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Congress to Judges: We're the Boss of You Now

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Congress to Judges: We're the Boss of You Now

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Politicians now controlling our executive and legislative branches of government are finally paying attention to that other, pesky third branch – although it may be less about “paying attention” than showing utter disrespect for the judiciary.

First, there's the U.S. Supreme Court seat, which Congress basically [stole](#). Read more about the fence [here](#). Then there's [the administration's](#) “blatant disregard” of federal court rulings to block “Trump's thinly veiled Muslim immigration and travel ban” – a policy apparently written [with the assistance of](#) Republican House Judiciary Committee staff. And who could forget when the White House [wiped the judicial branch](#) from its website this week? (Although it's now been restored.)

Now comes something else. This Groundhog Day (as in, “we've seen this before,” and also, literally on February 2), the House Judiciary Committee will be rushing to vote on three civil justice bills, two of which are a direct assault on federal judges who serve local communities. No hearings. Just votes. Judges are *that* in need of immediate hamstringing by Washington politicians, most of whom have probably never stepped inside a courtroom let alone evaluated a specific case.

As explained by over 50 organizations nationwide, who signed a February 1, 2017, [opposition letter](#) with almost no advance notice, one bill (H.R. 720) would change federal rules to take power and authority away from judges. It would do this by removing all discretion currently provided to judges who are considering whether to sanction a frivolous claim or defense. In other words, sanctions would be mandatory. But let me assure you, this bill is [not about frivolous lawsuits](#). It's about stopping legitimate cases against companies that harm people.

We know this because this ridiculous rule was tried once before. Based on its well-documented impact, it was rescinded “after near universal criticism.” As [described](#) by the groups,

Among those problems were: the rule had a chilling effect on the filing of meritorious civil rights, employment, environmental, and consumer cases; the rule was overused in civil rights cases as sanctions were sought and imposed against civil rights plaintiffs more than against any other litigants in civil court; and the rule burdened the already strained federal court system with satellite litigation over compliance with the rule. These burdens adversely affected cases of all types, including business-to-business civil litigation.

Another bill before the House Judiciary Committee this Groundhog Day, H.R. 725, would also strip power away from local federal judges to decide where a case should properly be heard. As described by the groups, this bill is actually ...

... a corporate forum-shopping bill that would allow corporations to move cases properly brought in state courts into federal courts. Corporate defendants support this bill because they prefer to litigate in federal court, which usually results in less diverse jurors, more expensive proceedings, longer wait times for trials, and stricter limits on discovery. For plaintiffs, who are supposed to be able to choose their forums, this legislation would result in additional time, expense, and inconvenience for the plaintiff and witnesses. Moreover, there is no evidence that federal courts are not already properly handling [where cases should be brought]. The bill would result in needless micromanagement of federal courts and a waste of judicial resources. While it purports to fix a non-existent problem, it creates problems itself.

It's obvious why special interest corporate lobbyists are pushing these bills. They want to control the courts. But the real question is why Congress thinks it's so important to interfere with the work of federal judges, who sit locally in places like Boise or Des Moines. Jurists are generally conservative people. Many rule in order to safeguard their communities from unaccountable corporations, and to make sure disaster doesn't strike.

When super-rich corporations orchestrate lobbying campaigns to undermine judicial authority, the very foundations of our democracy are threatened - as are the safety and security of the public. Let's hope these bills end up in the congressional trash heap where they belong.