

Interview

The Need for Legal Reform

An Interview with Lisa A. Rickard,
President, U.S. Chamber Institute for Legal Reform
and Executive Vice President, U.S. Chamber of Commerce



Lisa A. Rickard

EDITORS' NOTE Lisa Rickard has been President of the U.S. Chamber Institute for Legal Reform since March 2003, and Executive Vice President of the U.S. Chamber since March 2010. Rickard played a role in the passage of the Class Action Fairness Act, and is leading the Coalition to Curb Global Forum Shopping. She has spent more than 25 years as a public policy advocate, most recently as Vice President, Federal and State Government Affairs, for The Dow Chemical Company. Before this, she was Senior Vice President, Federal and State Government Relations, for Ryder System, Inc. Rickard was a partner in the Washington, D.C., law firm of Akin Gump Strauss Hauer & Feld. Rickard graduated from Lafayette College in Easton, Pennsylvania, and received her Juris Doctorate from American University in Washington, D.C. She is a member of the District of Columbia Bar.

ORGANIZATION BRIEFS An affiliate of the U.S. Chamber of Commerce, the U.S. Chamber Institute for Legal Reform (www.instituteforlegalreform.org; ILR) is focused on promoting civil justice reform through legislative, political, judicial, and educational activities at the national, state, and local levels.

As the world's largest business federation, the U.S. Chamber of Commerce (www.uschamber.com) represents the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations.

What kinds of campaigns have you worked on at the state level to try to have an impact on the legal climate?

We approach changing the lawsuit climate from a multifaceted perspective. We're very strategic about our focus at the state level; we concentrate our efforts on those states with the worst and more abusive legal climates, like West Virginia, or some places in Texas, some of which have improved as a result of our efforts. We go beyond the traditional aspects such as pursuing legislation to doing more in the advocacy arena in terms of public education, paid and earned media, grassroots outreach, and political engagement. We work very closely with groups on the ground, both civil justice groups as well as the state, local, and regional chambers of commerce. We also outreach to other allies on these issues in a partnership to advance initiatives at the state level as well as generally educating people on the need for legal reform.

In regard to the federal efforts, you were heavily involved in and a leader in the passage of the Class Action Fairness Act, which was a five-year effort. Has the act been effective, and has it had the impact you had hoped?

Yes. The passage of the Class Action Fairness Act was a big win. If you talk to many of the businesses on the ground in the states and elsewhere, it has been effective in terms of doing away with some of the abuses that we were seeing, which is the migration of a lot of nationwide class actions into small local magnet or jackpot jurisdictions in order to extort a settlement in a case. We've seen the law be much more effective now in that, when people try to file those cases at the state level, they're pulled back up into federal court. So it's a procedural mechanism that is helping to correct the imbalance that we saw in so much class action litigation.

How challenging is it to be able to have the impact on the international side when you're dealing with foreign lawsuits in other countries, and can you talk about the Coalition to Curb Global Forum Shopping?

That coalition formed about five years ago in recognition of the fact that we have an entrepreneurial class of tort lawyers in the U.S. who were seeking new fields of opportunity, and were working closely with allies in Europe, particularly at the E.U. level as well as the member country level to advance the concept of U.S.-style class action litigation. What we bring to that debate is our unique

perspective and our more than 40 years worth of experience in class action litigation. We've worked with business groups on the ground to educate them about what kinds of abuses can occur in a class action environment. And we've been told that European policymakers don't intend to create a U.S.-style class action system if they implement collective actions, which is what they call them.

What we've done is try to educate Europe on the fact that you can still create a U.S.-style class action system that has a lot of the inherent abuses that we're all familiar with over here by just having weak procedural mechanisms in your laws that allow for abusive litigation. Working with people and sharing that kind of experience has been instrumental in educating European policymakers about the problems with collective actions in that, if they are going down this path, they have to be very careful about how they do it because there are a lot of loopholes.

Can you talk about the Workforce Freedom Initiative and your vision for the impact it will have?

I was recently given the role of President of the Workforce Freedom Initiative, and it has been focused on elevating awareness in the states and among policymakers of the problems with the Employee Free Choice Act. We have been working very hard to educate people in different states on the impact of the Employee Free Choice Act, and have asked people to weigh in with their legislators in that arena.

But the initiative is broader than that in the sense that we are looking at the anti-competitive agenda that is advocated by many of the labor unions and developing initiatives to work both proactively and defensively to curb it.

You spent many years in the public policy area as an advocate. Did you always know this was the type of work you wanted to do?

Yes, I've always been interested in public policy. Before I went to law school, I worked in a lobbying office and then on The Hill, and I caught the fever. After I went back to law school, I determined I wasn't as comfortable under the strictures of a courtroom in litigation. In the public policy arena, you still are litigating your case, but you're able to bring into it so many public policy ideas, and issues that people care about, and you look at the public relations aspect, the grassroots aspect, and the political aspects, and you lump that all in with the legal side of it and it's both intellectually challenging and a lot of fun. ●