

HOUSE JOINT MEMORIAL 46

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING CONGRESS TO REFORM THE CURRENT CLASS ACTION LAWSUIT
PROCESS IN ORDER TO ENSURE FAIR LEGAL PROCESS FOR CLASS MEMBERS
WITH LEGITIMATE CLAIMS AND PROTECT RESPONSIBLE COMPANIES AND
OTHER INSTITUTIONS AGAINST FRIVOLOUS INTERSTATE CLASS ACTIONS
IN STATE COURTS.

WHEREAS, over the past decade, there have been abuses of
the class action device that have harmed class members with
legitimate claims and defendants that have acted responsibly,
adversely affected interstate commerce and undermined public
respect for the judicial system in the United States; and

WHEREAS, class members have been harmed by a number of
plaintiffs' lawyers' actions, which provide little or no
benefit to class members as a whole; and

WHEREAS, among those harmful actions is the collection of
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1 large fees by plaintiffs' lawyers, while class members are left
2 with coupons or other awards of little or no value and while
3 unjustified rewards are made to certain plaintiffs at the
4 expense of other class members; and

5 WHEREAS, abusive interstate class actions have harmed
6 society as a whole by forcing innocent parties to settle cases
7 rather than risk a huge judgment by a local jury, thereby
8 costing consumers billions of dollars in increased costs to pay
9 for forced settlements and excessive judgments; and

10 WHEREAS, through the use of artful pleading, plaintiffs
11 are able to avoid litigating class actions in federal court,
12 forcing businesses and other organizations to defend interstate
13 class action lawsuits in county and state courts where the
14 lawyers, rather than the claimants, are likely to receive the
15 maximum benefit;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that congress be requested to approve class
18 action reform legislation that ensures fair and prompt
19 recoveries for class members with legitimate claims, protects
20 responsible companies and other institutions against interstate
21 class actions in state courts and restores the intent of the
22 framers of the United States constitution by providing for
23 federal court consideration of interstate class actions; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the members of the New Mexico congressional

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