



Spotlight On Justice



"Tort reform" interferes with a right to civil jury trial in violation of the 7th Amendment to the Constitution. It relieves wrongdoers of personal responsibility to pay for injuries they cause, shifting costs onto taxpayers. And it regulates a free-market approach for holding negligent companies and other wrongdoers accountable for the deaths and injuries they cause.

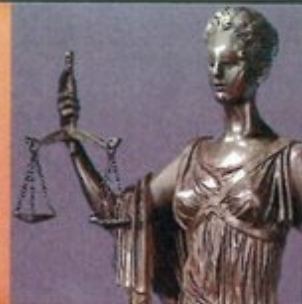
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SO-CALLED "TORT REFORM" FLIES IN THE FACE OF CONSERVATIVE PRINCIPLES

PERSONAL RESPONSIBILITY: "Tort reform" relieves corporations and other wrongdoers of responsibility for their misconduct.

LOWER TAXES AND LESS GOVERNMENT SPENDING: In many cases, "tort reform" shifts the cost of compensating injured individuals from corporate wrongdoers to taxpayer-funded health and disability programs.

LAW AND ORDER: "Tort reform" is soft on crime. It lets wrongdoers, including street criminals and perpetrators of hate crimes, off the hook and weakens the system's ability to deter them from causing future harm.

FAMILY VALUES/PROTECTION OF CHILDREN: "Tort reform" can be catastrophic for many children and their families, causing untold suffering, economic devastation, and for some, the destruction of family life.

LESS GOVERNMENT REGULATION: "Tort reform" regulates what is essentially a free-market approach to holding corporations and other wrongdoers accountable for injuring or killing people by their dangerous products or practices.

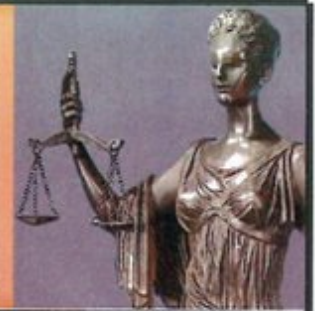
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ACADEMIC STUDY: "TORT REFORMERS" PROMOTE MYTHS ABOUT THE TORT SYSTEM



"Through advertising and propagation of incomplete or distorted information, interest groups such as the U.S. Chamber of Commerce and the American Medical Association obscure the status of both the legal system and primary actors' behavior."

Source:

Eisenberg, Theodore, The Empirical Effects of Tort Reform (April 1, 2012). Research Handbook on the Economics of Torts, Forthcoming; Cornell Legal Studies Research Paper No. 12-26. Available at SSRN: <http://ssrn.com/abstract=2032740>

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ACADEMIC STUDY: “TORT REFORMS” ACTUALLY LEAD TO AN INCREASE IN CLAIMS “SEVERITY”



“The effect of caps and other reforms may help explain increasing awards in medical malpractice cases that reach trial. The number of lawsuits decreases, as suggested by NCSC filing data, but caps require attorneys to be more selective about the cases they accept. ...This greater selectivity and need for greater damages to accept a case likely contribute to the increasing observed mean and median medical malpractice awards in cases that do reach trial.”

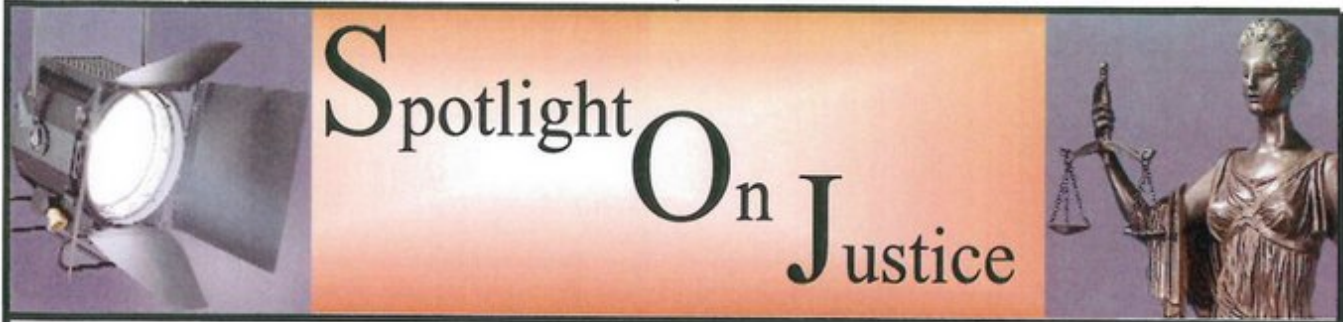
Source:

