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RENO GAZETTE-JOURNAL

Ban secret lawsuit settlements

Editorial

RENO GAZETTE-JOURNAL

3/11/2003 11:50 pm

In 2001, Nevada legislators killed a bill that would have shined a little light on secret settlements of lawsuits affecting the public health and safety.

However, Senate Minority Leader Dina Titus, D-Las Vegas, is pushing the bill again this year. It deserves serious consideration.

The concern of some companies and lawyers for public agencies that the bill might discourage settlement of lawsuits if the terms are to be made public has some legitimacy. So does the fear that releasing the details of some settlements would provide ammunition for predatory lawyers.

But the first priority of the Legislature should be public safety, and the public has the right to know when products or activities are dangerous. It is unconscionable for officials to be aware of threats to the public safety and yet keep us all in the dark.

Titus' Senate Bill 251 should be approved.

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Las Vegas SUN

Today: September 09, 2002 at 8:37:02 PDT

Editorial: Let's throw sunshine on secret settlements

LAS VEGAS SUN

It was encouraging to read in The New York Times last Monday that South Carolina's 10 federal judges have voted unanimously to bar secret legal settlements. The federal judges there believe that such secrecy in the past has made courts complicit in shrouding the truth about harmful products, negligent doctors and sexually abusive clergy. The Times also reported that it is believed that this ban on secret settlements is the strictest in the federal courts. Still, the South Carolina ban is limited since most of the kinds of cases that the public should know about, such as product liability cases, are filed in state court where the ban doesn't apply.

The South Carolina federal judges are on the right track, but to make a nationwide impact, it will require state legislatures across the nation to pass laws banning secret court settlements. If Nevada is any indication, it won't be easy. During the 2001 Nevada Legislature, business interests helped defeat a bill that would have barred judges from sealing the details of court settlements involving public hazards. But we hope that when the Nevada Legislature meets again in February, that state lawmakers follow the lead of South Carolina's federal judges. When people stand to be injured or even killed from unsafe products or individuals, the public has a right to know.

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Wednesday, March 12, 2003
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EDITORIAL: Sealed shut

For the third time in a decade, the Legislature will debate legislation preventing state judges from sealing settlements in lawsuits involving public hazards.

In previous efforts -- 1991 and 2001 -- business interests successfully killed similar bills. They shouldn't be so short-sighted this time.

Proponents of Senate Bill 251 note that when the courts keep secret many settlements involving corporate liability, individual citizens are deprived of information they could use to protect themselves, and companies have less incentive to act responsibly.

That's true -- and, in fact, efforts to keep the public in the dark about any aspect of our judicial system should be vigorously opposed.

The business groups, however, argue that publicizing these deals would only encourage unscrupulous attorneys looking for deep pockets. That is a legitimate concern.

But the answer isn't throwing up the cloak of secrecy.

Rather, companies fearing frivolous lawsuits should welcome public scrutiny as motivation to fight the tactics of bottom-feeding attorneys simply looking to exploit the legal system to extort large monetary awards from businesses who have done nothing wrong but see it as cheaper to settle than fight.

A good argument can be made that sealing settlements in and of itself only encourages further lawsuits by telegraphing a company's willingness to pay up rather than defend itself.

The public has a right to know the resolution of judicial proceedings -- especially those involving products that could present a danger. Concerns about sleazy attorneys and the judges who abet them must not override that fundamental tenet, and should be addressed through more aggressive tort reform.

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