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ONE HUNDRED FIFTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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17-CV-FFFFFF

November 1, 2017

Ms. Rebecca A. Womeldorf  
Secretary of the Committee on Rules of Practice and  
Procedure of the Administrative Office of the United  
States Courts  
One Columbus Circle, NE  
Washington, D.C. 20544

RE: Submission 17-CV-O

Dear Ms. Womeldorf:

I am writing regarding Submission 17-CV-O, the proposal multiple organizations have made to the Advisory Committee on Civil Rules ("Committee") suggesting that Fed. R. Civ. P. 26(a)(1)(A) be amended to require initial disclosures about third-party litigation funding ("TPLF"). My understanding is that this Submission is on the agenda for the Committee's November 7, 2017 meeting, and I urge the Committee to support this potential rule change, which I believe has substantial merit.

In House Judiciary Committee hearings and in other communications, we have heard in recent years increasing concerns about TPLF, which is clearly proliferating in civil litigation matters in our federal courts. Based on those concerns, I included in the Fairness in Class Action Litigation Act, H.R. 985, which passed the House in March, a provision requiring disclosure of TPLF in federal court class action cases. A fuller explanation of the need for requiring such a policy is set out at pages 27 through 29 of the committee report on the bill, which is available here: <https://www.congress.gov/115/crpt/hrpt25/CRPT-115hrpt25.pdf>. That requirement was limited to class actions, because such litigation was the focus of that bill. But in all cases, judges and parties need to know when and how TPLF is being used, so that appropriate steps can be taken to avoid conflicts of interest, to ensure compliance with ethical rules, and to protect the legitimate interests of all litigants. Indeed, it is hard to discern a valid

argument against requiring such transparency. I therefore urge the Committee to give careful consideration to the rule change proposed in Submission 17-CV-O and ultimately support it.

Sincerely,

A handwritten signature in blue ink that reads "Bob Goodlatte". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Chairman Bob Goodlatte