

Support Lawsuit Abuse Reform

potential failure of the farm.

To Wolff and many others, there isn't enough risk associated with frivolously filing lawsuits.

It is too easy to file frivolous lawsuits as a means to pressure an out-of-court settlement, which according to some sources, happens frequently merely to facilitate business, not justice.

The coalition suggests that perhaps some penalties could be applied, and that those who are forced to hire attorneys and spend money to defend themselves against frivolous lawsuits should be able to force an unsuccessful petitioner to pay for all costs and damages incurred by the defendant.

Other ideas have been circulating.

What about requiring those with suspected frivolous lawsuits to post a bond that would cover the cost of covering the court costs and minimum defense costs? (Would that un-Constitutionally deny those unable to post bond the right to properly access a civil court?)

There are plenty of examples too of inequities and unfairnesses

in the judicial system, but more and more seem to be deliberate gold-digging attempts by clients and/or their attorneys.

One highly visible impact of the onslaught of frivolous lawsuits is evident with the dramatic reduction in public access allowed to private property for recreation.

Of course littering and bad manners have forced some to close their properties to the public, but many more post "no trespassing" signs primarily as a means to satisfy the recommendations of an insurance group in order to secure as low of premiums as possible.

The reason is to limit potential liability lawsuits.

So what type of people are the attorneys who seem eager to represent such clients in fraudulent, trumped up, or otherwise frivolous lawsuits?

Should they be allowed to file civil suit after civil suit, regardless of the number of cases thrown out, regardless of blatant grasping-at-straws arguments, or otherwise laughable attempts to get their client's case considered differently than what it is on its face?



State Attorney General Michael Fisher stands at the podium before members of the Pennsylvania State Grange and talks about issues such as drug abuse and telemarketing.

Are the attorneys merely catalysts to social justice, or are they the problem in the growth in such suits seeking financial damages in excess of any real property loss compensations?

Should there be no controls or punishments for those attorneys who seek their own fortunes through effectual commissions on damage claims against insurance providers, medical practitioners,

automobile manufacturers and others exposed to product or service liabilities against large companies?

What about the attorneys who knowingly file ridiculously reaching arguments on behalf of clients?

Are they "exhausting every avenue" in service of the client, or are they instead padding their bills and bulking up their own fees through purposefully misleading clients about the chances for a successful ruling?

Are insurance company attorneys and managers too jaded to fight back?

Are there unreasonable settlements being made to dispose of liability lawsuits that could have been and should have been fought and won, except it was easier for the insurance company lawyers and business managers to throw some money at liars?

Today many doctors spend between 15 to 18 percent of their total income on malpractice insurance premiums.

The cost of doing business, and operating a business has skyrocketed through many different types of mandatory insurances, product and service liability being only one type.

The issue isn't new. Public sentiment has spoken out against the lack of scruples by "ambulance chasers" for years.

Jokes and serious statements have been made that suggest that society at large would be in much better health were it not for those who practice law, especially those who work complicitly to generate large fees.

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Wolff said that current rules limit the amount of information that can be presented to a jury when it is supposed to determine the amount of award for damages in a lawsuit.

The jury is not told that the award is not taxable. The reason that makes a difference, Wolff explained, is because most people assume the government would take at least 20 percent of that in taxes — just as they would if the money came from gambling winnings.

But since the government doesn't take taxes from the lawsuit awards, juries that don't know that can't reasonably be expected to decide what is a fair damage award.

If they assumed that the award was taxable, it would follow that a jury would set a higher award to ensure the damages received by the plaintiff were adequate.

Juries aren't allowed to be told if alcohol or drugs were found to have been abused and/or involved in an accident in cases where a plaintiff sues for damages involving some equipment, such as a car.

(Turn to Page A24)