

The Biggest Threat To Justice

People can survive without adequate food and shelter, as we proved during the Great Depression. We can be broke and survive without sufficient money. People can't and won't, however, tolerate a society without justice. All you need to do is look at the Middle East and China to see how, ultimately, people will rebel against a system that doesn't respond by delivering justice. They will take matters into their own hands and seize justice themselves.

Over the last 30 years, the biggest threat to justice in America has insidiously crept into our homes, our courts, and indeed, our own national psyche. That threat is the demonization of those who dare to take their fights for justice to the courtroom and those who are their warriors on the battlefield of justice...trial attorneys. Large corporate interests have spent enormous sums spreading disinformation and propaganda to convince the American public that their great way of life is being destroyed by an out of control sue-happy public, despite the fact that actual data from courts demonstrate the opposite, that the number of lawsuits has gone down.

These special interests have gone to great lengths to convince the public that greedy trial lawyers and their conniving clients are ripping America apart at the seams by filing baseless lawsuits that raise the costs of every product known to man, from health insurance to children's toys. Let's look closer at that. Does it really make sense?

The fact is that contingency fee trial lawyers finance the lawsuits for their clients, so the trial lawyers have everything to lose and nothing to gain by bringing a baseless lawsuit. If they lose, they not only don't make a fee, they also lost tens of thousands if not hundreds of thousands of dollars in expenses that they front for clients who cannot afford an hour long consultation, much less a lengthy legal battle. When one of these "conniving clients" commits to filing a lawsuit against a doctor, another driver, or some company for their injuries, they aren't really suing the individual doctor, driver, or the company. The dispute is really with their insurance company, and even if the client wins their lawsuit, there will be post trial hearings and appeals. Often, the cases go on for years, harming only the injured client, who is getting older and poorer all the while. The insurance company? They live on forever and their money never runs out.

Gerry Spence, the famed Wyoming trial lawyer, says, truthfully, that a "judicial fraud" is committed in virtually every civil case. This is because no one is permitted to tell the jury that an insurance company, not Dr. Welby or Aunt Bea, is the real defendant and will pay the costs of the lawsuit, as well as any judgment for the defendant. The jury is instead led to believe that any award will come from the pocket of the person sued. If the injured victim's lawyer even suggests that there is an insurance company behind the case, the judge will order a mistrial and assess the

costs of the mistried case against the injured victim who did nothing but be in the wrong place at the wrong time.

While the jury is led to believe that a poor defendant is being sued and risking possible bankruptcy at the hands of this “allegedly” injured party and their “greedy trial lawyer”, the reality is that the injured person, usually a working man or woman of limited means, is really suing the most wealthy and powerful industries in the world. And the jurors aren’t allowed to know it! Most injured citizens can’t afford to bring that kind of lawsuit without a contingency fee trial lawyer. Yet, due to decades of propaganda from these big insurance companies, that trial lawyer is hated before they enter the courtroom and that wrongly injured client is seen as a sue happy good for nothing looking to cash in on the great American lawsuit lottery game.

This misperception of the American civil justice system is the greatest threat to justice in America. The people have been taught that trial lawyers are lying, evil, greedy leeches and that juries are dumb suckers easily connived by crafty lawyers and their miscreant clients. But for the grace of God, each juror could be in the same place as that client, needing a trial lawyer to seek justice in an almost hopelessly biased courtroom where the jury is never even told the truth...that this is a modern day battle of David versus Goliath and the trial lawyer is the victim’s slingshot.

When you serve on a jury, remember that you have more in common with the wrongly injured or killed victim than you do with any insurance company who is secretly defending a just lawsuit. Deliver justice. If you don’t, the day will come when the system won’t deliver justice and people will take justice into their own hands. On that day, the American system of justice has failed, not by its own design, but because it has been corrupted by moneyed interests who could game the system through legislation, politics and propaganda.