

PROTECTING ACCESS TO CIVIL JUSTICE

February 4, 2015

The Honorable Mitch McConnell
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510-1702

The Honorable Harry Reid
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable John A. Boehner
United States House of Representatives
1011 Longworth House Office Building
Washington, D.C. 20515-3508

The Honorable Nancy Pelosi
United States House of Representatives
233 Cannon House Office Building
Washington, D.C. 20515-0512

Dear Majority Leader McConnell, Minority Leader Reid, Speaker Boehner, and Minority Leader Pelosi:

The undersigned organizations believe strongly in the importance of the civil justice system and the right of every American to stand up for their rights in court. We oppose any laws or practices that place limits on access to this system, or on the ability of judges and juries to do their jobs.

The right of trial by jury in civil cases was considered so indispensable to the founders of our country that they enshrined it in the U.S. Constitution's Seventh Amendment. It is found in virtually every state constitution as well.

Our civil justice system is how we hold wrongdoers accountable so they act safely and behave responsibly. It is how the public learns of threats to their health, safety, and wellbeing. It is also how people who are injured or otherwise wronged are compensated for their injuries and losses.

For our civil justice system to live up to these ideals, our courts must provide a level playing field where all Americans are provided unfettered access to a fair hearing and where compensation decisions are based on evidence evaluated by impartial decision-makers. Our courts must be places where even those who feel they are denied a voice in the political process know that they will be heard.

We reject efforts to silence or diminish those voices. We believe that consumers, employees, and small business owners should not be forced to relinquish their right to go before an impartial judge or jury. Nor should limits be placed on the ability of consumers to band together to hold companies accountable.

The civil justice system also ensures that our laws and rights are enforced, supplementing public enforcement. As was envisioned by our founders in creating our federal system of government, much of that enforcement and protection of rights occurs at the state level. Throughout our nation's history, the states have provided tort remedies to protect individuals, and it is fundamental to our system of justice that those remedies not be preempted by federal law. Furthermore, state enforcement officials, including state attorneys general, must not be limited in their ability to litigate to protect public health, safety, and welfare.

As the 114th Congress begins, we know you are likely to consider not only legislation bearing directly on the civil justice system, but also legislation on a wide range of subjects, from health to safety to the environment and many more, that could affect Americans' access to the courts. As you do so, we urge you to bear in mind the values laid out above and the promise of "equal justice under law," and to reject those proposals that threaten individuals' access to the civil justice system.

Thank you for your consideration.

Sincerely,

Alliance for Justice

American Association for Justice

Center for Justice & Democracy at New York Law School

Citizen Action/Illinois

Committee to Support the Antitrust Laws

Compassion and Choices

Connecticut Center for Patient Safety

Consumer Action

Consumer Attorneys of California

Consumer Federation of America

Consumer Watchdog

Consumers Union

Defenders of Wildlife

Earthjustice

Environmental Working Group

Florida Consumer Action Network

Georgia Watch

Kids in Danger

Mothers Against Medical Error

National Association of Consumer Advocates

National Consumer Law Center (on behalf of its low income clients)

National Consumer Voice for Quality Long-Term Care

National Consumers League

National Council of Jewish Women

National Employment Lawyers Association

National Fair Housing Alliance

New Yorkers for Patient & Family Empowerment

New York Public Interest Research Group (NYPIRG)

People for the American Way

Protect All Children's Environment

Public Citizen

PULSE of NY

Texas Watch

The Employee Rights Advocacy Institute for Law & Policy

U.S. PIRG