

NAM's Appellate Litigation Program

The ability of American manufacturers to do business and to compete in the world marketplace is buffeted by forces in Congress, the Executive Branch, and the trial bar, not to mention the normal forces of competition. What can manufacturers do in court that offers a balance to the often political and unfair treatment they receive at the hands of these powerful forces?

The NAM's appellate litigation program offers several solutions. When the Executive Branch issues a regulation that exceeds its authority or violates other basic principles of law, we step in and litigate on your behalf. This happened when President Clinton's Labor Department issued its now infamous ergonomics regulation in 2000, and when President Obama's Environmental Protection Agency issued a series of greenhouse gas regulations in 2010.

When Congress passes a law that undermines the fundamental constitutional right of manufacturers to associate and to petition the government, we litigate. This happened when a recent lobbying law trampled First Amendment rights by requiring disclosure of the names of members of the NAM.

When trial lawyers persistently prod and poke longstanding legal principles to try to find new ways to expand liability against companies that make things in America, we step in. This happens with disturbing frequency, and the NAM has fought long and hard to preserve the rule of law as it was intended. For example, a series of lawsuits trying to convert standard product liability cases into oppressive "public nuisance" cases has prompted us to remind courts around the country what the law says.

And when Congress and the President fail to act on important legislation setting limits on excessive litigation, we give courts the principles and precedents they need to guarantee due process and equal protection to everyone, including manufacturers. This has led to major improvements in the fairness of punitive damages, class action procedures, and pleading requirements.

These are compelling examples of how the NAM's highly successful amicus brief and litigation program complements our lobbying of Congress and the Executive Branch. This fight will continue as long as politicians pass vague or unconstitutional laws, administrators exceed their authority and trial lawyers push their luck.

This NAM "best kept secret" has had a tremendous impact on manufacturers. Funded only by contributions outside our regular dues structure, our Appellate Litigation Program has been able to bring suits and file amicus briefs in support of American manufacturers in more than 40 significant cases every year. We file in state and federal courts, and support manufacturers' appeals to the U.S. Supreme Court at both the petition stage and on the merits once review is granted. We focus on issues in a wide variety of areas that affect manufacturers broadly across industries. Our program has been called "simply invaluable" and our voice "clear, powerful and persuasive." Our briefs can be "the most cost-effective weapon in the corporate legal arsenal." Help us keep the judicial system fair for American manufacturers by supporting the NAM's Appellate Litigation Program.