVENUE SUITE 505 DENVER COLORADO 80210 (303) 759-4626

GREGG
HOMES INC.

~~Maybe~~
yes.

July 15, 1991

The Honorable Dan Quayle
Vice President of The United States
Old Executive Office Building
Washington, D.C. 20501

Dear Vice President:

GREAT! Your attack on the legal profession is long overdue.

The business community is totally hamstrung by the "legal extortion" being practiced by our legal and our court system.

As a homebuilder, (or any product manufacturer), you simply can't win in our court system, regardless of whether you are innocent or not. Plaintiff attorneys use our courts and the jury system to actually extort money from insurance companies and businessmen.

Your statistics seem correct. I read in a newsletter that University of Texas finance professor Dr. Stephen P. Magee has documented that the average U.S. lawyer drains $1 million a year from the United States' GNP. This relates to half a million lawyers draining off half a trillion dollars of the U.S. economy each and every year.

Unfortunately, according to the same article, 62% of U.S. senators and 40% of U.S. representatives are lawyers. What this means you won't get any help from the Senate.

You've got my vote Dan...don't let the issue die! Its too vital to the future of this great country.

Incidentally, keep playing golf...its a great image and has to be good for re-election. You've got a lot more support than the press gives you credit for.

Good luck and keep up the good work.

Sincerely,

Robert A. Carnicello
President

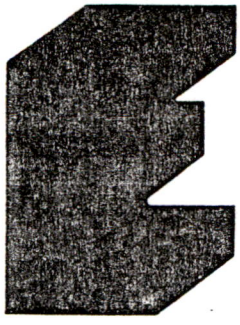
RAC/com

Corporate Office
2755 South Raritan Street
Englewood, Colorado 80110
303 781-4697

August 19, 1991

Yes

Vice President of United States
Dan Quayle
White House
Washington, D C 20501



Dear Mr. Vice President:

Recently I heard excerpts from your speech to the American Bar Association regarding problems of our legal system.

I am a developer, businessman and Republican here in Denver, Colorado and I am very interested in forming a group of businessmen to sponsor major legal reform in Colorado..we've had it!

The bill we are sponsoring awards attorney fees to the successful litigant. Three times we have tried this through the legislature only to have the bill killed by the Colorado Trial Lawyers Association.

We need ideas and support. Please have your staff send an audio tape of your speech to me and any names of people throughout the U.S. that have ideas that might help us draft a legal fees reform bill that the people of the State of Colorado will pass without the interference of the Colorado Bar.

Thanking you in advance for your cooperation.

Keep up the good work!

Sincerely,

David L. Ebershoff

David L. Ebershoff

DLE/jak

777 South Wadsworth Boulevard Irongate II Suite 204
Lakewood, Colorado 80226 (303) 980-8686

OFFICE OF THE VICE PRESIDENT

WASHINGTON

February 14, 1992

5TH ANNUAL COLORADO PRAYER LUNCHEON

DATE: February 19, 1992
LOCATION: Colorado Convention Center
Denver, Colorado
TIME: 12:10 p.m.
FROM: Richard Porter RWP

I. PURPOSE

Drop by the bi-partisan prayer luncheon in honor of Bill Armstrong.

II. BACKGROUND

The 5th Annual Colorado Prayer Luncheon is honoring Bill Armstrong. Modeled after the National Prayer Breakfast, these luncheons include state leaders in the Executive, Judicial and Legislative Branches of the Colorado state government from both parties.

Wellington Webb, Mayor of Denver will give the welcoming speech. Natalie Meyer (Secretary of State) and Peter Coors will do readings. Bill Armstrong will also deliver a message.

III. PARTICIPANTS

Bill Armstrong
Peter Coors
Governor Roemer
and others on attached list

IV. SEQUENCE OF EVENTS

12:15 p.m.	The Vice President arrives Denver Convention Center
12:20 p.m.	The Vice President arrives dias and remains standing
12:25 p.m.	The Vice President proceeds to podium and begins remarks
12:35 p.m.	The Vice President concludes remarks and departs

V. PRESS PLAN

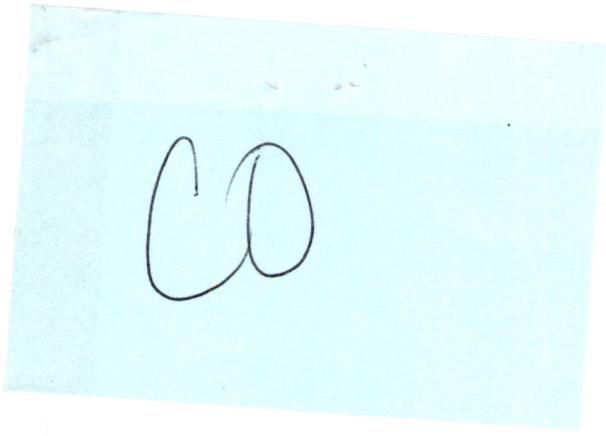
Print only, no recordings

VI. ATTACHMENTS

- Talking Points
- Invitation

VII. FOLLOW-UP

Letters to Host Committee



Document Originally
Attached to
Following Page

Wayne
833-5055

White & Cole Associates

FAX

To: Richard Porter

From: Kirk White

Date: 2/17/92

Number of pages (including the cover sheet): 5

Remarks:

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Preservation

1660 Wynkoop Street, Suite 1000
Denver, Colorado 80202
(303) 892-5858 • FAX 892-6115

White & Cole Associates
1660 Wynkoop Street, Suite 1000
Denver, Colorado 80202
(303) 892-5858 • FAX 892-6115

Richard A. White
David J. Cole

MEMORANDUM

Bush Library Photocopy
Preservation

To: Richard Porter
Office of the Vice President

Fr: Rick White
White & Cole Associates

Re: Meeting with Vice President Quayle

Date: February 17, 1992

Per your request, I have listed the people with whom the possibility of a meeting with the Vice President and Dave Ebershoff has been discussed:

Barbara Grogan
Western Industrial Contractors
In-coming Chair of the Greater Denver Chamber of Commerce

Don Childers
Colorado Bankers Association

In addition, I would like to extend an invitation to the following people/associations:

George Dibble
Colorado Association of Commerce and Industry

Dan Tomlinson
Colorado Insurance Coalition
(He represents the group on legislative matters. He will provide the name of a more applicable representative.)

Rennetta Lueckenhoff
Colorado Ski Country
(She represents the group on legislative matters. He will provide the name of a more applicable representative.)

Dennis Jakubowski
Associated General Contractors
(He represents the group on legislative matters. He will provide the name of a more applicable representative.)

Once I receive approval from your office, I will provide you with the name of the actual association representative who will attend.

As I mentioned, the purpose for adding these individuals to the meeting would solely be so the Vice President can articulate to these key associations the need for judicial reform.

Attached you will find a "DRAFT" copy of a media release Colorado Citizens for Judicial Reform would like to send out following the meeting with the Vice President. Please review it and feel free to edit it in any way.

If there are any questions, please feel free to contact me at any of the following numbers:

(303) 892-5858 Office
(303) 892-6115 Fax
(303) 295-1247 Home
(303) 829-2842 Mobile

attch.

xc: D. Ebershoff

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COLORADO CITIZENS
FOR JUDICIAL REFORM
777 S. Wadsworth Blvd., Bldg.2, Suite 204
Lakewood, Colorado 80215

DRAFT

Bush Library Photocopy
Preservation

IMMEDIATE RELEASE

FEBRUARY 19, 1992

CONTACT: DAVE EBERSHOFF
(303) 980-8686

RICK WHITE
(303) 892-5858

QUAYLE MEETS WITH LOCAL BUSINESS LEADERS
...endorses Colorado judicial reform efforts.

(Denver, Colorado) Today US Vice President Dan Quayle met with Colorado business leaders at the Colorado State Capital to encourage their support of the efforts of Colorado Citizens for Judicial Reform, the citizens group sponsoring a proposed Colorado judicial reform initiative. This Fall Colorado voters will have an opportunity to vote for judicial reform measure. The basis of the "Fairness Rule" initiative will be that the winner of a lawsuit will be made whole by having all attorney fees and related costs recovered from the loser of the lawsuit --"Loser Pays." Although the final language has not been submitted to Secretary of State Natalie Meyer, Quayle was supportive of the group's effort, the first citizen initiated activity in the nation.

Recently Quayle has been under fire by attorney's groups for a report he released recommending judicial reform at the federal level and for his criticism the litigious attitudes many American have developed. Illustrating the American judicial crisis, Quayle said, "Many features of the current legal system no longer serve to expedite justice or to ensure fair results. Instead, overuse and abuse of the legal system impose tremendous

ADD 1

costs upon American society. Each year the United States spends an estimated $300 billion as an indirect cost of the civil justice system. For American businesses competing with foreign companies, this creates an unfair disadvantage."

Reciting the US Department of Commerce, Quayle said, "Foreign competitors often have product liability insurance costs that are 20 to 50 times lower than US companies. In fact, approximately 15 percent of US companies have laid off workers as a direct result of product liability experience."

Citizens or groups interested in assisting the effort are encouraged to contact Colorado Citizens for Judicial Reform at (303) 980-8686 or (303) 220-6793.

--30--

Bush Library Photocopy Preservation

VP

Message sent, message received –

- the people unhappy w/ status quo
- unhappy w/ Congress

Fred Hamilton - What's happening on taxes?

- VP recounted House action, speculated that they would offer POTUS watered down cap gains and a tax increase.
- Congress doesn't want to pass President's pkg.
- 50-50 proposition of our getting a bill we can sign.

Dean

- Bush is not connecting w/ the person on the street.
- VP - not connecting w/ person on the street.

Courtland Bieter - Concerned about EPA regulations

- highlighted wetlands, OSHA
- Doesn't think the costs of regulation are recognized in Washington

Russell Wayman - Concerned about Superfund –

- just collect from everyone & don't litigate about it.
- impact of environmental liability on banks

Pat Broe - Contingent liabilities of envir. risk is enormous & a burden on

the economy.

Fred Vierra - Capital markets very tight for small to medium sized companies. OCC change on HLT is very positive. Need to break credit crunch to get recovery.

Pat Broe - Need to break the chain of liability.

February 14, 1992

MEMORANDUM FOR THE VICE PRESIDENT

FROM: VALERIE L. MUSGROVE

SUBJECT: COLORADO POLITICAL BRIEFING

POLITICAL OVERVIEW

U.S. SENATE

Freshman Democrat **Tim Wirth** is up for re-election in November. He won the 1986 Senate race by only 17,000 votes, receiving less than 50% of the vote. Wirth is seen as vulnerable and could be defeated by a strong GOP challenger.

Currently, there are five announced Republican challengers to Senator Wirth. They are former State Senator **Terry Considine**, State Representative **Ken Chlouber**, former Ambassador **Sam Zakhem**, businessman **Doug Fain**, and former State Representative **John Donley**. Candidates must receive 30% of the votes at the May state GOP convention in order to qualify for the August 11th primary.

Despite the questions and controversy surrounding his health (Considine was injured in a horseback accident in September, 1991) and his decision to resign from the Colorado State Senate, **Terry Considine** is believed to be Senator Wirth's strongest challenger.

NOTE: Sam Zakhem, Terry Considine, and Ken Chlouber were all Colorado Bush/Quayle Co-Chairs in 1988.

Bill Armstrong's (R) retirement created an open Senate seat in 1990. Former Congressman **Hank Brown** kept this seat in Republican control by defeating the Democrat candidate **Josie Heath** 57% to 43%. Brown, a moderate Republican, is known as a fiscal conservative. He tends toward pro-defense, pro-choice views and has a good environmental record. As a Greely resident, Brown is the first politician in 20 years elected to a major statewide office who does not live in the metro Denver area.

U.S. HOUSE OF REPRESENTATIVES

Each of Colorado's six Congressman are expected to seek re-election in November.

First District
Democrat incumbent **Pat Schroeder** will seek an eleventh term in Congress.

Second District
Democrat incumbent **David Skaggs** will seek a fourth term in Congress.

Third District

Democrat incumbent **Ben "Nighthorse" Campbell** will seek a fourth term in Congress.

Fourth District
Republican incumbent **Wayne Allard** will face his first re-election campaign.

Fifth District
Republican incumbent **Joel Hefley** will seek a fourth term to Congress.

Sixth District
Republican incumbent **Dan Schaefer** will seek a sixth term to Congress.

NOTE: Colorado State GOP Chairman Bruce Benson has been speaking with House Majority Leader **Scott McGinnis** and former State Senator **Sandy Hume** about possibly challenging Congressman Campbell and Congressman Skaggs, respectively.

GOVERNOR

Democrat **Roy Romer** was re-elected to a second term in November, 1991. The highly popular Governor defeated Republican challenger **John Andrews** 64% to 36%.

STATE LEGISLATURE

All of the State House of Representatives and half of the State Senate will be up for re-election in November.

GENERAL POLITICAL INTELLIGENCE

The **Bush-Quayle** ticket won Colorado (53% to 45%) in the 1988 Presidential campaign.

Colorado State GOP Chairman **Bruce Benson** has been chosen to serve as the 1992 Bush-Quayle Chairman. The 1988 Bush-Quayle Chairman was **Gregg Petersmeyer**, who is currently an Assistant to the President and Director of National Service.

The Colorado Presidential primary will be held on March 3, 1992.

Colorado voters overwhelmingly supported a term limitation initiative in 1990. The initiative limits congressional, gubernatorial and state legislative terms.

COLORADO BRIEFING

REPUBLICAN ELECTED OFFICIALS

Constitutional Offices:
Secretary of State NATALIE MEYER
Attorney General GAIL NORTON

Congressional Delegation:

U.S. Senate
1 R, 1 D
HANK BROWN (R)

U.S. House of Representatives
3 R, 3 D
GOP Members
4th district WAYNE ALLARD
5th district JOEL HEFLEY
6th district DAN SCHAEFER

State Legislature

State Senate
24 R
11 D
The Majority Leader is **TED STRICKLAND.**

State House
37 R
28 D
The Speaker is **CHUCK BERRY.** The Majority Leader is **SCOTT McINNIS.**

1991/1992 POLITICAL UPDATE

COLORADO

STATE PARTY

Committee Members:

Chairman BRUCE BENSON
Elected: March 1987
Re-elected: March 1991
BENSON is serving as State Chairman and regional Finance chairman for the Bush/Quayle campaign. He was successful in raising a great deal of money for the Colorado Republicans in 1990. Benson is a Team 100 Member and is currently raising money for the 1992 Bush-Quayle Committee. He was also very helpful in 1989 in raising funds and personally contributing money to the Congressional special elections. He raised a great deal of money for the Colorado Republicans in 1990. Bruce was appointed Chairman of the 1992 Contest Committee for the 1992 National Convention and was elected as Chairman of the Western States Region in June. He is the president and owner of the Benson Mineral Group.

National Committeeman JIM NICHOLSON
Elected: March 1986
Next Election: June 1994
NICHOLSON has been on the Budget Committee for 4 years. He works with the Hispanic and black Outreach programs in the Colorado GOP and assists in fundraising. He is also a member of the RNC Rules Committee, serving as Recorder.

National Committeewoman KAY RIDDLE
Elected: July 1980
Next Election: June 1994
As well as being a member of the National Committee, RIDDLE is the Executive Director of GOPAC, the legislative PAC headed by Newt Gingrich. She was appointed chairman of the Transportation Subcommittee of the 1992 Arrangements Committee and is one of the two RNC Vice-Chairmen for the Western Region.

Party Leaders/Key Figures in State:
Former Senator **WILLIAM ARMSTRONG**

Bush/Quayle '92 Leadership:
Chairman **BRUCE BENSON**
Co-Chairman **HANK BROWN**
Co-Chairman **JOEL HEFLEY**
Co-Chairman **WAYNE ALLARD**
Co-Chairman **DAN SCHAEFER**
Co-Chairman **William Armstrong**

STATE PARTY OVERVIEW

The Colorado State Party has a very aggressive staff and raises a lot of money to help legislative and constitutional offices.

The state party recently underwent several staff changes in 1991. University of Colorado Regent **KATHY ARNOLD** took over responsibilities as Executive Director. The state party has a staff of about 10 people who aggressively recruit and train candidates. The Party has its own computer operation.

Financial Status: GOP Chairman **BRUCE BENSON** raises most of the money for the state GOP. In 1990, he raised over $1 million for the party with events from President Bush and former President Reagan. The state party plans to raise over $2 million in 1992, and presently has a small amount of cash (approximately $10,000) on hand.

ELECTION UPDATE

1992 Ballot:

President/Vice President
U.S. Senate: **TIM WIRTH** (D)
U.S. Congress - 6 seats
No Constitutional offices
All State House - 65 seats
1/2 of State Senate -17 seats

1992 Electoral College Votes: 8

Political Environment/Overview:

1991:

Denver voters elected **WELLINGTON WEBB**, one of two black Democrat candidates, as Mayor on June 17.

State Senator **TERRY CONSIDINE** has formed a committee, "Americans Back in Charge" to push for term limitation legislation on the national level. Considine organized the successful term limitation initiative in Colorado in 1990. He is a U.S. Senate candidate in 1992.

1992:

Democrat Senator **TIM WIRTH** will seek re-election in 1992. He won in 1986 by 17,000 votes and got less than 50% of the vote. The only other important races in 1992 will be Congressional races. Colorado does not gain or lose Congressional seats in redistricting.

Colorado will have one of the earliest presidential primaries in the nation in 1992. The legislature set March 3 as the date for the primary.

Each of the Democrat Presidential candidates have campaigned in Colorado in preparation for the March 3rd Primary.

U.S. Senate:

Several candidates have enlisted in the Republican primary including **STATE SENATOR TERRY CONSIDINE**, **STATE REP. KEN CHLOUBER**, former Ambassador **SAM ZAKHEM**, businessman **DOUG FAIN**, and former State Rep. **JOHN DONLEY**. Candidates must receive 30% of the votes at the May state GOP convention in order to qualify for the August 11 primary. Incumbent Democrat **TIM WIRTH** is considered vulnerable.

Key Congressional Races:

Each of Colorado's six congressman are expected to seek re-election. Fourth district Congressman, **WAYNE ALLARD (R)**, will face his first re-election campaign, but is not expected to be challenged seriously.

Redistricting Update:

Federal judges refused to take on the responsibility of drawing congressional lines and put the matter back into the hands of the legislature. The judges ruled the legislature had not exhausted all of their options before seeking relief from the court. The legislature is currently debating several plans and is expected to send a final plan to the Governor in early February. If the Governor vetoes, the legislature needs 2/3 to override. Presently, the GOP controls the legislature, but does not have the necessary votes for 2/3. Although, Colorado will not gain or lose congressional seats, **GOVERNOR ROMER** (D) may veto any attempt by the GOP to radically change existing districts. Legislative lines will be drawn by an eleven member commission made up of 5 Republicans, 5 Democrats and one Independent. If the commission cannot reach a consensus, the legislative lines will be drawn by the courts.

February 14, 1992

MEMORANDUM FOR THE VICE PRESIDENT

FROM: VALERIE L. MUSGROVE VLM

SUBJECT: MINNESOTA POLITICAL BRIEFING

POLITICAL OVERVIEW

U.S. SENATE

Senator **David Durenberger** (IR) is up for re-election in 1994. He is currently raising funds for his campaign and for his legal defense fund.

In 1990 liberal Democrat **Paul Wellstone** narrowly defeated Republican incumbent **Rudy Boschwitz** (52% to 48%), who was seeking his third term.

U.S. HOUSE OF REPRESENTATIVES

All of Minnesota's eight Congressman are expected to seek re-election in November.

First District
DFL incumbent **Tim Penny** will seek a sixth term to Congress.

Second District
IR incumbent **Vin Weber** will seek a seventh term to Congress.

Third District
IR incumbent **Jim Ramstad** will face his first re-election campaign. Ramstad's seat was formerly held by Congressman **Bill Frenzel.**

Fourth District
DFL incumbent **Bruce Vento** will seek a ninth term in Congress.

Fifth District
DFL incumbent **Martin Sabo** will seek a eighth term to Congress.

Sixth District
DFL incumbent **Gerry Sikorski** will seek a sixth term to Congress.

Seventh District
DFL incumbent **Collin Peterson** will face his first re-election campaign. Peterson defeated incumbent Republican **Arlan Stangeland** in 1990. This seat is vulnerable and can be regained by the Independent-Republicans with a strong candidate in November.

Eighth District
DFL incumbent **James Oberstar** will seek a tenth term in Congress.

GOVERNOR

On November 6, 1990 former State Auditor **Arne Carlson** defeated incumbent Governor **Rudy Perpich** 51% to 49%.

Since assuming office, Carlson's biggest problems has been taxes. Minnesota is faced with a $1.1 billion deficit for the 1991-92 biennium. Other programs that have given rise to controversy and criticism for Governor Carlson are redistricting and workers compensation.

GENERAL POLITICAL INTELLIGENCE

The **BUSH-QUAYLE** ticket lost Minnesota (54% to 46%) in the 1988 Presidential campaign. The State ranked first in the nation in voter turnout in 1988 with an estimated 65.4% of all registered voters going to the polls.

Bob Weinholzer is the current State Chairman of the Minnesota Independent-Republican Party. He has been chairman since June 1989.

MINNESOTA BRIEFING

REPUBLICAN ELECTED OFFICIALS

Constitutional Offices:
Governor ARNE CARLSON

U.S. Senate
1 R, 1 D
DAVID DURENBERGER (R)

U. S. House of Representatives
2 R, 6 D

GOP Members:
2nd district VIN WEBER
3rd district JIM RAMSTAD

Treat safe

State Legislature

State Senate
21 R
46 D
The Senate Republican Leader is DUANE BENSON.

State House
56 55 R
74 79 D
The House Republican Leader is TOM DEMPSEY.

1991/1992 POLITICAL UPDATE

MINNESOTA

STATE PARTY

Committee Members:

Chairman **BOB WEINHOLZER**
Elected: June 8, 1991
WEINHOLZER was re-elected on June 8 with 70% of the vote from the State Central Committee. He is part of the conservative wing of the party and worked hard to get **ARNE CARLSON** on the gubernatorial ballot once **JON GRUNSETH** withdrew. Weinholzer works well with the Governor. The chairmanship is a full-time paid position. He serves on the Rules Committee.

Deputy Chairman **BARB SYKORA**
SYKORA was re-elected on June 8. Prior to this year, Minnesota had a Chairman and a Chairwoman. 1991 is the first year they have elected only one chairperson.

National Committeeman **DAVE PRINTY**
Elected: July 1991
In July, **PRINTY** was elected National Committeeman after **FRANK GRAVES** resigned. Printy was a gubernatorial candidate in 1990 and lost to Jon Grunseth in the convention. He serves on the Committee on Call.

National Committeewoman **EVIE AXDAHL**
Elected: December 1989
Next election: June 1992
AXDAHL was elected at a State Committee meeting in late 1989. She serves on the Committee on Arrangements for the 1992 Convention.

Party Leaders/Key Figures in State:
GEORGE PILLSBURY, Team 100 Member and personal friend of the President
WHEELOCK WHITNEY, Team 100 Member, college classmate of the President and brother-in-law to George Pillsbury
EVIE TEEGAN, former National Committeewoman and current Ambassador to Fiji
FORMER SENATOR RUDY BOSCHWITZ

Bush-Quayle '92 Leadership:
No leadership has been named as of 1/15/92

STATE PARTY OVERVIEW
The Chairman is a full-time paid employee of the Party. They have hired MIKE TRIGGS as a full-time Executive Director in September of 1991.

