

Perspective

OPINION

Guest editorial

A new national product liability law might work

By EDWIN FEULNER

The United States has become a lawsuit-crazy society. The purpose no longer seems to be the pursuit of justice. And the role that lawyers have played in this perverse new national pastime — part panderer, part pickpocket — has not been lost on the public. Product liability is a case in point.

The past decade has been bullish for attorneys specializing in product liability. Certainly, if a consumer is injured because of a poorly made product he should be able to look to the courts for relief. But it seems the courts are now looking for him.

In 1974, the number of product-liability lawsuits filed nationwide totaled just 1,579. That number had skyrocketed to nearly 9,000 by 1981! You can bet that when the 1983 figures come in, they will blow the lid right off the pot. (Let's hope nobody gets injured.)

Some awards in these cases have been astronomical. But even when the judgments have been justified, it's not the injured parties who are getting all the money. They're just first runner-up. The big winners are the trial lawyers, who take an average of 54 cents of every dollar received. Put another way, for every \$66 received by claimants, the product-liability ambulance-chasers are averaging \$77.

The high cost of litigation is only one of the reasons U.S. business wants to see product-liability laws

reformed. Although we are reluctant to look to Washington to solve any problem, federal action might be helpful.

The Product Liability Alliance, a group of more than 230 businesses, trade and professional organizations-including the U.S. Chamber of Commerce, National Association of Wholesale-Distributors, National Society of Professional Engineers, The Business Roundtable, and hundreds of similar groups-argues that one of the biggest problems is that every state uses different standards to determine liability. A national product-liability law, they feel, would standardize the crazy-quilt assortment of state laws.

The lawyers, of course, don't like the idea of simplifying things. They claim a national liability law would discourage victims from suing for damages.

Product liability would seem a simple matter. If someone has been injured while using a product, he should be entitled to damages if it can be shown that the injury was due to the faulty nature of the product. The problem is the lack of a uniform standard to define and assign liability. Juries are often extremely sympathetic to maimed and disfigured parties, especially if an attorney can slyly suggest that it will not cost the defendant one dime since he is insured. These days, some of the jury awards are straight out of "Alice in Wonderland"—they border on the absurd.

Consider the case of the zealous 41-year-old bodybuilder, eager to demonstrate his prowess in a foot race-with a refrigerator strapped to his back. One of the straps holding the refrigerator broke, so he filed suit against the strap-maker and was awarded \$1 million in damages.

Then, how about the two guys in Los Angeles who tried to dry a hot air balloon by stuffing it into a commercial clothes dryer? When the dryer blew up, the pair sued and collected \$885,000 from the dryer manufacturer.

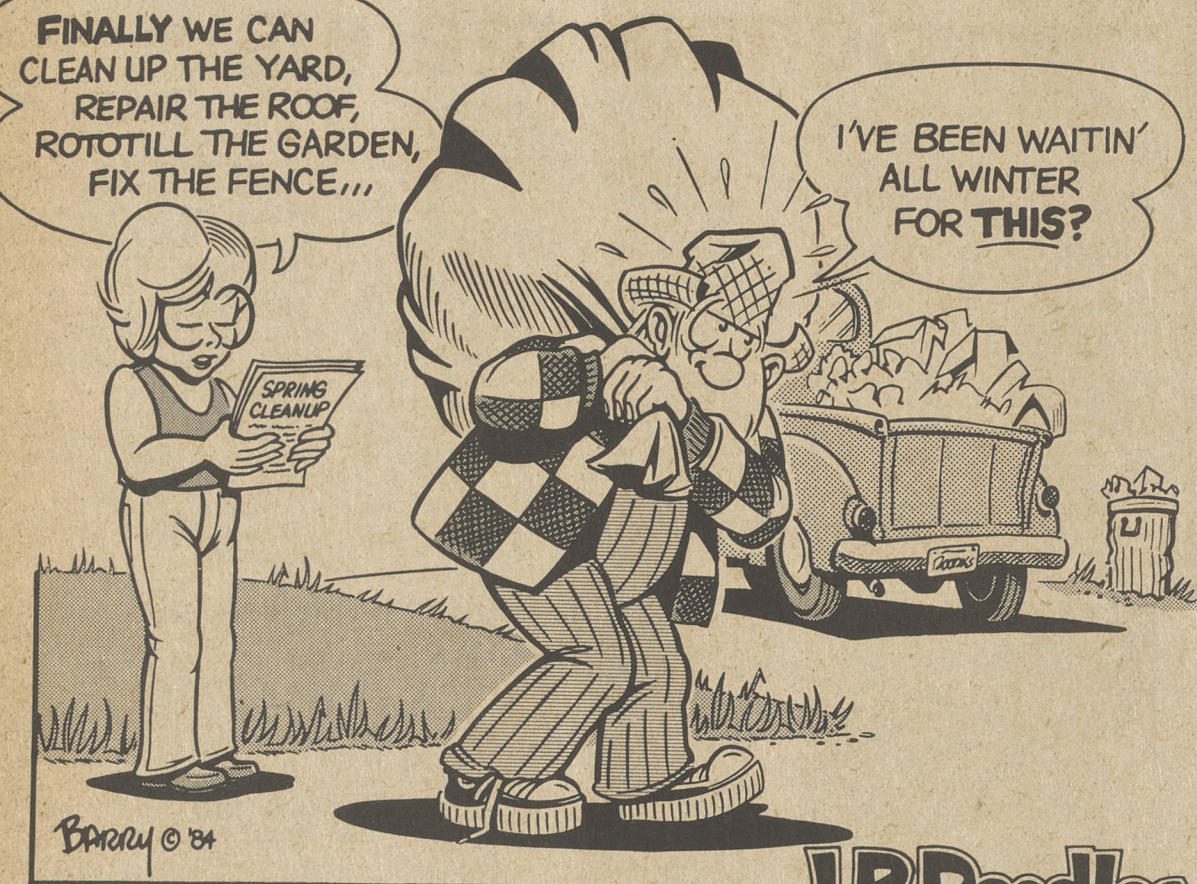
Stick it to the "deep-pocket"-preferably if it's an insurance company! That's the rule of law prevailing in many states today.

