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February 12, 2018

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H-232, The Capitol
Washington, DC 20515

Hon. Mitch McConnell
Majority Leader
317 Russell Bldg
Washington, DC 20510

Hon. Kevin McCarthy
Majority Leader
H-107, The Capitol
Washington, DC 20515

Hon. John Cornyn
Majority Whip
517 Hart Bldg.
Washington, DC 20510

Hon. Nancy Pelosi
Minority Leader
H-204, The Capitol
Washington, DC 20515

Hon. Charles E. Schumer
Minority Leader
322 Hart Bldg.
Washington, DC 20510

Hon. Steny Hoyer
Minority Whip
1705 Longworth Office Building
Washington, DC 20515

Hon. Richard J. Durbin
Minority Whip
711 Hart Bldg.
Washington, DC 20510

RE:Mandatory Arbitration of Sexual Harassment Disputes

Dear Congressional Leadership:

As the duly-elected and appointed Attorneys General and chief legal officers of our respective States, District of Columbia, and territories, we ask for your support and leadership in enacting needed legislation to protect the victims of sexual harassment in the workplace. Specifically, we seek to ensure these victims' access to the courts, so that they may pursue justice and obtain appropriate relief free from the impediment of arbitration requirements.

Access to the judicial system, whether federal or state, is a fundamental right of all Americans. That right should extend fully to persons who have been subjected to sexual harassment in the workplace. Yet, many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings.

These arbitration requirements often are set forth in clauses found within the "fine print" of lengthy employment contracts. Moreover, these clauses typically are presented in boilerplate "take-it-or-leave-it" fashion by the employers. As a consequence, many employees will not even recognize that they are bound by arbitration clauses until they have been sexually harassed and attempt to bring suit.

While there may be benefits to arbitration provisions in other contexts, they do not extend to sexual harassment claims. Victims of such serious misconduct should not be constrained to pursue relief from decision makers who are not trained as judges, are not qualified to act as courts of law, and are not positioned to ensure that such victims are accorded both procedural and substantive due process.

Additional concerns arise from the secrecy requirements of arbitration clauses, which disserve the public interest by keeping both the harassment complaints and any settlements confidential. This veil of secrecy may then prevent other persons similarly situated from learning of the harassment claims so that they, too, might pursue relief. Ending mandatory arbitration of sexual harassment claims would help to put a stop to the culture of silence that protects perpetrators at the cost of their victims.

We applaud Microsoft Corporation for recently announcing that it will discontinue arbitration requirements with respect to sexual harassment claims and for supporting legislation to ensure that victims of sexual harassment be accorded the right of access to our judicial system. As Microsoft's President and Chief Legal Officer has fairly noted, "[b]ecause the silencing of voices has helped perpetuate sexual harassment, the country should guarantee that people can go to court to ensure these concerns can always be heard."

Congress today has both opportunity and cause to champion the rights of victims of sexual harassment in the workplace by enacting legislation to free them from the injustice of forced arbitration and secrecy when it comes to seeking redress for egregious misconduct condemned by all concerned Americans. We are aware that the Senate and the House are considering legislation to address this issue. Whatever form the final version may take, we strongly support appropriately-tailored legislation to ensure that sexual harassment victims have a right to their day in court.

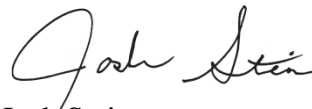
Sincerely,



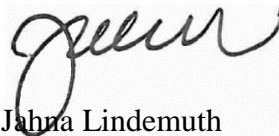
Pamela Jo Bondi
Florida Attorney General



Steve Marshall
Alabama Attorney General



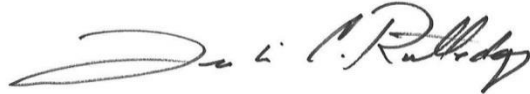
Josh Stein
North Carolina Attorney General



Jahnna Lindemuth
Alaska Attorney General



Eleasalo V. Ale
American Samoa Attorney General



Leslie Rutledge
Arkansas Attorney General



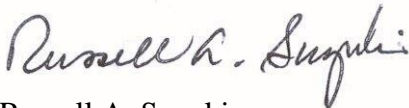
Cynthia H. Coffman
Colorado Attorney General



Matthew P. Denn
Delaware Attorney General



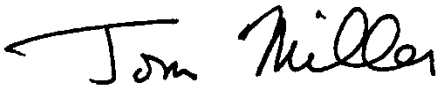
Christopher M. Carr
Georgia Attorney General



Russell A. Suzuki
Hawaii Attorney General (Acting)



Lisa Madigan
Illinois Attorney General



Tom Miller
Iowa Attorney General



Mark Brnovich
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Xavier Becerra
California Attorney General



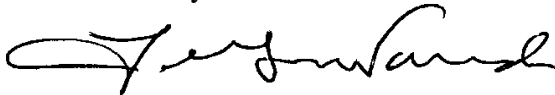
George Jepsen
Connecticut Attorney General



Karl A. Racine
District of Columbia Attorney General



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Guam Attorney General



Lawrence Wasden
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Curtis T. Hill Jr.
Indiana Attorney General



Derek Schmidt
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Kentucky Attorney General

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Maine Attorney General

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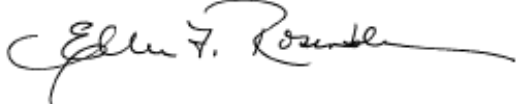
Gurbir S. Grewal
New Jersey Attorney General

Eric T. Schneiderman
New York Attorney General

Edward Manibusan
Northern Mariana Islands Attorney General



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Ohio Attorney General



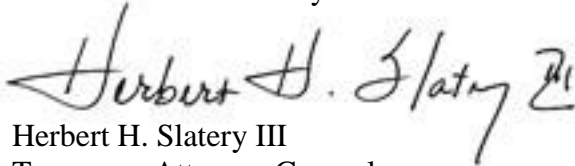
Ellen F. Rosenblum
Oregon Attorney General



Wanda Vázquez Garced
Puerto Rico Attorney General



Alan Wilson
South Carolina Attorney General



Herbert H. Slatery III
Tennessee Attorney General



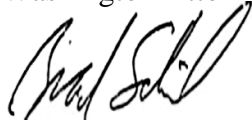
Sean Reyes
Utah Attorney General



Claude Earl Walker
Virgin Islands Attorney General



Robert W. Ferguson
Washington Attorney General



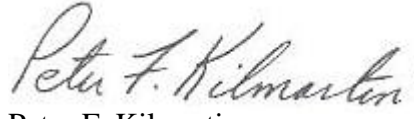
Brad Schimel
Wisconsin Attorney General



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Rhode Island Attorney General



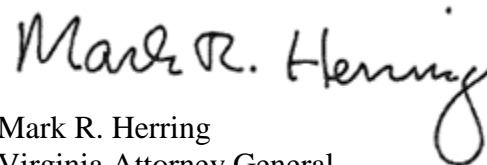
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South Dakota Attorney General



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West Virginia Attorney General



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