

Ken Feinberg, the attorney who has served as mass claims administrator for claims from both the September 11th terrorist attacks and now the BP oil spill in the Gulf of Mexico, defended the U.S. legal system. The president of the U.S. Chamber of Commerce, the chief lobbyists for multinational corporations, suggested that the oil spill claims process shows that we should modify our current legal system, where everyone is constitutionally entitled to their day in court unless they agree to an alternative, private dispute resolution process. Mr. Feinberg stated that, 'I happen to believe, in the run-of-the-mill, everyday life in America, the legal system works pretty well.'

We agree with Mr. Feinberg. The claims processes that Mr. Feinberg oversaw after 9/11 and that he now administers after the oil spill are only necessary in the case of catastrophes that affect a massive amount of people injured or damaged in the same event. Even then, 9/11 and oil spill claimants have the opportunity to opt-out of the claims process and have their day in court before a jury, [a right guaranteed by the Seventh Amendment of the U.S. Constitution](#).

For injured persons and consumers alleging that products they bought were defective, it is important to preserve the constitutional right that disputes will be aired in public and decided in an open and fair process. Unfortunately, the U.S. Chamber of Commerce has for a long time fought to erode this constitutional right to a day in court. Clients of the U.S. Chamber of Commerce usually want to force individuals to handle their claims through arbitration, a process that can cost thousands of dollars and where there is little assurance of independent oversight, unlike the appellate process available in the U.S. court system. Another thing the U.S. Chamber of Commerce likes about arbitration is that because it is a private process, it diminishes the chances that bad publicity will result from scrutiny into how corporations treat ordinary Americans. Contrary to the 'legal system' favored by the U.S. Chamber of Commerce, the public scrutiny of an open court system where disputes are decided by juries made up of ordinary U.S. citizens is the best way to ensure confidence that there is justice in this country. It's exactly how the people who designed this country wanted it.