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**Testimony Before the  
Assembly Committee on Judiciary  
on  
Assembly Bill 519  
October 26, 2017**

Mr. Chairman and members of the committee, thank you for the opportunity for a public hearing on Assembly Bill 519. Simply, this bill allows a plaintiff to personally serve a government entity instead of being required to use certified mail.

Under current law, a person may only serve notice to the State via certified mail.<sup>1</sup> Although certified mail successfully accomplishes service, hand-delivered personal service is just as effective, if not more so. Exclusion of personal service for a lawsuit against the state is likely a drafting error or an attempt to discourage lawsuits with this “gotcha” service provision.

This change became necessary after the 2016 Wisconsin Supreme Court case, *Sorenson v. Batchelder*.<sup>2</sup> In this case, Batchelder, a DOA employee, was driving a vehicle in his capacity as a state employee when he rear-ended Sorenson, a Wisconsin citizen. Sorenson sought compensation for both herself and her vehicle after suffering damages.

Sorenson’s attorney, who is here to testify today, chose to use the most reliable type of service: personal service. Personal service is acceptable in any other situation except this one, when a claim is made against a state employee, so it is a simple mistake any attorney could easily make.

The court ultimately held that personal service does not comply with the requirements of the statute because it was not served by certified mail. Sorenson was unable to recover damages as a result of the statute.

This bill is a simple, common-sense change that prevents a minor technicality from interfering with justice and allows the use of personal service, the most reliable and common type of service. Thank you for your time and I am happy to answer any questions.

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<sup>1</sup> Wis. Stat. 893.82(5).

<sup>2</sup> 2016 WI 34, 368 Wis. 2d 140, 885 N.W.2d 362 (2016).