

THE TRUTH ABOUT TORT REFORM

It bothers us sometimes when we hear advertisements in the media which are designed to scare people about our legal system. These advertisements are paid for by those who are trying to influence public opinion against accident victims, usually the insurance industry. The problem with this is that accident victims have no voice and in most cases their accidents haven't even happened yet.

The truth is that you may be the next accident victim. The truth is that you may need our legal system to work for you. You may be one of those jurors the ads claim are giving ridiculously high awards. The truth is it is not in your interest for there to be any change in the legal system.

The jury system has worked in America since our country was founded. It is one of the pillars upon which our democracy is based. Twelve people from all walks of life, without any knowledge or interest in the case, hear the evidence presented by both sides and reach a fair verdict. It is a rare case where justice is not done. Media reports tend to focus on those rare cases, such as the McDonald's coffee case, and make it seem that all cases are like that.

The truth is that there is no litigation explosion. From 1995 to 1999, the number of civil cases filed in Pennsylvania dropped substantially from 31,582 to 23,965. Of those, personal injury suits are the third leading type of suit. First (one-third) of all civil cases are contract and property cases. Second (one-quarter) are domestic cases.

The truth is that 50% of jury verdicts in personal injury cases in Philadelphia County are for the defendant. The truth is that most personal injury verdicts are for less than what the defendant offered before trial. Where there is an appeal from arbitration (a panel of three attorneys) the jury verdict is usually less than what the arbitration award was.