

1 IN THE HOUSE

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

2

HOUSE JOINT RESOLUTION NO. 48

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Urging the Congress of the United States

6

to prohibit the use of confidential

7

settlements and sealed records in con-

8

cluding certain litigation involving

9

public interest questions in federal

10

court adjudications.

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

12

WHEREAS recent Alaska and national news articles have spotlighted the

13

growing tendency to make the settlement of significant tort claims contin-

14

gent on keeping elements of the claim and the terms of the parties' settle-

15

ment agreement confidential; and

16

WHEREAS the use of confidential settlements, often used in conjunction

17

with the sealing of court records, to conclude disputes involving important

18

public health, safety, and welfare issues, product liability questions, and

19

environmental matters can end the legal dispute in a manner that may not be

20

consistent with the best interests of the public; and

21

WHEREAS the use of secrecy in the disposition of claims limits access

22

to data on which scientific, medical, and technical knowledge about a

23

practice or a product is based; and

24

WHEREAS the unavailability of data in sealed records or confidential

25

documents makes the assessment of the long-term effects of the practice or

26

the use of the product less reliable; and

27

WHEREAS limiting the disclosure of sensitive or potentially damaging

28

information in the disposition of these claims can amount to a covenant of

29

silence;

1 BE IT RESOLVED that the Alaska State Legislature respectfully urges
2 the Congress of the United States to find that use of confidential settle-
3 ments between parties in litigation to conclude that litigation and the
4 sealing of records of the litigation can be inimical to the interests of
5 the public when confidentiality attaches to important health, safety, and
6 welfare claims, and by legislation to prohibit the use of confidential
7 settlements and sealed records in cases involving public interest claims
8 adjudicated in the federal court system.

9 COPIES of this resolution shall be sent to the Honorable Ted Stevens
10 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
11 Young, U.S. Representative, members of the Alaska delegation in Congress.