



LAWSUIT ABUSE

Citizens Against Lawsuit Abuse



REFORM WORKS! BREAKFAST AT THE TEXAS CAPITOL

Texas CALA supporters recently celebrated the success of smart, common-sense legal reforms during a Reform Works! Breakfast with Governor Rick Perry at the Texas Capitol.

Texas once had the biggest lawsuit abuse problem in the nation. Personal injury lawyers flocked to our state and bragged that they could win big money in local courts. Some manufactured cases made tens of millions of dollars. Small business owners operated in fear of the one lawsuit that could put them out of business and their employees out of a job, and

doctors were being driven out of the state, or out of their practice, by abusive and baseless suits.

"We've come so far in the last 20 years," said Diane Davis with East Texans Against Lawsuit Abuse (ETALA). "The Reform Works! Breakfast is our chance to celebrate the changes we've made in Texas and encourage lawmakers to protect reforms that have strengthened our economy and increased our access to health care while helping to ensure our courts are used for justice, not greed. Reform has definitely worked for Texas."

GOV. PERRY CALLS FOR EXPANDED LAWSUIT REFORM IN TEXAS

Citizens Against Lawsuit Abuse is tracking several civil justice issues that the Texas Legislature may address this session. Texas Governor Rick Perry recently called for changes that would further expand lawsuit reform in Texas. One of the Governor's proposals includes a "loser pays" system to help ensure justice is available for those targeted by frivolous lawsuits. CALA will continue to monitor this and other issues as they evolve at the Capitol.

In a January speech, Perry proposed the following reforms:

- Creating an early dismissal option for frivolous lawsuits;
- Ensuring victims of frivolous lawsuits do not bear the financial burden of defending themselves through the creation of a "loser pays" system;
- Ensuring new laws cannot create causes of action unless expressly established by the Legislature; and
- Setting up expedited trials and limited discovery for lawsuits with claims between \$10,000 and \$100,000.

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– Cliff Collier



JUNK SCIENCE ON VACCINES MAY HAVE THREATENED CHILDREN GLOBALLY

By Cliff Collier, Chairman, CALA of Central Texas

When new parents bring their baby home from the hospital, questions and uncertainties are often too numerous to count. A lot of parents-to-be spend the months leading up to the big day reading books, seeking out advice, and boning up on the latest research on ways to keep babies safe. After a 1998 study linked some childhood vaccines to autism, new parents added the very personal “vaccine question” to their list of unknowns to grapple.

It was staggering then to read a recent story in the *British Medical Journal* that results of the high-profile vaccine-autism study were fabricated and paid for by a personal injury lawyer. The study’s author – whose results were never replicated – reportedly received nearly \$700,000 from a lawyer looking for a “lawsuit test case.” It turns my stomach to learn that junk science struck fear into the hearts of new parents everywhere – and contributed to a deadly resurgence of childhood whooping cough, measles and mumps around the globe. That the study’s author lost his medical license and reputation is hardly consolation.

The revelation that the vaccine-autism link may be bunk is just the latest in an epidemic of junk science that pollutes our court rooms and threatens our health. Junk science is peddled when lawyers hire doctors, scientists and other health care professional to present questionable research or misleading information as scientific fact and it is often used to prop up baseless lawsuits. Many of these so-called “experts” testify before a jury without being qualified and scare consumers with their sham diagnoses and sensationalized “science.” Sadly, these so-called experts abandon their oath to “do no harm” to fatten their own wallets by doling out junk science for personal injury lawyers.

As appears to be the case with the vaccine study, some hired “experts” are handsomely paid or paid extra to produce specific findings that support the case of the lawyers footing the bill. When these “experts” are lured by greed to manufacture bogus diagnoses they threaten a critical part of our civil justice system and the public’s health.

The fact that junk science is for sale may sound too bizarre to be true. But many high profile lawsuits – and countless others that haven’t made the news – have been based on junk science. Here in Texas, a Corpus Christi judge threw out thousands of cases claiming silicosis, a potentially deadly respiratory disease, because she determined the diagnoses were bogus. She ultimately dismissed all but 100 of the 10,000 claims from her court in a scathing, 249-page decision where she concluded that the diagnoses were “manufactured for money.”