Minnesota has a strong Central Committee.

Financial Status: Presently, the Party has a small debt.

ELECTION UPDATE

1992 Ballot:

President/ Vice President
U.S Congress:

1st CD - TIMOTHY J. PENNY (D)
2nd CD- VIN WEBER (R)
3rd CD- JIM RAMSTAD (R)
4th CD -BRUCE F. VENTO (D)
5th CD - MARTIN OLAV SABO (D)
6th CD - GERRY SIKORSKI (D)
7th CD - COLIN PETERSON (D)
8th CD - JAMES L. OBERSTAR (D)

No constitutional offices

1992 Electoral College Votes: 10

Political Environment/ Overview

There are no statewide races up in 1992. President BUSH should be able to mount a good campaign in Minnesota in '92. Republican candidates have only won three of the last 10 Presidential elections since 1952, but a Democrat from Minnesota has been on the national ticket for 5 of the last 7 elections.

Key Congressional Races:

The hot congressional race in Minnesota will be the 7th District race of DEMOCRAT COLIN PETERSON, who defeated Republican ARLAN STANGELAND in the 1990 cycle. Peterson will be the most vulnerable congressman up for re-election in the state.

1991 Redistricting Update:

Redistricting continues to be a see-saw battle in the state. Currently, the House and Senate have each passed a legislative and Congressional redistricting bill and the Governor has vetoed them. The state court drew the lines and a federal court told the state court they had no jurisdiction. The state court took the federal court to the Supreme Court who last week ruled in favor of the state court.

However, no court has drawn the congressional lines which surely will start another round of legal battles.

February 14, 1992

MEMORANDUM FOR THE VICE PRESIDENT

FROM: VALERIE L. MUSGROVE

SUBJECT: NORTH DAKOTA POLITICAL BRIEFING

POLITICAL OVERVIEW

U.S. SENATE

Freshman Democrat **Kent Conrad** is up for re-election in November. He won the 1986 Senate race by only 50% to 49%. According to State GOP officials, Conrad is considered vulnerable and could be defeated by a strong Republican challenger.

Senator Conrad made several campaign promises in his 1986 campaign, many of which he has not kept. The news media has not forgotten this and will more than likely remind him throughout this election. One such promise was that he would not seek re-election if the Federal budget deficit was not reduced, a piece of wishful thinking that has not come true in a Congress controlled by the Democrats. The Senator was asked about this promise and retorted that when he made the remark he was not feeling well.

Currently, Fargo City Commissioner **Steve Sydness** is the only candidate to challenge Senator Conrad. (NOTE: Sydness will make his official announcement on Monday, February 17, 1992). Mr. Sydness is an aggressive campaigner who impressed many people during his bid for the North Dakota Congressional seat in 1988. This race will be worth watching.

Quentine Burdick, Democrat incumbent will be up for re-election in 1994. There is some question whether he will seek another term due to his age and health. Senator Burdick is 84 years old.

U.S. HOUSE OF REPRESENTATIVES

Byron Dorgan (D) is North Dakota's Congressman At-Large. In 1990 Dorgan easily defeated Bismarck businessman **Ed Schafer** (R) (65% to 35%) to win his fifth term in the House.

Fargo City businessman **John Korsmo** is the expected Republican candidate for this Congressional seat.

GOVERNOR

Democrat Governor **George Sinner** has been in office since 1984 and has decided not to seek a third term. A spirited primary battle is expected by both the Republicans and Democrats.

On the GOP side, **Gary Nelson**, State Senate Minority Leader; **Ed Schafer**, Bismarck businessman; and **Gary Porter**, State Representative, have all shown interest in running for Governor. Attorney General **Nick Spaeth**, **Bill Heigaard** and **John Lindgren** are among the Democrats expected to run.

STATE LEGISLATURE

All of the State House of Representatives and half of the State Senate are up for re-election in November.

GENERAL POLITICAL INTELLIGENCE

The **Bush-Quayle** ticket won North Dakota (56% to 43%) in the 1988 Presidential campaign. **Mike Unhjem** and **Jim Schlosser** were the 1988 Bush-Quayle Co-Chairmen.

Kevin Cramer is the current State Chairman of the North Dakota Republican Party.

NORTH DAKOTA BRIEFING

REPUBLICAN ELECTED OFFICIALS

Constitutional Offices:
Auditor ROBERT PETERSON
Public Service Commissioner DALE SANDSTROM
Commissioner of Labor CRAIG HAGEN

Congressional Delegation:

U.S. Senate
There are no Republican Senators from North Dakota.

U.S. House of Representatives
0 R, 1 D

State Legislature:

State Senate
26 R
27 D
The Republican leader is GARY NELSON.

State House
58 R
49 D
The Majority Leader is RICHARD KLOBEC.

1991/1992 POLITICAL UPDATE

NORTH DAKOTA

STATE PARTY

Committee Members:

Chairman KEVIN CRAMER
Elected: June 1991
Next election: June 1993
CRAMER is the former Executive Director of the North Dakota party. Cramer has been especially effective as chairman at attacking the liberal voting record of **SENATOR KENT CONRAD.**

National Committeeman JACK BERNABUCCI
Elected: August 1988
Next election: June 1992
BERNABUCCI is the President of Coca-Cola Bottling Company of Jamestown, North Dakota. He is a member of the 1992 Arrangements Committee.

National Committeewoman SHIRLEY SINCLAIR
Elected: August 1988
Next election: June 1992
SINCLAIR was Vice Chairman of the State Party from 1984-88, & is a member of the RNC Rules Committee.

Party Leaders/Key Figures in State:
MIKE UNJEM
JIM SCHLOSSER

Bush/Quayle '92 Leadership:
Chairman: **MIKE UNJEM**
Co-Chairman: **JIM SCHLOSSER**

State Party Overview:

For a small state, North Dakota runs a very good operation. They have a full time staff of about six people in addition to a full-time, paid Chairman.

Financial Status: The State Party has a small amount of cash on hand (approximately $20,000). The Party has a very successful low-dollar fundraising program that should enable it to assist many of the legislative candidates as well as the two statewide candidates.

ELECTION UPDATE

1992 Ballot:

President/Vice President
U.S. Senate: KENT CONRAD (D)
U.S. House: 1D
Governor: GEORGE SINNER (D) is not seeking reelection
Lt. Governor
Secretary of State
Attorney General
Public Service Commissioner
Agriculture Commissioner
Tax Commissioner
Treasurer
Auditor
Insurance Commissioner
All State House - 106 seats
1/2 State Senate - 27 seats

1992 Electoral College Votes: 3

Political Environment/Overview

North Dakota is poised for a tremendous year in 1992. It began with a successful election in 1990. Candidate recruitment is the key to victory in 1992.

The North Dakota GOP has had a string of bad years since 1984. In 1984, the Republicans controlled the Governor's office, 1 U.S. Senate seat and held a majority in both houses of the legislature. They also had control of 9 out of the 11 constitutional offices. Currently, Democrats control the Governor's office, the Congressional seat and 9 of the 11 constitutional offices. Republicans are hoping for big gains in 1992.

Democrat Governor GEORGE SINNER will not seek reelection and a spirited primary battle is expected by both the Republicans and the Democrats. U.S. Senator KENT CONRAD is considered very vulnerable in 1992 and should face stiff opposition. With successful candidate recruitment, North Dakota Republicans could have a clean sweep in 1992.

Gubernatorial Campaign:

Several Republicans are considering joining State Rep. GARY PORTER in the primary gubernatorial campaign. Republicans considering a bid: Bismark businessman ED SCHAFER, 1988 gubernatorial candidate EARLY STRINDEN, senate GOP leader GARY NELSON, and activists JIM CASPER, JOHN OLSON, GARY RUTHERFORD, and KENT FRENCH. Attorney General NICK SPAETH, BILL HEIGAARD and JOHN LINDGREN are among the Democrats expected to run.

U.S. Senate:

U.S. Senator KENT CONRAD (D) is considered very vulnerable in 1992 and should face stiff opposition. Conrad promised in 1987 that he would not seek re-election if the budget problems were not brought under control during his term in office. Conrad also voted against the President on the use of force in the Gulf. Fargo City Commissioner STEVE SYDNESS has announced his intention to be a candidate for the Republican nomination.

Key Congressional races:

Democrat Congressman BYRON DORGAN is up for re-election. Republican businessmen, ED SCHAFER and J.T. KORSMO, are both considering a Congressional run against Dorgan.

Other Races:

Virtually every statewide race is on the ballot in 1992. Republicans will have the opportunity to take control of the State Senate where they are currently in the minority by a single vote (26R-27D).

An aggressive candidate recruitment effort in 1991 has enabled the State Party to field credible candidates for each of the 11 constitutional races.

1992 Redistricting Update:

North Dakota is not projected to gain any Congressional seats. The State Legislature draws the lines; the Governor can veto, and 2/3 vote is necessary to override.

February 14, 1992

MEMORANDUM FOR THE VICE PRESIDENT

FROM: VALERIE L. MUSGROVE VLM

SUBJECT: SOUTH DAKOTA POLITICAL BRIEFING

POLITICAL OVERVIEW

U.S. SENATE

Freshman Senator **Tom Daschle** (D) is up for re-election in November. While Daschle has emerged as a leader among his Senate colleagues, he has maintained a lower profile at home. Some constituents are unsure of exactly what Daschle has done for them. A strong Republican challenger could give the Senator a run for his money.

Governor **George Mickelson** and Lt. Governor **Walter Miller** along with many key Republicans across the State have launched a "Draft Janklow" effort to persuade former Governor **Bill Janklow** to run for the Senate. Presently, Janklow appears to be unlikely to enter the race. Former State Republican Party Chairman **Char Harr** is the only announced candidate in the race.

Note: State Party Chairman **Don Peterson** has been talking to **Jack Rentschler**, a State Representative and Sioux Falls businessman, about running for the Senate in case Janklow's decision is not to run.

Larry Pressler (R), South Dakota's senior Senator, was elected to his third term in 1990 with a 52% to 45% victory over Democrat challenger **Ted Muenster.**

U.S. HOUSE OF REPRESENTATIVES

Tim Johnson (D) is South Dakota's Congressman At-Large. In 1990 Johnson easily defeated Republican challenger **Don Frankenfeld** (68% to 32%) to win his third term in the House.

Johnson, who enjoys Statewide popularity and has shown an ambition for higher office, is rumored to be considering a Senate bid against Pressler in 1996. South Dakota GOP officials think Pressler could be vulnerable to a Johnson challenge.

Note: State Party Chairman **Don Peterson** has been talking to **John Timmer**, a State Representative and Sioux Falls insurance agent, about running for Johnson's seat. Some people would like to see **Char Harr** run against **Johnson.**

GOVERNOR:

Incumbent Governor **George Mickelson** (R) was re-elected to a second term in 1990, defeating **Bob Samuelson** 59% to 41%.

STATE LEGISLATURE:

Republicans currently control the state senate by just one vote (18-17) after a net loss of one in 1990. Each of the State Legislators (70) are up for re-election in 1992 along with 18 of the 35 State Senators. The state party is focusing most of their attention on maintaining control of the senate.

GENERAL POLITICAL INTELLIGENCE

The **BUSH-QUAYLE** ticket won South Dakota (53% to 47%) in the 1988 Presidential campaign. The 1988 Bush-Quayle Chairman was former Governor **Bill Janklow.**

The 1992 Bush-Quayle Chairman is Governor **George Mickelson.**

The South Dakota Presidential primary will be held on Feb. 25, 1992, one week after New Hampshire's primary.

Don Peterson, a farmer from Yankton, was elected Chairman of the South Dakota Republican Party in February 1991. The State GOP is in good shape. The fact that the Governor's office and both State Houses are controlled by the Republicans helps strengthen the Party.

SOUTH DAKOTA BRIEFING

REPUBLICAN ELECTED OFFICIALS

Constitutional Offices:

Governor GEORGE MICKELSON
Lt. Governor WALTER MILLER
Secretary of State JOYCE HAZELTINE
Attorney General MARK BARNETT
Auditor VERNON LARSON
Treasurer HOMER HARDING

Congressional Delegation:

U.S. Senate
1 R, 1 D
LARRY PRESSLER (R), next election 1996

U. S. House of Representatives
There is only one At-Large seat in South Dakota and it is held by DEMOCRAT TIM JOHNSON.

State Legislature:

State Senate
18 R
17 D
The Senate Majority Leader is GEORGE SHANARD.

State House
46 R
24 D
The House Majority Leader is JERRY LAMMERS.

1991/1992 POLITICAL UPDATE

SOUTH DAKOTA

STATE PARTY

Committee Members

Chairman DON PETERSON
Elected: February 1991
Next election: February 1993
PETERSON is a former state senator who seems to work well with Governor MICKELSON and Senator PRESSLER. Don is a native of Yankton who is involved in the agriculture commodity business. He is a member of the Committee on Call.

National Committeeman WALTER MILLER
Elected: August 1988
Next election: June 1992
MILLER is currently the Lt. Governor of South Dakota and was elected on a ticket with the Governor. He is a member of the RNC Rules Committee.

National Committeewoman ARLENE HAM
Elected: August 1988
Next election: June 1992
HAM is a former Chairman of the SD GOP (1978-80) and owns a realty company. She is on the 1992 Arrangements Committee.

Party Leaders/Key Figures in State:

BILL JANKLOW, Former Governor (1978-86) and Bush-Quayle 1988 Co-Chairman.
DEBRA ANDERSON, Executive Director of Bush-Quayle '88 and presently Director of Intergovernmental Affairs at the White House
JIM ABDNOR, former U.S. Senator and former Administrator of the Small Business Administration
GOVERNOR GEORGE MICKELSON

BUSH/QUAYLE '92 LEADERSHIP:

CHAIRMAN: GOVERNOR GEORGE MICKELSON

State Party Overview:

The South Dakota party is small with a staff of three people. The Party works well with the Governor's office. The Governor's sister, PAT ADAM, is the Party's Co-Chairman.

Financial Status: The Party raised approximately $400,000 in 1989-1990.

ELECTION UPDATE

1992 Ballot:

President/Vice President
U.S. Senate: TOM DASCHLE
U.S. House: 1D
Public Utilities Commissioner
All State House - 70
1/2 State Senate - 18

1992 Electoral College Votes: 3

Political Environment/Overview:

The presidential primary is February 25, 1992, just after the New Hampshire primary. President Bush will be the only Republican on the ballot.

Republicans currently control the state senate by just one vote (18-17) after a net loss of one in 1990. Each of the state 35 senators will be up for reelection in 1992. The state party is focusing most of their attention on maintaining control of the senate.

U.S. Senate:

GOVERNOR MICKELSON and LT. GOVERNOR WALT MILLER along with many key Republicans from across the state have launched a "Draft Janklow" effort to persuade former GOVERNOR BILL JANKLOW to run for the Senate. At the beginning of 1992, Janklow appeared to be unlikely to enter the race. Former State Party Chairman CHAR HARR is the only announced candidate in the race.

Key Congressional races:

In South Dakota's at-large district, Democratic Congressman **TIM JOHNSON** is up for re-election. At the present time, no Republican hopefuls have made themselves known, although some would like to see **CHAR HARR** run against Johnson.

1991 Redistricting Update:

The State legislature draws the lines; the governor can veto.

The legislature approved a state legislative redistricting plan in early October and the governor signed the bill. However, a technical error was found in the bill and the legislature was forced to reconvene in late November to correct the mistake. The Governor signed the bill. The GOP is happy with the new lines.

MISCELLANEOUS POINTS:

* Although **TOM HARKIN** and **BOB KERREY** were expected to do well in the South Dakota presidential primary, Governor **CLINTON** seems to have the early momentum. Both Harkin and Kerrey have made repeated swings through the state. Clinton's only appearance was in early December.

* Governor **GEORGE MICKELSON** was admitted to a Sioux Falls hospital on December 6 after a lung scan uncovered blood clots in his lungs. Mickelson was released on December 12. The Governor will have to take blood thinning medication for the rest of his life.

* South Dakota Republicans held county caucuses on December 2 and held their state delegate selection on December 14. Governor Mickelson, chairman for the Bush campaign, presided over the selection of delegates for President Bush. Those delegates will have their names on the presidential ballot. Not other candidate had delegates elected on their behalf although a hand-full of delegates were elected on an uncommitted slate.

* The campaign of **PAT BUCHANAN** filed a lawsuit in district court claiming both the Secretary of State and the state Republican party had unfairly acted to keep Buchanan off the ballot. The judge ruled on January 16 that Buchanan's campaign had failed to comply with party rules and upheld the decision to keep Buchanan off the February 25 primary ballot.

PREVIOUS TRAVEL TO COLORADO

1989/12/21-1/1 Vail	Colorado	Private time
1990/4/10 Colorado Springs	Colorado	Natl Space Symposium
	Colorado	Recep. w/Hank Brown
1990/06/27 Denver	Colorado	Natl Sheriffs 50th Conf.
1990/12-21-29 Vail	Colorado	Private time
1991/06/21-23 Beaver Creek	Colorado	Amer Ent Inst World Frm.
	Colorado	AEI Finale Dinner
	Colorado	AEI World Frm. Luncheon

OFFICE OF THE VICE PRESIDENT

WASHINGTON

February 14, 1992

Private Meeting

Date: Tuesday, February 18, 1992
Location: The Vice President's Suite
Hyatt Regency Hotel
Denver, Colorado
Time: 8:45 p.m.

From: Cecile B. Kremer
Assistant to the Vice President
for Scheduling and Public Liaison

I. PURPOSE

To participate in a private meeting with William C. McClearn, Dwight A. Hamilton, Thomas A. Petrie, and William E. Murane, as suggested by Jack Vardaman.

II. BACKGROUND

Upon learning of your pending travel to Denver, Jack Vardaman recommended that you meet briefly with the following individuals, as a means of becoming acquainted with key local leaders.

III. PARTICIPANTS

William C. McClearn

Mr. McClearn is a partner in the law firm of Holland & Hart in Denver. He served as President of the Denver Bar Association from 1977-1978, and as President of the Colorado Bar Association from 1980-1981. He was a member of the Board of Governors of the American Bar Association from 1984-1987, and is currently a member of the Board of Directors of the American Bar Insurance Plans Consultants. McClearn specializes in Civil Litigation, Antitrust and Labor law.

Dwight A. Hamilton

Mr. Hamilton is the Senior Partner in the law firm of Hamilton & Faatz in Denver. He is a Past President of the Law Club of Denver and a member of the National Conference of Commissioners on Uniform State Laws. Active in Republican politics, Mr. Hamilton has served as State Chairman of the Colorado GOP and campaigned for Senator Armstrong. Since 1971, Hamilton has also served as Honorary Consul of the Republic of Korea for Colorado and Wyoming. He is a Past President of the Denver Broncos Quarterback Club.

Thomas A. Petrie

Mr. Petrie is a co-founder of Petrie Parkman & Company, Inc. in Denver, which provides investment and banking services to the oil and gas industry, including institutional research and financial advisory projects. Prior to this, Petrie was a Managing Director and Senior Oil Analyst of The First Boston Corporation. For eight consecutive years, Mr. Petrie was ranked the number one oil analyst in the exploration/independent sector by Institutional Investor magazine's annual survey of money managers and oil analysts. A graduate of the U.S. Military Academy at West Point, Petrie is a past President and past member of the Board of Directors of the National Association of Petroleum Investment Analysts. He has served on the Securities and Exchange Commission Advisory Board on Oil and Gas Accounting.

William E. Murane

Mr. Murane is a partner in the law firm of Holland & Hart in Denver. He has been with Holland & Hart since 1961, with the exception of four years when he served as General Counsel of the Federal Deposit Insurance Corporation and Deputy General Counsel of the U.S. Department of Commerce. Murane has an active trial practice in the State and Federal Courts of Colorado and Wyoming on a variety of cases involving banking, intellectual property, environmental law, defamation, contracts, securities and taxation. He is a past Chairman of the American Bar Association's Administrative Law Section, currently serves in the ABA House of Delegates, and is a Fellow in the American College of Trial Lawyers.

IV. SEQUENCE OF EVENTS

THE VICE PRESIDENT participates in Private Meeting.

THE VICE PRESIDENT concludes Private Meeting.

V. PRESS PLAN

Official Photographer only

VI. ATTACHMENTS

Biographies on each individual

VII. FOLLOW UP

THE VICE PRESIDENT will prepare a personal note to each participant.

Photos will be mailed as appropriate.

February 14, 1992

PHOTO OPPORTUNITY WITH CIVIL JUSTICE REFORM SUPPORTERS

DATE: February 19, 1992
LOCATION: Colorado State Capitol
TIME: 10:55 a.m.
FROM: Richard Porter

I. PURPOSE

Build grass roots support for the Civil Justice Reform proposals by having a photo-op with prominent local supporters of reform.

II. BACKGROUND

You are meeting with three local supporters of Civil Justice Reform. One, Kenneth Valis, is Wayne Valis' uncle. All three manage Denver area businesses.

III. PARTICIPANTS

Ross

David L. Ebershoff - Founder of Ebershoff Group, Inc.
Kenneth Valis - Chairman of the Board of Colorado Paint Co.
Robert A. Carnicello - President of Gregg Homes, Inc.

Possible Attendee: Ross C. Corace - President, Foxmoor Industries, Inc.

IV. SEQUENCE OF EVENTS

11:00 a.m.	The Vice President arrives TBA for the photo opportunity.
11:05 a.m.	The Vice President departs TBA.

V. PRESS PLAN

None

VI. ATTACHMENTS

Biographies of attendees

BIOGRAPHY

DAVID L. EBERSHOFF
777 S. Wadsworth Blvd.
Irongate 2, Suite 204
Lakewood, Colorado 80228
(303) 980-8686

EDUCATION:

BS Mechanical Engineering - University of Missoui
Columbia, Missouri
BS Math & Physics - North Texas State University
Denton, Texas
MBA Marketing - Southern Methodist University
Dallas, Texas

Numerous certificates and courses in Real Estate Field:

CCIM - National Association of Realtors, GRI Certificate - University of Colorado - and various other certificates in Real Estate.

EXPERIENCE;

1963-1965 GENERAL DYNAMICS INC., Ft. Worth, Texas
Engineering & Design of F-111 Fighter Aircraft. Worked specifically in applications with fuselage design, also numerically controlled computer machining of parts applications.

1965 - 1967 TEXAS INSTRUMENTS, INC., Dallas, Texas
Manufacturing coordination for engineering projects dealing with military equipment. Responsible for design and manufacturing of the APQ-110 which is a forward looking radar for the F-111, the AOSO project (Advanced Orbiting Solar Observatory) and also a project OTPI (On Top Position Indicator), a sonar project for the Navy.(Top secret clearance).

1967 - 1971 HONEYWELL INC., Dallas, Texas
Sales & Marketing - Selling of Honeywell computer systems to Colorado businesses. Was number two salesman in the company for two consecutive years.

1971 - Present

EBERSHOFF GROUP, INC., Denver, Colorado
Started my own company in 1971 and have successfully operated it to present date.

The first six years in real estate was engaged in the real estate brokerage and sales of commercial properties and personally handled real estate sales in excess of 20 million dollars of Colorado properties.

Managed and operated apartments with values in excess of 6 million dollars and at various times have managed approximately 300 units.

Been involved in construction management design and brokerage of light industrial warehousing and self service storage projects over the past seven years with values in excess of 30 million dollars. Consulted on numerous projects throughout the United States for self service storage projects and light warehousing.

