

To: Rep. Maxine Grad, Chair House Judiciary
Members of House Committee on Judiciary

April 23, 2018

Re: Impact of Proposed Legislation S.105

Chair Grad and Members of the House Committee on Judiciary,

We write today to express our opposition to S.105 – An act relating to consumer justice enforcement - which is currently being considered by the House Committee on Judiciary.

S.105 would be disruptive, burdensome to the courts and is unnecessary. By manipulating the judicial inquiry into the unconscionable nature of a contract provision with a new rigid test, the bill would disrupt the usual judicial process, which is to evaluate whether a particular provision is unconscionable on a case by case basis.

The courts have a long tradition of handling such cases and know how to evaluate contracts for unconscionable provisions and there is no evidence that they are not doing this properly. To the extent that the law is aimed at curbing arbitration agreements, the hostility to arbitration is unfounded. Arbitration benefits consumers and businesses, and the major arbitration organizations have rules and processes that provide protections for consumer (such as prohibiting unreasonable fees and inconvenient forums). Arbitration is more efficient, faster, and less costly for businesses and consumers alike when compared to jury trials. If enacted into law, this law would make it harder for individuals and business to vindicate their legal rights.

We urge you to oppose this bill. Thank you for your consideration.

Sincerely,

Tim Wilkerson
New England Cable and Telecommunications Association
Vice President and General Counsel,

Molly Mahar
Vermont Ski Areas Association
President

Lisa Thorne
Verizon
Vice President Government Affairs

Dean Thompson
ELRAC, LLC. d/b/a Enterprise Rent-A-Car
Vice President of Finance

Owen Smith
AT&T
Regional Vice President, External Affairs

Asthen Stringer
Lake Champlain Regional Chamber of Commerce
Government Affairs Specialist

Ashley Romeo-Boles
Vermont Chamber of Commerce
Government Affairs Specialist

William Moore
Central Vermont Chamber of Commerce
President

Maggie Lenz
Home Builders and Remodelers Association of Northern Vermont

Carolyn Ridley
CenturyLink
Director of Government Affairs