

BY KOPONEN, ULMER, BROWN,
MENARD, M.DAVIS, JACKO,
GOLL, AND DAVIDSON

1 IN THE HOUSE

2

HOUSE CONCURRENT RESOLUTION NO. 34

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Recommending against the use of confi-

6

dential settlements and sealed records

7

in concluding certain litigation involv-

8

ing public interest questions.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS recent Alaska and national news articles have spotlighted the
11 growing tendency to make the settlement of significant tort claims contin-
12 gent on keeping elements of the claim and the terms of the parties' settle-
13 ment agreement confidential; and

14 WHEREAS the use of confidential settlements, often used in conjunction
15 with the sealing of court records, to conclude disputes involving important
16 public health, safety, and welfare issues, product liability questions, and
17 environmental matters can end the legal dispute in a manner that may not be
18 consistent with the best interests of the public; and

19 WHEREAS the use of secrecy in the disposition of claims limits access
20 to data on which scientific, medical, and technical knowledge about a
21 practice or a product is based; and

22 WHEREAS the unavailability of data in sealed records or confidential
23 documents makes the assessment of the long-term effects of the practice or
24 the use of the product less reliable; and

25 WHEREAS limiting the disclosure of sensitive or potentially damaging
26 information in the disposition of these claims can amount to a covenant of
27 silence;

28 BE IT RESOLVED that the Alaska State Legislature finds that use of
29 confidential settlements between parties in litigation to conclude that

1 litigation and the sealing of records of the litigation can be inimical to
2 the interests of the public when confidentiality attaches to important
3 health, safety, and welfare claims, and recommends against the use of
4 confidential settlements and sealed records in cases involving those claims
5 if the state is a party in the litigation.