



July 13, 2018

Honorable Members of the House
United States House of Representatives
Washington, DC 20515

Dear Member of Congress:

The American Association for Justice strongly opposes the Trump Administration's recent executive order regarding the hiring and role of federal Administrative Law Judges (ALJs). An impartial judiciary is central to the strength of our justice system, and ALJs should not be involved in the political process. The ALJ executive order threatens the American people's right to a neutral arbiter and right to due process.

It is vital that ALJs be independent and impartial. This executive order eliminates the process of selecting ALJs based on their qualifications, and instead allows these positions to be filled by political appointees without any merit-based procedure. Administrative proceedings should continue to be overseen and adjudicated by ALJs who are qualified, such as attorneys with at least seven years of litigation experience and who are vetted by the Office of Personnel Management, as was the prior process. The appointment of ALJs with no experience, who can gain appointment solely due to their financial contributions or other political incentives so long as they possess a bar license, could result in unfair, biased rulings for millions of Americans.

The executive order will have a devastating effect on a vast array of cases, including cases before the Social Security Administration, Department of Labor, National Labor Relations Board, and Department of Health and Human Services. There are about 2,000 ALJs that decide over a million cases each year. Approximately 1,600 of those ALJs hear Social Security disability cases and render almost 700,000 decisions each year at the hearing level. It is important for all cases overseen by ALJs to have a neutral ALJ handling the case, not someone who may be beholden to a particular political party, hostile to a particular agency or program, or otherwise politically motivated in their decision-making. AAJ is especially concerned about bias against claimants seeking Social Security disability benefits.

We urge you to oppose this executive order and to support Amendment #55, sponsored by Reps. Scott (VA), Cummings, Cicilline and Larson (CT), to Division B of Rules Committee Print 115-81 (H.R.6147). We greatly appreciate your support in protecting the American people's right to due process.

Sincerely,

A handwritten signature in black ink that reads "Linda Lipsen". The signature is written in a cursive, flowing style.

Linda Lipsen
CEO

American Association for Justice