

Importance of Civil Justice System More Obvious Than Ever

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***By Linda Lipsen
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Headlines from the last month: runaway cars, a mine collapse, an exploding oil rig and a financial institution shepherding the collapse of America's economy.

It has been a daily occurrence to see the news dominated by the latest example of corporate misconduct. Each saga follows the same pattern: Tragedy occurs, followed by apologies tempered by denials and claims of innocence, and evidence that profits were knowingly put ahead of the safety and well-being of the American people.

At the same time, we have also seen how federal agencies lack the resources to adequately protect and safeguard the American people. Regulation is difficult when corporations brag about the millions of dollars saved by limiting their recalls or ignoring industry guidelines in spite of consumer safety.

Ultimately, Americans simply want safe products, fewer preventable injuries and a restoration of checks and balances that give people a fair chance to obtain recourse — before a company's rampant negligence secures its position in the hot seat. But only after tragic accidents do we closely analyze the agencies and systems that failed, and what must be corrected.

Every time we do so, there is only one institution that consistently protects consumers and holds wrongdoers accountable: America's civil justice system.

There is no shortage of examples when it comes to corporations letting profits trump basic consumer protections: from Enron to AIG, from peanut butter contaminated with salmonella to prescription drugs that caused worse health problems than those they supposedly treat. But in the last several weeks alone, corporations like Goldman Sachs, BP, Toyota and Massey Energy put lives at risk, expecting no consequences to result and attempting to evade accountability in the fallout.

Yet once these scandals fade away, it will be telling to see whether some lawmakers continue with their fixation on "tort reform" — or handing out immunity to the very same corporations responsible for injuring consumers in the first place. Because today, such calls are not only illogical and tone-deaf, but contrary to the interests of all Americans.

Corporations, or their hired guns at the U.S. Chamber of Commerce, have dedicated millions of dollars to demonize trial attorneys. Yet each corporate scandal and dangerous product show that when the first lines of defense fail to protect the safety of consumers, only the civil justice system can hold negligent corporations accountable and restore justice. At the end of the day, it's trial attorneys — not the corporations that put profits ahead of safety — that speak for the interests of these families and consumers.

All of these tragedies and scandals are far from over. Congress is doing its part to find answers to the crucial questions that remain, and further analyses will surely reveal where the problems lie, who knew what and when, and how to prevent such disasters from happening again.

But before lawmakers revive their fixation on tort reform, they should remember the roles and responses of the main players involved in these events and their dismissive attitudes toward safety and the rule of law. Additionally, they should remember how regulatory agencies with limited resources can only do so much, especially when corporations are less than forthright about their safety records.

Meanwhile, the tort system is, and has been, a vehicle for affecting change, enhancing safety and holding wrongdoers accountable. The next time cries of “tort reform” ring out from the usual suspects, fiascoes from the likes of Toyota, Wall Street, BP and Massey Energy should make Americans think twice before shielding corporate profits at the expense of their own safety and well-being.

Linda Lipsen is CEO of the American Association for Justice.