



# The History Of Tort Reform - A Story of Corporate Greed And A Conspiracy Against Justice For The People

Posted by Wayne Parsons  
Saturday, May 02, 2009 5:13 PM EST

Joanne Doroshow, one the best friends the American consumer has ever had exposes one of the great conspiracies of the 20th century: the tort reform scam - the BIG lie that started long ago:

*It is no secret that, for more than three decades, business interests have invested billions of dollars to sell the public a distorted view of a legal system that is justifiably envied throughout the world. They say rampant litigiousness requires tort "reform" that restricts the legal rights of injured people, not those of businesses suing businesses, which account for most litigation. What they seek, really, is corporate welfare-assurance that their misdeeds will be paid for not by them, but by others.*

*For the last 15 years, insurance companies, manufacturers of dangerous products and chemicals, the tobacco industry and other major industries have been engaged in a nationwide assault on the civil justice system. In nearly every state and in Congress, corporations and their insurers have waged a relentless campaign to change the laws that give sick and injured consumers the ability to hold their offenders responsible for the injuries they cause. . .*

**[THE CALA FILES:  
THE SECRET CAMPAIGN BY BIG TOBACCO AND OTHER MAJOR  
INDUSTRIES TO TAKE AWAY YOUR RIGHTS](#)**

By Carl Deal and Joanne Doroshow

Released by Center for Justice & Democracy and Public Citizen

Perhaps the public is more ready to understand this tort reform conspiracy against their rights, and threat to the country, after seeing the unbelievable financial misconduct of Wall Street, AIG, Enron and The Madoffs of the world. The Big Lie has never been bigger. Never has more been at stake over the tort reform scams: they want to shut off the court rooms to the people and they want to destroy the judicial branch of government. Recently Injury Board national desk has written about AIG disgracefully mistreating civilian employees injured in Iraq and Afghanistan by delaying payments for medical care: "[Congressman Calls For Inquiry Into AIG's Handling of Contractor Claims](#)"; and I have also noted how one of the members of the tort reform conspiracy treats injured patriots: "[AIG In Another Scandal Over Denying Health Care Claims For American Workers Injured In Afghanistan and Iraq](#)". Another good article on AIG can be read at: "[Injured Civilian Contractors Fight AIG and Other Insurers for Proper](#)

Care"; and at: "[Military Contractors: Finding AIG Not To Be Helpful](#)". To these corporate CEO's its all about money. Their money. Tort reform is a sham like everything else they promote.

A great resource on this subject is [The Commonweal Institute](#). Their studies and reports on tort reform provide a clear picture of tort reform with the spin and slick advertising gloss of the insurance industry and major corporations removed. Reading David Johnson's reports on [The Attack on Trial Lawyers and Tort Law](#) is the best place to start. It contains facts and figures and the truth about the corruption behind tort reform. The following video shows what has happened - and who is behind it.

<http://www.youtube.com/watch?v=h85j1vNxd8A>

A great place to start to hear what our greatest consumer advocates say about who is behind tort reform - who invented the term tort reform - a lot can be learned by looking behind the curtain to see who is really the wizard of Oz?. The Report entitled "**The CALA [Citizens Against Lawsuit Abuse] Files – The Secret Campaign by Big Tobacco and Other Major Industries to Take Away your Rights,**" by the [Center for Justice and Democracy \(CJ&D\)](#) and [Public Citizen](#) names the players:

Since 1991, ‘tort reform’ advocates have set up dozens of tax-exempt groups . . . to plant their ‘lawsuit abuse’ message in the media and the public consciousness, and to influence legislation, the judiciary and jurors. These groups claim to speak for average Americans and represent themselves as grassroots citizens groups determined to protect consumer interests. But their tax filings and funding sources indicate that they actually represent major corporations and industries seeking to escape liability for the harm they cause consumers -- whether it be from defective products, medical malpractice, securities scams, insurance fraud, employment discrimination or environmental pollution. These organizations hide their pro-business agenda behind consumer-friendly names like

**Citizens Against Lawsuit Abuse,**

**Stop Lawsuit Abuse,**

**Lawsuit Abuse Watch, and**

**People for a FAIR Legal System.**

The conspiracy consists of a seemingly independent organizations. "**The CALA [Citizens Against Lawsuit Abuse] Files – The Secret Campaign by Big Tobacco and Other Major Industries to Take Away your Rights,**" shows that, since its inception in the 1980s, the industry-funded tort reform movement has pursued a strategy of creating and funding numerous seemingly-independent advocacy organizations that push tort-reform arguments, work to discredit opponents, and use marketing methods to change underlying public attitudes over the long term. Well-known tort reform organizations include the American Tort Reform Association (ATRA) – “a coalition of more than 300 major corporations and trade associations,” according to “The CALA Files” – and its numerous state Citizens Against Lawsuit Abuse (CALA) organizations, as well as several state Lawsuit Abuse Watch (LAW) organizations. For examples of national and state organizations that advocate tort reform on behalf of major corporate power brokers are listed in [The Attack on Trial Lawyers and Tort Law](#) appendices 4, 5 and 6.

