

OPEN LETTER TO THE U.S. CHAMBER OF COMMERCE

March 11, 2004

Thomas J. Donohue
U.S. Chamber of Commerce

Why can't the U.S. Chamber of Commerce be honest with the American people?

Once again, you've camouflaged a campaign against judges in fabricated figures and a phony opinion poll, shifting responsibility for U.S. job loss and the nation's financial woes from your own members to the legal system that serves ordinary people.

But the real target is the American public and their rights – either you can't or you won't give the public a fair shake.

Judges in America work every day to ensure that the rights of ordinary people are protected, that everyone who comes to court is treated fairly – including businesses. But the Chamber is out to eviscerate the legal system and the accountability that it imposes on business.

Let's take a hard cold look at your arguments.

You cite an opinion poll for the proposition that some states are more or less fair than others. Fair to whom? Conveniently, you did not ask consumers what they thought. The only people you polled were senior corporate lawyers, or the private lawyers who serve them. Their view of fairness is surely not the same as that of the shareholders or employees of Enron, Worldcom, Tyco and other companies who have lost their savings or their jobs due to corporate mismanagement. And it is surely not the same as that of the victims of flammable children's pajamas or faulty lighters or other defective products.

You claim lawsuit excess costs every American \$809 a year. Your claim is patently untrue. First, you include in that figure the standard overhead costs of insurance companies: executive salaries, office rent and utilities, agent commissions and advertising, for example. Then you throw in the cost of claims by auto owners involved in fender-bender accidents that never reach the desk of a lawyer, much less the bench of a courtroom. According to Americans for Insurance Reform, you even include expenses from no-fault insurance cases, where litigation is prohibited, and the costs of claims under uninsured motorist coverage, none of which has anything to do with tort law and the legal system. Is a sophist victory so important that truth and honor do not matter in the argument?

What is really at stake here is the safety and security of the American people, and their ability to hold businesses and others accountable for the harm they sometimes inflict.

The tort system results in improved products, reduced pollution, safer hospitals and workplaces. And the improvements have come for all of us--not just those who litigate.

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Judges who hear these cases are protecting your rights and mine – yours as business operators, who take to the courts more often than do consumers; mine as a loyal user of American-made products who continues to trust in ever improving business standards that result in part from tort system oversight.

Waging war on the judges who protect the rights and safety of Americans is waging war on your own consumer base. When you learn the lessons of torts, when you work with and through the legal system to assure your customers the best products and services you can possibly provide, that is when you do business the American way, and assure your own survival into the future.

Join with us in that endeavor, and we all will prosper.

Sincerely,

A handwritten signature in cursive script, reading "Dennis W. Archer". The signature is written in black ink and is positioned below the word "Sincerely,".

Dennis W. Archer
President, American Bar Association