During the past three years, have constructed, designed, built and managed approximately 400,000 sq. ft. of light industrial warehousing, light manufacturing and self service storage projects valued at 10 million dollars for a developer in the Colorado area.

Have authored numerous articles in trade publications throughout the United States and have also been a guest lecturer at many seminars, symposiums and programs involving the development, construction and management of light warehousing, industrial projects and self service storage projects.

Authored programs for the National Association of Homebuilders in their Industrial Warehousing programs and was a guest speaker at their national conventions.

ASSOCIATIONS

An active member of the Denver Home Builders Association, Colorado Civil Air Patrol, Fellowship of Christian Athletes, Self Service Storage Association, Experimental Aircraft Association and the International Aerobatic Club. An immediate past president of the Self Service Storage Association, regional president and national director of the Self Service Storage Association. Involved in many civic projects and am also active in community and church functions.

I am a professional air show pilot flying in air shows throughout the national in an airplane that I redesigned and built.

If any further information is desired, please feel free to call me at my Denver offices.

2. 14. 92 01:55PM

FAX 1-202-395-1754 ATTN: BETH BONSOULIN

meeting with Vice President Quayle
Citizens for Civil Justice Reform
2/19/92 10:00 A.M. Colorado State House

KENNETH S. VALIS
SS# 154-10-5170
DOB 9/19/21

3870 South Hillcrest Drive
Denver, Colorado 80237 303-758-0609

Attended Rutgers University, New Brunswick, NJ

Graduated Denver University, Denver, Colorado

Born New York City, NY

Resident of Denver since 1946

CHAIRMAN OF THE BOARD: COLORADO PAINT COMPANY
4747 Holly Street
Denver, Colorado 80216

303-388-9265

Owned and operated COLORADO PAINT COMPANY since 1956.
Business was incorporated in 1922.

COPACO manufactures paint and coatings for industrial, retail and governmental trade. Employs 25 to 30.

Veteran of World War II and Korean War. Served as B24 pilot in the 8th Air Force in the European theater.

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Vitae	Re: Robert A. Carnicello; birthdate redacted. (1 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Quayle Vice Presidential Records
Office: Deputy Chief of Staff's Office
Series: Porter, Richard, Files
Subseries: Subject Files
WHORM Cat.:
File Location: Denver-Civil Justice Reform 2/19/92

Date Closed: 3/16/2023	**OA/ID Number:** 21807-005
FOIA/SYS Case #: 2021-0094-F	**Appeal Case #:**
Re-review Case #:	**Appeal Disposition:**
P-2/P-5 Review Case #:	**Disposition Date:**
AR Case #:	**MR Case #:**
AR Disposition:	**MR Disposition:**
AR Disposition Date:	**MR Disposition Date:**

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

BIOGRAPHY

ROBERT A. CARNICELLO
11580 PARK RANGE RD.
LITTLETON, CO 80123

Born: (b)(6), Colorado Springs, Colorado
Attended Denver Public Schools, graduate North High, 1950
Attended University of Denver, graduate, Business School 1957
Served US Army Engineers, Korea, Rank of Cpl. 1952-1954

Married to Dona R. Wright, October 8, 1954. Met Dona at North High School also, class of 1950. Dona attended the University of Colorado, graduate, School of Music and Education, 1954.

Three children: Greggory D. Carnicello, Age 36 - Vice President, Gregg Homes, Inc., Colorado State University, Class of 1957. Married to Joan Ewing one child, Kevin, age 1.

Karen L. Wenzel, Age 33 - Administrator MS Society, Graduate University of Colorado, Class of 1960. Married to Jeffery Wenzel, one child, Hanna age 2.

Dianne Coffey, Age 32 - Graduate University of Colorado, Class of 1960, Assistant Manager Customer Relations, United Airlines. Married to Donald (Skip) Coffey, one child, Ryan, age 1.

Work History:

Denver Post Printing & Publishing Co. 1950-1962, excluding military time.

Rocky Mtn. News 1961-1963 Advertising Staff

Sam Lusky Advertising & Public Relations 1963-1965.
Western States Advertising Company 1965-1966.
Wood Bros. Homes, 1966-1976, Director of Marketing, Vice President, Ex. Vice President - Manager Colorado Region.

Gregg Homes, Inc. Owner, President 1976 - Current. Builds single family homes Metro Denver Area.

Park Range Construction, Inc. Vice President - General construction, Insurance Renovation, Metro Denver Area.

Activities:
Golf, Skiing, Swimming.

Wayne
833-5055

White & Cole Associates

FAX

To: Richard Corker

From: Rick White

Date: 2/17/92

Number of pages (including the cover sheet): 5

Remarks:

1660 Wynkoop Street, Suite 1000
Denver, Colorado 80202
(303) 892-5858 • FAX 892-6115

White & Cole Associates
1660 Wynkoop Street, Suite 1000
Denver, Colorado 80202
(303) 892-5858 • FAX 892-6115

Richard A. White
David J. Cole

MEMORANDUM

To: Richard Porter
Office of the Vice President

Fr: Rick White
White & Cole Associates

Re: Meeting with Vice President Quayle

Date: February 17, 1992

Per your request, I have listed the people with whom the possibility of a meeting with the Vice President and Dave Ebershoff has been discussed:

Barbara Grogan
Western Industrial Contractors
In-coming Chair of the Greater Denver Chamber of Commerce

Don Childers
Colorado Bankers Association

In addition, I would like to extend an invitation to the following people/associations:

George Dibble
Colorado Association of Commerce and Industry

Dan Tomlinson
Colorado Insurance Coalition
(He represents the group on legislative matters. He will provide the name of a more applicable representative.)

Rennetta Lueckenhoff
Colorado Ski Country
(She represents the group on legislative matters. He will provide the name of a more applicable representative.)

Dennis Jakubowski
Associated General Contractors
(He represents the group on legislative matters. He will provide the name of a more applicable representative.)

Once I receive approval from your office, I will provide you with the name of the actual association representative who will attend.

As I mentioned, the purpose for adding these individuals to the meeting would solely be so the Vice President can articulate to these key associations the need for judicial reform.

Attached you will find a "DRAFT" copy of a media release Colorado Citizens for Judicial Reform would like to send out following the meeting with the Vice President. Please review it and feel free to edit it in any way.

If there are any questions, please feel free to contact me at any of the following numbers:

(303) 892-5858 Office
(303) 892-6115 Fax
(303) 295-1247 Home
(303) 829-2842 Mobile

attch.

xc: D. Ebershoff

COLORADO CITIZENS FOR JUDICIAL REFORM

777 S. Wadsworth Blvd., Bldg.2, Suite 204
Lakewood, Colorado 80215

DRAFT

IMMEDIATE RELEASE

FEBRUARY 19, 1992

CONTACT: DAVE EBERSHOFF
(303) 980-8686

RICK WHITE
(303) 892-5858

QUAYLE MEETS WITH LOCAL BUSINESS LEADERS
...endorses Colorado judicial reform efforts.

(Denver, Colorado) Today US Vice President Dan Quayle met with Colorado business leaders at the Colorado State Capital to encourage their support of the efforts of Colorado Citizens for Judicial Reform, the citizens group sponsoring a proposed Colorado judicial reform initiative. This Fall Colorado voters will have an opportunity to vote for judicial reform measure. The basis of the "Fairness Rule" initiative will be that the winner of a lawsuit will be made whole by having all attorney fees and related costs recovered from the loser of the lawsuit --"Loser Pays." Although the final language has not been submitted to Secretary of State Natalie Meyer, Quayle was supportive of the group's effort, the first citizen initiated activity in the nation.

Recently Quayle has been under fire by attorney's groups for a report he released recommending judicial reform at the federal level and for his criticism the litigious attitudes many American have developed. Illustrating the American judicial crisis, Quayle said, "Many features of the current legal system no longer serve to expedite justice or to ensure fair results. Instead, overuse and abuse of the legal system impose tremendous

--more--

costs upon American society. Each year the United States spends an estimated $300 billion as an indirect cost of the civil justice system. For American businesses competing with foreign companies, this creates an unfair disadvantage."

Reciting the US Department of Commerce, Quayle said, "Foreign competitors often have product liability insurance costs that are 20 to 50 times lower than US companies. In fact, approximately 15 percent of US companies have laid off workers as a direct result of product liability experience."

Citizens or groups interested in assisting the effort are encouraged to contact Colorado Citizens for Judicial Reform at (303) 980-8686 or (303) 220-6793.

February 14, 1992

5TH ANNUAL COLORADO PRAYER LUNCHEON

DATE: February 19, 1992
LOCATION: Colorado Convention Center
Denver, Colorado
TIME: 12:10 p.m.
FROM: Richard Porter

I. PURPOSE

Drop by the bi-partisan prayer luncheon in honor of Bill Armstrong.

II. BACKGROUND

The 5th Annual Colorado Prayer Luncheon is honoring Bill Armstrong. Modeled after the National Prayer Breakfast, these luncheons include state leaders in the Executive, Judicial and Legislative Branches of the Colorado state government from both parties.

Wellington Webb, Mayor of Denver will give the welcoming speech. Natalie Meyer (Secretary of State) and Peter Coors will do readings. Bill Armstrong will also deliver a message.

III. PARTICIPANTS

Bill Armstrong
Peter Coors
Governor Roemer
and others on attached list

IV. SEQUENCE OF EVENTS

12:15 p.m.	The Vice President arrives Denver Convention Center
12:20 p.m.	The Vice President arrives dias and remains standing
12:25 p.m.	The Vice President proceeds to podium and begins remarks
12:35 p.m.	The Vice President concludes remarks and departs

V. PRESS PLAN

Print only, no recordings

VI. ATTACHMENTS

- Talking Points
- Invitation

VII. FOLLOW-UP

Letters to Host Committee

MEMORANDUM

OFFICE OF THE VICE PRESIDENT
WASHINGTON, D.C.

Date: 02/13/92
Revised: _____

TO: Bill Gribbin/Tom Pernice

FROM: CECILE B. KREMER

SUBJECT: APPROVED VICE PRESIDENTIAL ACTIVITY

EVENT: Drop-by the 5th Annual Colorado Prayer Luncheon

DATE: Wednesday, February 19, 1992

TIME: 12:10 p.m.

LOCATION: Colorado Convention Center
Large Ballroom
Denver, CO

ATTENDEES: Approx. 1,000 people

REMARKS REQUIRED: Yes; 10 - 15 minutes
To be prepared by Bill Gribbin

PRESS COVERAGE: TBD

MRS. QUAYLE PARTICIPATION: No

ATTIRE: Business Suit

ADDITIONAL INFORMATION:
12:10 p.m. Arrive
12:15 p.m. VP Introduced
12:25 p.m. VP Concludes
12:30 p.m. Depart

CONTACT(s): Robin Johnston, Denver Leadership Foundation 303/753-1370

William Kristol	✓	Tom Pernice		John McConnell	✓
Al Hubbard	✓	Myrna Dugan	✓	Eva Marie Grace	
David Beckwith	✓	Jim Pitts	✓	Kathleen Connolly	
Karl Jackson		Les Novitsky	✓	Steven Purcell	✓
William Gribbin		Mark Albrecht		USSS	✓
Marguerite Sullivan		Cynthia Ferneau	✓	Dominador Julian	
David McIntosh		Carolyn Washington		Tom Fleener	✓
Jeff Nesbit	✓	John Howard		R. Porter	✓

More things are wrought by prayer than this world dreams of.

Alfred Tennyson

And so it is with prayer - keep on asking and you will keep on getting; keep on looking and you will keep on finding; knock and the door will be opened. Everyone who asks, receives; all who seek, find; and the door is opened to everyone who knocks.

Luke 11:9-10 Living Bible

America is a nation founded under God. And from our very beginnings we've relied upon His strength and guidance in war and peace. And this is something we must never forget.

President Bush

Colorado Prayer Luncheon

The Host Committee of the Colorado Prayer Luncheon requests the pleasure of your company at the Fifth Annual Colorado Prayer Luncheon with members of the Host Committee and state leaders in the Executive, Judicial, and Legislative Branches of our government

Wednesday, February 19, 1992

Guest Speaker: Bill Armstrong

Guests to be seated by 11:45 a.m.
Ballroom, Colorado Convention Center
13th & Welton Streets
Denver, Colorado

Adjournment
1:30 p.m.

PAGE.002
FEB 11 '92 16:49

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President Bush

PAGE.004

Colorado Prayer Luncheon

February 19, 1992, 11:45 a.m.

GREETINGS..... Peter & Marilyn Coors
Host Couple

PRESIDING ..... Rev. Luis Villarreal
Pastor, New Life in Christ Church

Luncheon

MUSICAL SELECTIONS... Voices of Faith Choir, Yvonne McCoy
"Bread of Heaven," Brandon Massey, soloist
"Battle Hymn of the Republic," Tarik Davis, soloist

WELCOME..... Wellington Webb
Mayor, City of Denver

PRAYER FOR COLORADO
AND ITS LEADERS..... Father Ken Leone
Pastor, Spirit of Christ Catholic Community

OLD TESTAMENT READING ..... Natalie Meyer
Psalm 37:1-11 Secretary of State

NEW TESTAMENT READING..... Peter Coors
Philippians 4:4-8

MUSICAL SELECTIONS... Voices of Faith Choir, Yvonne McCoy
"Perfect Praise"
Sylvia Esparza, soloist

MESSAGE..... Bill Armstrong

CLOSING PRAYER ..... Rev. Luis Villarreal

FEB-11-92 TUE 14:33 P.03

Host Committee

Sen. Bonnie Allison
Phillip Anschutz
Kathy Arnold
Rep. Chuck Berry
Pat Bowlen
U.S. Sen. Hank Brown
Joe Calderon
U.S. Rep. Ben Nighthorse Campbell
Marilyn Coors
Peter Coors
Dr. Evie Dennis
Norm Early
John Elway
Cal Frazier
Randy Gradishar
Rep. Pat Grant
Sen. Regis Groff
U.S. Rep. Joel Hefley
Wayne Hutchens
Mayor Robert Isaac
Robin Johnston
Howard Kast
Rep. Peggy Kerns
Carl Lansing
Jerome Lewis
Martha Dell Lewis
Del Maxfield
Deborah Ortega
Don Reeverts
Dan Reeves
Bea Romer
Governor Roy Romer
U.S. Rep. David Skaggs
Sen. Ted Strickland
Cally Vickers
Jack Vickers
Mayor Wellington Webb
Rev. Bob Woolfolk

Historically the leadership of our Nation has turned to Almighty God for strength and guidance.

In this spirit, the United States Senate and the House of Representatives Breakfast Groups, which meet to deepen friendships, to pray and counsel together, inaugurated the National Prayer Breakfast to specifically seek the Lord's guidance and strength as well as to affirm our faith and to renew the dedication of our Nation and ourselves to God and His purposes.

In the spirit of this National event, the Host Committee of the Colorado Prayer Luncheon has felt the need for leaders from many facets of Colorado society to gather together for inspiration and to share with one another our spiritual roots and values.

With the desire to deepen the spiritual life and moral fiber of the people through a leadership led by God, there have been, in all fifty states, similar breakfasts and luncheons inaugurated by governors, mayors and other responsible persons.

As a natural outgrowth of such gatherings, many people throughout the world are finding through the Spirit of Christ a fellowship that is helping to build true community in the family of nations.

Colorado Prayer Luncheon

February 4, 1992

Sen. Bonnie Allison
Phillip Anschutz
Kathy Arnold
Rep. Chuck Berry
Pat Bowlen
U.S. Sen. Hank Brown
Joe Calderon
U.S. Rep. Ben Nighthorse Campbell
Marilyn Coors
Peter Coors
Dr. Evie Dennis
Norm Early
John Elway
Cal Frazier
Randy Gradishar
Rep. Pat Grant
Sen. Regis Groff
U.S. Rep. Joel Hefley
Wayne Hutchens
Mayor Robert Isaac
Robin Johnston
Howard Kast
Rep. Peggy Kerns
[illegible]l Lansing
[illegible]ome Lewis
Martha Dell Lewis
Del Maxfield
Deborah Ortega
Don Reeverts
Dan Reeves
Bea Romer
Governor Roy Romer
U.S. Rep. David Skaggs
Sen. Ted Strickland
Cally Vickers
Jack Vickers
Mayor Wellington Webb
Rev. Bob Woolfolk

Vice President Dan Quayle
Office of the Vice President
White House
Washington, D.C. 20500

2/13/92 AFH regretted dinner invitation

Dear Vice President Quayle,

It is our pleasure to invite you and your spouse or guest to an informal buffet supper honoring Bill Armstrong who will be the featured speaker at the Fifth Annual Colorado Prayer Luncheon.

We are inviting only program participants, the Host Committee and the planning committee so we will all have an opportunity to talk to Bill and each other before the Luncheon.

The supper will be held at 6:30 p.m. on Tuesday, February 18th, and will take place at the Downing House (see enclosed map).

At this point, the Prayer Luncheon response has been rewarding, and we anticipate over 1,000 luncheon guests. We appreciate your participation and want to acknowledge your interest and support at the supper.

We look forward to seeing you at the supper and also at the Luncheon. Please respond on or before February 14th to Lori at 753-1374.

Pete & Marilyn Coors

Peter and Marilyn Coors
Host Committee Chairpersons

11:45 a.m. • *February 19, 1992* • *Colorado Convention Center*

1780 South Bellaire Street, Suite 808, Denver, Colorado 80222, (303) 753-1374

BIOGRAPHICAL INFORMATION

FOR

DWIGHT ALAN HAMILTON

5005 South Lafayette Lane
Englewood, Colorado

William C. McClearn

Date of Birth: 8/12/27

S.S. No. 473-22-2933

Partner
Holland & Hart
555 17th Street, Suite 2900
Denver, Colorado 80202
(303) 295-8000

American Bar Association Activities:
Board of Governors (1984-87); Chairman, Standing Committee on Lawyers Professional Liability (1987-89); Council Member, Section of Litigation (1987-90); Member, Board of Directors, American Bar Insurance Plans Consultants, Inc. (1988-__)

Past President, Colorado Bar Association (1980-81)

Past President, Denver Bar Association (1977-78)

Fellow, American College of Trial Lawyers

Former Member, Board of Directors, Attorneys' Liability Assurance Society, Ltd. (1979-87)

Past Chairman, Management Committee, Holland & Hart, a 235 lawyer Denver-based law firm with eight offices in the Northern Rocky Mountain States and Washington, D.C.

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Vitae	Re: Hamilton; birthdate and Social Security number redacted. (1 pp.)	02/14/92	(b)(6)	

Collection:

Record Group: Quayle Vice Presidential Records
Office: Deputy Chief of Staff's Office
Series: Porter, Richard, Files
Subseries: Subject Files
WHORM Cat.:
File Location: Denver-Civil Justice Reform 2/19/92

Date Closed:	3/16/2023	**OA/ID Number:**	21807-005
FOIA/SYS Case #:	2021-0094-F	**Appeal Case #:**	
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AR Disposition:		**MR Disposition:**	
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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

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General Information

Date of Birth: (b)(6)

Place of Birth: Denver, Colorado, U.S.A.

Citizenship: U.S.A.

Social Security No.: (b)(6)

Marital Status: Married to Elizabeth F. Hamilton

Children: Scott W. Hamilton, Camilla L. Dalton, Dwight Alan Hamilton II, Elizabeth Ann Hamilton

Residence

5005 South Lafayette Lane
Englewood, Arapahoe County, Colorado
(303) 761-4994

Education

High School or Preparatory School: South Denver High School, Denver, Colorado, September 1943 - June 1946

College or Other Schools: The Colorado College, Colorado Springs, Colorado, September, 1946 - June, 1950. B.A. Degree - History Major

University of Denver, College of Law, Denver, Colorado, September, 1952 - December, 1954. J.D. Degree.

Military Service

Present and Past U.S. Military Service: United State Marine Corps, September, 1950 - August, 1952, Active, Captain.

Employment History

Present Employment: Self-employed, Senior Partner, Hamilton and Faatz, A Professional Corporation, Attorneys-at-Law, 1600 Broadway, Suite 600, Denver, Colorado, (303) 830-0800.

Faatz 80202

Civic Group Membership and References

My involvement in community affairs has been extensive, especially in community, political, church, Masonic and law-related affairs.

Community: I have been active in homeowner groups, local water and sanitation districts and civic assistance groups.

(a) University Park Improvement Association.

(b) Cherry-Moor Water District, Secretary/Treasurer.

(c) Denver Broncos Quarterback Club - Past President. Assisted in the formation of the Active Roster, a group of businessmen and community leaders organized to assist in making the Broncos feel closer to the Denver community and to assist in career planning after football.

(d) American Field Service - Assisted in developing the Diplomatic Ball in Denver to assist foreign exchange student program.

(e) Centennial Colorado Conference - I was one of the founders of the Conference to help educate community leaders on matters of significance to the national, state and local governments. I have been moderator of final session each year.

(f) Honorary Consul of the Republic of Korea for Colorado and Wyoming - I have served in this capacity since May 27, 1971. This role has created opportunities for me to work with Korean nationals and people of Korean descent in Colorado. I have been a member of the Consular Corps of Colorado and have served as Secretary-General, Vice Dean and Dean.

Political: I have been very active in the Republican Party most of my adult life. I have served as precinct committeeman, area leader, County Secretary, County Chairman, State Chairman, State Patronage Chairman and member of the Republican National Committee. I was active in the campaign organization of Senator William Armstrong and others.

Church: I am a member of the Sixth Church of Christ, Scientist, Denver, Colorado, and the First Church of Christ, Scientist, in Boston, Massachusetts. I have served the Church as First Reader, as a member of the Board of Directors for two terms (Chairman, one year), Sunday School teacher, usher and numerous other committees.

I served on the Board of Directors of Adventure Unlimited, an international youth organization for young Christian Scientists for twelve years.

Masonic: My Masonic fraternity activities have been extensive and I devote a great deal of time toward improving myself as a man and Mason. I am a Past Master of Union Lodge No. 7, A.F. & A.M. and am presently Treasurer of that Lodge. I am a member of Rocky Mountain Consistory, and am a Past Master of Kadosh. I was accorded the rank and honor of 33° Honorary. I am also a member of the Knights Templar, the Red Cross of Constantine, and El Jebel Shrine. I served as Grand Master of The Most Worshipful Grand Lodge of Colorado in 1989.

Law: I am a member of the American, Colorado, Denver and Arapahoe County Bar Associations, and the Law Club of Denver (Past President). Since 1965, I have been a member of the National Conference of Commissioners on Uniform State Laws, an organization of more than 300 lawyers, judges, law professors, legislators and other state officials from every state, and from the District of Columbia and the territories of the United States, which develops and promotes enactment of uniform legislation by the states. I am presently serving as President of the Conference for the 1991-93 biennium.

Social: University Club
Cherry Hills Country Club
Cactus Club
Swayback Ranch Fishing Club

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Vitae	Re: Thomas A.Petrie; birthdate and Social Security number redacted. (1 pp.)	02/14/92	(b)(6)	

Collection:

Record Group: Quayle Vice Presidential Records
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WHORM Cat.:
File Location: Denver-Civil Justice Reform 2/19/92

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Information for Meeting with Vice President Quayle

NAME: Thomas A. Petrie

DOB: (b)(6)

SSN#: (b)(6)

TITLE: Chairman & CEO

CO: PETRIE PARKMAN & Co., Inc.
1801 Broadway, Suite 450
Denver, CO 80203
(303) 292-3877

small investment
provide investment
banking svs to
O/I & Gas industry
includes inst. research
+ financial
advisory
projects

Short Bio:

THOMAS A. PETRIE, C.F.A.