[The Attack on Trial Lawyers and Tort Law](#) also documents how they have:

" ... created phony “grassroots” campaigns designed to give an impression of widespread public support for an issue, the circulation of false or misleading lawsuit scare-stories, the

creation of organizations and websites like “LawyersStink.com”<sup>5</sup> that seek to defame and diminish lawyers in the public mind, and the dissemination of anti-lawyer jokes and cartoons.”

This tort reform movement is an important component of a network of organizations, such as the Heritage Foundation, the Washington Legal Foundation, the Cato Institute and the American Legislative Exchange Council that make up the heart of the self-described “conservative movement.” The agenda has little to do with conservatism. It has a lot to do with destroying the courts and taking away individual rights. As David Johnson write in [The Attack on Trial Lawyers and Tort Law](#):

Right-wing organizations in this network all receive major general operating support, project grants and coordinated strategic guidance from a core group of interlocking, ultra-conservative foundations that has been working for nearly thirty years to alter public attitudes and move the national agenda to the right. This core group of right-wing foundations includes the Scaife, Castle Rock (endowed by the Adolph Coors Foundation in 1993), Bradley, Olin and Koch foundations. (See Appendix 4)

“Five foundations stand out from the rest: the Lynde and Harry Bradley Foundation, the Koch Family foundations, the John M. Olin Foundation, the Scaife Family foundations and the Adolph Coors Foundation. Each has helped fund a range of far-right programs, including some of the most politically charged work of the last several years.”

You may also find the report “[Buying a Movement](#),” *People for the American Way Foundation* worth reading.

These foundations are associated with the extreme right of the political spectrum. The Bradley Foundation's money comes from Lynde Bradley, a member of the John Birch Society.<sup>7</sup> The Coors Foundation previously financed the John Birch Society.<sup>8</sup> The Koch Foundations were founded by Charles and David Koch, sons of Fred Koch, founder of the John Birch Society. David Koch, the 1980 Libertarian Party Vice Presidential candidate, funds many libertarian organizations, and is co-founder of the libertarian Cato Institute.<sup>9</sup> William Simon of the Olin Foundation was a member of the secretive Christian-Right Council for National Policy, and chairman of an organization set up by the Rev. Sun Myung Moon's Unification Church.<sup>10</sup> Richard Mellon Scaife and his foundations were the primary funders of the anti-Clinton efforts of the 1990s, which included funding the vitriolic magazine, *American Spectator*.<sup>11</sup> As for today's John Birch Society, it is currently engaged in a “Get US Out!” (of the UN) campaign, a philosophy reflected across the right-wing movement.<sup>12</sup>

There are now over 500 organizations, of which Heritage Foundation is the most influential, all receiving funding from this core group. A 1999 study, *\$1 Billion for Ideas: Conservative Think Tanks in the 1990s*,<sup>13</sup> shows how well-funded these organizations are. The study found that the top 20 of these organizations spent over \$1 billion on their ideological campaign in 1990s, not only on tort reform, but on a number of other issues they are advancing.

These groups are organized and coordinate their activities:

Right-wing funding patterns support lock-step coordination. One example of this coordination is *a weekly meeting hosted by Grover Norquist*, of the Scaife/Coors/Olin /Bradley (among others)-funded Americans for Tax Reform, and attended

by representatives of the funding foundations, major right-wing organizations like the

The battle line over tort reform is defined by average people on one side and money and power on the other. The local talk show hosts in your home town that spout the doctrine of Big Insurance, Big Pharma, Big Tobacco and the tort reform conspiracy on a daily basis. They spread stories about frivolous lawsuits that are routinely proved to be false but then who has the time to check on these talk shows. Fox (Sorry, I cannot use the word "news" and Fox in the same sentence) is a major player in media deception of the public in this tort reform conspiracy.

Unfortunately, in Hawaii, our legislators don't seem to care about the truth and simply go along with the big money that doctors and big corporate lobbyists are willing to pay. You would think that democrats would not become a part of this anti-consumer conspiracy against average citizens but many of Hawaii's legislators have aligned with the U.S. Chamber of Commerce and the myriad of tort reform conspirators that I mention above.

Another great article on tort reform as a consumer should view it has been written by Steve Lombardi of [The Lombardi Law Firm](#) in Des Moines, Iowa:

*"When I hear, "It would never happen to me." I think, confidence kills and it will kill you just like it did my father"*

I commend Steve Lombardi's article to help you get the "rest of the story" on tort reform. A look at the "Mr. Fancy Pants" video will also make more sense to you if you read the post to its conclusion.

I am interested in how Hawaii voters would vote in an election where a candidate had supported and aligned with this fraudulent tort reform movement? Do Hawaii voters care? It really isn't a Republican or Democrat issue. I remember when Jesse Helms, one of the most conservative member of Congress in its history, and a staunch Republican, voted against an insurance industry initiative to pass federal "no-fault" automobile insurance legislation in 1974. He believed in "responsibility" and not what he viewed as socialist no-fault insurance. That is what tort reform does when you look behind the two words: it makes us all pay for injuries caused by a big corporation's defective product or the injury or death of a patient when a doctor is careless.

**Find this article at:**

<http://honolulu.injuryboard.com/medical-malpractice/the-history-of-tort-reform-a-story-of-corporate-greed-and-abuse.aspx?googleid=262234>

(c) 2009 InjuryBoard.com