

THE
NEW ENGLAND
COUNCIL

February 8, 2005

Dear Senator:

On behalf of the New England Council, I am writing to urge your support for the Class Action Fairness Act (S. 5) and to oppose all amendments that are offered during consideration of this bill.

This legislation is identical to last year's meticulously crafted bipartisan compromise bill that will help ensure that our legal system works more efficiently and is fairer for both plaintiffs and defendants than current law.

The Class Action Fairness Act will help to reduce the instances of forum-shopping, while also containing provisions to keep class actions in state court if a case primarily involves matters of local concern.

This legislation contains numerous consumer protection provisions to help ensure that those whom the class action system was set up to protect, the plaintiffs, actually do benefit when a court rules in their favor. One provision, in particular, would prohibit settlements where the awards are so low that plaintiffs, after paying for legal fees, actually lose money.

We are very pleased that the Senate has begun consideration and debate of S. 5. It is our hope and expectation that the members of the Senate will work together to achieve enactment of the Class Action Fairness Act this year. We believe the best way to accomplish this goal is to enact S. 5, as it was introduced, after adequate time for debate.

Once again, I urge you to support the Class Action Fairness Act (S. 5) and to oppose all amendments to this legislation. This bill represents meaningful, balanced and bipartisan class action reform. As always, if you have any questions or if we can be of assistance, please do not hesitate to contact our office.

Very Truly Yours,

James T. Brett
President & CEO