

**“Unsuitable Litigation: Oversight of Third-Party Litigation Funding”**  
**Committee on Oversight and Accountability**  
**Wednesday, September 13, 2023**  
**Rep. Gerald E. Connolly (D-VA)**

Third-party litigation funding can help level the playing field and provide victims’ attorneys greater access to the resources needed to bring and prove a case. This in turn, increases access to justice for everyday Americans. For example, accessible financing allows smaller and newer law firms – particularly firms run by women and minorities who have been historically excluded from the legal profession – to find funding necessary to compete with established law firms.

But my, my, my, Republicans all of the sudden want to take an interest in how money might influence the administration of our judicial branch. And in doing so they actually have the chutzpah to assert that the most pressing concern about money in our courts is the funding of under resourced litigants who are taking on big corporations in complex litigation and not the constitutional crisis emanating from conservative dark money and bought and paid for Supreme Court Justices.

In 2015, former legal counsel for Farmers Insurance Co. leveled allegations of gender-based discrimination against the company, citing disparities in pay and opportunities for female employees. Following years of legal proceedings and substantial financial expenses, the litigation culminated in a \$4 million settlement benefiting 300 women and prompting a notable shift in the company’s corporate practices. This outcome underscores the crucial role that third-party litigation funding plays in enabling the plaintiffs to pursue legal action against one of the nation’s largest personal property and casualty insurance companies. Without third-party litigation funding smaller firms would never have the opportunity nor ability to successfully challenge major corporations in the United States that run afoul of the law.

If Republicans want to talk about the dangers of money in our court system, they need look no further than conservative court activist, Leonard Leo of the Federalist Society. Leo secretly paid Ginni Thomas, wife of Supreme Court justice Clarence Thomas tens of thousands of dollars in consulting fees through the Judicial Education Project in exchange for direct access to the most reliably conservative member of our Supreme Court. She also received \$500,000 from mega Republican donor, Harlan Crow, to fund a different, tea-party aligned non-profit, Liberty Central. This man is the same Harlan Crow who gifted Clarence and Ginni Thomas lavish vacations on board his private yacht, flights on his private plane, and provided money for Thomas’ nephew. Republicans have no legs to stand on when it comes to getting money out of the courts.

We need to call out Republican hypocrisy. My Republican colleagues are having a hearing about the effect of money on our justice system while blatantly ignoring the crisis of ethics in our Supreme Court and the hijacking of America’s courts by secretive far-right groups. If they were serious about tackling the corrupting effect of money on our justice system, they would start by seriously examining how to get money out of our Supreme Court.