Thomas A. Petrie, co-founder of Petrie Parkman & Co., is a former Managing Director and Senior Oil Analyst of The First Boston Corporation. He was based in that firm's Denver, Colorado office for eight years. Prior to joining First Boston in 1977 as Senior Oil Analyst in the Equity Research Department, Mr. Petrie was a Petroleum Research Analyst for Colonial Management Associates in Boston; a Vice President, Senior Oil Analyst and Director with Wainwright Securities in New York City; and a Captain in the United States Army.

For eight consecutive years, Mr. Petrie was ranked the number one oil analyst in the exploration/independent sector by Institutional Investor magazine's annual survey of money managers and oil analysts. He has also been highly rated in the domestic oil sector by the same survey since 1976.

Mr. Petrie has a Bachelor of Science degree, 1967, from the U.S. Military Academy at West Point and received his Masters in Business Administration from Boston University (overseas program) in 1969. He is also a Chartered Financial Analyst.

In addition to his research responsibilities, from 1981 to 1989 Mr. Petrie was actively involved in many of First Boston's energy related merger and acquisition advisory assignments over the past decade. Among others these transactions include: Marathon Oil/U.S. Steel; Conoco/DuPont; Cities Service/Occidental Petroleum; General American Oil/Phillips; Texaco/Getty; Phillips Petroleum/Mesa Petroleum restructuring; Union Texas Petroleum/LBO; Louisiana Land/Inexco; Standard Oil/British Petroleum; and Sabine Corporation/Pacific Enterprises.

An active member of several industry associations, Mr. Petrie is a past member of the Board of Directors of the National Association of Petroleum Investment Analysts as well as a past President of that organization. He has served on the Securities and Exchange Commission Advisory Board on Oil and Gas Accounting and has delivered a number of technical papers to the Society of Petroleum Engineers on the subjects of petroleum valuation, merger and acquisition trends and energy policy changes.

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William E. Murane

Date of Birth: (b)(6)

S.S. No. (b)(6)

Partner
Holland & Hart
555 17th Street, Suite 2900
Denver, Colorado 80202
(303) 295-8000

William E. Murane has been with Holland & Hart since 1961, except for four years when he served as General Counsel of the Federal Deposit Insurance Corporation and Deputy General Counsel of the U.S. Department of Commerce. His experience is varied and includes federal and state administrative proceedings, civil trial litigation and appellate practice. He has been lead counsel in cases before the U.S. Courts of Appeal for the Ninth, Tenth and D.C. Circuits. He also has an active trial practice in the State and Federal Courts of Colorado and Wyoming on a variety of cases involving banking, intellectual property, environmental law, defamation, contracts, securities and taxation.

Mr. Murane received his undergraduate degree from Dartmouth College and his law degree from Stanford. He is a past chairman of the American Bar Association's Administrative Law Section, currently serves in the ABA House of Delegates, and is a Fellow in the American College of Trial Lawyers.

Colorado State List

12 FEB 1992 1

MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT DATE	Contact Info	CATEGORIES
Mr. Don 1726 Cole Blvd. Golden, CO 80401	Don							PERSONAL POLITICAL INTERGOVTL
Mr. Cindy Arker 16442 Co. Road Ft. Morgan, CO 80701	Cindy							POLITICAL PERSONAL INTERGOVTL
The Honorable William Armstrong State of Colorado 1625 Broadway Suite 780 Denver, CO 80202	William	Ellen	Former US Senato	(303) 595-3828 (303) 623-7684	D F	08/03/89	Dinner in honor of Cal Thomas at the residence	POLITICAL SENATE RES/GUESTS PERSONAL DINNER
Kathy Arnold Colorado GOP 1275 Tremont Place Denver, CO 80204			Executive Direct	(303) 893-1776	(			POLITICAL COMM MEM
Mrs. Dorothy Baker United States Olympic Committee 1750 East Boulder Colorado Springs, CO 80909	Dorothy		Member	(716) 632-5551	W	10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	ATHL/SPORT RES/GUESTS
Mr. Bruce Benson Benson Mineral Group Suite 1900 1560 Broadway Suite 1900 Denver, CO 80202	Bruce	Nancy	President	(303) 863-3500 (303) 526-1246 (303) 629-0459	O H F	05/29/91 10/17/91 12/17/91 01/14/92 01/14/92	Attended Team 100 National Meeting Reception where VP gave brief remarks. Attended dinner in honor of Team 100 at the White House. VP wrote follow-up note for Eagles phone-a-thon (12/10/91). VP addressed B/Q '92 National Finance Meeting at JW Marriott.	BUS/ECON TEAM 100 POLITICAL PERSONAL DINNER COMM MEM
Stewart Bliss Governor of Colorado State Capitol, Room 136	Mr.		Chief of Staff	(303) 866-2471	W			PERSONAL POLITICAL INTERGOVTL

Colorado State List

12 FEB 1992 2

MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT. DATE	Contact Info	CATEGORIES
Denver, CO 80203								
Mr. Burton Boothby 6 Polo Field Lane Denver, CO 80209	Burton			(303) 799-9009	H			BUS/ECON POLITICAL TEAM 100 PERSONAL
Mr. James Brewer City of Pueblo 215 N. 10th Street Pueblo, CO 81003	Jim		County Commissio					INTERGOVTL POLITICAL PERSONAL
Mr. Robert Castellini Castellini Co. 2 Plum Street Cincinnati, CO 45202	Bob	Sue	President	(513) 651-9783	O			PERSONAL
Ms. Eileen Charles Hyatt Hyatt Court Reporting & Video 1719 Emerson Denver, CO 80218				(303) 830-0208	O			BUS/ECON
Mr. E.B. Chester, JR. 366 Forrest Road Vail, CO 81657	E.B.			(303) 476-5063	H			BUS/ECON POLITICAL TEAM 100 PERSONAL
Mr. Robert Christensen 101 3rd Street Castle Rock, CO 80104	Robert							POLITICAL PERSONAL INTERGOVTL
Mr. Peter Coors Coors Brewing Company Golden, CO 80401	Pete		President	(303) 277-3109	O	04/22/91 05/03/91	-Photo op -gave the VP a ceramic head driver as a gift Coors wrote VP a letter;enterested in delveloping a partnership to promote Alcohol Prevention.	CEO BUS/ECON PERSONAL DINNER MAIL

olorado State List

12 FEB 1992 3

AILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT. DATE	Contact Info	CATEGORIES
iss Debbie Dalton nited States Olympic Committee 750 East Boulder olorado Springs, CO 80909	Debbie		Assistant to Exe	(719) 632-5551	W	10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	ATHL/SPORT RES/GUESTS
r. Bill Daniels 200 Cherry Creek South Drive uite 500 enver, CO 80209	Bill			(303) 778-5555	O	05/29/91	-Team 100 National Meeting Reception -6:30pm at the Willard Hotel (Ballroom-lower level) -Brief remarks	POLITICAL TEAM 100 BUS/ECON PERSONAL
r. Joseph Finney nternational Converter Corporation 70-101 Wooten Road olorado Springs, CO 80915	Joseph		President and CE	(719) 570-6900		05/06/91	-Address the American Electronics Association Annual Capital Caucus Dinner at the Marriot Crystal Gateway Hotel in Arlington, VA -Photo Op (closed press)	CEO BUS/ECON TA/DC REPS
he Honorable Marleen Fish tate of Colorado 2204 Applewood Knolls akewood, CO 80215	Marleen		State Representa	(303) 866-9637	O			POLITICAL PERSONAL INTERGOVTL ST LEGS GOP ST LEG
r. George Gillett illett Group, Inc. 000 South Frontage Road West uite 100 ail, CO 81657	George	Rose	Chairman	(303) 476-4030 (303) 476-4210 (303) 479-2051 (303) 292-0045	O H F	12/23/91 01/07/92	Attended party in Vail hosted by VP/MTQ. VP wrote follow up note to guests that attended his Vail parties.	PERSONAL MAIL BUS/ECON DINNER TEAM 100 POLITICAL
r. Noel Ginsburg ontainer Industries, Inc. 2850 East 40th Avenue enver, CO 80216				(303) 371-4270	O			BUS/ECON
r. George Gowen	George		Member, Executiv	(719) 632-5551	W	10/01/91	Buffet Luncheon for the United States Olympic	ATHL/SPORT

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MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT. DATE	Contact Info	CATEGORIES
United States Olympic Committee 1750 East Boulder Colorada Springs, CO 80909							Committee, Athletes and dinner patrons at the residence	RES/GUESTS
Mr. Fred Green R.J.M. Group P.O. Box 1640 Vail, CO 81658	Fred	Rainy	Preident	(303) 926-4100 (303) 926-3939	O H			PERSONAL
Ms. Marilyn Green P.O. Box 56 Sedlia, CO 80135	Marilyn							PERSONAL POLITICAL INTERGOVTL
Mr. Steve Haber P.O. Box 1967 Avon, CO 81620	Steve	Kathryn		(303) 926-2331	O	12/26/91 01/07/92	Attended party in Vail hosted by VP/MTQ. VP wrote follow up note to guests that attended his Vail parties.	PERSONAL
Mr. Frederic Hamilton Hamilton Brothers Oil Company 1560 Broadway Denver, CO 80202	Frederic			(303) 863-3011	O			POLITICAL TEAM 100 BUS/ECON PERSONAL
Mr. Kenneth Heller NuTech Environmental Corporation 160 Federal Street Denver, CO 80216				(303) 295-3702	O			BUS/ECON
Mr. William Hybl US Olympic Committee 10 Lake Circle Colorado Springs, CO 80906	Bill	Kathy	President	(719) 473-3354 (719) 633-7733	H O	10/01/91 01/30/92	The Hybls attended luncheon in honor of the U.S. Olympic Committee at the Residence. Hybl had a courtesy call with the VP in his EOB Office.	RES/GUESTS ATHL/SPORT BUS/ECON PERSONAL POLITICAL
The Honorable John Irwin State of Colorado 3334 Bent Drive Loveland, CO 80538	John		State Representa	(303) 866-2947	O			POLITICAL PERSONAL INTERGOVTL ST LEGS

Colorado State List

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MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT. DATE	Contact Info	CATEGORIES
								GOP ST LEG
Ms. Jeannie Jolly 8334 South Prince Littleton, CO 80166	Jeanie							PERSONAL POLITICAL INTERGOVTL
Ms. Dorothy Langkop US Olympic Committee 1750 East Boulder Colorado Springs, CO 80909	Dorothy		Board of Directo	(719) 632-5551		10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	RES/GUESTS ATHL/SPORT
The Honorable Michelle Lawrence State of Colorado 6362 Depew Street Arvada, CO 80003	Michelle		State Representa	(303) 886-2950	O			POLITICAL PERSONAL INTERGOVTL ST LEGS GOP ST LEG
Mr. Mike Lenard United States Olympic Committee 1750 East Boulder Colorado Springs, CO 80909	Mike		Vice President	(719) 632-5551	W	10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	ATHL/SPORT RES/GUESTS
Mr. Dennis Markusson, Esquire Montgomery, Green Jarvis, Kolodny & Ma 1050 Seventeenth Street Suite 1700 Denver, CO 80264	Denny			(303) 534-4800	O	09/05/91	Member of the Managing Counsel Group.	COMPETIT
Mr. Jay Landis Martin 1999 Broadway, Suite 4300 Denver, CO 80202				(303) 296-5636	H			POLITICAL
Ms. Linda McCausland President's Committee on the Arts , CO	Linda		Committee Member			09/27/91	photo opportunity with Members of the President's Committee on the Arts in the OEOB office	ARTS/HUMAN
Ms. Linda McCausland	Linda					10/29/91	Attended the photo-op with the VP at the RCLC	POLITICAL

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AILING LABEL.....	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE.....	PHONE.....	D	CONTACT. DATE	Contact Info.....	CATEGORIES...
09 W. Francis St. spen, CO 81612							Meeting 11/29/91 at the Mayflower Hotel in D.C.	
r. Arch McGill 425 Buffer Creek Road ail, CO 81657	Arch			(303) 476-3900	H	01/04/92	Met privately w/ VP in Vail. Mtg. included: Brad Quayle & George Gillette	PERSONAL
t. General Thomas Moorman, Jr. ir Force Space Command ir Force Space Command eterson Air Force Base, CO 80914	Tom		Commander			07/24/91	VP gave a tour and speech at at Vandenberg, AFB sent note on 7/29: "A great day for space - Thanks for your help."	MILITARY SPACE
r. Mike Murrey egional Programs S Olympic Committee 750 East Boulder olorado, CO 80909	Mike		Director	(719) 632-5551	W	10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	ATHL/SPORT RES/GUESTS
r. Ray Needham 20 East Yellow Hawk olden, CO 80419	Ray							POLITICAL PERSONAL INTERGOVTL
r. R. James Nicholson olorado GOP 9563 East Main Street uite #201 B arker, CO 80134	Jim		National Committ	(302) 841-6110	O			PERSONAL POLITICAL COMM MEM
r. Peter Nicklin 89 W. Francis St. spen, CO 81611	Peter					10/29/91	Attended the photo-op with the VP at the RCLC Meeting 11/29/91 at the Mayflower Hotel in D.C.	POLITICAL
earing House Opportunity Center rt Collins, CO								POL
e Honorable David Owen ate of Colorado	David		State Representa	(606) 330-9600	O			POLITICAL PERSONAL

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MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT DATE	Contact Info	CATEGORIES
2722 Buena Vista Drive Greeley, CO 80631								INTERGOVTL ST LEGS GOP ST LEG
Ms. Margorie Page 5334 South Prince Lincoln, CO 80166	Margorie							POLITICAL PERSONAL INTERGOVTL
Mr. Jack Payne Executive Marketing International, Inc 1444 Wazee Street, Suite 320 Denver, CO 80202	Jack		President	(303) 595-8770 (303) 534-6030	O F	11/26/91	Jack wrote VP letter asking for his support in locating the Smithsonian Air & Space Museum Extension in Denver.	BUS/ECON PERSONAL
Rev. Thomas Pratt Calvary Baptist Church 241 S. 15th Street Brighton, CO 80601	Tom		Pastor			04/19/91	Southern Baptist Convention Public Affairs committee White House Briefing	RELIGION BAPTISTS
Mr. Bradley Quayle 2743 Bellflower Vail, CO 81657	Brad	Liz		(303) 926-2558 (303) 476-5601 (303) 949-5750 (303) 949-5059 (303) 476-7752	H O H O	12/23/91 01/04/92 01/07/92	Attended party in Vail hosted by VP/MTQ. Met privately w/ VP in Vail. Mtg. included: Arch McGill and George Gillette VP wrote follow up note to guests that attended his Vail parties.	PERSONAL MAIL PHONE
Mrs. Kay Riddle Colorado GOP 10744 Roseanna Drive Northglenn, CO 80234			National Committ	(303) 841-6110 (303) 781-2642	((			POLITICAL COMM MEM
Mr. John Samuelson US Olympic Committee 1750 East Boulder Colorado Springs, CO 80909	John		Chief Financial	(719) 632-5551		10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	ATHL/SPORT RES/GUESTS
The Honorable Bob Schaffer State of Colorado	Bob		State Senator	(303) 866-4866	O			POLITICAL PERSONAL

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MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT. DATE	Contact Info	CATEGORIES
3273 Gunnison Drive Fort Collins, CO 80526								INTERGOVTL ST LEGS GOP ST LEG
Dr. Harvey Schiller US Olympic Committee 1750 East Boulder Colorado Springs, CO 80909	Harvey		Executive Direct	(719) 632-5551		10/01/91	Buffet Luncheon for the United States Olympic Committee, Athletes and dinner patrons at the residence	ATHL/SPORT RES/GUESTS
Mr. Mike Shannon Vail Associates Post Office Box 7 Vail, CO 81658	Mike	Mary Sue	President	(303) 476-6235 H (303) 476-5601 O		12/23/91 01/07/92	Attended party in Vail hosted by VP/MTQ. VP wrote follow up note to guests that attended his Vail parties.	PERSONAL DINNER
Mr. Lawrence Sluss Ehrhardt Keese & Steiner, CPA 3025 South Parker Road Aurora, CO 80014				(303) 755-3956 O				BUS/ECON
Mr. Charles Socha Tilly & Graves, P.C. 3773 Cherry Creek North Drive Suite 1001 Denver, CO 80209	Chuck			(303) 321-8811 O		09/05/91	Member of the Managing Counsel Group.	COMPETIT
Mr. John Stone City of Golden 1700 Arapahoe Street Golden, CO 80419			County Commissio					INTERGOVTL POLITICAL PERSONAL
Mr. Chester Stone, Jr. Cyprus Minierals Post Office Box 3299 Englewood, CO 80155	Chester		President and CE			05/07/91	-Addressed the Symposium on American Competitiveness - J.W. Marriot Hotel (Washington, D.C.)	COMPETIT BUS/ECON CEO
The Honorable Ted Strickland State of Colorado	Ted		State Senator	(303) 866-3422 O				POLITICAL PERSONAL

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MAILING LABEL	FAMILIAR NAME	SPOUSE FIRST NAME	TITLE	PHONE	D	CONTACT DATE	Contact Info	CATEGORIES
Room 257 State Capitol Denver, CO 80203								INTERGOVTL ST LEGS GOP ST LEG
Mr. John Studholme 239 Canyon Boulevard Boulder, CO 80302	John					09/24/91	Photo Op with American Cancer Society Division Representatives	HEALTH
Mayor Paul Taner 1470 S. Haruna St. Aurora, CO 80012								POLITICAL PERSONAL
The Honorable Claire Traylor State of Colorado 3045 Field Drive Wheat Ridge, CO 80033	Claire		State Senator					POLITICAL PERSONAL ST LEGS GOP ST LEG INTERGOVTL
Mr. Malcolm Wheeler Parcel, Mauro, Hultin & Spaanstra, P.C 1801 California Street Suite 3600 Denver, CO 80202	Malcolm		Special Counsel	(303) 292-6400	O	01/15/92	VP attended CJR Roundtable in Sacramento and wrote follow-up letter (1/28/92).	COMPETIT
Mr. Stuart Wheeler KN Energy, Inc. 12055 West 2nd Place Lakewood, CO 80228	Stuart		Director, Public	(303) 989-1740 (303) 989-0368	W F			BUS/ECON COMPETIT
Mr. Carl Williams Suite 606 7290 Broadway Denver, CO 80203				(303) 832-2233 (303) 770-0230	O	05/29/91 10/17/91	-Team 100 National Meeting Reception -6:30pm at the Willard Hotel (Ballroom-lower level) -Brief remarks Dinner in Honor of Team 100 at the White House	POLITICAL TEAM 100 BUS/ECON PERSONAL

COLORADO

CONVENES JANUARY 8 -- ADJOURNS MAY 6

Mr. Richard G. Brown
President
Richard G. Brown Enterprises, Inc.
2951 South Adams Street
Denver, Colorado 80210
303-756-5513

A potential threat to Colorado tort reform that came to light last spring appears to be under control. A petition for a referendum on the right to receive "full and just compensation" which would have altered the Colorado constitution to make many existing tort reforms unconstitutional had been circulating the state. The petition is still making its way across the state but its content has been altered so that it would apply only to workers' compensation actions. This is still a serious matter, but at least it leaves tort reforms intact.

Dick Brown, who represents the Denver Medical Society, thinks it unlikely the Colorado Trial Lawyers Association will introduce protective orders legislation again this year. HB 1132 (McInnis) is an attempt to revise current governmental immunity to gradually increase government liability over a three year period. The majority leaders of the House and Senate support these measures so it is likely they will be passed. The Colorado Trial Lawyers' Association introduced HB 1080 (Johnson), designed to undermine the 1986 joint and several liability tort reform, which apportions damages among tortfeasors, to require that any damages attributable to a non-party would be borne equally between the plaintiff and defendants found liable. This bill is pending in the House Judiciary Committee.

In 1986 substantive reforms were passed in the areas of joint and several liability, non-economic damages, collateral source reform, punitive damages and frivolous suits. This year, the Denver Medical Society will work on minor changes to their 1988 and 1990 medical liability statutes to improve their efficiency. For example, last year's legislature expanded the FDA defense provision of 1990's punitive damages statute to include "medically prescribed drugs or products used on an experimental basis when the patient has given informed consent." The issue of immunity for physicians rendering uncompensated care may return this year. As you may recall last year's bill was introduced by Representative Duke (HB 1167), passed both houses and was vetoed by the governor.

Two coalition-supported bills are already in the House Judiciary Committee. HB 1047 (Pankey) would provide immunity for the good faith actions of those serving on boards as volunteers. HB 1168 (Blickensderfer) would allow judges to refer litigants to alternative dispute resolution systems, when available.

Legislative Accomplishments in Colorado from Stephanie Finley

Committee On Legal Services
Members:

Representative Don Mielke,
Chairman

Senator Ralph Cole,
Vice-Chairman

Senator James Beatty
Senator Dennis Gallagher
Representative Patrick A. Grant
Representative Richard F. Mutzebaugh
Senator Ray Peterson
Representative David Skaggs
Senator Jeff Wells
Representative Ruth Wright

State of Colorado

Committee on Legal Servi

Legislative Drafting Office
Room 091
Telephone: 303-866-2045

Office of Revisor of Statutes
Room 079
Telephone: 303-866-2043

State Capitol Building
Denver, Colorado 80203-1782

Alice Boler Ackerman
Margaret C. Makar

Administrative Assistants
Linda R. Bell
Doris R. Rowland

May 28, 1986

MEMORANDUM

TO: Interested Persons

FROM: Deborah Haskins, Legislative Drafting Office

RE: Bills Enacted Relating to Liability, Insurance, and Tort Reform

The enclosed document is a compilation of digest summaries of the bills relating to liability, insurance, and tort reform that were enacted by the Fifty-fifth General Assembly of the state of Colorado. The bill digests are presented in numerical order. An index follows the digests.

The first date appearing after the act is the date on which it was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the act. At the time of publication, some measures had not been acted upon by the Governor.

This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive.

M/DHjj/05238601

Note: On May 30, 1986, the governor signed H.B. 1204 and H.B. 1358.

BILLS RELATING TO LIABILITY, INSURANCE, AND TORT REFORM

S.B. 42 Dentists - trust agreements for self-insurance against liability. Authorizes a group or association of dentists, in the same manner as physicians and health care institutions, to establish trusts for the purpose of insuring against workmen's compensation claims and against general public liability claims based upon acts or omissions, including claims based upon malpractice.

APPROVED by Governor April 3 EFFECTIVE April 3

S.B. 67 Damages in civil actions - limitations on pain and suffering - actions against architects, engineers, and land surveyors - certificate of review required - collateral source - assumption of risk. Limits the amount of damages which may be awarded in any civil action for pain and suffering to $250,000 unless the court finds clear and convincing evidence for raising such limit to $500,000. Prohibits the award of damages for derivative pain and suffering unless the court finds clear and convincing evidence for such an award, in which case the award shall be limited to $250,000. Provides that such limits shall not apply to the recovery of compensatory damages for physical impairment or disfigurement.

Requires a plaintiff's attorney, as a condition to the filing of any action against an architect, engineer, or land surveyor for professional negligence, to execute a certificate stating that he has consulted with another architect, engineer, or land surveyor and such person has concluded that there are grounds for filing such action. Requires any plaintiff's attorney failing to secure such a certificate to file a certificate stating the names of 5 professionals of the same discipline as the defendant who were consulted but declined to certify that the action is meritorious.

