

Opinion Pages All Over America Are Saying It: Don't Make A Federal Case Out of Class Action Lawsuits

“There is a strong argument to be made that the Class Action Fairness Act is badly misnamed. Yet, the U.S. Senate appears ready, perhaps as early as today, to vote in favor of the change in law that would radically alter the rights of American consumers. Passage will mean that consumers will be sharply restricted in bringing action in state courts to enforce consumer protection, health, safety and environmental laws.”

-- Raleigh (NC) News & Observer Editorial, 6/1/04

“The bill constitutes an attempt by corporations to limit class-action lawsuits in areas of law ranging from civil rights to environmental protection, consumer product safety and workplace safety . . .”

-- Fort Wayne (IN) Journal Gazette Editorial, 5/31/04

“...Another consumer bill to be heard soon is the Class Action Fairness Act [S. 2062], which would send most consumer cases involving large numbers of injured customers to federal court. Both federal judges and consumer advocates think it is a bad idea to pre-empt state law and send these cases to overcrowded federal courts. Clearly, there are better ways to stop abuses of the legal system without usurping state power and making it much more difficult to sue a negligent business.”

-- Tampa (FL) Tribune Editorial, 2/24/04

“ [The] measure had less to do with fairness and everything to do with absolving manufacturers of defective products of liability regardless of what harm they caused. . . The Constitution guarantees Americans access to the courts for redress of legal matters. Personal injury and product liability lawsuits cannot be banned, so the idea is to shuffle them off to legal never-never land to perish from neglect. ”

-- Toledo (OH) Blade Editorial, 2/23/04

“After the euphemistically named Class Action Fairness Act passed in the House last year, it eventually died for lack of support in the Senate. Not to be deterred, Senate Republican leaders and lobbyists of the U.S. Chamber of Commerce with a \$40 million war chest appear to have prevailed in resurrecting the bill, secretly and apparently with amazingly persuasive facts and figures not so persuasive when debated out in the open.”

-- Roanoke (VA) Times Column by Editorial Editor, 1/25/04

“It's your attorney calling: She says there will be a slight delay in your legal case - like a year or two, or maybe longer. Got a problem with that? Call your congressman. Better yet, call both your U.S. senators first thing Monday morning - and urge a resounding "no" vote as the Senate once again takes up a package of misguided legal reforms.”

-- Philadelphia Inquirer Editorial, 1/24/04

“The flinty American humorist Ambrose Pierce defined politics as a strife of interests masquerading as a contest of principles. Sometimes, though, even the mask of principle falls away. That's certainly the case with the Republican drive in Congress to ‘reform’ class action lawsuits, which are now the most effective means available for holding big businesses accountable for systematic irresponsibility.”

-- Louisville (KY) Courier-Journal Editorial, 1/24/04

“Congress and President Bush are preparing to clamp severe limits on one of your most important rights – the ability to join together with other people and sue companies whose negligence has damaged all of you. Instead of being able to sue in state courts...you would be forced to go to federal court. There, you would have to wait your turn while courts buried in suits dispose of the ones ahead of you. And because federal law often is more protective of corporations than state laws, in many cases your chances of success would be less.”

-- Wilmington (NC) Star-News Editorial, 1/23/04

“The specter of a raid on states rights, an attempt to move most class action lawsuits from state courts onto overloaded federal dockets, still looms under the cover of compromise language in the so-called Class Action Fairness Act.”

-- Shreveport (LA) Times Editorial, 12/26/03

“Under the phony banner of ‘tort reform,’ this act is a legislative gift to wealthy special interests. It would make it harder for Americans to win redress in court for corporate violations of state civil rights, health, consumer and environmental protection laws. The act's core provisions would permit big polluters and other companies to delay justice, or even escape justice entirely, by moving most class-action lawsuits from state courts to overburdened federal courts...”

-- New York Times Editorial, 10/22/03

“While there is little doubt that abuses exist in current handling at the state level, concern about how and when some large class-action suits could be shifted to federal jurisdiction is legitimate.”

-- Wilmington (DE) News-Journal Editorial, 9/8/03

“A House passed bill concerning class action lawsuits could create more problems than it solves. . . . Class-action cases that have already been certified, like the one former Enron employees have filed against Ken Lay, could be derailed.”

