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New Report Highlights Importance of Civil Courts in Securing a Fair, Inclusive Economy for All Americans

Americans depend on our civil courts to keep the economy on a fair and firm foundation, but according to a [new report](#) from the Center for Progressive Reform (CPR), a decades-long campaign to limit access by "closing the courthouse doors" and tamping down awards to injured parties has left courts with diminished power. These attacks also impede the role of civil courts in helping to keep the economy fair for all of us.

"Too many individuals and families have seen their chances at economic advancement stalled or undone by injuries caused by unreasonably dangerous products and other irresponsible corporate behavior," said Sid Shapiro, a CPR Member Scholar and co-author of the report. "In an era of rising economic insecurity and inequality that has left many individuals and communities struggling to overcome disadvantages beyond their control, we need legislators and policymakers at all levels of government to take action to promote greater access to justice."

The report, [*Civil Justice in the United States: How Citizen Access to the Courts Is Essential to a Fair Economy*](#), focuses on four case studies, each of which illustrates how profound harms caused by corporations can deprive individuals and communities of a meaningful opportunity to participate in the economy. The corporate defendants include multinational banks, chemical manufacturers, pharmaceutical companies, and industrialized food producers, while the plaintiffs include individuals and families from some of our country's historically disadvantaged communities.

Those case studies examine the following:

- The opioid crisis;
- The pollution discharges caused by improperly stored waste on factory farms raising thousands of hogs in confined spaces;
- The Wells Fargo fake account scandal; and
- The injuries, property damage, and disruption of entire "fenceline" communities caused by a chemical manufacturing plant that failed to safely shut down prior to Hurricane Harvey.

As the report's authors note, one of the hallmarks of a fair economy is that when people suffer an injury or are hurt financially by someone else's irresponsible behavior, they should be adequately compensated so they have the opportunity to achieve their full potential. Our civil courts play a key role in pursuit of this vision for our society.

"When the courthouse doors remain open to everyone, regardless of social or economic standing, even the wealthiest individuals and the most powerful corporations can be held accountable," said Karen Sokol, a CPR Member Scholar and report co-author.

But, the report's authors note, citizen access to civil justice is under threat. Over the past several decades, teams of corporate lobbyists and lawyers have worked to undermine the ability of courts to help all Americans. They have successfully pressed for legislation and devised contract provisions that hobble the effective functioning of our courts. Among other things, these special interests have worked to do the following:

- ***Bar the courthouse door*** through forced arbitration and onerous requirements that Americans must satisfy before they are even eligible to initiate a claim.
- ***Divide and conquer*** Americans with measures that prevent or limit access to class action litigation.
- ***Shift the burden*** to victims with arbitrary caps or limits on the amount or type of damages available to prevailing plaintiffs.

Despite this damaging campaign, Americans continue to use the courts to stand up to the people and companies that have harmed them and to fill the gaps left by weak government standards or their feeble enforcement. Regulatory agencies' budgets and staffing levels have failed to keep pace with our expanding economy, and as a result, these agencies have limited capacity to prevent harm and identify and respond to new hazards. This trend, viewed in the context of rising economic inequality in the United States, underscores the value of our courts in providing individuals and families with an essential venue to seek compensation for their injuries.

"Our courts cannot reverse economic inequality in the United States, but they can prevent the situation from becoming worse," said James Goodwin, Senior Policy Analyst at CPR and a co-author of the report. "As a nation, we are looking to lawmakers and advocates who believe in the importance of establishing a fair economy by guaranteeing meaningful access to the courts."

Civil Justice in the United States: How Citizen Access to the Courts Is Essential to a Fair Economy is available at <http://bit.ly/CivilJustice4FairEcon>.

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