Reduces the amount of damages in any tort action for death or injury to person or property by the amount by which the plaintiff has been reimbursed by a collateral source for his loss; except that damages shall not be reduced for compensation and indemnification benefits paid as a result of a contract entered into by or on behalf of the plaintiff. Requires the trier of fact in apportioning negligence in a tort action to consider the assumption of risk by a plaintiff. Defines "assumption of risk" as voluntary or unreasonable exposure to injury or damage with knowledge or appreciation of the danger and risk involved. Repeals a

provision that requires the jury in a civil action in which contributory negligence is an issue to be instructed of the effect of its finding as to the degree of negligence of each party.

APPROVED by Governor May 23 EFFECTIVE July 1

S.B. 69

Statutes of limitations - civil actions - legal representative - person under disability. Consolidates the statutes of limitations for personal civil actions by specifically stating either a one-, two-, or three-year time period for bringing a particular action. Makes most time periods uniform at 3 years. Makes the time limitations for bringing tort actions either one or 2 years. Retains the six-year time period for actions relating to debt, arrears of rent, and for the majority of actions of replevin.

For purposes of the statutes of limitations, clarifies the definition of "person under disability" and permits any real party in interest to apply for the appointment of a legal representative for such person.

Applies to claims arising on or after July 1, 1986; except that causes of action arising before July 1, 1986, which would not be barred under the prior time period or under another applicable statute of limitation shall be commenced, depending on the prior statute of limitation, either on or before July 1, 1988, on or before July 1, 1989, or on or before July 1, 1992.

(For later changes to S.B. 69, see S.B. 153 and H.B. 1352.)

APPROVED by Governor May 23 EFFECTIVE July 1

S.B. 70

Joint and several liability in civil actions. Limits the liability of a defendant in any civil liability action to that amount represented by his share of the negligence or fault producing the claimed injury, death, damage, or loss. Directs the finder of fact to determine the damages sustained by each claimant and the percentage of fault or negligence of all parties to an action and of all nonparties who have received notice. Authorizes the finder of fact to consider the fault or negligence of nonparties in apportioning fault or negligence among parties, if such a nonparty entered into a settlement agreement with the claimant or if a defending party files a pleading designating the nonparty, giving notice of the existence and identity of such nonparty, and stating the basis for such nonparty's fault. States that a finding

that a nonparty was negligent or at fault shall not constitute a presumptive or conclusive finding as to the nonparty in a prior or subsequent action. Permits attorney fees to be assessed against an attorney or a party for a designation of a nonparty that lacked substantial justification.

APPROVED by Governor May 16 EFFECTIVE July 1

S.B. 76 Actions not constituting an assumption of a duty of care. Provides a good-faith immunity from all tort liability for persons who perform a service or act of assistance for no compensation or who adopt or enforce a policy or a regulation to protect another person. Provides that such performance of a service or act of assistance shall not create a duty of care for third persons. Defines person to mean any individual, corporation, partnership, or association. Prohibits holding a member of the board of directors of a nonprofit corporation liable for acts or omissions in the performance of his duties, except willful or wanton acts or omissions.

Applies to acts or omissions occurring on or after July 1, 1986.

APPROVED by Governor May 12 EFFECTIVE July 1

S.B. 86 Civil liability of persons who sell and serve alcoholic beverages - common law causes of action abolished - limitations on civil liability. Abolishes any common law cause of action against a vendor of alcoholic beverages and declares that in certain cases, the consumption of alcoholic beverages, rather than the sale, service, or provision thereof, is the proximate cause of injuries or damages resulting from the actions of an intoxicated person.

Limits the civil liability of persons licensed to sell and serve alcoholic beverages to cases where it is proven that the licensee willfully and knowingly sold or served a minor or a visibly intoxicated person. Limits the civil liability of social hosts to cases where it is proven that the social host willfully and knowingly served a minor. Requires an action to be commenced within one year of the sale or service and allows an action to be brought only by an individual other than the intoxicated person. Provides that total liability in such cases shall not exceed $150,000.

BECAME LAW without Governor's signature May 3
EFFECTIVE May 3

S.B. 153 Statutes of limitation - correction to S.B. 69. Amends S.B. 69, which was enacted in the 1986 session and which makes the statutes of limitations uniform, to correctly list the time periods for bringing actions for fraud, misrepresentation, concealment, or deceit.

APPROVED by Governor May 23 EFFECTIVE July 1

H.B. 1167 Division of risk management - power and duties - scope of risk management fund. Permanently extends the division of risk management and the risk management fund which are scheduled to expire automatically on June 30, 1986. Expands the authority of the division of risk management and expands the coverage of the risk management fund to include payment of audit expenses, payment of premiums for liability insurance policies purchased by the division to protect the state and its officials and employees, payment of premiums for policies of insurance to protect against loss or damage to state-owned property, and payment of deductibles on state insurance policies. Defines "property" as both real and personal property. Requires the state attorney general's concurrence when the executive director of the department of administration employs private attorneys. Authorizes investigation and adjustment of incidents or occurrences likely to result in claims against the state.

Requires that the purchase of property or liability insurance policies by state agencies be coordinated through and approved by the division of risk management. Requires that the purchase of all insurance policies for the state be pursuant to the "Procurement Code". When no responsible competitive sealed bids regarding the purchase of insurance are received, permits the state risk manager to negotiate with any agent, broker, or insurance company to secure the insurance policies. Clarifies that the authority to settle claims pursuant to part 15 of article 30 of title 24, C.R.S., includes the authority to make payments in settlement of claims.

States that the statutes authorizing the division of risk management constitute the only statutory authorization pursuant to the state constitution to settle claims and pay judgments against the state.

APPROVED by Governor April 17 EFFECTIVE April 17

H.B. 1185 Damages resulting from flows of water from reservoir - negligence standard of liability - limitations. Repeals the strict liability standard for damages resulting from flows from a reservoir and replaces such standard with a

negligence standard. Provides that no stockholder, officer, or member of a board of directors shall be personally liable for personal injury or property damage resulting from the flow of water from such reservoir if the owner purchases a valid liability insurance policy or an adequate substitute therefor. States that a good and sufficient bond, an escrow of acceptable securities, or an annual irrevocable letter or annual letters of credit may be an acceptable substitute for such liability insurance. Provides that a combination of any such substitute and insurance may be permissible. States that stockholders, directors, and officers of corporations formed as a ditch, reservoir, or pipeline corporation shall enjoy the same measure of immunity from liability for corporate acts or omissions as stockholders, directors, and officers of corporations formed under the "Colorado Corporation Code", or the "Colorado Nonprofit Corporation Act".

APPROVED by Governor May 16 EFFECTIVE May 16

H.B. 1186 Reservoirs - design and construction - determination of probable future water flows. Establishes a method to be used for determining future water flows for purposes of designing and constructing a reservoir. When a determination of probable future surface water flows at any place in the state is required, states that the calculations shall be based upon past surface water runoff at the place in question as determined by the records of reliable stream gauging stations. Provides that determinations of probable runoff at locations other than reliable stream gauging stations be made by relating the probable future runoff at that location to the recorded runoff at a comparable gauging station. Establishes criteria for determining comparable locations. Requires the state engineer to promulgate rules and regulations which include other factors for consideration when determining probable future runoff. States that no dam safety requirement shall be imposed to meet a potential hazard of a flood the magnitude of which is such that the hazard would probably exist whether the dam failed or not. Allows the interpolation and correlation of known records of flows to determine flows for a longer period. Provides that any person, the state, or any public official or employee acting in performance of his public duty shall not be liable if damages occur and such damages could not have been predicted.

APPROVED by Governor April 4 EFFECTIVE April 4

H.B. 1187 State engineer - immunity from liability for acts and omissions regarding reservoirs. Provides that statutory provisions regarding reservoirs are discretionary and undertaken by the state of Colorado in the exercise of its governmental authority. Exempts the state of Colorado, the state engineer, and his staff and appointees from liability in damages in reference to any acts or omissions regarding reservoirs. States that the state engineer and any member of his staff and any person appointed by him shall have the same immunity from liability as other public employees pursuant to the provisions of the governmental immunity statutes.

APPROVED by Governor May 3 EFFECTIVE May 3

H.B. 1192 Firearms and ammunition - product liability actions. Requires a plaintiff in a products liability action against a manufacturer, importer, distributor, or seller of firearms or ammunition to prove that the product had an actual defect in design or manufacture which caused the alleged injury, damage, or death. States that the actual discharge of a firearm or ammunition shall be deemed the proximate cause of any injury, damage, or death resulting therefrom and not the product's inherent capability to cause injury, damage, or death or the product's placement in the stream of commerce. Makes it an absolute defense to a claim brought by a criminal alleging a defect in a firearm or ammunition that the injury, damage, or death resulted from the use of the product during the commission of a felony or a class 1 or 2 misdemeanor.

APPROVED by Governor May 12 EFFECTIVE May 12

H.B. 1193 Commercial and medical malpractice policies - requirements of an insurer's notice of intent to take action regarding such policies. Increases the time requirement in which an insurer may notify an insured of intent to cancel or not renew any medical malpractice policy from 60 to 90 days and any commercial insurance policy from 45 to 90 days. Requires an insurer to provide 90 days' notice of intent to unilaterally increase the premium or to decrease the coverage benefits of a medical malpractice or commercial insurance policy and to include the reason therefor. Specifies that a notice of intent to cancel a commercial insurance policy or to decrease the coverage benefits of a medical malpractice policy or a commercial insurance policy shall be valid only for the following reasons: Nonpayment of premiums; the insured knowingly made a false statement on the application for insurance; or there has been a change

in the exposure or risk other than that indicated in the application and underwritten as of the effective date of the policy. Makes a change in the exposure or risk other than that indicated in the application and underwritten as of the effective date of the policy a valid reason for cancellation of a medical malpractice policy. Requires 45 days' notice of intent to cancel, not renew, unilaterally increase the premium, or decrease the coverage benefits for a commercial automobile policy issued for 6 months or less. Requires 10 days' notice of cancellation of a commercial insurance policy if the reason for cancellation is nonpayment of premium.

Repeals provisions that made nonpayment of premium a valid reason for not renewing a medical malpractice or commercial insurance policy. Expands the list of insurance policies for which an insurer must notify the insured prior to nonrenewal to include policies providing coverages on commercial exposures, including municipal liability, automobile liability and physical damage, fidelity and surety, fire and allied lines, inland marine, products liability, and police liability.

APPROVED by Governor April 17 EFFECTIVE July 1

H.B. 1196 Governmental immunity act - liability of public entities, officials, and employees. Makes the following changes to the "Colorado Governmental Immunity Act":

Clarifies that the act covers those actions which lie in tort or could lie in tort regardless of whether that may be the type of action or form of relief chosen by the claimant. Redefines "dangerous condition" so that sovereign immunity is not waived as to certain conditions resulting from weather. Includes an authorized volunteer as a public employee covered under the act. Clarifies that the waiver of immunity as to a highway applies only to a physical interference with the movement of travel and applies only to paved portions or to those portions of a road customarily used for travel and generally does not include physical interference with traffic signs.

Eliminates the provision that the purchase of insurance is a waiver of immunity or of the liability limits of the act. Permits the governing body of a public entity to waive the liability limits of the act and the immunity granted in the act by resolution.

States that a public entity has the same immunity as any immunity that is applicable to its public employees. Clarifies that the act does not create any duty of care. States that a public entity or a public employee shall not be deemed to have assumed a duty of

care by the performance of a service or an act for the benefit of any person or by the adoption or enforcement of a policy or regulation to protect any person's health or safety. Clarifies that sovereign immunity is a bar to bringing an action and requires the court to determine that issue by motion.

Clarifies that the one-hundred-eighty-day notice provision is a jurisdictional prerequisite and that such notice begins to run from the date of the discovery of the injury and not from the date of the discovery of the legal basis of the injury. Requires the claimant to wait 90 days after the notice is filed before filing suit. Provides that the ninety-day period tolls the particular statute of limitations.

Repeals provisions that allow public entities discretion over whether or not to defend a public employee who is sued. Awards attorney fees against the plaintiff and in favor of the public employee if there is a wilfull and wanton allegation on which the plaintiff does not prevail unless the court determines that it would be unjust to do so. Makes the public entity liable for reasonable attorney fees in defending a public employee. Permits a public entity to pay a punitive damage claim against a public employee if the governing body determines by resolution that it is in the public interest.

Eliminates the distinction between public entities other than the state and the state made in connection with the payment of judgments and settlements. Provides that the liability limits apply regardless of the number of public entities or public employees joined in the suit. Permits a public entity, other than the state, to use an annual tax levy, appropriation, or both to fund a self-insurance fund.

On and after April 29, permits public entity pools for liability or property insurance purposes to combine and commingle funds.

Requires strict construction of the act. Clarifies that the act does not abrogate common law immunities. Requires federal causes of action brought in state court to comply with the provisions of the act. Adopts a severability clause.

APPROVED by Governor April 29 EFFECTIVE July 1

which has further aggravated the plaintiff's damages.

Prohibits exemplary damages in administrative or arbitration proceedings. Prohibits consideration of evidence of the income or net worth of the party in awarding exemplary damages.

APPROVED by Governor May 16 EFFECTIVE July 1

H.B. 1199 Physicians and optometrists - immunity - medical opinions regarding drivers' licenses. Eliminates the "willfully or wantonly" exception to the statute granting immunity to any physician or optometrist providing a medical opinion regarding a driver's license to the department of revenue and instead grants such immunity to any physician or optometrist who acts in good faith and without malice.

APPROVED by Governor April 17 EFFECTIVE April 17

H.B. 1200 Workmen's compensation - school districts' coverage through self-insurance. Clarifies that a school district's annual tax for workmen's compensation self-insurance shall be levied within the mill limit for

FEB 13 '92 17:31

H.B. 1291 Decreased notice requirements for property and casualty insurance - notice requirements for homeowner's insurance - surplus line insurance covered under unfair and deceptive trade practices prohibitions - exemption from regulation of surplus line insurance - joint underwriting association. Clarifies that limited insurance representatives and surplus line brokers and insurers are subject to the unfair competition and deceptive trade practices prohibitions in the insurance statutes.

Shortens from 90 to 45 days the period of advance notice an insurer is required to give an insured of the insurer's intent to cancel, not renew, unilaterally increase the premium of, or decrease the coverage benefits of a commercial insurance policy. If an insurer fails to state the renewal terms and the amount of premium due at least 45 days prior to the policy expiration, specifies that the insurer shall automatically extend the existing policy for 45 days and the premium shall be assessed on a pro rata basis. If an insurer fails to meet the notice requirements, specifies that the insurer shall be deemed to have renewed the policy at the same terms, conditions, and premium as the existing policy.

Provides that an insurer shall not cancel or refuse to renew a policy of homeowner's insurance unless it provides 30 days' advance notice to the insured and states the reasons for such action.

Allows exceptions to the limitation on the amount of premium for an extended reporting period under a claims-made policy.

Exempts surplus line insurers from notice of intent requirements for commercial insurance policies and from provisions which require the submission of claims-made policy forms to the commissioner of insurance for his prior approval. Specifies the type of disclosure a surplus line broker or insurer must give an insured regarding claims-made policies.

Creates a temporary joint underwriting association for commercial liability insurance to ensure the continuing availability of such insurance in this state. Establishes conditions which must occur before underwriting operations can be commenced. Establishes a board of directors and requires the board to submit to the commissioner of insurance a plan of operations for the provision of commercial liability insurance. Creates a stabilization reserve fund to be used for the purpose of discharging retrospective premium charges. Requires member insurers to contribute to the association and establishes a method for such insurers to recoup assessments paid to the association.

APPROVED by Governor May 1 EFFECTIVE May 1

H.B. 1201 Liability of mental health providers for the violent acts of patients. States that persons providing mental health services shall not be liable in any civil action for failure to warn or protect any person against a mental health patient's violent behavior. States that mental health care providers shall not be liable for failure to predict such violent behavior except where the patient has communicated to the mental health care provider a serious threat of imminent physical violence against a specific person or persons. Provides that such duty to warn shall be discharged by the provider making reasonable and timely efforts to notify the persons threatened as well as the appropriate law enforcement agency or by taking other appropriate action, including hospitalizing the patient. Immunizes such provider from civil liability and professional discipline for warning against or predicting a mental health patient's violent behavior. Defines psychiatric nurse. Provides that the immunity from liability shall not apply to the negligent release of mental health patients from a mental hospital or ward or to the negligent failure to initiate involuntary seventy-two-hour treatment and evaluation after a personal patient evaluation determining that the person appears to be mentally ill and an imminent danger to others.

APPROVED by Governor May 22 EFFECTIVE May 22

H.B. 1204 Exemptions to insurer's notice of intent - rate regulation - regulation of issued or proposed insurance documents - claims-made policy forms. Permits the commissioner of insurance to grant insurers reasonable exemptions to the notice of intent requirements on cancellation, nonrenewal, change in benefits, and increase in rates, based on certain enumerated circumstances and where compliance is shown to be impracticable.

Requires type II insurers to file rating data with the commissioner of insurance concurrent with the effective date of new rates. Clarifies the obligation of insurers to maintain records evidencing the bases of their rates and underwriting practices. Allows hearings regarding rate regulation to be held by the commissioner or his designee.

Makes issued or proposed insurance documents of an advisory organization subject to review by the insurance commissioner. Adds policy forms, certificates, or contracts of insurance or riders to the list of insurance documents for which the commissioner's review may be requested. Authorizes the commissioner of insurance to inspect any rate, underwriting rule, policy form,

certificate, or contract of insurance or rider used or proposed by an insurer, advisory organization, or rating organization. Allows the commissioner of insurance, upon hearing, to prohibit the use of any policy form, certificate, contract of insurance or rider, or proposal thereof if its use would be hazardous to the public or to the insurance policyholders.

States that exclusions of coverage of claims made by a member of a household against another member of the same household are within public policy of this state and shall not be grounds for a finding by the commissioner of noncompliance with state requirements.

Defines "claims-made policy" and requires insurers to file claims-made policy forms with the commissioner on or after January 1, 1987. Provides that if the commissioner has not disapproved the claims-made policy form within 30 days of filing, it shall be deemed approved. States that the commissioner shall not approve a claims-made policy form unless it meets certain requirements including detailed disclosure, an offer of at least a one-year extended reporting period for claims not filed during the expiring reporting period, provision of information to the insured about his aggregate coverage, approval and acknowledgement by the insured of exclusionary endorsements, training of persons engaged in the sale, consultation, and adjustment of claims-made policies. States that the commissioner may disapprove a claims-made policy if the policy does not contain one or more of the following policy provisions: legal defense costs are covered by the policy but excluded from the claims-made policy aggregate; a guarantee, in the event of cancellation or nonrenewal, of a sixty-day period to purchase extended reporting period coverage; and an option to purchase extended reporting period coverage for at least the length of exposure under the applicable statute of limitation.

Authorizes the immediate use of a standardized claims-made policy form previously approved by the commissioner. Exempts public entity self-insurance pools or any insurance offered or issued to such pools from the requirements applied to claims-made policies. Applies the claims-made policy requirements to surplus line insurance.

APPROVED by Governor x EFFECTIVE July 1

H.B. 1205 Actions against landowners - standard of care. Provides that a landowner's liability for injuries occurring on his property by reason of the condition of such property is defined as follows:

(1) If the plaintiff in the action entered or remained on the landowner's property without a privilege to do so, he may recover only for damages willfully or deliberately caused by the landowner.

(2) If the plaintiff entered or remained on the property with the landowner's consent but for the plaintiff's own purposes, he may recover only for damages caused by the landowner's deliberate failure to exercise reasonable care in conducting his active operations on the land or by the landowner's failure to warn of unusual dangers of which he actually knew.

(3) If the landowner has invited the plaintiff onto the property for the landowner's purposes, he may recover for damages caused by the landowner's deliberate failure to exercise reasonable care to protect against unusual dangers of which he actually knew.

Specifies that it is the judge's duty to determine which standard of care applies and that the issues of liability and damages are for the jury to decide or, if there is no jury, for the judge. Provides that the doctrine of attractive nuisance is applicable to persons under 14 years of age.

BECAME LAW without Governor's signature — May 16
EFFECTIVE — May 16

H.B. 1206 Regulation of investments of assets by domestic insurers in affiliated insurance holding companies. Makes the following changes to the insurance holding company system act: Permits an insurer to submit to its shareholders a synopsis of documents rather than all of the documents relating to an acquisition. Removes the requirement that an applicant seeking to acquire control of an insurer send a copy of the application form to all shareholders. Eliminates a requirement that the division of insurance protect the interests of shareholders when the control of an insurer is changed. Permits the insurance commissioner to waive the requirement of an acquiring party to submit audited financial information when such a party is an individual.

Makes the following changes to the act based upon the model insurance holding company system act of the national association of insurance commissioners:

1) Increases from 5% to 10% the amount of assets an insurer may invest in a subsidiary;

6) Imposes additional requirements on the type of material to be submitted for the registration of insurers;

7) Limits the type of investments that domestic insurers can make with affiliated companies;

8) Allows an insurer to carry forward income from the previous 2 calendar years that has not already been paid out as dividends in order to determine whether a dividend or distribution is extraordinary;

9) Creates a civil penalty of not more than $5,000 for failure to file any registration statement, amendment, or notice required by statute; and

10) Permits the receiver to recover on behalf of a domestic insurer a distribution or payment made prior to a petition for liquidation, conservation, or rehabilitation of a parent corporation or holding company.

APPROVED by Governor April 21 EFFECTIVE April 21

H.B. 1352 Applicability of S.B. No. 69 pertaining to statutes of limitations. Amends the applicability of Senate Bill No. 69, enacted at the Second Regular Session of the Fifty-fifth General Assembly, which bill amends the statutes of limitations for civil actions, to specify that causes of action arising before the effective date of S.B. No. 69 but commenced on or after said date shall be subject to the statutes of limitations in effect at the time such causes of action arose.

APPROVED by Governor May 23 EFFECTIVE July 1

H.B. 1358 Increase in fees - filing requirements for supplemental reports or closed-claim files - reports by the commissioner - appropriation. Increases fees for certain types of insurance licenses and for services provided by the division of insurance. On and after July 1, 1989, provides for the fees to return to the amount assessed prior to such increases.

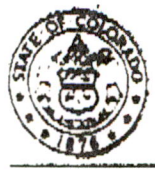
Authorizes the insurance commissioner to promulgate rules requiring insurers to file supplemental reports or closed-claim files (or closed-claim studies) or both for any line, class, or subclass to allow the commissioner to determine the appropriateness of rates, determine whether to convene a hearing to review rates, or investigate availability or affordability problems. Makes such filings not subject to public inspection if there are fewer than 5 claims. Repeals the statutory authority for such filing requirements on July 1, 1989.

Appropriates $266,182 and 8.0 FTE to the division of insurance for the implementation of this act.

APPROVED by Governor x EFFECTIVE July 1

STATE OF COLORADO

EXECUTIVE CHAMBERS
136 State Capitol
Denver, Colorado 80203-1792
Phone (303) 866-2471



Roy Romer
Governor

May 21, 1987

To the Honorable
Colorado State Senate
Fifty-sixth General Assembly
First Regular Session
State Capitol
Denver, Colorado 80203

Ladies and Gentlemen:

I am returning to you Senate Bill 74, "Concerning Amendments to the Statutes of Limitations for the Commencement of Civil Actions in Colorado," which I vetoed on May 21, 1987, at 2:35 pm.