Unfortunately, the legal costs are eventually paid by consumers through higher prices, as manufacturers raise wholesale prices to cover their rising insurance rates.

On March 27, the Senate Commerce Committee reported out a bill which would create a national liability law. This bill could bring rationality to the current legal chaos. The present mess only raises prices and insurance rates, and lines the pockets of greedy attorneys.

Must we "first...kill all the lawyers," as a Shakespeare play suggests, in order to bring this nonsense to an end?

(Feulner is president of The Heritage Foundation, a Washington-based public policy research institute.)



Spring is here!

Yes, gang, Spring is here and guess what that means? Spring housecleaning, yard work and cleaning out the garage. Hopefully, most of us will be able to get our chores done before Spring is over so that we can enjoy the beautiful weather the season usually bestows upon us.

Only yesterday

Taxpayers group discusses school's financial problems

50 YEARS AGO - APRIL 27, 1934

The financial problems of the Dallas Borough School District were explained and discussed at a meeting of the Borough Taxpayers Association. The necessity for prompt action to relieve the financial pressure on the district was stressed.

A special meeting of Dallas Township School Board was held at which residents of Dallas Township were invited to discuss three alternative plans for the improvement of the township school building.

A State Police "bandit chaser," stolen while it was parked in front of Wilkes-Barre police headquarters on North State Street, Wilkes-Barre, was recovered, abandoned at Lake Silkworth.

Girl Scout officials from five states gathered at Irem Temple Country Club, Dallas, for their annual regional conference. It was one of the largest conventions ever to assemble in this area.

Anniversaries - Mr. and Mrs. James Ide, Lehman. You could get - Catsup, 2 big bottles, 21c; sugar corn, 2 No. 2 cans, 25c; peaches, 2 big cans, 29c; Scott tissue, 3-1-00 sheet rolls, 20c; lima beans, 3 lbs., 25c.

40 YEARS AGO - APRIL 28, 1944

Supported by the State administration forces on an Independent Republican ticket, Harold E. Flack, incumbent, defeated Roy Parry, Luzerne contractor, by 184 votes in the balloting for the Republican nomination for Representatives in the State Legislature. The total vote for Flack was reported as 4503 and for Parry, 4319.

Republican committeemen endorsed by County Treasurer Peter D. Clark swept to victory in all but two Back Mountain voting districts in the Primary election. Surging forward with a strength that baffled his opponents in the county Republican organization, Clark picked up seven more committeemen in the Back Mountain Region than he had two years ago, giving evidence that the rural-suburban districts are uncontrolled and unpredictable.

Mr. and Mrs. Stanley Szela of Dallas Township received word that their son, Lieut. John J. Szela, pilot of a fighter plane in the Southwest Pacific area, has been awarded the air medal.

You could get - Evaporated milk, 3 tall cans, 26c; Octagon toilet soap, 2 cakes, 9c; Windex, 2 6-oz. bottles, 25c; hams, 35c lb.; pork loins, 25c lb.

