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ACI Launches New Legal Reform Effort with Amicus Filing in the US Supreme Court
National Association of Manufacturers joins the brief

Washington, DC: Access to Courts Initiative (ACI), a new initiative launched by veteran legal reform advocates, filed an amicus brief today in the US Supreme Court in *State of Mississippi ex rel. Jim Hood, Attorney General v. AU Optronics Corp., et al.*, No. 12-1036. ACI's brief was written by Constitutional law expert and states' rights advocate, Chuck Cooper and has been joined by the National Association of Manufacturers (NAM).

"ACI's mission is to close loopholes to the Class Action Fairness Act (CAFA) and to promote legislation more consistent with Article III of the Constitution," said ACI president James Wootton, an organizer of the coalition that advocated passage of the 2005 federal law which allows certain law suits filed against out-of-state defendants to be removed to federal court. Funded by corporate contributions, principally from Fortune 500 companies, ACI is advocating expanding options for removing class and mass actions which have been filed in plaintiff-friendly state courts where the defendant is not headquartered to neutral federal courts as provided in the Constitution.

The board of ACI is chaired by Dan Bryant, partner at Covington Burling LLP, and former head of government affairs for PepsiCo and Assistant Attorney General for Legislative Affairs; and includes Wootton, former president of the U.S. Chamber Institute for Legal Reform and partner at Mayer Brown LLP; Chuck Cooper, partner at Cooper & Kirk LLP and former Assistant Attorney General for Legal Counsel; Tom Graves, General Counsel of the American Coatings Association and Alan Dye, partner at Webster, Chamberlain & Bean.

The directors and officers of ACI are supported by the Covington legal reform team including former Senator John Kyl, Phillip Howard, best-selling author and founder of the bipartisan *Common Good*, Don Elliott, Yale law professor and senior counsel at Covington and Richard Hertling former chief of staff of the House Judiciary Committee.

Amicus Brief: As part of its effort to contribute to intellectual debate and increase the number of cases removable to federal court, ACI filed a brief today in *State of Mississippi ex rel. Jim Hood, Attorney General v. AU Optronics Corp., et al.*, No. 12-1036, in which the Court is expected to resolve the circuit split on when lawsuits filed by state attorneys general that assert "monetary relief claims of 100 or more persons" can be removed from state court to federal court under CAFA.

"This case falls squarely within the central purpose of the Article III's diversity provisions – to provide a neutral federal tribunal for resolving interstate disputes," said Cooper. ACI's amicus builds on an argument Cooper made in a case decided by the Supreme Court last term that closed one loophole exploited by the plaintiffs' bar to avoid removal of "controversies between citizens

of different states” to federal courts. Cooper’s argument in *State of Mississippi ex rel. Jim Hood, Attorney General v. AU Optronics Corp., et al.* involves a provision of Article III that provides federal court jurisdiction over “controversies between a state and citizens of another state.” Cooper’s brief urges the Court that, “[I]n light of the plain language of Article III specifically extending federal jurisdiction to controversies such as this one and the important purposes such jurisdiction was intended to serve... CAFA should, at a minimum, be interpreted without any presumption against removal.” Indeed,” concludes Cooper, it should be interpreted generously, with a presumption *favoring* removal, to effectuate the constitutional design.”

Access to the Courts Initiative is a 501(c) (6) advocacy organization dedicated to promoting the common interests of its members in fair and expeditious access to federal courts for resolving interstate disputes, as envisioned by those who framed and ratified Article III, section 2 of the Constitution. For more information, please visit ACI’s webpage:
www.accesstocourtsinitiative.org