The original purpose of S.B. 74 was to re-enact the three-year statute of limitations in medical malpractice actions, which was erroneously repealed in last session's wholesale revision of the limitations statutes. I have no objection to the section of the bill which re-enacts this law.

However, S.B. 74 also changes the point at which the time of limitations begins to run to when the injury alone is discovered. Under current law, the time begins to run when both the injury and its cause are or should have been known to the plaintiff.

This change will have the effect of barring actions for injuries resulting from causes not immediately apparent, such as those involving toxic substances and some kinds of medical malpractice. The bill may actually increase needless litigation by causing plaintiffs to file cases prematurely just to avoid the limitations bar.

Because I believe S.B. 74 constitutes unwise legal policy, I have vetoed it.

Sincerely,

Roy Romer
Governor

Committee on Legal Services
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Chairman

Representative David E. Bath,
Vice-Chairman

Senator Martha Ezzard
Representative Patrick A. Grant
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Representative Ruth Wright

State of Colorado

Committee on Legal Services

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July 14, 1987

MEMORANDUM

TO: Interested Persons

FROM: Deborah Haskins, Legislative Drafting Office

RE: Bills Enacted During the 1987 Session Relating to Liability, Insurance, and Tort Reform

The enclosed document is a compilation of digest summaries of the bills relating to liability, insurance, and tort reform that were enacted by the Fifty-sixth General Assembly of the state of Colorado during the 1987 session. The bill digests are presented in numerical order. An index follows the digests.

The first date appearing after the act is the date on which it was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the act. If the bill was vetoed by the Governor that fact is noted and the veto message is included before the index.

This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive.

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BILLS RELATING TO LIABILITY, INSURANCE, AND TORT REFORM

S.B. 22 Mandatory arbitration in civil actions - pilot project. Creates a pilot project on January 1, 1988, in the 1st, 3rd, 6th, 7th, 8th, 14th, 18th, and 20th judicial districts to require any civil action for money damages for $50,000 or less and any counterclaim or crossclaim for $50,000 or less to be assigned by the court for mandatory arbitration once the matter is at issue between the parties. Excludes civil actions brought in county courts and small claims courts. Excludes a party who is indigent from participation in mandatory arbitration.

Requires the complaint and any crossclaim or counterclaim in a civil action to include a certification as to whether or not the probable amount of recovery exceeds the amount limit for mandatory arbitration. Provides for the award of attorney fees if such certification lacks substantial justification. Provides a system for the parties to select a single arbitrator or a panel of 3 arbitrators. Provides for the appointment of arbitrators by the court if the parties cannot agree on arbitrators. States that arbitrators do not have to be attorneys. Requires the parties to pay for the arbitrators' compensation and any other costs.

Directs the holding of expedited, informal hearings for the taking of evidence. Authorizes arbitrators to issue subpoenas and decide all matters of law and fact at such hearings. Allows a dissatisfied party to file a demand for trial de novo within 30 days after the filing of the arbitrators' decision. Provides for recovery of costs, including arbitrator fees, not to exceed $1000 when dissatisfied parties proceed to trial and fail to better the award granted by the arbitrators by more than 10%. Directs the supreme court to promulgate rules governing arbitration proceedings and fee guidelines for the payment of arbitrators.

Applies to civil actions for damages filed on or after January 1, 1988, and until the pilot project concludes on July 1, 1990.

APPROVED by Governor May 28 EFFECTIVE Jan. 1, 1988

S.B. 67 Unfair claim settlement practices - delay or denial of payment - instructions to trier of fact. In any civil action for damages founded upon contract or tort, or both, against an insurance company, permits the trier of fact to be instructed that the insurer owes its insured the duty of good faith and fair dealing, which duty is

FEB 13 '92 17:38 PAGE 005

breached if the insurer delays or denies payment without a reasonable basis. Provides standards for determining whether a delay or denial was unreasonable under policies of liability insurance and first-party insurance.

Permits the jury to be instructed that willful conduct of the kind set forth in certain statutory provisions as an unfair claim settlement practice is prohibited and may be considered if the delay or denial and the claimed injury, damage, or loss was caused by or contributed to by such prohibited conduct. States that nothing in the statutory provisions concerning unfair methods of competition and deceptive practices creates a private cause of action or abrogates common law contract or tort actions.

Applies to causes of action arising on or after July 1, 1987.

APPROVED by Governor May 16 EFFECTIVE July 1

S.B. 74 Statutes of limitations for commencement of civil actions - statute of repose for actions involving health care - definition of "person under disability" - accrual of actions. Reinstates former provisions of the statutes of limitations which were omitted in a prior omnibus statute of limitations revision bill. Such provisions include: (1) Reinstating the statute of repose, and the exceptions (knowing concealment and leaving an unauthorized foreign object in the patient's body) and the special provisions for minors thereto, for actions against physicians, hospitals, and other health care providers; and (2) including recognition of a natural guardian (parent) to the same extent as a legal guardian for purposes of defining a "person under disability".

Specifies that a cause of action accrues for injury to person, property, reputation, possession, relationship, or status on the date the injury is discovered or should have been discovered rather than on the date both the injury and its cause are known or should have been known. Defines "injury" as the damage or loss for which compensation is sought.

Applies to acts or omissions occurring on or after July 1, 1987.

VETOED May 21

S.B. 75 Statutes of limitations - corrections - reenactment of limitation on actions for damages sustained during the commission of a felonious act. Makes the following corrections to the statutes of limitations:

(1) Clarifies that an action brought to collect a penalty for failure of a railroad to plow a roadbed is an action for debt;

(2) Creates a 3-year statute of limitation for actions for recovery of erroneous or excessive refunds of any tax administered by the department of revenue and specifies when a cause of action for such recovery accrues;

(3) Deletes a separate 2-year limitation for breach of warranty since such actions are allegations of a breach of contract and come within the 3-year limitation for contract actions;

(4) Clarifies that an action for payment out of the real estate recovery fund may be brought on the grounds of negligence and conversion of trust funds;

(5) Eliminates the common law term "actions of debt founded upon contract or liability in action" and replaces it with an "action to recover a liquidated debt or an unliquidated, determinable amount of money due to the person bringing an action";

(6) Deletes an incorrect cross reference to the limitations for paternity from the limitations pertaining to actions against manufacturers, sellers, or lessors of new manufacturing equipment;

(7) Repeals one of 2 conflicting time limitations for actions against debt adjusters, resulting in a one-year limitation for such actions.

Reenacts a provision that was not included in the 1986 repeal and reenactment of the statutes of limitations which limits the right of a person to bring a civil action for damages for injuries sustained while committing a felonious act or while in flight from the commission of a felonious act.

Applies to claims for relief arising on or after July 1, 1987. Specifies that causes of action arising before July 1, 1987, but commenced on or after July 1, 1987, are subject to the statutes of limitations in effect at the time such causes of action arose.

APPROVED by Governor May 20 EFFECTIVE July 1

S.B. 80 <u>Immunity from liability of volunteers who assist organizations relating to young persons</u>. Provides that a volunteer assisting in any program, organization, association, group, or nonprofit corporation serving young persons 18 years of age or younger or providing sporting programs or activities for such young persons shall not be liable for acts or omissions in the performance of his duties except for wanton and willful

acts or omissions. Provides that such immunity does not protect such volunteer from acts or omissions which harm third persons.

APPROVED by Governor April 30 EFFECTIVE April 30

S.B. 108 Governmental immunity - inclusion of health care practitioners. Includes the following persons as public employees for purposes of coverage under the "Colorado Governmental Immunity Act": Any health care practitioner employed full-time or any health care practitioner employed part-time by a public entity but who does not have an independent health care practice; any health care practitioner employed part-time by and holding a clinical faculty appointment at a public entity as to any injury caused by a health care practitioner-in-training under his supervision; and any health care practitioner-in-training who is a student of a public entity and who is working at either a public or nonpublic entity. Specifies when such persons maintain the status of a public employee.

APPROVED by Governor June 20 EFFECTIVE June 20

S.B. 112 Governmental immunity - elimination of strict liability as applied to a public water or sanitation facility. States that no rule of law imposing strict liability shall be applied to a public entity or public employee under the "Colorado Governmental Immunity Act" in any action for an injury resulting from a dangerous condition of, or the operation and maintenance of, a public water facility or a public sanitation facility. Provides that liability shall be imposed in any such action only if negligence is proven.

APPROVED by Governor May 13 EFFECTIVE May 13

H.B. 1087 Fraudulent insurance acts - immunity from liability for persons furnishing information relating to insurance fraud - definition. Provides immunity from civil liability to any person who furnishes information to the commissioner of insurance, the division of insurance, law enforcement officials, or other similar entities relating to suspected fraudulent insurance acts. States that an allegation of a fraudulent insurance act shall not excuse an insurance company from its duty to promptly investigate a claim.

Defines fraudulent insurance acts for purposes of the immunity and for purposes of the regulatory authority of the commissioner of insurance.

APPROVED by Governor March 25 EFFECTIVE March 25

H.B. 1142 Directors and officers - limitations on personal liability - indemnification - board member immunity. Permits shareholders of a corporation for profit, members of a nonprofit corporation, stockholders of a state bank, stockholders of a savings and loan association, and members of a cooperative association to eliminate or limit the monetary liability of directors regarding their fiduciary duty of care to the corporation and to its shareholders or members, except with respect to specified acts or omissions.

Extends existing provisions concerning the indemnification of directors, officers, agents, and employees of corporations for profit to nonprofit corporations, cooperative associations, state banks, and savings and loan associations. Specifies that insurance coverage of directors, officers, and employees may be procured from any insurance company, including one in which the corporation has an equity or other interest.

Amends the indemnification provisions to conform with the "Revised Model Business Corporation Act", including defining "director" to include the estate or personal representative of the director, changing the term "individual" to "person", and clarifying how determinations of indemnification and authorizations of payments are made. Makes the "fairness" test for a conflict of interest relating to shares independent of any corporate action.

Limits the personal liability of an officer or director for injury arising from a tort committed by an employee except where the officer or director was personally involved in the tortious act or where he committed a criminal offense. Provides that such limitation does not restrict other common law protections and rights of an officer or director and does not restrict the corporation's right to eliminate or limit the director or officer's personal liability. Extends the same limitations on personal liability for any tort injury to directors and officers of nonprofit corporations, cooperative associations, state banks, and savings and loan associations.

Defines "board of directors of a nonprofit corporation", for purposes of the board member immunity statute.

Changes the wording in the immunity provision for members of a board of directors of a nonprofit corporation to clarify that immunity applies to acts or omissions that are both reckless and intentional.

Repeals an indemnification provision concerning nonprofit corporations.

APPROVED by Governor May 20 EFFECTIVE May 20

H.B. 1184 Joint liability - apportionment of fault among tortfeasors in civil actions. With respect to the statutory provision that requires the apportionment of negligence or fault of defendants on a pro rata basis, creates an exception by allowing joint liability to be imposed on 2 or more persons who consciously conspire and deliberately pursue a common plan or design to commit a tortious act. Provides that a person who is held jointly liable under such exception has a right of contribution from his fellow defendants acting in concert and is liable only for the percentage of fault assessed to those persons with whom he acted in concert.

Requires jury instructions concerning the effect of the jury's finding as to the percentage of negligence or fault as between the plaintiff or plaintiffs and the defendant or defendants in trials in which contributory negligence or comparative fault is at issue. Prohibits jury instructions in such cases concerning the effect of the jury's finding as to the allocation of fault among 2 or more defendants. Allows attorneys for each party to argue the effect of the instruction on the facts before the jury.

Applies to civil actions commenced on or after July 1, 1987.

APPROVED by Governor April 22 EFFECTIVE July 1

H.B. 1201 Certificate of review requirements for civil actions for professional negligence of licensed professionals - repeal of certificate of review requirements for architects, engineers, and land surveyors. Requires the filing of a certificate of review for civil actions for damages or indemnity based upon the alleged professional negligence of persons who are licensed to practice a particular profession and regarding whom expert testimony would be necessary to establish a prima facie case. Requires that the certificate of review contain a declaration that the plaintiff's attorney has consulted an expert in the area of the alleged negligent conduct and that the expert has concluded that there is justification for the claim. Permits the court to require the identity of the person with whom consulted to be disclosed to the court. States that the identity of such consultant need not be identified to the opposing party or parties in the civil action.

Makes the failure to file a certificate of review grounds for dismissal of the complaint, counterclaim, or cross claim. States that the certificate of review requirement shall not affect the rights and obligations under the statutes concerning the award of attorney fees for frivolous, groundless, or vexatious actions.

Repeals the certificate of review requirements specified for architects, engineers, and land surveyors.

Applies to civil actions commenced on or after July 1, 1987.

APPROVED by Governor April 16 EFFECTIVE July 1

H.B. 1232 Captive insurance companies. Expands the scope of the captive insurance company act to include industrial insured captive insurance companies. Broadens the definition of "captive insurance company" to include industrial insured captive insurance companies. Removes the year-long membership requirement of "member organizations". Removes requirements that a pure captive insurance company or an association captive insurance company show, in its application for a certificate of authority, that insurance coverage is unavailable or is available only at excessive rates or unreasonable deductibles. Sets a $200 nonrefundable fee for examining, investigating, and processing an application for a license and a $300 annual renewal fee to be paid to the division of insurance. Substitutes alternative amounts of capital and surplus required for various captive insurance entities. Provides that pure and industrial insured captive insurance companies are not subject to restrictions on allowable investments, but authorizes the commissioner to prohibit or limit any investment that threatens the solvency or liquidity of such insurance companies. Removes insurance written by captive insurance companies from the category of insurance regulated by prior filing and approval of rating information (Type I). Requires captive insurance companies to file rating data concurrent with the effective date of new rates. Authorizes the commissioner to waive the requirement of obtaining approval of claims-made policies.

Permits excess surplus required by the commissioner to be maintained in the form of an irrevocable letter of credit. Changes the types of entities which may issue letters of credit from a national bank or a state bank to a state or federally chartered savings and loan association insured by the FSLIC or a bank chartered by the state or chartered by a national banking association insured by the FDIC.

Repeals a provision which authorized the commissioner to suspend the certificate of authority of any captive insurance company for violations of the insurance statutes and a provision relating to the making of rates.

APPROVED by Governor May 22 EFFECTIVE May 22

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Manny McClure 6697

John McConnell - education
- term limit
- CJR

Colorado Scott McInnis - Majority Leader ⇒ FAX
Ted Strickland - Speaker

→ comments on the economy - President's package are of greatest interest

- Be careful of Romer - he will try to force himself into visit

- CO has passed term limits

- Admin. taking heat from R's in CO on America 2000 - minize

Volunteer Liability Protection - passed one house going on to another house next week

Republicans Control both houses

Referendum on Fairness Rule

Stephanie Finley

'86-'87 - Tort Reform Bills

⇒ 1) Gov't Immunity
2) Volunteer Liability
3)

Issues

1) Education - Board Junction / Romer -
2) ~~Redistricting~~ Redistricting

Referendum - Fairness Rule

OFFICE OF THE VICE PRESIDENT

WASHINGTON

COVER PAGE

Phone: 303-980-8686

TO: David Ebershoff 303-980-5423

FROM: John Howard, Counsel (Ramona Ely)

TOTAL NUMBER OF PAGES: 3
(Including cover page)

DATE:

TIME:

MESSAGE:

Please call me with an address to mail you the complete document. We would like to know the status of your project at this time (i.e., support in the legislature). Thanks!

IF YOU HAVE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION PLEASE CALL

TELEPHONE NUMBER: 456-2816

12/18

CBK please attach note for JH & I will run it down.

JG.

Document Originally
Attached to
Following Page

EXECUTIVE
EMI
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INTERNATIONAL

CPL.
* add to Data base (Emily)
* colorado trip file (AFH)

November 26, 1991

12/18
John H:
Need to discuss with you... at your convenience
CeCe

* to J. Howard for draft reply — if vp doesn't reply.

Mr. Dan Quayle
Vice President
United States of America
Washington, DC

Dear Dan:

I wrote to you back in May of this year and you sent me a nice, personal letter back on June 20 which I certainly appreciated. Hopefully, CeCe Kremer will contact me when your schedule includes Colorado.

As you know, Denver is aggressively pursuing the concept of bringing the Smithsonian Air and Space Museum Extension to the space to be available at Stapleton International Airport. As our global tourism grows in the next decade, people who come to Washington will do so for it's continuing attractiveness and historic charm. Locating the Air and Space Museum near Dulles will add to the attractiveness to be sure, but not in the same magnitude as it would if it were located in Denver.

Denver's appeal and it's strategic location for people from the Pacific Rim, South America and Europe will be well served by our new airport. Dallas/ Ft. Worth and Atlanta found their new airport were critical in fostering international business. Atlanta attracted approximately 816 international business and created over 54,000 more jobs in the first ten years. Similarly cities that brought in major league baseball teams discussed that they too became more visible and desirable. Tourism and the travel industry expanded along with a growing demand for services and products from all sectors. The impact of the Smithsonian in this environment would certainly be dramtic.

We know we are up against some serious odds as to getting the museum. Our Chamber of Commerce has compiled a list of significant and compelling reasons for an evaluation of the Stapleton site. Most important is it's research and educational linkage with the west, to name a few:

* US Space Foundation - Colorado Springs
* Denver University Law School - Space Law Program
* Cosmosphere - Hutchinson, Kansas
* University of Colorado - School of Aronautical Engineering
* National Center for Atmospheric Research - Boulder

1444 WAZEE STREET, SUITE 320 • DENVER, CO 80202 • (303) 595-6770; FAX (303) 534-6030

The Smithsonian is 84% dependant on Federal dollars to exist. We estimate a Denver museum will be zero cost to the Smithsonian. The Dulles site concept will cost at least $165 million. 40% of the US population lives West of the Mississippi, as you know, but I'm told that only about 2% of those people are ever able to visit Washington D.C. to see and appreciate our natural treasures.

When you and I took American History from Professor A.W. Crandell at DePauw and learned that the Englishman Smith was setting up the Smithsonian Foundation and would have the Vice President, the Chief Justice, three Senators and three Congressman as it's board members, who would have guessed that we would remember such facts and engage in some correspondence regarding it's expansion to Colorado.

My appeal is that you look favorably upon the concept of a national competition for the Smithsonian Air and Space facility based on objective merits. As you know, Congressman Skaggs shepherded legislation through the house to open up this competition. I understand legislation is awaiting action by the Senate. Any movement that you can generate to secure passage would be appreciated.

I listened with care when you and Marilyn were intereviewed by Barbara Walters a few weeks ago. Basically Americans elect people we trust. Your continued growth and development are now being recognized and admired. You'll be President in 1996 because of capability, but you'll be elected because character and trust are what people really vote for.

Being one of few DePauw graduates now living in Colorado, I would be delighted to work, contribute and spearhead any efforts that I can to help your campaign in in 1992 and 1996 in this state. With Colorado having an early primary next year, it's time to get something together and going for this part of the country.

Sincerely,

EXECUTIVE MARKETING INTERNATIONAL, INC.

Jack W. Payne

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Letter	Richard Hettler to Vice President Quayle, Re: Issues with the judicial system; redactions. (2 pp.)	08/15/91	(b)(6)	

Collection:

Record Group: Quayle Vice Presidential Records
Office: Deputy Chief of Staff's Office
Series: Porter, Richard, Files
Subseries: Subject Files
WHORM Cat.:
File Location: Denver-Civil Justice Reform 2/19/92

Date Closed: 3/16/2023	**OA/ID Number:** 21807-005
FOIA/SYS Case #: 2021-0094-F	**Appeal Case #:**
Re-review Case #:	**Appeal Disposition:**
P-2/P-5 Review Case #:	**Disposition Date:**
AR Case #:	**MR Case #:**
AR Disposition:	**MR Disposition:**
AR Disposition Date:	**MR Disposition Date:**

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
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(b)(1) National security classified information [(b)(1) of the FOIA]
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(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

August 15, 1991

Vice President Dan Quayle
Old Executive Office Building
17th and Pennsylvania Streets
Washington, D.C. 20500

Re: Your recent ABA appearance

Dear Vice President Quayle:

I was extremely delighted to read excerpts of your speech in the August 14, 1991 edition of the Wall Street Journal whereupon you express concern over this country's judicial system.

I must say that I agree with you in total and I have no tolerance (or respect) for those who are empowered to administer justice when there is clear and convincing evidence over sustained periods of time that such individuals (mainly judges) are getting away with murder completely unchecked by the judicial system.

The reason we have separation of powers is to offer various checks and balances into the system and the matter that I am introducing you to in this writing (see enclosure) has been pending for three years and I have still not being accorded a hearing to which I have a constitutional right.

The particular judge in question has been apparently violating state and federal law for the past ten years, the State knows it, but won't do anything about it.

As you are aware, each state has various committees who are supposed to police the actions of our judges and of our attorneys. My experience has been that most of these committees look the other way when infractions are reported and do nothing causing unnecessary grief for private individuals who are being deprived due process of the law and having their constitutional rights to trial maliciously and intentionally withheld.

Because our local representatives and senators refuse to address this problem, there are a lot of people who are being maliciously prosecuted by this particular judge and the State just lets him get away with it even though I have taken the past three years of my life to alert those to this problem.

I ask your attention to this matter because someone needs to do something about this. Our civil rights are being violated, our constitutional and statutory rights to appeal have gone by the wayside and noone cares.

Substantially moved by your recent ABA address, will you help us with this problem?

Sincerely,

Richard Hettler
344 East Foothills Parkway, Suite 1E
Fort Collins, CO 80525
303 226-6400

Enclosures

ABA

7451 Pembroke Court
Castle Rock, CO 80104
September 20, 1991

Vice President Dan Quayle
The White House
Washington, D.C. 20500

SUBJECT: TORT REFORM

THE V. P. HAS SEEN

Dear Mr. Vice President:

I read with some disappointment a short article in the September 18 Denver Post. I was pleased to learn that you have received favorable comments as a result of your speech to the American Bar Association last month. The disappointment was that only about 1500 such letters had been received.

One would have to live in a vacuum to not be aware of the effects of an increasingly liberal judicial system on this wonderful country of ours. Whether we recognize it or not, we see it every day. Millions of lawsuits are filed annually. One source says the total is about one for every 10 adults in this country. And that is just the lawsuits. Imagine the unrealistic settlements negotiated because of the fear of a very expensive and time consuming lawsuit. All of this is reflected in every product and service produced in this country. No wonder we are becoming more and more non-competitive in an ever expanding global economy.

Mr. Vice President, I must admit that I have been amused over the last three years with the jokes made at your expense. However, I also recall that ten years ago similar jokes were being made about another Vice President who has today become one of the more respected leaders in modern times. In my book, your stance on Tort Reform moved you up a few notches on my list. Not only did you address the issue but did so directly to those that will be the greatest obstacle we have to overcome if we are to realize reform that appears so necessary.

