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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

COMMITTEE ON THE JUDICIARY
MARKUP HEARING STATEMENT
IN SUPPORT OF
JACKSON LEE AMENDMENT TO
H.R. 985

“FAIRNESS IN CLASS ACTION
LAWSUITS ACT OF 2017”

*(Amendment to prevent the
bill from taking effect until the Administrative Office of the
United States Courts completes an assessment of the likely
financial and resource cost of the bill on litigants and
courts.)*

FEBRUARY 15, 2017



- Mr. Chairman, I have an amendment at the desk; the Jackson Lee Amendment.
- Thank you for this opportunity to briefly explain my amendment.

- H.R. 985, if enacted, could undermine plaintiffs' ability to pursue many kinds of class actions, substantially reducing the ability of people who have been harmed to seek justice.
- The Jackson Lee amendment simply delays the effective date of this bill until the completion of the Administrative Office of the U.S. Courts study on potential harm to plaintiffs and the judicial process that aids them.
- Class actions are a means of leveling the playing field between large organizations like corporations on the one hand and individuals or relatively small institutions or businesses on the other hand.
- Class actions enable small claimants to band together to fight back against deep-pocketed defendants in situations where the individuals by themselves may lack the means to do so.
- In a class action, one or more named plaintiffs stand up for the entire group of similarly harmed persons during the course of the litigation since all have been injured by a common act or set of actions.
- Another advantage of the class action is that keeps the court system from getting clogged up with hundreds, if not thousands, of cases that could be resolved at one time in one case.
- This bill is particularly inappropriate at a time when the rulemaking process established by Congress is currently analyzing federal class action practice and considering possible amendments.
- Specifically, the bill's proposed limitations on class certification – both to the definition and scope of "injury" – will function to limit the ability of victims to vindicate their rights.
- Rule 23 of the Federal Rules of Civil Procedure has effectively governed the adjudication of class action claims for decades.
- Under the Rules Enabling Act, Congress vested the Judicial Conference's Advisory Committee on Civil Rules with the authority to make changes to the Federal Rules.
- There is no reason to circumvent this process now.

- But before embarking on such a dramatic change to Rule 23 that H.R. 985 would impose, it is proper and prudent to at least wait for the Administrative Office to provide us with the answers that can further guide us before moving forward with this sweeping legislation.
- I urge you to vote in favor of the Jackson Lee Amendment. Thank you.