30 YEARS AGO - APRIL 23, 1954

The State Department of Highway authorized the improvements of seven Legislative Routes in the Back Mountain area. The work would get underway and be completed during the summer, according to an announcement made by District Engineer's Office in Scranton.

Ten days after delivery of its new \$15,000 Pirsch Fire Truck on May 15, Shavertown Fire Company will have to make final payment to the manufacturer.

Annual spring art exhibits of Dallas Borough and Kingston Township grade schools were scheduled for the following week.

Lehman Antique and Hobby Show, sponsored by the

Ladies Auxiliary of the Lehman Fire Department was scheduled for May 8 with Mrs. Edward Oncay and Mrs. Alvin Bolen as co-chairmen.

Deaths - Lorenzo Dymond, Bowmans Creek; Lee J. Gregg, Dallas; Mrs. Rose Williams, Sweet Valley.

You could get - Mushrooms, 39c lb.; spaghetti, 2 15½ oz. cans, 31c; sweet pickles, 48c pint jar; vinegar, 13c pint bottle; vegetable soup, 2 11-oz. cans, 27c; tomato ketchup, 2 14-oz. bottles, 49c.

20 YEARS AGO - APRIL 30, 1964

Several questions of importance to the Back Mountain should have brought a substantial turnout of primary voters, but failed to do so. Added to a general prediction of lighter voter turnout, rainy, grey weather clinched it for anybody who had been in doubt about going to the polls.

Voters of Lake Township successfully defeated a move to merge the five school districts into one unit acceptable to the State at Tuesday's election.

At the Back Mountain Library Board meeting, Mrs. Martin Davern, assistant librarian, reported that 7,000 books had been circulated during March; 43 new borrowers had been registered, nine adults and 39 children and that volunteers had given 90 hours of work.

Beginning of toll-free service between Dallas and Kingston-Wilkes-Barre on March 11, a milestone in the history of the Commonwealth Telephone Company should assist immeasurably in the further residential, commercial and industrial development of the community.

Deaths - Ira Crawford, Sutton Creek; Martin Bilbow, Shavertown.

You could get - Ice cream, ½ gal., 59c; spaghetti, 15½ oz. can, 10c; bathroom tissue, 10c roll; table napkins, pkg. of 80, 10c; nylons, 39c pr.; 10 oz. pkg. peas, 10c.

10 YEARS AGO - APRIL 25, 1974

The formation of a Citizens' Advisory Committee in the Lake-Lehman School District was approved by the district's school board members at its most recent meeting.

The Dallas School District and its superintendent, Dr. Linford A. Werkheiser, were honored by the American School Counselor Association at its annual national convention in New Orleans, La. Dr. Werkheiser was recognized by the A.S.C.A. as the "Administrator of the Year" for the most outstanding and significant contribution to the guidance and counseling fields.

The recent tornadoes which struck the Midwest and South had moved the Flood Victims Action Group to launch a new support for the National Catastrophic Disaster Insurance Act of 1974.

Deaths - Viola E. Whitesell, Hunlock Creek; Mary C. Calhoun, Dallas; James C. Traver, Kunkle; Mae E. Smith, Mount Zion.

You could get - Frozen dinner, 2 for 89c; cream pies, 39c; grapefruit, 5 lb. bag, 79c; strawberries, 2 pint baskets, 89c; Texas onions, 3 lb. bag, 45c.

Church women assist library

By NANCY KOZEMCHAK
Library Correspondent

I attended a very pleasant salad luncheon last week at the Trinity Presbyterian Church given by the women of the church. The women conduct their "Closet Boutique" throughout the year and distribute their profits to deserving organizations at this luncheon. I very gratefully accepted their donation of \$100.00 on behalf of the library. Special thanks to Mary Chappel, president of the women, and to all the ladies of Trinity Presbyterian. I was happy to be able to take Mrs. Florence Crump, an avid library supporter, as my guest.

Laure Perch of The Book Shelf of Shavertown is going out of business and presented a program for the Book Club at its April meeting. She graciously donated several books to the library: Pet Love by Betty White; On and Off the Ice by Dorothy Hamill; The Rescue of Miss Yaskell by Russell Baker; Two Truths in my Pocket by Lois Ruby; Vietnam by Stanley Karnow; and Kennedy by Reg Gadney. These books will become valuable additions to our book collection. Thanks, Laure, we will miss The Book Shelf in Shavertown.

STATE CAPITOL ROUNDUP

Here is a summary of important events that occurred on Capitol Hill last week from Rep. Frank Coslett, 120th Legislative District.

