

**OCTOBER 28, 2005**

**SCHAKOWSKY CONDEMNS TORT BILL FOR TURNING BACK THE CLOCK ON CIVIL RIGHTS**

**WASHINGTON, DC -** "Mr. Speaker, I rise today in strong opposition to H.R. 420, the so-called Lawsuit Abuse Reduction Act. The legislation will have a significant, adverse impact on the ability of civil rights plaintiffs to seek recourse in our courts.

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**This bill would remove a court's discretion to impose sanctions on attorneys for frivolous lawsuits under Rule 11 of the Federal Rules of Civil Procedure. By removing a court's discretion to impose sanctions, this bill would make Rule 11 sanctions mandatory.**

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**Mandatory Rule 11 sanctions are a failed experiment. When they were mandatory---between 1983 until they were repealed in 1993--they were disproportionately used to harass civil rights plaintiffs bringing claims to enforce civil rights laws. It would be a mistake to turn back the clock on civil rights.**

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**If such mandatory sanctions are reinstated, what can we expect? The movie, based on the first sexual harassment class action, North Country, perfectly illustrates the problem. North Country is based on the real life case of Lois Jensen, who in 1975 was a single mother on welfare and took a job working in the taconite mines of northern Minnesota. In that male-dominated work force, she endured extreme sexual harassment and her employer refused to do something about it. After 25 years and three trials, Jensen finally prevailed in 1998. Landmark litigation takes time. And landmark causes of action, often referred to as novel, should not be confused with frivolous claims.**

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**If H.R. 420 passes, motions for Rule 11 sanctions will be disproportionately brought by big corporations against individual plaintiffs to harass, drag-out, and make the costs of their litigation more expensive.**

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**It's important not to make landmark civil rights cases more difficult. Mandatory Rule 11 sanctions would make such compelling cases more difficult by allowing big companies even more opportunities to out-litigate the individual. H.R. 420 will require a mandatory sanctions regime that would apply to civil rights cases and massively skew the playing field against injured victims. I urge my colleagues to vote 'no' on H.R. 420, and support the Democratic alternative."**