

**COMMENTS SUBMITTED BY TEXAS WATCH
EXECUTIVE DIRECTOR WARE WENDELL TO THE
U.S. SENATE COMMITTEE ON THE JUDICIARY
IN SUPPORT OF ARBITRATION REFORM**

APRIL 11, 2024

Chairman Durbin:

Thank you for holding hearings this week to investigate the effect of forced arbitration on vulnerable communities.

Our nonpartisan organization advocates for the rights of workers, consumers, patients, and families. For years we have seen how the spread of mandatory pre-dispute arbitration throughout our economy is being used as a cudgel by irresponsible corporations to escape accountability. Arbitration should never be used to silence victims or deprive deserving individuals or classes of justice. One should not have to forfeit their Seventh Amendment rights in order to work so they can feed their family.

When disputes are funneled into arbitration, our jurisprudence also suffers because juries and judges are deprived of the opportunity to evaluate the evidence and develop legal rules through case law.

We must restore equal justice under the law by placing arbitration in its appropriate context – an option voluntarily elected after a dispute arises by two parties of equal bargaining power, apprised fully of the effect of this process. If two corporations wish to settle routine disputes in this manner, that is their prerogative. However, workers and consumers should never have this confidential, binding, largely unappealable process forced upon them.

We commend you on your leadership and stand ready to help you however possible.

Respectfully,
Ware Wendell
Executive Director
Texas Watch
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cc: Senator Lindsey Graham