Eisenberg, Theodore, The Empirical Effects of Tort Reform (April 1, 2012). Research Handbook on the Economics of Torts, Forthcoming; Cornell Legal Studies Research Paper No. 12-26. Available at SSRN: <http://ssrn.com/abstract=2032740>

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"In its 2012 survey, National Federation of Independent Businesses (NFIB) small business members ranked "Costs and Frequency of Lawsuits/Threatened Lawsuits" at number 71 out of a possible 75 issues, a lower rank than how to use Twitter. Liability issues have hardly appeared on lists of actual business concerns (as opposed to views expressed by paid lobbyists and other hired staff.) Small businesses virtually always put issues like "lawsuits" "liability" "tort reform" or the cost of "liability insurance" at the bottom of any list of concerns -- that is, if they mention them at all. They usually don't."

Source:
http://www.huffingtonpost.com/joanne-doroshov/small-businesses-infinitesimal-tort-problem_b_6654796.html

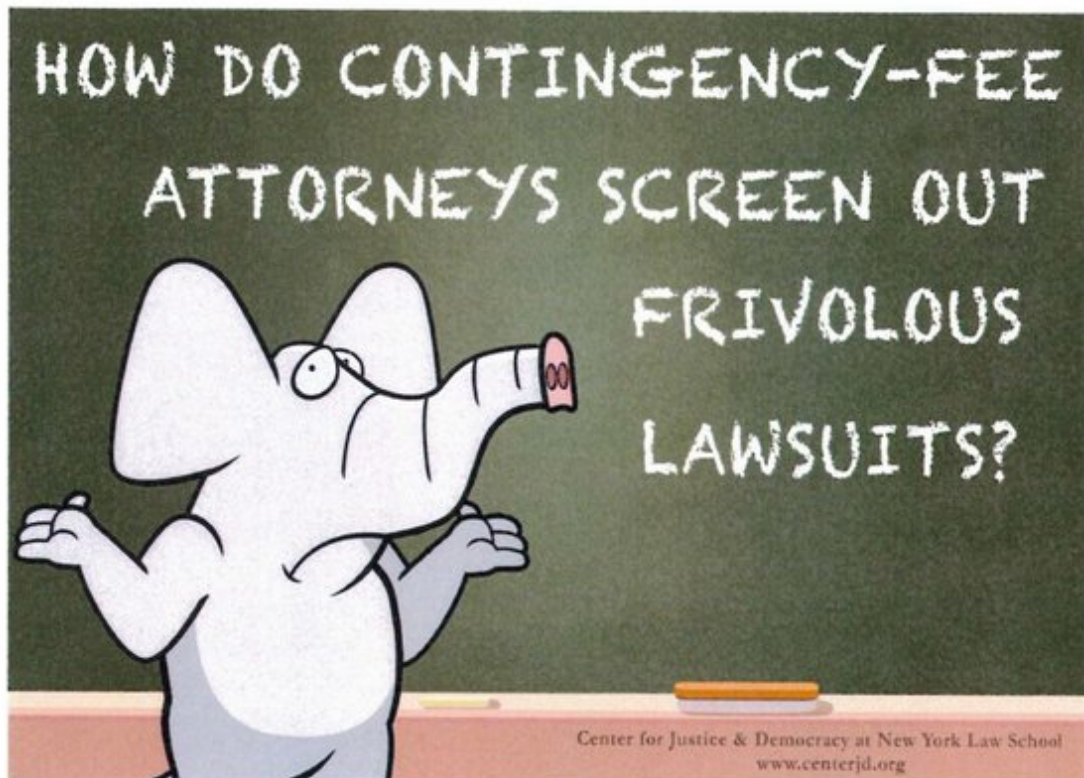
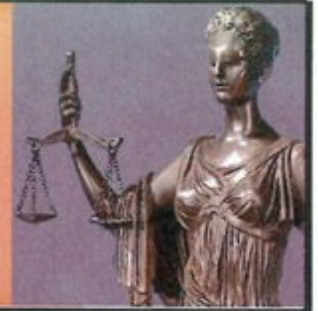
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Under our system, sick and injured people can hire an attorney without paying any fees up front. The attorney gets paid only if the case is successful. Therefore, attorneys hired on contingency must be very selective in the cases they take. They cannot afford to take cases they do not believe they can win.

