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AG SKRMETTI JOINS MULTISTATE COALITION IN URGING THE FEDERAL GOVERNMENT TO PROTECT U.S. COURTS FROM FOREIGN INTERESTS

Nashville- Attorney General Jonathan Skrmetti today joined 13 state attorneys general in urging U.S. Attorney General Merrick Garland and the U.S. Department of Justice to break their silence on threats posed by foreign third-party litigation funding (“TPLF”).

For background, TPLF is a lucrative practice in the United States, valued between \$2.3 and \$5 billion; an outside third party provides resources to fund civil disputes in exchange for a share of the recovery if the claim is successful. It is impossible to know the extent that foreign adversaries are spending on American litigation through TPLF, with intent to harm States and the country’s economic and national security.

In its letter, the coalition expressed significant concern over foreign adversaries leveraging the United States’ judicial system to undermine the nation’s interests. For example, “China and Russia could use TPLF to fuel targeted lawsuits designed to weaken U.S. national defense companies in the business of protecting our national security interests. Likewise, costly litigation aimed at sabotaging major energy sectors that are vital to our economy poses a direct threat to our economic security interests and global independence.”

The federal government has not yet addressed this threat, nor implemented a strategy to protect the nation’s court system from foreign interference. Concern has been raised about cases funded to target specific individuals or businesses, or simply to further backlog the courts at the expense of American taxpayers.

The coalition of state attorneys general is asking Attorney General Garland to communicate what steps are being taken to preserve the independence of the court system and protect the U.S. against hostile foreign entities.

Attorney General Skrmetti joined the letter led by Virginia Attorney General Jason Miyares and Georgia Attorney General Chris Carr, in addition to attorneys general from Alabama, Arkansas, Indiana, Kansas, Kentucky, Montana, Nebraska, Ohio, South Carolina, Utah, and West Virginia.

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