

Justice in Motion

CAPITAL REPORT

General Motors and the Sunshine in Litigation Act

CORPORATIONS OFTEN PLACE profits over public safety, as the General Motors (GM) safety scandal has illustrated. For nearly a decade, GM failed to notify the public and federal safety officials of an ignition switch defect in its cars that has been linked to at least 30 crashes and 13 deaths. Long before the defect was brought to light, GM was settling lawsuits with people injured by the defect and requiring victims to keep the settlement confidential. Those lawsuits could have made consumers aware of the defect years before Marietta, Ga., sole practitioner Lance Cooper uncovered the truth through the civil justice system.

The problem is not new. For nearly a century, corporations have used confidential settlements to keep the public in the dark about threats to their health and safety. In 1933, 11 workers sued their employer, Johns-Manville, for asbestos-related harms, and the record was sealed as part of the settlement agreement. The hazards of asbestos were concealed for more than 40 years, during which an untold number of people died because of asbestos exposure. Since then, companies settling products liability cases have been able to repeatedly conceal injuries and deaths associated with everyday products like automobile tires, magnetic toys, collapsing baby cribs, and prescription drugs.

In response to the proliferation of confidential settlements, members of Congress are fighting to protect the public. The Sunshine in Litigation Act of 2014, introduced in the U.S. Senate by Sens. Richard Blumenthal (D-Conn.) and Lindsey Graham (R-S.C.) and by Rep. Jerrold Nadler (D-N.Y.) in the U.S. House of Representatives, would require judges to consider the public interest before granting requests to seal court records in cases involving public health or safety. The legislation would create a presumption against protective orders, unless a party asks the judge to find that a specific and substantial interest in maintaining secrecy outweighs the public health and safety interest. It would also prohibit a court from approving or enforcing a provision that restricts a party from disclosing public health or safety information to any federal or state agency with authority to enforce laws regulating an activity related to such information. Finally, the act would ensure that such information is shared among litigants with similar cases, increasing court efficiency by avoiding duplication of discovery battles.

A version of the Sunshine in Litigation Act has been introduced in each Congress since 1994. The bill did not advance until 2011, when it was passed by the Senate Judiciary Committee with the support of Chairman Patrick Leahy (D-Vt.) and Ranking Member Chuck Grassley (R-Iowa). The legislation has proved difficult to move, but GM's malfeasance illustrates that the time to act is now. AAJ Public Affairs will continue to work with Congress and coalition

groups to advance this important piece of legislation.

For more information, contact Federal Relations Counsel Kristen Kreple at kristen.kreple@justice.org.

EDUCATION

Upcoming CLE Programs Help Build Skills

AJ EDUCATION'S busy fall schedule begins with an informative new Marketing Seminar in Chicago on Sept. 8 and 9: How to Promote and Manage Your Practice. Attendees will learn about innovative tools and strategies to successfully market their law practices on a budget. This seminar is not eligible for continuing legal education credit.

Later in September, AAJ Education's best-selling seminar *Winning Medical Negligence Cases With Rules of the Road* Featuring Patrick Malone returns with an all-star faculty and new topics. The program will be held in Santa Fe, N.M., on Sept. 27 and 28 and is designed for trial attorneys of all experience levels who handle medical negligence cases. Attendees will receive a copy of the book *Winning Medical Malpractice Cases Using the Rules of the Road Technique* (Trial Guides 2012), earn CLE credit, and enjoy a networking reception hosted by Malone.

The next Plaintiff-Only Hot Topics and Trends in Litigation Seminar will be held on Oct. 1 in Louisville, Ky. The seminar, which will be held in preparation for hearings before the Joint Panel on Multidistrict Litigation in the same

city, will prepare attorneys handling pharmaceutical and medical device cases. Attendees will have networking opportunities and learn about the latest case strategies and updates.

In conjunction with AAJ's Nursing Home Litigation Group, AAJ Education will hold a Nursing Home Litigation



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- breaking news and alerts to keep you current on matters that affect your practice.

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We are excited to unveil the new www.justice.org soon!

Seminar in Washington, D.C., on Oct. 12 and 13. The seminar will present a pretrial plan for nursing home cases and analyze the evidence, experts, and documents used at trial.

AAJ Education's Trial Advocacy College will offer three valuable programs in the fall. The first, Depositions, will be held in Denver on Sept. 19–21 and will give members a chance to expand their deposition skills in a series of hands-on workshops. The second, Essentials of Civil Litigation, will teach members key trial skills in Cincinnati on Oct. 16–19. The third, Damages With David Ball, Ph.D., will be held in Atlanta on Oct. 23–25. This college presents a unique opportunity to bring an active case for a one-on-one session with Ball.

? For more information on any of these programs, visit www.justice.org/education or call (800) 622-1791 or

(202) 965-3500, ext. 8612. To order recordings from previous programs, visit www.playbackaaaj.com.

EXCHANGE/SECTIONS/
LITIGATION GROUPS

Resources for School Bullying Litigation


BULLYING IS THE systematic and chronic infliction of physical harm or psychological distress on another. It can be physical, verbal, or social, and it can lead to serious consequences for students. (See Alyssa Lambert's sidebar on page 28 for more information on bullying litigation).

The AAJ Exchange, in collaboration with AAJ's Civil Rights Section and Public Justice, has issued the School Bullying Litigation Packet, which includes

The Lawyers' Computer Games

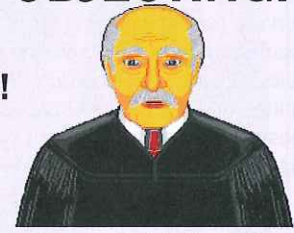
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Trial

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Protecting
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