

TRUMP'S JUDICIAL NOMINEES: A THREAT TO OUR CIVIL JUSTICE SYSTEM

Every year, federal courts oversee thousands of civil trials. Victims of corporate wrongdoing, medical malpractice, unsafe products, illegal working conditions and civil rights violations can only hold perpetrators accountable if judges keep the courtroom door open. The Trump Administration is selecting judicial nominees who have fought for the wealthy and powerful and advocated allowing corporate interests to evade accountability when they injure, kill, or violate the rights of Americans.

MEDICAL MALPRACTICE

Tens of thousands of people die each year due to preventable medical errors, and thousands are injured by faulty medical devices. Yet corporations have fought to limit accountability when patients are harmed or killed by negligence.

Eric Miller (9th Circuit) argued that manufacturers of surgical devices should not be held accountable when they fail to warn hospitals that perform surgeries with those devices about their potential dangers.

Michael Brennan (confirmed to 7th Circuit) criticized a decision that invalidated a cap on damages in medical malpractice cases. In the case, a doctor's negligence injured Matthew Ferdon during birth and left him partially paralyzed with a deformed right arm. Had Brennan's argument prevailed, damages would have been capped at half of what the jury awarded the boy.

INJURED WORKERS

An average of 14 workers die of job injuries each day in the U.S., and in 2016, nearly 3.7 million workers had work-related injuries and illnesses. Whether workers can hold their employers accountable is largely dependent on access to our justice system.

Eric Miller (9th Circuit) worked to shield Boeing from liability when a worker was exposed to asbestos at work and later died from mesothelioma, even though Boeing did not dispute that it was aware that asbestos was a hazardous material and forced its workers to inhale asbestos fibers.

Mark Norris (confirmed to the W.D. Tenn.) and **Patrick Wyrick** (W.D. Okla.) worked to pass laws that slashed worker compensation benefits.

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INJURED AND DEFRAUDED CONSUMERS AND INVESTORS

It is critical that the courthouse door is open for those who have been wronged. In this regard, class actions allow people with similar claims to band together to hold corporations accountable. This enables workers and consumers to level the playing field. Class actions are often the only way that individuals can seek justice when they are faced with widespread corporate wrongdoing.

Eric Murphy (6th Circuit), as an attorney for the tobacco industry, fought victims seeking compensation from cigarette companies.

Paul Matey (3rd Circuit) advocated making it harder for victims of securities fraud to hold corporations accountable.

Eric Miller (9th Circuit) spoke disparagingly of class actions, insinuating that current law allows too many victims of corporate wrongdoing into the courts.

Mark Norris (confirmed to W.D. Tenn) worked to ban lawsuits for securities fraud in Tennessee. He also made it easier for insurance companies to deny claims without justification.

Andrew Brasher (M.D. Alabama) repeatedly opposed the right of individuals to band together to hold corporations accountable.

Chad Readler (6th Circuit) challenged the structure of the independent Consumer Financial Protection Bureau (CFPB), threatening the CFPB's ability to protect consumers from unscrupulous banks and corporate special interests.

ARBITRATION

Consumers and employees are often forced to sign away their legal rights and sign arbitration clauses (often the "small print" in contracts) that say that a consumer or an employee cannot take their case to court, but instead must go to corporation-designated secret private arbitration, where they have fewer rights and legal protections.

Allison Rushing (Fourth Circuit) argued that employees who were denied overtime pay could be prevented by their employers of the right to unit and join as a class action in arbitration under the National Labor Relations Act.

Patrick Wyrick (W.D. Okla) supported a law that enabled employers to force injured workers to settle claims in binding arbitration.