



Statement by ABOTA National President:

**American consumers deserve access to justice**

*Mandatory arbitration clauses rob Americans of their constitutional right to a trial by jury and banish them from the courthouse*

August 14, 2017

Through the use of fine print often found buried in consumer agreements that contain individual mandatory arbitration clauses, financial institutions have locked Americans out of the courthouse, denied them freedom of association with other similarly affected consumers through class actions and forced them to pursue their claims through a secretive arbitration process devoid of oversight, where consumers prevail a mere 9% of the time. Not surprisingly, only about 400 consumers file for arbitration against financial institutions per year, according to a report by USA Today.

Through the enforcement of its arbitration clauses, Wells Fargo almost escaped accountability for burdening its customers with roughly two million unauthorized accounts. If the Senate were to overrule the Consumer Financial Protection Bureau (CFPB) rule, consumers of financial products would once again join the forgotten Americans President Trump pledged to protect in his inaugural address.

The American Board of Trial Advocates strongly urges the United States Senate not to overturn the rule adopted by the CFPB prohibiting forced individual arbitration clauses in consumer financial agreements. These clauses erode Americans' precious right to trial by jury guaranteed by the 7th Amendment to the United States Constitution.

ABOTA is not a trade organization. It is an association of 7,600 highly experienced trial practitioners evenly divided between the plaintiff and defense bars. ABOTA's mission is to preserve and promote the right to trial by jury in civil cases, protect the fair and impartial administration of justice through support for an independent judiciary and to champion civility, professionalism and high ethical standards among attorneys.

F. Dulin Kelly  
2017 National President