The unseemly alliance between some personal injury lawyers and the scientists and healthcare professionals paid to do their bidding not only undermines the integrity of our health care system, but also dishonors our courts and mocks those who are truly injured. Questionable lawsuits based on junk science burden our court system every day, while justice for the truly injured is delayed and diluted.

As parents, we have no greater charge than protecting our children. Decisions we make with regard to our children’s health care are extremely personal and based on individual beliefs. Many rely heavily on medical literature and the advice of health care professionals to guide these decisions. It’s beyond shameful that greed, fraud and misinformation about children’s health care may have threatened – or ended – the lives of countless children.

SURVEY SAYS: MAJORITY OF TEXANS SAY LEGAL REFORMS HAVE HELPED TEXAS

Bi-Partisan Majority Wants to Protect Reform

A statewide survey of Texas voters clearly shows that any concentrated – and well-funded – efforts to push a pro-lawsuit, anti-reform and anti-jobs agenda are out of step with Texas voters. According to a survey released by Texans Against Lawsuit Abuse (TALA), the majority of Texas voters – from across the political spectrum – believe that legal reforms have helped increase access to health care, injected fairness in our courts, and helped attract businesses and jobs to the Lone Star State.

The TALA survey showed:

- Seventy-eight percent of Texas voters believe the Legislature should protect reforms designed to reduce abusive lawsuits. Across political lines, Independents (80%), Democrats (63%) and Republicans (90%) called for lawmakers to protect reforms.
- Two-thirds of respondents (67%) think more lawsuits against Texas businesses would have a negative impact on the economy and jobs. Sixty-nine percent of Independents, 83 percent of Republicans and nearly half of Democrats agreed.
- Five in six respondents (83%) oppose a law that makes it easier to sue without having clear proof that a particular defendant caused the plaintiff's injury. Ninety percent, 86 percent and 75 percent of Republicans, Independents and Democrats, respectively, oppose the law.

And for those personal injury lawyers who put their money on the line, voters remain leery of candidates who accept such funds:

- Seventy-two percent of voters surveyed said they would be less likely to vote for a candidate who accepted campaign contributions from personal injury lawyers while 9% would be more likely. Wariness of these contributions cut across party lines (78% Independents, 62% Democrats, 77% Republicans) and across the state.

Bob Parker, Chairman of Bay Area CALA in Corpus Christi, noted that support for reforms cut across party lines and was strong across the state. "This survey shows that voters across Texas, and across party lines, support the legal reforms we've passed here and want lawmakers to protect those reforms, not create new ways to sue," Parker said.

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Survey Says: Majority of Texans Say Legal Reforms Have Helped Texas

“Texas voters also know who benefits from junk lawsuits,” added Linda McKenna, President of the Rio Grande Valley CALA. “When asked who would benefit most from changes that would make it easier to file lawsuits, 68 percent of Texans across party lines said: ‘lawyers.’”

According to the survey, the majority of respondents (62%) think recent legal reforms have been a good thing because they have:

- Helped bring thousands of new physician specialists to Texas
- Allowed hospitals to provide expanded medical care
- Reduced questionable lawsuits so people with legitimate malpractice claims can have their cases heard

Beyond healthcare, a majority (56%) of Texans surveyed believe reforms have:

- Reduced abusive lawsuits
- Helped Texas attract business and jobs
- Brought more fairness to Texas courts

“Texans know reform works and they want Texas lawmakers to do all they can to protect it,” said Michelle Martin, Executive Director of CALA Houston.

Survey Methodology

The findings reported in this release are from a telephone survey of 501 randomly selected registered voters in Texas conducted August 8-10, 2010 by the opinion research firm, Baseline & Associates, Inc., in Austin, Texas. The margin of error for a sample of this size is +4.4% at the .95 test level.

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 (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.citizensagainstsuitabuse.com
- or visit us at www.tala.com