

Voice For Liberty in Wichita

June 19, 2007

Winning Lawsuits: How Being Irresponsible Pays Off

By Sarah McIntosh

They are everywhere -- in the office, on the street, in the malls, and even in your house. They can end up costing you hundreds of thousands of dollars. No, it's not pests I'm referring to. What is this pervasive problem, you ask? Torts.

Simply put, a tort is a negligent or intentional civil wrong. Tort law has been around for a long time, but in the last couple of decades tort liabilities have expanded exponentially.

It used to be that if you invited someone to your house you were responsible for taking reasonable steps to protect people from hazards in your home. Now, however, in many states you are responsible for protecting people who you did not invite -- even people breaking into your home.

Our culture has changed in the United States. Instead of treasuring personal responsibility and property rights, we reward people who act unreasonably and unlawfully.

Take for instance the case of the homeowners in Pennsylvania who lost a \$500,000 lawsuit to someone who broke into their home. When the robber left their house he tried to escape through the garage. The automatic door opener was not working, however, and since the door to the house had locked when the robber shut it, he was stuck in the garage. He spent eight days living on a can of soda and dry dog food. He was awarded that \$500,000 for his "undue mental anguish."

The robber broke the law and violated the homeowners' property rights and still thought he had the right to compensation for anguish brought on by his own illegal behavior.

Or what about the man who won \$74,000 plus medical expenses when his neighbor ran over his hand? The neighbor didn't see that the young man was busy stealing his hubcaps.

Should this outcome be surprising? Maybe not. We have been on this path for decades, a path of transforming right and wrong not based on our own actions or rights but because we don't like to see people physically or emotionally hurt. So, we ignore the fact that the party held liable is "hurt" by forcing compensation to make ourselves feel better for the irresponsible person's pain.

For instance, a jury awarded a woman \$780,000 after she broke her ankle when she tripped over a toddler running inside a furniture store. The store had to pay for her pain even though the running child was her own. Apparently the jury ignored the fact that the woman had a responsibility to control her own child. Is this really the direction we want to take our society?

Do we want to live in a world where we aren't expected to take responsibility for our misbehaving children, or our own stupid actions? While that may sound comforting to some, it means that EVERYONE is potentially liable. If you have any assets, watch out.

We have created a culture that is quick to blame others for our own mistakes. Take the case of the woman who sued Winnebago when she set the cruise control to 70 on her RV and left the seat to make herself a sandwich. Apparently Winnebago should have explained in the owner's manual that cruise control isn't the same as automatic pilot.

The consequences of these lawsuits are that whenever we buy something we have pages of warnings about products that seem to grow more ridiculous yearly. We create a societal cost by shifting the blame. When companies are sued, their costs are born by their future customers. When individuals are held to too high of a standard in their homes, society starts to lose out on the value of spending time with people in their homes.

We also lose some freedom when these behaviors are allowed. We lose the freedom of how we want to live in our own homes. Should we put up warnings for those breaking in? Should we leave some extra food and water in the garage just in case?

As society breaks down along these lines, more and more laws will be created to legislate "fairness," compensation, and morality. Children will learn to blame others for their own bad acts. No one will be responsible for themselves but everyone will be responsible for everyone else.

When unreasonable, risky, or stupid behavior is rewarded, everyone ends up paying. Is that what we want?

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