

By John L. Messina

Do juries give away too much money? Many think so, but that is a myth. Let me tell you about a recent trial that I mentioned in an earlier blog. It is just one of many cases in the nation that debunk the myth.

My client, a 70-year old man, was walking into a local supermarket. The store had set up displays in the entrance. His view of those was blocked by a large crush of people in the narrow area between displays. As he walked toward the front door, he did not notice that a watermelon pallet to his left had a protruding edge. He caught his foot on the edge, tripped and fell.

As a result of the fall, the client badly injured his shoulder and required surgery and a long period of rehabilitation. His shoulder never fully recovered. He will have pain and disability for the rest of his life.

The jury in the case accepted that the store was at least partially at fault, that the client was injured and that all of his claimed bills of about \$48,000.00 should be allowed. However, that jury awarded nothing for the injuries, the pain and suffering, disability, and loss of enjoyment of life. Then the final blow came when they found him 90 percent at fault, thereby reducing his award by 90 percent, so that his recovery is about \$4,800.00 in total. So much for jackpot juries.

Fortunately, my client will probably get a new trial based on what this jury did. However, having to do it all over again is not the best form of justice.

The next time you hear someone complain about juries giving away tons of money, remind them that there are many cases like my client's. Most important, tell them that in almost all civil cases, it is the party being sued or their insurance carrier who have requested the case to be heard by a jury. Would they do that if "jackpot" juries were the norm?