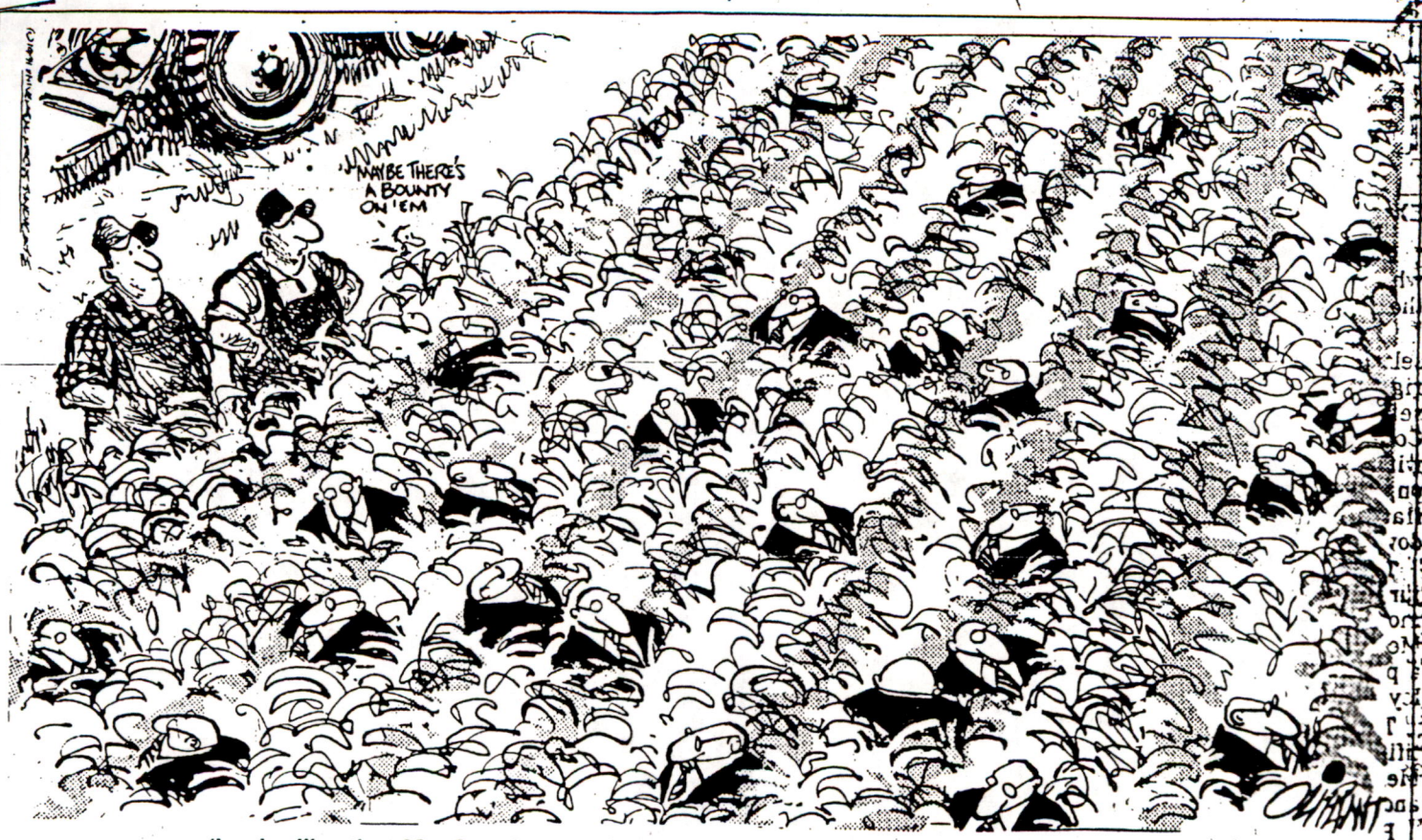
Please do not let this matter become just a single incident but rather let it be the start of something that is long overdue. Our economic survival may very well depend upon it.

Sincerely,

Joseph M. Clements

Joseph M. Clements

ABA



'Looks like that Mr. Quayle was right . . . we're gonna have to spray for lawyers!'

I think your remarks hit the nail on the head! Good for you.

Earl E. Hoover, Attorney
80 Piedra Road, Suite 204
P.O. Box 720
Pagosa Springs, Colorado 81147

August 19, 1991

Vice President of United States
Dan Quayle
White House
Washington, D C 20501

Dear Mr. Vice President:

Recently I heard excerpts from your speech to the American Bar Association regarding problems of our legal system.

I am a developer, businessman and Republican here in Denver, Colorado and I am very interested in forming a group of businessmen to sponsor major legal reform in Colorado..we've had it!

The bill we are sponsoring awards attorney fees to the successful litigant. Three times we have tried this through the legislature only to have the bill killed by the Colorado Trial Lawyers Association.

We need ideas and support. Please have your staff send an audio tape of your speech to me and any names of people throughout the U.S. that have ideas that might help us draft a legal fees reform bill that the people of the State of Colorado will pass without the interference of the Colorado Bar.

Thanking you in advance for your cooperation.

Keep up the good work!

Sincerely,

David L. Ebershoff

David L. Ebershoff

DLE/jak

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Frank & Margaret Connell
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303-738-2555

8-17-91

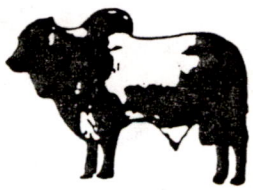
Dear V.P. Quayle,

Thank God that some one in authority recognizes that lawyers are the idlest, most evil, and most expensive un-needed creatures in America today.

Keep up the good work - you are proving a lot of people wrong - the ones that thought you couldn't cut it.

Sincerely,

Frank Connell



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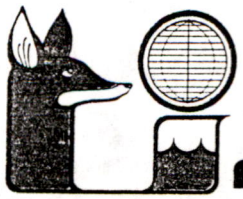

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August 16, 1991

The Honorable Dan Quayle
Vice President of the United States
White House, Washington, D.C.

Dear Vice President Quayle:

I am in receipt of your letter of June 19, 1991 and wish to thank you for your comments.

Although I did not elaborate in my first letter, your performance in office has been, in my opinion, superb. I feel you are very qualified to assume the Presidency and am happy that one of such quality represents all of us in the Executive Branch. I remember all too well what the so called "Best and Brightest" visited upon this country and welcome a man with common sense and sound values. Keep up the good work.

Your recent comments to the ABA were well founded and cheered those of us who attempt to operate in this litigious country. I can think of no group, save possibly Congress, which possesses the disregard of the American people that the legal community does.

Best Wishes and Thank You,

Very truly yours,

W. Ross C. Corace
President

WRCC/nka

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GREGG
HOMES INC.

p 04

July 15, 1991

The Honorable Dan Quayle
Vice President of The United States
Old Executive Office Building
Washington, D.C. 28501

Dear Vice President:

GREAT! Your attack on the legal profession is long overdue.

The business community is totally hamstrung by the "legal extortion" being practiced by our legal and our court system.

As a homebuilder, (or any product manufacturer), you simply can't win in our court system, regardless of whether you are innocent or not. Plaintiff attorneys use our courts and the jury system to actually extort money from insurance companies and businessmen.

Your statistics seem correct. I read in a newsletter that University of Texas finance professor Dr. Stephen P. Magee has documented that the average U.S. lawyer drains $1 million a year from the United States' GNP. This relates to half a million lawyers draining off half a trillion dollars of the U.S. economy each and every year.

Unfortunately, according to the same article, 62% of U.S. senators and 42% of U.S. representatives are lawyers. Which means you won't get any help from the Senate.

You've got my vote Dan...don't let the issue die! Its too vital to the future of this great country.

Incidentally, keep playing golf...its a great image and has to be good for re-election. You've got a lot more support than the press gives you credit for.

Good luck and keep up the good work.

Sincerely,

Robert A. Carnicello
President

RAC/com

Corporate Office
2755 South Raritan Street
Englewood, Colorado 80110
303 781-4697

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To	From
Eric Jaure	Julie Johnson
Co. Vice Presidents Office	Co. ICA - South Dakota
Dept.	Phone # 605-224-6161
Fax # 202-456-7004	Fax # 605-224-7198

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NEGLIGENCE - DEFINITION

Under the law as applied to the present case, every person is responsib for injury to the person or property of another, caused by such person's wa of ordinary care or skill, subject to the defense of contributory negligenc When used in these instructions, negligence means want of such ordinary care skill. Such want of ordinary care or skill exists when there is a failure do that which a reasonably prudent person would do or when there is done th which a reasonably prudent person would not do; this in each instance in the sa or similar circumstances as existed in connection with the conduct which is und consideration.

Reference:

California Jury Instructions (BAJI 7th Ed.) 3.10
Illinois Pattern Jury Instructions (Civil), No. 10.01
Pattern Instructions for Kansas , No. 3.01
Minnesota Jury Instruction Guides, No. 101
Am Jur Pleading and Practice Forms, (Rev), Negligence, Forms 12 et seq
57A Am Jur 2d, (Rev), Negligence, § 30
Restatement of the Law, 2d, Torts, §§ 282 et seq.
SDCL 20-9-1
Granflaten v. Rohde, 66 SD 335, 283 NW 153 (1938)
Tufty v. Sioux Transit Co., 69 SD 368, 10 NW 2d 767 (1943)
Daniels v. Moser, 76 SD 47, 71 NW 2d 739 (1955)
Bucholz v. City of Sioux Falls, 77 SD 322, 91 NW 2d 606 (1958)
Loonan Lumber Co. v. Wannamaker, 81 SD 51, 131 NW 2d 78 (1964)
Jorgenson v. Dronebarger, 82 SD 213, 143 NW 2d 869 (1966)
Nugent v. Quam, 82 SD 583, 152 NW 2d 371 (1967)
Northwestern Bell Telephone Co. v. Henry Carlson Co., 83 SD 664, 165 2d 346 (1969)
Alley v. Siepman, 87 SD 670, 214 NW 2d 7 (1974)
Johnson v. Straight's, Inc., 288 NW 2d 325 (SD 1980)
Erickson v. Lavielle, 368 NW 2d 624 (SD 1985)
Kryger v. Dokken, 386 NW 2d 481 (SD 1986)
Lovell v. Oahe Elec. Co-op., 382 NW 2d 396 (1986)
Beyer v. Cordell, 420 NW 2d 767 (SD 1988)
Small v. McKennan Hospital, ___ NW 2d ___, SD Opinion filed March 8, 19

Comment:

This instruction should not be used in malpractice cases. See Instructi No. 105.

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CONTRIBUTORY NEGLIGENCE

In such actions as this, and except as otherwise elsewhere stated in these instructions, a claimant for damages cannot recover if he was himself contributorily negligent. Such contributory negligence exists when such claimant was himself negligent as negligence has been defined in another instruction, and when such negligence of the claimant, combined with the negligence of another or others, causes the accident. Therefore, and if the jury should find such claimant himself negligent, it would not be contributory negligence unless the jury should also find that if it had not been for such claimant's negligence the accident would not have happened.

Reference:

California Jury Instructions (BAJI 7th Ed.) 3.50
Illinois Pattern Jury Instructions (Civil), No. 11.01
Minnesota Jury Instruction Guides, No. 125
Am Jur Pleading and Practice Forms, (Rev), Negligence, Forms 321 et seq.
57A Am Jur 2d, (Rev), Negligence, §§ 1108 et seq.
Restatement of the Law, Torts, §§ 462-465
SDCL 20-9-1
Campbell v. Jackson, 65 SD 154, 272 NW 293 (1937)
Haase v. Willers Truck Service, 72 SD 353, 34 NW 2d 313 (1948)
Starnes v. Stofferahn, 83 SD 424, 160 NW 2d 421 (1968)
Kubik v. Farmers Union Oil Co. of Reliance, 87 SD 417, 209 NW 2d 551 (1973) Contributory negligence, assumption of the risk by gratuitous employee.
Alley v. Siepman, 87 SD 670, 214 NW 2d 7 (1974)
Smith v. Smith, et al, 278 NW 2d 155 (SD 1979) says contributory negligence is not a defense in theory of strict liability.
Frazier v. Norton, 334 NW 2d 865 (SD 1983)
Berg v. Sukup Mfg. Co., 355 NW 2d 833 (SD 1984)
Beyer v. Cordell, 420 NW 2d 767 (SD 1988)
Safeco Ins. Co. of America v. City of Watertown, 529 F Supp 1220 (D.C. SD 1981)
Key: Negligence, 65, 141 (1-12)

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COMPARATIVE NEGLIGENCE

If the jury should find the plaintiff contributorily negligent, as elsewhere in these instructions defined, the plaintiff may still recover if the jury should find that such contributory negligence of the plaintiff was slight in comparison with the negligence of the defendant. This rule has no application unless such contributory negligence of the plaintiff was slight in comparison with the negligence of the defendant. If the jury considers that such contributory negligence of the plaintiff exceeds that which in the circumstances is slight negligence in comparison with the negligence of the defendant, the plaintiff cannot recover. If the jury should find that the plaintiff is contributorily negligent but under the rule just stated the plaintiff is still entitled to recover, then the damages to be awarded to the plaintiff must be reduced in proportion to the amount of the plaintiff's contributory negligence.

Reference:

Am Jur Pleading and Practice Forms, (Rev), Negligence, Forms 352 et seq.
57 Am Jur 2d, Negligence, §§ 426-455
57B Am Jur 2d, (Rev), Negligence, §§ 1128 et seq.
SDCL 20-9-2. See annotation on this statute.
Friese v. Gulbrandson, et al, 69 SD 179, 8 NW 2d 438 (1943)
Knapp v. Styer, 280 F 2d 384 (8th Cir. 1960)
Fryda v. Vesely, 80 SD 356, 123 NW 2d 345 (1963)
Grob v. Hahn, 80 SD 271, 122 NW 2d 460 (1963)
Nugent v. Quam, 82 SD 583, 152 NW 2d 371 (1967)
Crabb v. Wade, 84 SD 93, 167 NW 2d 546 (1969)
Finch v. Christensen, 84 SD 420, 172 NW 2d 571 (1969)
Smith v. Gunderson, 86 SD 38, 190 NW 2d 841 (1971)
Corey v. Kocer, 86 SD 221, 193 NW 2d 589 (1972)
Beck v. Wessel, 90 SD 107, 237 NW 2d 905 (1976) - Instructions not to be given unless some evidence of negligence on part of plaintiff.
Robinson v. Mudlin, 273 NW 2d 753 (SD 1979)
Thomas v. St. Mary's Roman Catholic Church, 283 NW 2d 254 (SD 1979)
Lewis v. Storms, 290 NW 2d 494 (SD 1980)
Stoltz v. Stonecypher, 336 NW 2d 654 (SD 1983)
Kallis v. Beers, 375 NW 2d 642 (SD 1985)
Lowell v. Oahe Elec. Co-op, 382 NW 2d 396 (SD 1986)
Zagher v. Budd Co., 396 NW 2d 122 (SD 1986)
Beyer v. Cordell, 420 NW 2d 767 (SD 1988)
Musilek v. Stober, _____ NW 2d _____, Opinion filed 1/25/89
Thaunissen v. Brisky, _____ NW 2d _____, Opinion filed 3/29/89
Snodgrass v. Nelson, 369 F Supp 1206 (SD 1974)
Associated Engineers, Inc. v. Job, 370 F 2d 633 (8th Cir. 1966)
Provancial v. United States, 463 F 2d 760 (8th Cir. 1972)
Bartok v. Bell-Galyardt, 629 F 2d 523 (C.A. SD 1980)
Troy Cannon Const. Co. v. Job, 88 S. Ct. 59, 389 U.S. 823, 19 L.Ed. 2d 77 (1967)
Key: Negligence 136 (31)

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ASSUMPTION OF RISK

It is the law that a person cannot be heard to complain of a dangerous condition, situation or conduct when such person with knowledge thereof voluntarily places himself or herself in a position or voluntarily continues in a position wherein he or she knows of hazard of injury or damage to himself or herself from such dangerous condition, situation or conduct. To support an assumption of the risk defense, the defendant must show that the plaintiff not only had knowledge of the existence of the specific risk involved and appreciation of its character, but also that he or she voluntarily accepted this risk. This requires the defendant to show that the plaintiff had a sufficient amount of time, knowledge and experience to make an intelligent choice. If this is shown, the plaintiff is deemed to have assumed the risk of injury or damage and is not entitled to any recovery.

Reference:

Illinois Pattern Jury Instructions, No. 13.00-13.02
Minnesota Jury Instruction Guides, No. 135
Am Jur Pleading and Practice Forms, (Rev), Negligence, §§ 292 et seq.
57A Am Jur 2d, (Rev), Negligence, §§ 804-841
65 CJS, Negligence, § 174
Restatement of the Law, 2d, Torts, § 496D
Miller v. Stevens, 63 SD 10, 256 NW 152 (1934)
Hall v. Hall, 63 SD 343, 258 NW 491 (1935)
Bartlett v. Gregg, 77 SD 406, 92 NW 2d 654 (1958)
Wentzel v. Huebner, 78 SD 481, 104 NW 2d 695 (1960)
Miller v. Baken Park, Inc., 84 SD 624, 175 NW 2d 605 (1970)
Kubik v. Farmers Union Oil Co. of Reliance, 87 SD 417, 209 NW 2d 551 (1973)
Smith v. Community Co-operative Ass'n. of Murdo, 87 SD 440, 209 NW 2d 891 (1973)
Thomas v. St. Mary's Roman Catholic Church, 283 NW 2d 254 (1979)
Wolf v. Graber, 303 NW 2d 364 (SD 1981)
Meyers v. Lennox Co-op, 307 NW 2d 863 (SD 1981)
Underberg v. Cain, 348 NW 2d 145 (SD 1984)
Berg v. Sukup Mfg. Co., 355 NW 2d 833 (SD 1984)
Lovell v. Oahe Elec. Co-op, 382 NW 2d 396 (SD 1986)
Ballard v. Happy Jacks Supper Club, 425 NW 2d 385 (SD 1988)
Didier v. J.C. Penney Company, Inc., _____ F 2d _____ (8th Cir. 1989)
Associated Engineers, Inc. v. Job, 370 F 2d 633, 639 (8th Cir. 1966)
Kesler v. Bowie Machine Works, Inc., 501 F 2d 617, 621 (8th Cir. 1974)
Key: Automobiles, 224(5), 224 (8); Negligence, 105

Comment:

The defenses of assumption of risk and of contributory negligence have often times been confused. Often, it makes little difference which the defense is called. Quoting Proser, the South Dakota court in the Bartlett

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EXEMPLARY/PUNITIVE DAMAGES

You are instructed that in addition to any compensatory damages that you may award to the plaintiff, you may also, in your discretion, award exemplary or punitive damages if you find that the plaintiff suffered injury to his person or property through the oppression, fraud, malice or assault of another or an injury resulting from the wanton and reckless disregard of his rights.

The purpose of awarding exemplary or punitive damages is to set an example to potential wrongdoers and to punish the wrongdoer in this particular case.

Malice as used in this instruction is not simply the doing of an unlawful or injurious act, it implies that the act complained of was conceived in the spirit of mischief or of criminal indifference to civil obligations. Additionally, malice may be inferred from the surrounding facts and circumstances.

Furthermore, the burden of proof is on the plaintiff to establish all facts necessary to sustain a recovery for exemplary/punitive damages.

If you find that exemplary/punitive damages should be awarded, you must next determine the amount. In fixing the amount of exemplary/punitive damages, you should consider the following factors:

(a) the amount allowed in compensatory damage,

(b) the nature and enormity of the wrong,

(c) The intent of the wrongdoer,

(d) The financial condition of the wrongdoer, and

(e) all of the circumstances attending the particular act involved, including any mitigating circumstances which may operate to reduce, but not defeat, the exemplary/punitive damage award.

Reference:

See reference material with Instruction 35-01.

Revised 1989

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DUTY OF MANUFACTURER AND SELLER

Negligence is the failure to exercise ordinary care under the circumstances, that is, the failure to use such care as a reasonable person would use under the same or similar circumstances.

Kansas Pattern Instructions, No. 13.01
South Dakota Pattern Instructions, No. 10-01
Daniels v. Moser, 76 SD 47, 71 NW 2d 739 (1955)
Wittmeier v. Post, 78 SD 520, 105 NW 2d 65, 97 ALR 2d 853 (1960)
Loonan Lumber Co. v. Wannamaker, 81 SD 51, 131 NW 2d 78 (1964)
N.W. Bell Telephone Co. v. Henry Carlson Co., 83 SD 664, 165 NW 2d 346 (1969)
Johnson v. Straight's, Inc., 288 NW 2d 325 (SD 1980)
Key: Negligence, 3, 4

As applied to the manufacture, distribution and sale of a product, it means the failure of a manufacturer or seller to do something that a reasonably careful manufacturer or seller engaged in the same business would do, or the doing of something by a manufacturer or seller that a reasonably careful manufacturer or seller engaged in the same business would not do. The degree of care must be equal to the danger reasonably to be anticipated, measured by all the facts and circumstances.

Reference:

California Jury Instructions (BAJI 7th Ed.) 9.15 et seq.
Kansas Pattern Instructions, No. 13.01
63 Am Jur 2d, Products Liability (1984), §§ 1 et seq., 284 et seq.
65 CJS, Negligence, § 100
52 ALR 2d 117, 159
74 ALR 2d 1111
97 ALR 2d 811
16 ALR 3d 683
17 SD L Rev 116, Products Liability: "Negligent Design of Farm Machinery: Duties and Defenses," by Donald E. Covey
28 SD L Rev 259, "Reflections on South Dakota Trifurcated Law of Products Liability," by Robert Dugan
Restatement of the Law, 2d, Torts, § 395
Fish v. Kirlin-Gray Electric Co., 18 SD 122, 99 NW 1092 (1904)
Roster v. Inter-State Power Co., 58 SD 521, 237 NW 738 (1931)
Whitethorn v. Nash-Finch Co., 67 SD 465, 293 NW 859 (1940)
Ries v. Daffin Corp., 81 SD 134, 131 NW 2d 577 (1964)
Engberg v. Ford Motor Co., 87 SD 196, 206 NW 2d 104 (1973)
Smith v. Smith, 278 NW 2d 155 (SD 1979)
Jahnig v. Coisman, 283 NW 2d 557 (SD 1979)
McElhaney v. Eli Lilly & Co., 564 F Supp 265 (1983)
Key: Automobiles, 16; Negligence, 27, 139(1); Products Liability, 6-96

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MANUFACTURER - SELLER LIABILITY (STRICT)

With respect to the claimed defective condition of the _____, you are instructed that subject to the defenses previously indicated, a manufacturer of a product is liable for damages proximately caused by its product

First, it was in a defective condition;

Second, the defective condition made the _____ unreasonably dangerous to the plaintiff use;

Third, the defect existed at the time it left the control of the defendant(s);

Fourth, the _____ was expected to and did reach the plaintiff user without any substantial change in the condition it was in when it left the control of the defendant(s); and

Fifth, the plaintiff user used the product in a manner in which the defendant(s) could reasonably anticipate it would be used.

You are instructed that a product is in a defective condition if it is not reasonably fit for the ordinary and reasonably foreseeable purposes for which it was sold or manufactured and expected to be used.

You are further instructed that even though the defendant(s) exercised all possible care in the manufacture of the product, if it was nonetheless in a defective condition unreasonably dangerous to users at the time it left the control of the defendant(s), it is liable for damages proximately caused thereby.

This rule applies only where the product is, at the time it leaves the manufacturer's hands, in a condition not contemplated by the ultimate consumer, which in this case is _____, and which will be unreasonably dangerous [In this regard, the manufacturer is not liable if he delivers a product in safe condition and subsequent misuse or other causes make such product unsafe or dangerous.] A product is not in a defective condition when it is safe for normal use and handling or when the plaintiff is aware of the condition of which he complains.

Whether or not a duty has been violated depends upon the risks of the situation, the dangers known or reasonably to be anticipated, and all of the surrounding circumstances.

If you find liability on the part of the defendant(s) on the grounds just stated, you shall not consider negligence of the plaintiff unless you find that such negligence was the sole proximate cause of plaintiff's damages.

