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In an Alarming Deregulatory Environment, Civil Courts Offer One of Few Paths for Justice, Says New Report

When protections fail, “the door to the courthouse remains open.”

WASHINGTON, D.C. — Legal scholars with a prominent research and advocacy organization are raising awareness about the role civil litigation can play to protect and advance environmental, consumer, and other protections in an era of extreme deregulation.

In a new report, [*Protecting Communities From Harm*](#), author Bryan Dunning and contributor Sidney Shapiro with the Center for Progressive Reform review some of the most significant pieces of civil litigation in the past two decades and consider what these victories can teach us about communities securing justice in the absence of federal protections or their enforcement.

“What this research makes exceedingly clear is that access to civil courts is crucial for ensuring that private citizens, and even entire communities, have legal remedies for the harms that befall them,” said Dunning, a senior policy analyst at the Center. “Ideally, civil litigation is a critical partner to strong regulatory protections. But it is even more important when those protections fail, don’t exist in the first place, or have been eradicated.”

The report especially foregrounds the broad applicability of civil justice across time, jurisdiction, and the nature of the harm. High-profile cases considered include lead-based paint, train derailments, wildfires, e-cigarettes, PFAS pollutants, and pesticides. While some older litigation is considered when significant, the contributors say there are many reasons to pay attention to recent cases.

In addition to financial compensation, the benefits of civil justice for communities can also include funding for new social programs, education or information campaigns, and other forms of local investment to not only alleviate the harms suffered by a community, but to protect against future injury

“The protections that civil justice can provide to the most vulnerable are especially important during the second Trump administration,” said Shapiro, Board Chair and a Member Scholar at the Center and the Fletcher Chair in Administrative Law at the Wake Forest University School of Law. “We’ve already seen significant rollbacks to laws like the Clean Air Act and Clean Water Act, in addition to entire regulatory agencies being gutted.”

“In the coming years, robust access to civil justice will be increasingly necessary,” Dunning added. “Now, more than ever, we need the protection of civil justice litigation to ensure that communities are protected.”

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