



February 2004 Findings Memo – Tort Reform

Activity

- **During February**, tort reform and related advertising aired in seventeen states (AL, AR, CO, CT, FL, IN, LA, MI, NC, PA, RI, SC, TN, TX, VA, WA, and WI), along with District of Columbia. **When compared with February of 2003, spending is up 526%**. Compared to January 2004, February witnessed an increase of **17%**.

Overview

- **During February**, CMAG captured **23** unique ads airing **2553** times at an estimated cost of **\$2,034,314**. Again, **U.S. Action** accounts for just over **40%** of all spending. Their opponent in the asbestos settlement media war, the **Coalition for Asbestos Reform**, spent approximately **19%** less. While the total number of airings stayed stable, this **17%** increase in spending can be attributed to a concentration of the airings occurring in the larger markets such as Washington, D.C. and Detroit.
- **Top Sponsors: U.S. Action**, a consumer group, restarted an advertising campaign aimed at affecting the asbestos settlement talks in Congress. Airing in seven markets (Denver, Detroit, Indianapolis, Little Rock, Milwaukee, Providence and Washington, D.C.), they spent an estimated **\$756,320** from January 13th through the 26th.
- **“Guerilla” Issue Advertising:** An estimated **\$85,000** was spent by trial lawyers on “dual-purpose” advertising in January. This is a **\$50,000** decrease when compared to January, and it marks one of the only times we’ve seen this number trending downward in a month to month comparison. As mentioned in previous Findings Memos, this advertising aims at both client solicitation and issue advocacy.
- **Club for Growth:** This pro-growth, fiscally conservative group, closely allied with the Republican Party, has backed two candidates in Republican primary elections, and their advertising has touched heavily on pro-tort reform principles. They’ve supported Congressman Patrick Toomey’s bid to unseat incumbent Republican Senator Arlen Specter, and their ad compares Specter to Democratic presidential candidate John Kerry in his support for trial lawyers and big spending. They’ve also backed Arlene Wohlgenuth in Texas’s new 17th Congressional District, claiming she’s cut wasteful spending and “stood up to the powerful trial lawyers and won.” To date in 2004, they’ve spent an estimated **\$73,000**, with just over **\$57,000** coming in the month of February.

FEBRUARY SPENDING BY STATE			
State	Pro-Tort Reform Groups	Groups Opposed To Tort Reform	Non-Partisan
AL		\$1,530	
AR	\$64,868	\$71,883	
CO		\$132,633	
CT		\$10,868	
DC	\$195,492	\$200,467	
FL		\$34,326	
IN	\$99,884	\$109,027	
LA	\$45,512		
MI	\$176,892	\$167,669	
NC		\$3,541	\$30,609
PA	\$77,362		
RI		\$66,418	
SC		\$1,185	
TN		\$4,627	
TX	\$66,814		
VA		\$41,855	
WA	\$211,356		
WI	\$108,920	\$110,576	
Total	\$1,047,100	\$956,605	\$30,609

Political Activity

- February saw tort reform play a role in a few key races in Pennsylvania, Illinois, and Texas. As mentioned above, the Club for Growth touted a Republican candidate for the Texas-17 seat, supporting Arlene Wohlgemuth’s record on fighting trial lawyers, along with attacking Pennsylvania’s Senator Arlen Specter(R). Kevin Eltife came out victorious in Texas’s runoff election in State Senate District 1’s special election. His opponent, Paul Sadler(D), was constantly under attack for his ties to personal injury trial lawyers throughout the election. In down-ballot advertising, tort reform is playing a role in a district judge race in the Houston market.

Top Markets by Spending	
February	Year To Date
1. Washington, D.C. (\$395,959)	1. Washington, D.C. (\$634,881)
2. Detroit (\$344,561)	2. Detroit (\$470,290)
3. Milwaukee (\$219,496)	3. Seattle (\$316,156)

Top Markets by Spots	
February	Year To Date
1. Milwaukee (261)	1. Shreveport (563)
2. Indianapolis (226)	2. Norfolk (443)
3. Detroit (222)	3. Milwaukee (371)

In Other Advertising:

During February, one large campaign of note was the special election for Kentucky's 6th Congressional District, which had been vacated when Dr. Ernie Fletcher resigned the position to take the office of Governor. His opponent in that gubernatorial race, former Attorney General Ben Chandler was the Democratic nominee, going against State Senator Alice Forgy Kerr, a Republican. The 6th Congressional District is comprised of much of central Kentucky, including Frankfort and Lexington. On February 17th, Chandler defeated Forgy Kerr by **12.2%**, to claim the seat. Here's a recap of the advertising.

- With a campaign focusing on his role as Attorney General, and attacking Forgy Kerr on her votes in the State Senate (including a vote for a "pension grab"), Chandler's campaign spent an estimated **\$540,000**. Almost half of that spending came in the month of February. His campaign was supported by the **Democratic Congressional Campaign Committee**, who spent an estimated **\$400,000**, and the **League of Conservation Voters**, spending just under **\$25,000**.
- In a state that was strongly behind President Bush in the 2000 presidential election, Alice Forgy Kerr's campaign focused on her support for President Bush's agenda. She outspent her opponent by approximately **\$240,000**, spending an estimated **\$783,000**. She was supported by the **National Republican Congressional Committee**, who spent close to **\$450,000** during the course of the election, half of that coming in the last weeks before the election.