



Winslow: Texas Must Stop Protecting Public Safety on the Cheap

Written On March 15, 2010 By [Bob Kraft](#)

The [Fort Worth Star-Telegram](#) published a guest column by Texas Watch Executive Director Alex Winslow discussing the Toyota safety debacle and how the company should have to face an impartial judge and citizen jury – not an underfunded and over-lobbied government bureaucracy. Check it out.

Do you hear that sound? It is the ringing of alarm bells being raised by the unfolding Toyota debacle.

The Toyota situation should be a wake-up call for Texas policymakers: The decades-long campaign by insurance companies and multinational corporations to shift responsibility for consumer protection away from independent judges and common-sense juries to underfunded and over-lobbied government agencies has put families at risk in their workplaces, on the highways and in our healthcare system.

Toyota's army of lobbyists, which includes former federal auto-safety regulators, worked hard to convince government officials to hold off on any safety-related recalls.

The Toyota lobby team has enticed governors — including Gov. Rick Perry — to write letters to Congress on the company's behalf.

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No doubt, special-interest lobby groups will be demanding some special protection for Toyota that allows the company to avoid having to stand before a common-sense jury of 12 citizens and answer for its actions.

If the Toyota debacle follows past patterns, facts important to public safety will emerge not through a bureaucratic process, but through the civil justice system. Some wise cowboy once said that, like water, truth is freshest at the source. Only our courts — not bureaucrats or politicians or lobbyists — can get to the source.

Here's an example: Nursing home residents that are abused or neglected are unable to gain access to our courts because our laws severely limit their legal rights, putting all of the responsibility for policing the nursing home industry on state government workers. These are hard-working and well-intentioned people, but they are doing an impossible job with ever-shrinking resources.

In fact, the agency that oversees nursing homes in Texas recently announced that it has a backlog of over 1,500 safety investigations. At the same time the agency is being forced to slash its budget.

Also, when patients' legal rights were severely restricted — or in many cases eliminated — by the Legislature in 2003, an office of patient protection was created. It was a bait-and-switch. The agency's funding never materialized, and two years later the office was shut down entirely before it ever had a chance to help a single patient.

When state offices face doing more work with fewer resources — or outright elimination — how can we expect them to adequately expose wrongdoing and protect the public's safety?

The 2005 BP explosion in Texas City, where 15 lives were lost and scores of families were shattered, illustrates how the legal system works to shine a light on corporate misconduct that put workers and the surrounding community in danger. Only through the legal process was the dirty laundry aired, the lies exposed, and the hidden documents revealed.

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Homeowners, patients, policyholders and senior citizens in Texas know firsthand what happens when their access to the courts is curtailed. It means that homeowners are stuck with shoddy construction. It means that patients face a lifetime of physical pain and financial ruin if they are one of the hundreds of thousands of Americans harmed each year by a preventable medical error or infection. It means that policyholders with legitimate claims can't get their insurance company to fulfill its obligations. It means that older Texans and people with disabilities aren't getting the care and protection they deserve.

Toyota's customers and the families it may have harmed should not be forced to bear the brunt of this fiasco. If Toyota manufactured, marketed, and sold a product it knew was dangerously defective, it needs to be held accountable. Toyota should face the scrutiny of an impartial judge and 12 citizens — not just an underfunded, overworked, government bureaucracy.

So, let's heed the wise old cowboy's advice and allow our courts to do the job they were designed to do — getting to the source and exposing the truth.

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