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## **The Cost of Lawsuits: Who is Responsible and Who Should Pay?**

*By Sarah McIntosh*

Last month I wrote an article about how people are winning lawsuits when they should be taking responsibility for themselves rather than suing others. Unfortunately the case examples I cited in that article were obtained from a faulty source. While this was a regrettable oversight, it does not alter the fact that there remain plenty of real cases out there that illustrate the same point.

Certainly, suing is the right course of action in some instances. The problem is that frivolous lawsuits not only end up costing innocent people money but they also put a strain on our justice system. Further, with so many courts already suffering from backlogs, even dismissed cases take time away from judiciary focus on more substantive cases.

Everyday accidents occur, bad choices are made, and people suffer as a result. Take for instance the case of a man in California who was skimming debris from his pool with a net on a metal pole. He saw that there was palm frond on the power line in his yard. So, he decided to use his metal pole to get it down. He was electrocuted. The man's widow wanted to put that blame on someone other than her husband so she sued the power company AND the pool supply company because they didn't have a warning label on the pole not to use it on a power line.

The public should care about these types of cases because the burden is borne by us all. When lawsuits are filed they not only add to the clogging of the courts but they also produce costs. Even if a case is dismissed or settled, these costs can be large. There are attorney's fees, court costs and more. When companies are sued it can affect their product prices and availability. Plus, we end up with extensive warning labels on thousands of everyday household goods.

The effects on health care providers are one example of the impact of these suits. Not only is malpractice insurance extremely high in some areas of the country but there has been a concern that the threat of lawsuits leads many doctors to order extraneous tests. While it is difficult to blame physicians for taking extra precautions to avoid potential lawsuits, these extra tests end up costing the patient (and the insurance company---which then drives up all of our costs) more money.

While some lawsuits are necessary in order to ensure compensation for individuals harmed by negligent health care providers, other lawsuits try to piggyback on claims in order to receive money. Take the case of Hazel Norton who was taking the drug *Propulsid* but stopped taking it when she read it could be harmful. Ms. Norton admitted she didn't get hurt by the drug. She wanted to sue the drug manufacturer, but not her doctor who she liked, so she instructed her attorneys to remove her doctor from the suit. Her doctor and his wife – also a doctor - were in Mississippi to help the poor. But, by the time he was removed from the suit he and his wife had decided to move. They were tired of being sued. Because of Ms. Norton's lawsuit and lawsuits like hers, this poor area facing a physician shortage suffered a loss of two available doctors.

People need to be cognizant of the costs of bringing unnecessary suits. It is easy for some to justify suing a big, faceless company or a doctor who they know has insurance. But when they

sue society suffers the consequences.

Some stories of these failures to take responsibility can be entertaining, but they are harmful to society nonetheless. A few years ago Antoinette Milliard pretended to be a Saudi Arabian princess and a Victoria's Secret Model. She stole hundreds of thousands of dollars when she charged items on her American Express Centurion black card and also tried to collect an insurance payout by saying her jewels were stolen (she had actually sold them). Ms. Milliard was sued by American Express in civil court where she countersued claiming she was mentally ill, that the company should have known she was acting irrationally, and they induced her to sign up for the card with the promise of flexible payments. Her suit against American Express was for \$2 million. Ms. Milliard ended up facing criminal charges as well and was sentenced to a year in jail last July.

Lawsuits like these can be entertaining to read about. But, unfortunately, the costs of these suits to society are no laughing matter.

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