PENNSYLVANIA VOTERS registered their overwhelming approval of a \$190 million economic development bond issue this week. The statewide referendum passed by approximately 600,000 votes to 350,000. The bonds will be paid off over a 20-year period and will be used to fund a variety of programs including aid to local economic development agencies new equipment for community colleges and vo-tech schools and help for new businesses. The bond issue was endorsed by Gov. Dick Thornburgh and legislative leaders. An estimated \$50 million of the money will be channeled into loans for economic development agencies.

APPLICATION FORMS for the

state's new prescription drug assistance program will be mailed to 40,000 senior citizens over the next two weeks. The massive mailing is the start of the Pharmaceutical Assistance Contract for the Elderly (PACE) program. The program will become officially operational on July 1, when qualified senior citizens will pay only \$4 for each prescription purchased with the state paying the balance of the cost. Under PACE program, Pennsylvania residents age 65 and over with incomes of no more than \$9,000 for an individual and \$12,000 for a couple will be eligible for prescription assistance funded by the state lottery. An estimated 600,000 older Pennsylvanians will qualify for the program.

POSSIBLE REVISIONS in Pennsylvania's auto-emissions inspection

program will be the focus of a special task force to be appointed to review the plan. The panel is being formed to address complaints from service station owners in the affected areas, concerned that the program is economically unfeasible. Task force members will be selected by the Transportation Department and will include representatives of private industry. Under pressure from federal agencies, the legislature passed an emissions testing law last year which mandates that motorists in the metropolitan areas of Philadelphia, Pittsburgh and Allentown have their vehicles inspected to ensure that they are in compliance with federal emissions standards. Service station owners claim the equipment necessary for the inspection is too costly to purchase and maintain.

LETTERS

A salute to Girl Scouts....

DEAR EDITOR:
Easter Sunday, April 22, was Leader Recognition Day for Girl Scouts everywhere. It was our chance to say "thank you" to hugs, games played, songs sung, crafts taught, camping trips — all the adventures Girls Scouts of each age level enjoy because leaders volunteer their time, energy, enthusiasm and skills.
Girl Scouts in every part of Penn's Woods Council will each

have their own way to show their Leaders how grateful they are. Penn's Woods Girl Scout Council, Board of Directors, and staff want to add their thanks to all the dedicated Leaders who make Girl Scouting a reality.

These women make it the kind of organization Juliette Low dreamed of so many years ago — exciting, creative and always relevant. The Girl Scout organization is the largest youth serving organization for

girls in our country. It is part of the world-wide movement that includes girls in 104 countries.

Girl Scout Leaders are the role models who make the future come alive for the girls they work with. We salute them and want to share this public appreciation with you and your readers.

SALLY WILLIAMS
PRESIDENT
SALLY JERVIS
EXECUTIVE DIRECTOR

Reader sees good in landfill

DEAR EDITOR:
We cannot understand why a certain group of people, who reside in the Bunker Hill section of Kingston Township, are so up in arms about someone filling in an existing hazardous stripping hole. This hole is presently partially filled with stagnant standing water year round, and infested with mosquitoes in the warm weather. One tragic drowning has occurred at this site already, and filling this hole will prevent future tragedies. In the past, people

have thrown dead dogs and cats, garbage and rubbish in this standing water. What else could possibly be more polluting and unhealthy?

If this certain group of people think that filling this dangerous hole with bricks, broken concrete foundations and sidewalks and dirt, by Brdaric Excavating, is wrong, we strongly disagree.

What these citizens should be concerned with instead, is encouraging the township to install a new sanitary sewer system to remove

sewage from presently overflowing septic tanks and sumps, before this contaminated water reaches our wells and possible harm our water supply with giardiasis. Let's all give that some thought.

This same group of people should also consider cleaning up rubbish on their own land.

We feel that filling this hole will eliminate a dangerous situation, and reclaim an existing stripping area.

A CONCERNED NEIGHBOR

Chaplain urges bell ringing May 1

DEAR EDITOR:
This letter is addressed to my fellow clergy.

The month of May 1984 is designated as Older American's Month by the American Association of Homes for the Aging, the national organization of non-profit homes and services provided for the elderly, of which Wesley Village is an member.

The theme of this month is "Com-

munities that care - through service we honor the aging."

Our non-profit home has traditionally honored the aging of the community through dedicated care and service. We ask that you join us this year as you did last year in saluting our elderly population during this month.

I am asking that all churches participate in the National Day of

Bell Ringing on May 1, which will usher in this month effective at 12 noon that day. This year, the carillon bells of the U.S. Capitol will ring on this day in observance of Older American's Month. I encourage you to blend your bells with those of our Capitol as we honor our elderly population.

REV. WILLIAM EDER
WESLEY VILLAGE CHAPLAIN

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