

ConsumersUnion®

POLICY & ACTION FROM CONSUMER REPORTS

November 7, 2017

The Honorable Charles E. Grassley, Chairman
The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

Consumers Union, the policy and mobilization division of Consumer Reports, writes regarding the hearing scheduled in the Judiciary Committee for Wednesday, November 8, to examine the presence and extent of abusive litigation. We share your interest in ensuring that our legal system works fairly for all parties.

We are concerned that unsupported criticisms are being leveled at the American legal system that could undermine its effectiveness in protecting consumers and in holding those who provide products and services in the marketplace accountable for the harms they cause.

In our experience, the ability of consumers to seek redress in a court of law has been an instrumental supplement to government enforcement and oversight. It helps ensure that businesses have effective incentives – through accountability and deterrence – to pay proper attention to safety and to other basic consumer interests in the way they manufacture and market products and services.

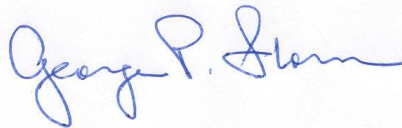
Broad assertions that the legal system works unfairly against businesses are, in our view, not consistent with the actual experience of consumers in the courts.

A number of House-passed bills have been referred to your Committee that we are concerned would impose unjustified and arbitrary restrictions on the ability of consumers harmed by wrongful or careless conduct to seek recovery from those responsible. These misleadingly named bills include H.R. 720, the “Lawsuit Abuse Reduction Act of 2017”; H.R. 725, the “Innocent Party Protection Act”; H.R. 985, the “Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017”; and H.R. 1215, the “Protecting Access to Care Act of 2017.”

We urge you to examine these and other proposals, and the claims being made in support of them, with extreme care, and with an appropriately high degree of skepticism. We hope you will bear in mind the central role of our court system in enabling ordinary citizens to protect themselves and promote a safe and fair marketplace.

We stand ready to assist the Committee in its consideration of this issue of great importance to consumers.

Sincerely,



George P. Slover
Senior Policy Counsel
Consumers Union

cc: Members, Senate Judiciary Committee