

June 4, 2009

The Honorable Representative Stephen Cohen, Chairman
House Committee on the Judiciary
Subcommittee on Commercial and Administrative Law
Ford House Office Building
United States House of Representatives
Washington, DC 20515

Dear Chairman Cohen and Members of the Subcommittee:

We, the undersigned national consumer advocacy organizations, strongly support H.R. 1508, the “Sunshine in Litigation Act of 2009.” This much needed legislation restricts court-ordered secrecy on matters that impact public health and safety and keeps corporations accountable for wrongdoing they would otherwise try to hide from the public. In the last decade alone, companies that settled product liability cases used secrecy to wrongfully and repeatedly conceal injuries and deaths associated with every day consumer products like automobile tires, magnetic toys, collapsing baby cribs, and prescription drugs. Secrecy also enabled clergy misconduct and sexual abuse to remain hidden from the public when victimized young children and their families could have benefited greatly from such information.

A major 2004 Federal Judicial Center study confirms that secrecy is, indeed, a significant problem. The study suggests that in 2001 and 2002, settlements alone may have been sealed in as many as 500 personal injury cases in federal courts. There will never be any way to determine the public health and safety significance of these sealed settlements, and each case could potentially be hiding another dangerous product or a pattern of negligent conduct. As Judge Abner Mikva has emphasized in the past, court secrecy clearly remains a public policy matter that must be addressed through Congress.

In addition to providing an enormous public benefit, secrecy restrictions adopted in various courts across the country have not burdened judicial systems or impacted the number of cases resolved in these courts. This could explain why the number of states that regulate secrecy agreements has at least quadrupled since the 1990s, and why court systems in 41 states and 50 out of 94 federal court districts have taken steps to limit court secrecy. The “Sunshine in Litigation Act” is a natural progression of these measures, and would ensure consistency in federal courts as well.

For these reasons, we urge Congress to enact H.R. 1508, the “Sunshine in Litigation Act” and we look forward to working with you and your staff to pass the strongest possible court secrecy reform law.

Sincerely,

**Center for Justice and Democracy
Consumer Federation of America
Consumers Union
Kids in Danger**

**National Consumers League
National Association of Consumer Advocates
Public Citizen
US PIRG**