-- Monroe (LA) News-Star Editorial, 7/30/03

“...as we have said before, this legislation goes too far. It is designed to allow defendants to move class action lawsuits into federal court. That closes off plaintiffs' access to state courts, and that treads on state's rights and consumers' interests.”

-- Madison (WI) Capital Times Editorial, 7/29/03

“Class-action lawsuits are a powerful tool for safety, environmental soundness and justice... Were it not for class actions, many persons suffering legal wrongs would not be able to be compensated because they could not afford the expense of bringing suit themselves.”

-- Nashville Tennessean Editorial, 7/28/03

“The House bill passed recently contained language to make the new rules retroactive. That's a bad idea, because all class-action lawsuits now on state books would have to move to federal courts. This would set back justice months - years, for some litigants. . .”

-- Omaha World-Herald Editorial, 7/25/03

“[S. 2062] would, like the House bill, transfer class actions from state courts — where most are filed — into federal courts, subjecting them to new mandatory hearings and appeals intended to delay or kill the suits. Defrauded retirees, swindled consumers and patients harmed by drugs or faulty pacemakers would probably have to wait years longer for redress — if they received it at all.”

-- Los Angeles Times Editorial, 7/9/03

“This bill [House version] is an obvious attempt to cheat consumers, subvert federalism and shield corporate America from negligence...”

-- Tucson Arizona Daily Star Editorial, 6/28/03

“[A]necdotes about preposterous settlements do not a crisis make....[D]istorting the balance of power between state and federal courts hardly remedies problems with the class-action system.”

-- Ft. Worth (TX) Star-Telegram Editorial, 6/23/03

“Supporters will say these bills are about reforming a bad process. What they really are about is discouraging a legitimate right to seek redress for wrongdoing -- without making a federal case of it.”

-- Detroit Free Press Editorial, 6/11/03

“Along with shifting most class-action suits--even those against the likes of Enron now being heard at the state level--to the federal courts, the proposed law contains automatic mid-trial appellate provisions that could add three full years to final disposition of a suit ... thumbs the eye of fairness and federalism at the same time.”

-- Fredericksburg (VA) Free Lance Star Editorial, 6/8/03

“[This] cure is worse than the disease. . . [It] calls for removing most class action lawsuits from state courts and state legislatures' oversight and dumping them into the federal courts. Hello! Congress knows better than most - except for federal judges and prosecutors - that the federal judiciary is already terribly overburdened.”

-- Augusta (GA) Chronicle Editorial, 6/1/03

“[The bill] would tilt the scales of justice in favor of defendants, which are often large corporations ... Congress should find a way to curb the abuse of class-action lawsuits, but it should do so in a way that preserves citizen access to state courts.”

-- Wisconsin State Journal Editorial, 5/27/03

“Class Action Unfairness ... would usurp state law; it would delay indefinitely hearings for countless people who may be victims of defective products, fraud, discrimination and environmental pollution.”

--Palm Beach (FL) Post Editorial, 5/15/03

“Unfortunately, the bill's reforms would trample the principle of federalism by giving federal courts jurisdiction over matters of state law and would bury federal court dockets in an avalanche of cases.”

--Salt Lake Tribune Editorial, 5/12/03

“This essentially one-sided bill is being rammed through the U.S. Senate with no hearings or debate, while the subject of the bill deserves real debate. Class-action lawsuits are valuable components of the American justice system. Their purpose is to allow efficient court consideration of numerous identical but small claims against the same defendant. Typical class-action claims involve consumer fraud and environmental pollution. [With this bill] Congress is intruding on matters that should be properly left to the states, violating federalism principles that underpin America's constitutional system.”

-- Columbus (OH) Dispatch Editorial, 5/8/03

“...the legislation would provide little or no advantage for the nation but would do great harm to the states and people injured by defective products such as cars, tires, building materials and prescription drugs.”

--Houston Chronicle Editorial, 4/29/03

“Large corporations are pushing for the change; stricter federal rules would doubtless squelch many lawsuits. Consumer advocates, environmentalists, civil rights champions, patient rights backers and others who use class action lawsuits to correct injustices oppose the measure.”

--Milwaukee Journal Sentinel Editorial, 4/10/03

