



BULLETIN

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TEXAS DOESN'T NEED 'CHANGE' THAT CREATES NEW WAYS TO SUE

By Norman Adams, Director, Citizens Against Lawsuit Abuse - Houston

The November election was about change, but voters don't want any changes that create new ways to sue.

According to an Election Day poll conducted by the U.S. Chamber Institute for Legal Reform (ILR), the vast majority of voters believe junk lawsuits remain a serious problem in the United States.

That will be hard news for the personal injury lawyers who contributed so heavily to candidates here. The personal injury lawyers are looking to build on successes from last session...when they pushed almost 400 pieces of legislation that would have rolled back existing reforms, created new ways to sue or expanded existing causes of action.

Fortunately, their efforts failed then but with their recent and heavy campaign donations they clearly plan to make a big push to pass their pro-lawsuit agenda in 2009.

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economic consequences of junk lawsuits is critical.

In Texas, our much-improved civil justice system is a major factor in our state's ability to weather the current economic downturn.

Our state clearly doesn't need the kind of "change" touted by members of the personal injury trial bar and our families and small businesses can't afford any efforts that pander to these big donors.



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RIO GRANDE VALLEY AND GULF COAST NAMED IN JUDICIAL HELLHOLES REPORT FOR 7TH YEAR

Civil courts in the Rio Grande Valley and the Texas Gulf Coast—long considered Judicial Hellholes—are inching out of infamy as the nation’s worst judicial jurisdictions with a slight improvement to “Watch List” status, according to an annual report released by the American Tort Reform Foundation (ATRF). The move to “Watch List” was made with “extreme caution,” according to the report because of “historic unpredictability of decisions in the Rio Grande Valley and the Gulf Coast could easily result in backsliding.”

“Texas has made great strides to curb rogue jurisdictions where jackpot justice is commonplace,” said Bill Summers, president and founder of Citizens Against Lawsuit Abuse of the Rio Grande Valley. “However, continued efforts by some personal injury lawyers to undo progress make our continued vigilance more important than ever. Rolling back civil justice reforms will land us back on the hellhole list in a hurry.”

The report indicates improvements to the Texas litigation climate have been spurred by comprehensive legislative reforms and appellate courts that have reined in lower court decisions that fly in the face of evidence and/or yield excessive awards.

However, trouble brews elsewhere in Texas that could spawn future Judicial Hellholes. Although

medical liability reforms are benefiting Texans, the Texas Supreme Court declined to hear a case to settle the constitutionality of the medical liability limits. According to the report, “this puts the reforms in a precarious and uncertain position, which could quickly reverse many of the hard-fought gains should a lower, plaintiff-biased court declare them unconstitutional.”

Outrageous lawyer fees continue to plague parts of Texas. A record \$688 million from the Enron settlement went into lawyers’ pockets, according to the report. A single law firm is poised to collect about \$400 million while an incarcerated class action kingpin is slated to pocket \$50 million for his early role in the case.

“Justice is intended to serve the truly injured, not line the pockets of the lawyers,” said Chip Hough, a board member of Bay Area Citizens Against Lawsuit Abuse. “Clearly, the Texas legal landscape is a long way from genuine balance.”

“Personal injury lawyers are not through with Texas,” Summers said. “Even now, as the climate improves, some are looking for loopholes, inventing new ways to sue, and generally making a mockery of our communities. Our steadfast intolerance to peddlers of lawsuit abuse is the only way to protect the proud landscape of Texas.”

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New Year's Resolution: NO MORE NUTTY LAWSUITS



By Bill Summers, Rio Grande Valley Citizens Against Lawsuit Abuse

The holiday season and the New Year bring out the best of intentions: promises of good behavior, commitments to kick nasty habits and pledges to be more nice than naughty. As we ready our lists and resolutions, a peek into our nation's courtrooms can serve as a guide for how *not* to behave. The folks described here have turned finger pointing, foot stomping, and fraud into an art form with some earning big points for civil justice creativity.