Sources:

<https://centerjd.org/content/national-consumer-group-releases-study-strongly-endorsing-contingency-fee-system>

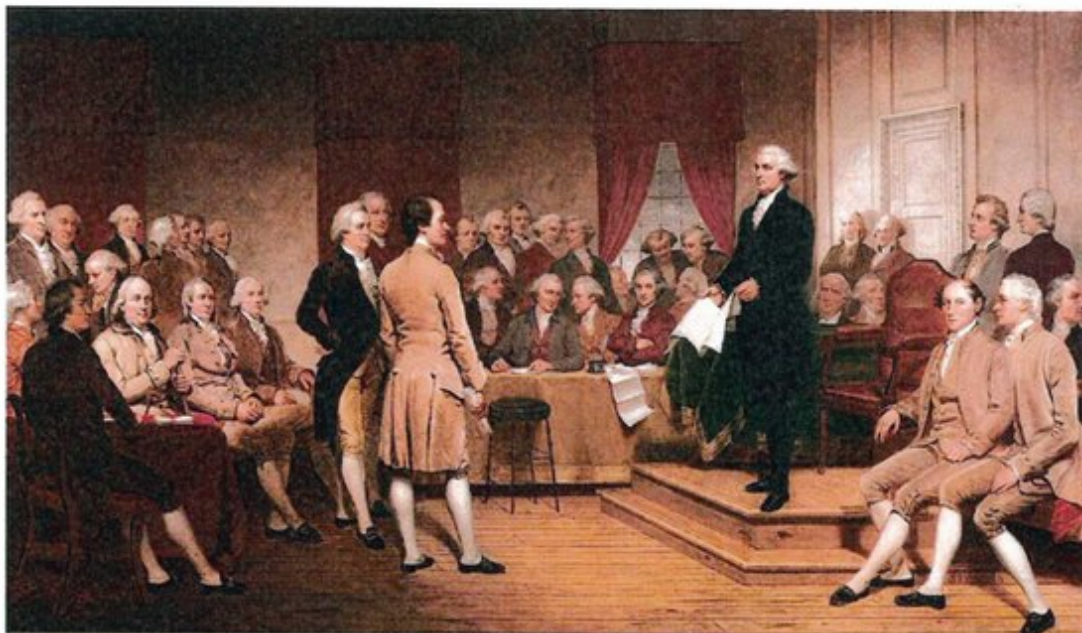
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WITHOUT THE 7TH AMENDMENT'S RIGHT TO CIVIL JURY TRIAL, THERE MIGHT NOT HAVE BEEN A CONSTITUTION AT ALL!

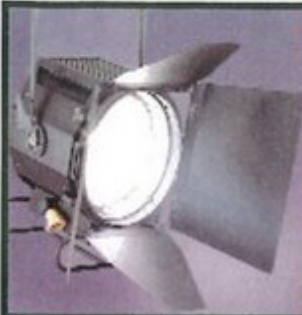
Happy Constitution Day! Did you know that the U.S. Constitution was nearly defeated over its failure to guarantee the right to a civil jury trial? The Seventh Amendment eventually fixed that.

Source:
<http://centerjd.org/content/fact-sheet-safeguarding-pillar-american-freedom-historical-primer-right-jury-trial-civil>

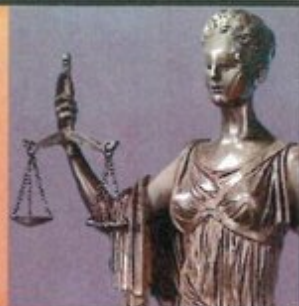
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TEXAS DESTROYS PATIENTS' RIGHTS; ENDS UP WITH DOCTOR SHORTAGE!



After years of falsely trying to convince us that enactment of Draconian "tort reform" in Texas caused doctors to flood into the state, Texas lawmakers are now taking up emergency legislation to fix the state's critical doctor shortage! Indeed, "Texas had a below-average physician-to-population ratio before tort reform and has a slightly worse ratio today.... One reason could be related to the number of Texans who lack health insurance." Texas ranks dead last in the percent of individuals with health insurance.

Source:

"Texas Senate passes bill to address state's doctor shortage," Star-Telegram, April 17, 2013; "Black, Silver, Hyman: Tort reform not the tonic it's touted to be," Austin American Statesman, April 9, 2013; Texas Watch, Texas: "Miracle or Myth?", August 10, 2011.

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