MEMO

TO: JOHN HOWARD 202 456-2816

FROM: DAVID DIEPENBROCK D

6 pages

DATE: FEBRUARY 13, 1992

SUBJECT: COLORADO TORT REFORM ISSUES

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BACKGROUND

Primarily because of the ethics of individual Coloradans, the Colorado civil justice system is working well. It's refreshing to see a society manage itself without excessive government intervention.

1. Individual Coloradans are not litigious by nature.

   The State Court Administrator's Office keeps statistics on the number of civil cases filed at the Colorado state district court level dating back to 1972. When adjusted for Colorado's population growth, they show there are actually fewer negligence filings in Colorado in 1991 than there were in 1972. (Negligence filings include personal injury, wrongful death and property damage civil suits.)

YEAR	POPULATION	FILINGS	FILINGS/1,000 POP.
1972	2,378,318	4,819	2.03
1991	3,332,631	6,295	1.89

2. Compared to national statistics, individual Coloradans are unlikely to try to set up a situation where they can go to the civil courts.

   Among the proofs of this is the frequency with which Coloradans file "bodily injury" claims as a result of an auto accident. Nationally, according to "Fast Track Monitoring System" in 1991, Americans filed bodily injury claims at a rate of 1.38 per 100 insured cars. Colorado filed at a rate of .45 per 100 insured cars. (Only 5 states made claims at a lower rate.)

   I should explain that a Coloradan cannot file a "bodily injury" claim after an accident in Colorado unless his or her medical expenses exceed $2,500.

   A second way to look at this same "Fast Track" data is to compare in various states the number of bodily injury claims made per property damage claim. Many accidents are just "fender benders" with no one physically harmed. Thus

the ratio of bodily injury claiming to property damage claiming takes into account the variations in driving situations among the states. In 1991 Coloradans filed .1275 bodily injury claims for each property damage claim. Only 4 or 5 states and Puerto Rico had a lower ratio on this measure. By one way of calculating it, the national figure for this same ratio was .3557, which is almost 3 times as high.

3. Even if an individual Coloradan's lawsuit ends up in court, juries have shown restraint in decisions and amounts awarded.

As an example, consider automobile injury accidents. Jury Verdict Reporter of Colorado reports verdicts for most trials in Colorado. In 1985, the median auto case award was $50,250 and 73% of plaintiffs won some damage verdict. In 1991 JVR reported the median auto case award was $31,000 and only 46% of plaintiffs won. (Please note that these amounts are gross awards, not reduced by other factors such as some portion of negligence applied to the plaintiff nor by appellate decisions.)

You may know that the no-fault system in Colorado is under attack because it allows an average of fewer than 90 jury trials on auto injury issues per year from 1985 through 1991 (JVR data). It's difficult to imagine that about 1 court case for every 40,000 Coloradans is a reason to harm a 20 year old experiment.

This Colorado experience of sensible levels of jury verdicts helps explain why the Colorado civil justice system is simply not a burden on the state's economy.

4. Nevertheless, there has been an explosion of filings in Colorado by businesses, not individuals.

The same statistics from the State Court Administrator group give numbers of civil suits filings in other kinds of suits beside "negligence." These other categories (technically called "real personal property," "RL 120," and "money demands") have skyrocketed since 1972. Here are the numbers:

YEAR	POPULATION	FILINGS	FILINGS/1,000 POP.
1972	2,378,318	13,714	5.77
1988	3,271,448	49,721	15.20
1991	3,332,631	29,448	8.84

These cases are basically filed by businesses over foreclosure and contract disputes. (In detail they include: quiet titles, condemnations, replevins, foreclosures, mechanics' liens, authorizing sales under powers and money demands.) I included 1988 because that was the "high" point for these kinds of business filings. These filings are the impact on Colorado's civil justice system of the real estate "bust" following the end of the boom oil days. (The President's son Neil was just one of many "victims" of this economic downturn.)

This **Colorado experience -- of no real growth in tort type lawsuits** -- may be replicated elsewhere, which may explain why the facts the Vice President has been using in speeches are under such attack. You have undoubtedly seen the Hensler (RAND Institute scholar) claim that statistics used are "shaky," "incomplete and misleading." Please make sure the Vice President doesn't use erroneous data about the Colorado experience.

HISTORY OF TORT REFORM IN COLORADO

Since the beginning of the tort reform movement in Colorado in 1986, there have been at least 68 different bills passed into statute. (This doesn't include a similar level of laws dealing with the workers compensation system.) It may also be important to remember that Colorado has a no-fault auto insurance system with a $2,500 threshold of medical expenses required before an injured person can file a civil court action.

Here are just a few highlights (with year enacted and bill number):

* Non-economic damages limited to $250,000 (doubled at court's discretion) -- SB 67, 1986.
* Exemplary damages cannot exceed actual damages (trebled at court's discretion) -- HB 1197, 1986
* Joint & several liability abolished -- SB 70, 1986
* Immunity granted to volunteers and directors of non-profits -- SB 76, 1986
* Immunity (at least partial or damage capped) granted to bars and social hosts for actions of a drunk they serve -- SB 86, 1986
* Seat belt use mandatory -- SB 12, 1986
* Mandatory arbitration of tort cases valued less than $50,000 in selected parts of the state, since repealed -- SB 22, 1987
* Health care liability limits set at $1 million present value -- SB 143, 1988
* Ski area liability limits set at $1 million -- SB 80, 1990
* Limits exemplary damages against health care providers; claiming allowed only after substantial completion of discovery -- HB 1069, 1990
* A rejected settlement offer if followed by a "better" final judgment allows award of actual costs not including attorney's fees (examples: plaintiff offers to settle for $50,000, gets judgment of $52,000, plaintiff can get costs awarded; defendant offers $20,000, plaintiff gets judgment of $18,000, defendant can get costs awarded) -- SB 150, 1990

Some notes are in order.

Volunteer immunity continues to be a hot issue. This year (1992) there are two such bills. One is by Rep. Phil Pankey (R-Littleton) HB 1047 titled the Model State Volunteer Service Act; the other (HB 1144) is by Rep. Bob Eisenach (D-Fort Morgan). The state Republican Party would like to defeat

Rep. Eisenach who holds a strongly Republican rural district.

Med-mal issues are not limited to the bill cited in the list above. It is merely the "biggest" of several. Unfortunately, as you probably know, doctors who've seen their malpractice insurance rates decline (which one medical insurer in Colorado (COPIC) claims has happened) have not passed the savings on to their patients. During the period 1980 - 1990, Colorado spending in health care per capita increased more than 142%. That figure ranks us 20th highest in the nation. If malpractice tort reform led to lower costs, why is Colorado so near the top in spending increases for medical care?

Liability limitations and immunities have been granted not just to volunteers, doctors and ski areas. They have also gone to dude ranches, owners of premises, mental health practitioners who have violent patients, reservoir owners, firearms manufacturers, teachers and food donors. This list doesn't include some expansions of governmental immunity. It is unknown how many people injured and unable to make a standard civil claim have ended up on welfare or public health rolls.

Mandatory arbitration was killed in Colorado, perhaps at the behest of the defense bar. SB 22 of 1987 made arbitration mandatory, but either party could go for a trial de novo. A 1990 study by the University of Colorado revealed that, in the judicial district areas studied, an average of 60% of the calls for a trial after arbitration were made by defendants. Colorado's example, then, shows that litigiousness is not primarily caused by plaintiffs. This has some implications for the national call for alternate dispute resolution formats.

Despite about two decades of **no-fault auto insurance**, Colorado continues to see increases in average auto insurance costs that are above the inflation rate. According to the National Association of Insurance Commissioner, in 1986, the average auto premium was $489.46; in 1990 the premium was 629.78, but inflation would only have raised the amount to $583.67.

In summary, if the impact of tort reform is best measured by reduced costs to individual citizens, Colorado's experiment in tort reform simply has not had any substantial rewards.

SPECIFICS ON PRODUCT LIABILITY AND PUNITIVE DAMAGES

1. Punitive Damages

Exemplary damages have been limited for several years in Colorado (HB 1197, 1986). Compare this to the model act call for a ceiling.

Jury Verdict Reporter of Colorado reports on selected court outcomes for civil matters. As an example, in 1985 JVR reports 55 exemplary

damages situations, with a median award of $20,000. 37 were decided in the plaintiff's favor, 18 for the defendant. In 1989, after exemplary damages were limited and the last year JVR reported on exemplary damages as a category, the median award was $27,502, up 37.5%. 22 plaintiffs won, and 16 defendants won that year. It is difficult to see the 1986 law as having done much to reduce median awards.

It is important to remember as well that JVR does separate out exemplary damages from "normal" so the decline in jury awards mentioned above in "Background" is not caused by limiting exemplaries.

Exemplary damage claims cannot be made until well into the discovery process (HB 1069, 1990) in health care matters. Compare this to the model act call for pleading punitive damages.

Judges may alter exemplary damages ceilings upward from "one times actual damages" to "three times actual damages" (HB 1197, 1986). Compare this to the model act call for judicial involvement.

2. Product Liability

Construction damages due to architects, engineers and surveyors are limited in Colorado (SB 67, 1986). Firearms manufacturers have been granted limited liability (HB 1192, 1986). Use of drugs or medical products approved by a federal or state regulatory agency cannot lead to exemplary damages (HB 1069, 1990 and HB 1093, 1991).

You are probably familiar with the Rustad monograph "Demystifying Punitive Damages" which reports on punitive damage awards in product liability cases. Rustad says that from 1965 to 1990 there were only 355 such awards.

Colorado data suggests that all kinds of product liability lawsuits are an invisible part of the state's economy. In the 5 years 1985 through 1989, Jury Verdict Reporter of Colorado says there were only 26 plaintiff victories in product liability cases. Median awards ranged from $72,500 to $1.078 million, with no obvious trend to the decisions. Rustad found plaintiffs in his cases were almost always seriously injured or killed. Given the absence of trend to median awards, it can be suggested that juries in Colorado found the same. It's just hard to imagine that 5 cases a year cause much "drag" on our state's economy.

ADDED COMMENTS ON THE ISSUE OF DEREGULATION

Among the Council on Competitiveness's efforts has been a broad effort at deregulation. Two points merit mention as Colorado cautions.

1. Deregulation has a real place in our economy. It needs to be balanced by some type of redress when those freed from regulations decide to play fast and loose with the health and safety of Americans. The North Carolina chicken processing factory is a fine example. Thankfully, there have been few such mass disaster examples in Colorado, but individual cases are continually publicized. Please remember that a strong civil justice system -- where an angry citizen can be heard and his or her complaint handled -- is just that balancing point. The consistency of tort style civil filings in this state over almost 20 years is proof that Coloradans have a "standard" of expectation about the behavior of others. When it is abused, they want to get even -- and use the civil court process to do so. Efforts to deny them this "right" are sure to be met with opposition.

2. The single greatest example of deregulation in Colorado is probably banking deregulation -- which, by promoting an unsound and speculative real estate boom, nearly destroyed the state's economy. The Silverado scandal is still in the minds of many Coloradans. Please make sure the Vice President doesn't play into the hands of his detractors by mentioning this issue. It's just too easy to attack this issue *in this state*.

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August 14, 1991

Mr. J. Danforth Quayle
The Vice President of
The United States
Executive Office Building
Washington, D.C. 20501

THE V. P. HAS SEEN

Re: President's Council on Competitiveness/
American Bar Association

Dear Mr. Vice President:

As a member of the American Bar Association House of Delegates, which you addressed in Atlanta on August 13, I wish personally to disassociate myself from the remarks of ABA President John J. Curtin Jr.

While I did not agree with your remarks in their entirety, and while Mr. Curtin is correct that the ABA and the legal profession have expended substantial effort to deal with problems of court congestion, discovery abuse and the like, it is undeniable that our common and statutory law have burdened our competitiveness and our citizenry. Capricious punitive damage awards and statutory aberrations such as RICO are notable examples.

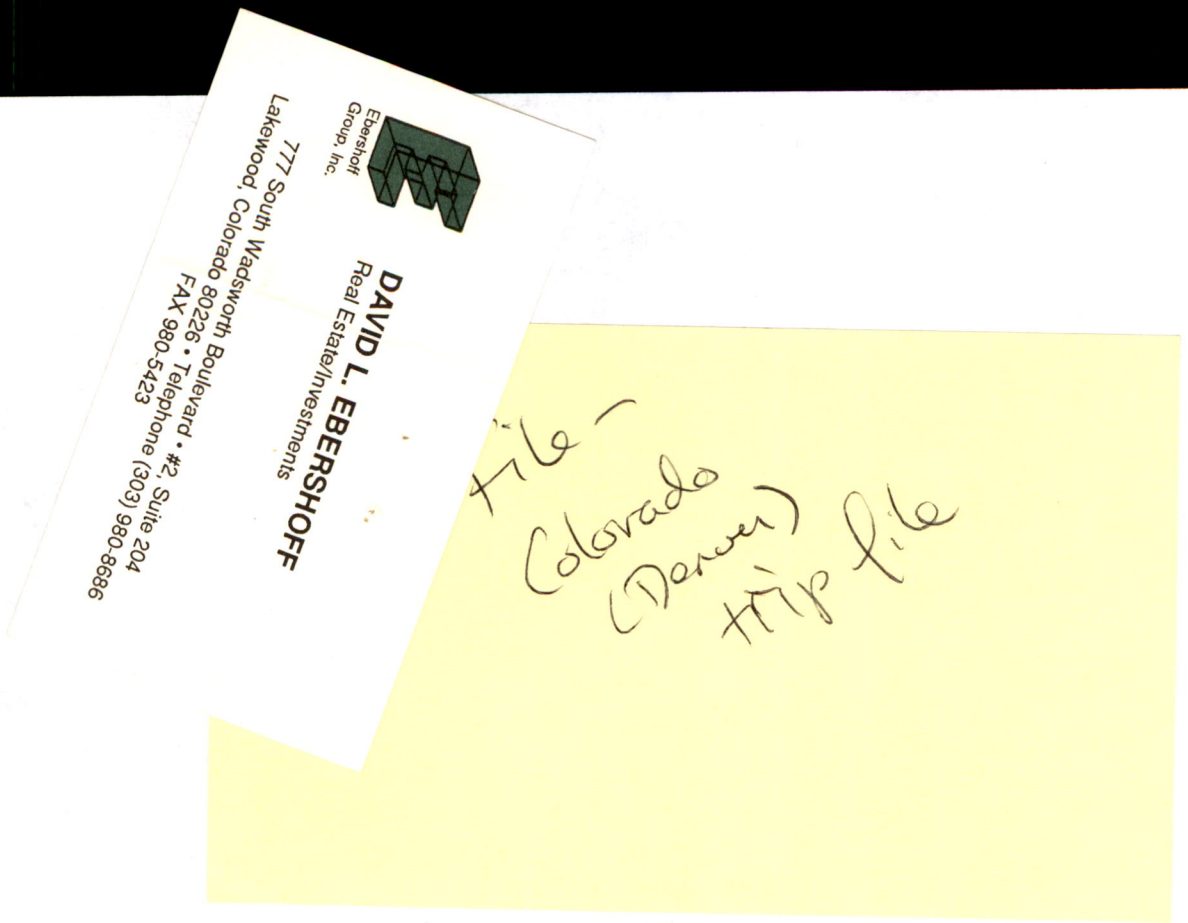
I felt that your remarks fairly raised the issues; that Mr. Curtin's response was unduly defensive; and that your short rejoinder to his remarks was well taken.

Very truly yours,

William E. Murane

William E. Murane

WEM:je



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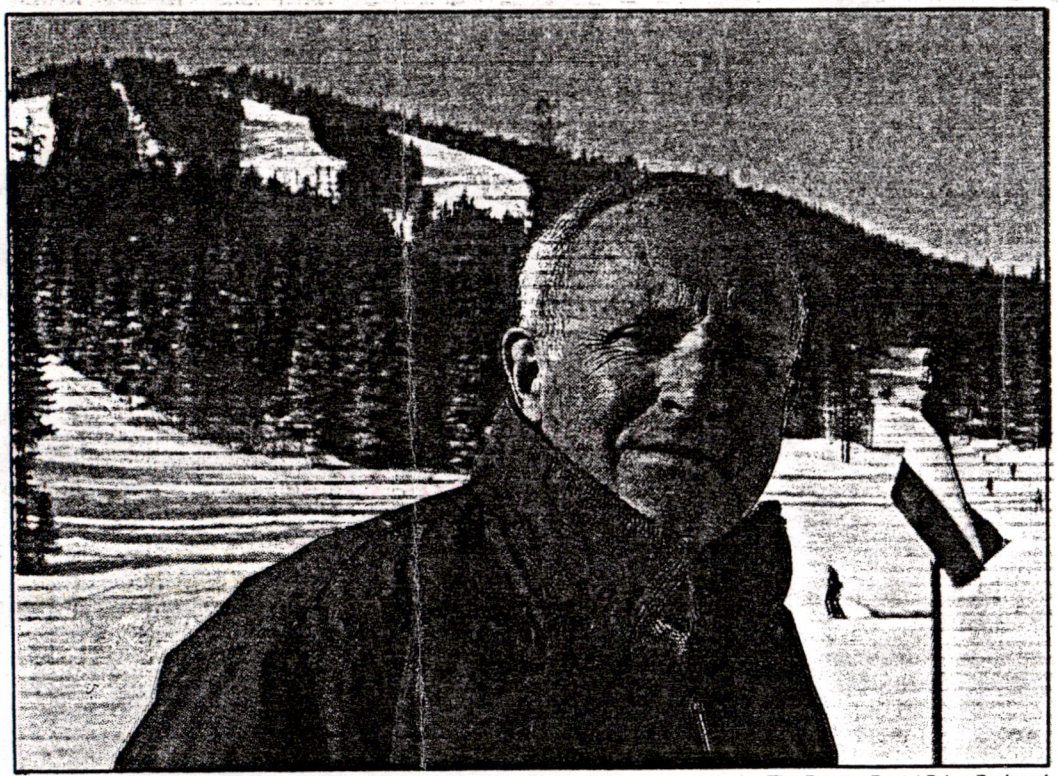
To: DAN Quayle - V.P. USA 2/24

BUSINESS NEWS

Ski areas rein in runaway liability costs



The Denver Post / Brian Brainerd

WINNING IDEA: Arlberg Insurance Co. grew out of 14 years of efforts by ski-resort officials, including Eldora President Chuck Lewis.

Resorts' insurance plan shares risk, cost

By Michelle Mahoney
Denver Post Business Writer

One hundred fifteen of the nation's ski areas have put the brakes on runaway liability-insurance costs by creating a plan that makes the resorts partners in risk management.

Since August 1990, ski areas like Eldora, Aspen, Copper Mountain and California's Mammoth Mountain have participated in an insurance program aimed at freeing them from a history of unpredictable price swings and unexpected policy cancellations.

A mid-size ski area pays about $1.6 million anually for its insurance.

Arlberg Insurance Co., named after Austria's Arlberg mountain region, grew out of 14 years of efforts by Eldora President Chuck Lewis and other resort operators to secure affordable, consistent insurance coverage.

The ski-insurance company, which insures 14 of Colorado's resorts, is run under the auspices of Pettit-Morry Co., a Seattle-based insurance brokerage firm offering ski resort, marine and commercial insurance.

"Arlberg stabilizes our insurance-premium costs so instead of getting high peaks and low valleys we pay a pretty consistent premium," said Gary McCoy, general manager at Mammoth Mountain. "You don't get surprises."

"Surprises" were the norm between 1975 to 1984, when the cost of ski-area liability insurance tripled. But it took a series of hefty price boosts in 1984 to send Lewis and other resort managers scrambling for ways to free themselves from the vagaries of the market.

"Our options when we started this

Please see SKI on 6G

Ski areas rein in liability-insurance costs

SKI from Page 1G

process were to go out and chase the market, maybe save the ski areas some money, but eventually premiums would go up," Lewis said. "Or we could create something like this that ultimately would become an industry captive plan and a tool for the future."

Since 1986, liability-insurance costs have declined between 10 percent and 15 percent, but insurance premiums — whether for liability, property or worker's compensation — still represent the largest single expense in a ski area's total budget.

For example, a mid-size ski area pays about $1.6 million annually for insurance, in most cases about 10 percent of its total revenues from lift-ticket sales.

But for any ski area, the possibility of lift accidents, skier collisions with snow-grooming vehicles, fire or even guest "slip-and-fall" accidents make the insurance indispensable, Lewis said.

Because the Arlberg plan isolates the ski industry in its own program, resorts have an incentive to be good risk managers. Properly run lifts and safety-conscious mountain operations translate into less claims and lower costs for all, said Copper Mountain President Harry Mosgrove.

"We're not subject to the marketplace but instead are subject to our own ability to manage risk," Mosgrove said. "We've got a lot more incentive to manage risk than we did before."

"It goes beyond trying not to drain the program dry," Lewis said. "What it really does is get ski areas to share ideas that are successful."

To get Arlberg up and running, Lewis teamed up with Graham Anderson, chairman of Pettit-Morry Co.; Dick Williams, Lewis' business partner; and insurance consultant Bob Sargent. Lewis' LWP Services Inc. insurance-consulting firm is a wholly-owned subsidiary of Pettit-Morry Co.

Realizing in the late 1980s that the ski industry wasn't in a position to put up enough capital to establish a 115 ski-resort insurance fund, Lewis and Pettit-Morry's Anderson tapped into two venture-capital funds specializing in the insurance industry and formed the Arlberg Holding Co. and its wholly-owned subsidiary, the Arlberg Insurance Co.

Arlberg operates as a reinsurer to the ski-area program, with the primary layer of insurance coverage provided by General Reinsurance Corp. of Stamford, Conn. Arlberg is the reinsurer responsible for 80 percent of the first $500,000 in claim payments.

Lewis' LWP Services Inc. handles, Arlberg's claims management, underwriting and loss control.

Over the next four years, interest and earnings from the insurance company will pay off the venture-capital investors, leaving the ski-area participants as owners of the company.

"This should give the areas "A-plus"-rated paper and at the same time the opportunity to gain strength before the ski areas take control," Lewis said.

Arlberg Insurance Co. was licensed in Pettit-Morry Co.'s home state of Washington in August 1990. As of the end of the third quarter last year, Arlberg Insurance Co.'s total assets were $12.27 million.

"We're very pleased because we're almost right on schedule" with income needed to repay the venture-capital funds, Lewis said.

"Premiums have gone down a little over the last few years and it's a fairly competitive market so Arlberg has to be comparable with other people out there selling the product," Lewis said.

Next on the agenda may be to find a way to address the escalating worker's-compensation costs at resorts. "Liability insurance we've been able to stabilize, but worker's comp is going through the roof," Copper Mountain's Mosgrove said.

But given the entrepreneurial nature of the industry, it's likely a unique solution is ahead, I said.

"This is an industry that loo the future," Lewis said. "The of risk management in the s dustry is a result of the ski operators' efforts — not of ou influences."

DAN -

ENJOYED meet you IN COLORADO - IN VAIL LIFT TICKETS ARE $43.00 10% equals $4.30 per ticket for liability insurance.

We will keep you informed re: our Ballot initiative - "fairness rule / LOSER Pays."

We NOW HAVE ALL 4 Living Ex Governors (2 Repub. 2 Demo) to act as honarary Co-chairmans. We will be on the ballot IN November.

Keep up the terrific WORK.

Love to make a run with you AND marilyn @ VAIL.

Sincerely -

David L. Eberhardt