Topping our list of laughable lawsuits is a story of shampoo shenanigans. A Connecticut woman sued L'Oreal Inc., alleging that the company ruined her social life when she accidentally dyed her blonde locks brunette with one of its products. The woman said she can never return to her natural color, which has left her so traumatized that she needed anti-depressants, had to stay home and wear hats most of the time.

The list continues with a tale of a thong gone wrong. A California woman is suing Victoria's Secret after a piece of her rhinestone-decorated undergarment, described as "slingshot-like," was launched into her eye. (We don't even want to know how that happened.) Despite having only received minimal medical attention the morning after the incident, the plaintiff insisted on airing her "saucy" laundry in court.

Turning our attention from underwear to outerwear, a sitting judge in Washington, D.C. sued his dry cleaner for \$54 million over a lost pair of pants, alleging their "Satisfaction Guaranteed" sign was a fraud. After two years of battle, the owners of the dry cleaning business won the case. But sadly, the financial and emotional cost of the lawsuit forced the family to close one of their stores. With his pants still in a knot, the plaintiff is appealing the verdict.

Speaking of betting, a Texas businessman took a gamble by allegedly practicing law without a

license. This naughty non-lawyer ended up with a handful of lawsuits against him and a grand jury indictment on felony charges of perjury, theft, falsely holding himself out as a lawyer and impersonating a public servant. He's also been sued by a committee of the Texas Supreme Court and the Texas Attorney General. Apparently, the house always wins...in this case, it may be the Big House.

Proving that some people will go to great lengths to avoid personal responsibility, our next two wacky litigants take the prize for finger pointing. After deciding to entertain fellow bar flies by dancing on the bar, a Chicago woman took a spill and sued the bar for failing to warn patrons about the slippery

surfaces or provide handrails, "cushioned flooring" or "safety nets." Next thing you know, our brews will be served with pretzels, peanuts...and helmets.

In more "protect me from myself" news, a Kentucky woman died after a venomous rattlesnake bit her on the cheek while she was handling it at her church. Even though snake handling is illegal in Kentucky, her family says it's the local hospital's fault she died. Who knew venomous rattlesnakes were deadly?

While we may shake our collective head at these ridiculous cases, there's nothing funny about the cost of lawsuit abuse. The U.S. tort system cost Americans \$252 billion in 2007 or the equivalent of \$835 for every man, woman and child in our country. In fact, lawsuit abuse drives up consumer prices, hurts businesses and costs jobs – a reality we can hardly afford these days.

This year we should make a wish that lawsuit happy people will turn over a new leaf in the New Year. Maybe they'll realize that every dilemma or personal disappointment is not fodder for a lawsuit and does not warrant a treasure trove of cash. That's a New Year's resolution worth making.

LIST OF LAUGHABLE LAWSUITS

1. "shampoo shenanigans"
2. "a tale of a thong gone wrong"
3. "a lost pair of pants"
4. "naughty non-lawyer"
5. "dancing on the bar"
6. "snake handling"

DID YOU KNOW?

The U.S. tort system cost \$252 billion in 2007, or \$835 per person - \$9 per person more than in 2006. That translates to \$3,340 a year for a family of four. Estimates show tort costs will increase 4% in 2008 and an additional 5% in both 2009 and 2010.

— Source: 2008 Update on U.S. Tort Cost Trends, Towers Perrin



For more information about Citizens Against Lawsuit Abuse groups in your area, contact:

- Bay Area CALA at (361) 883-1865 or visit www.bacala.net
- CALA of Central Texas at (512) 481-1000 or visit www.calactx.com
- East Texans Against Lawsuit Abuse (ETALA) at (800) 44ETALA or (903) 234-8300 or visit www.legalwatchdog.org
- Houston CALA at (713) 267-2302 or visit www.calahouston.org
- Rio Grande Valley CALA at (956) 968-3141 or visit www.citizensagainstlawsuitabuse.com
- or visit us at www.tala.com