

'Profits over Safety' an Attempt to Dismantle Civil Justice System

First, we owe an enormous debt of gratitude to Charlie Moore whose vision, leadership, and commitment as our past president has been extraordinary. As a result of Charlie's efforts, KATA is financially sound, well organized, and victims of negligence still have access to the courts of Kentucky. Thank you Charlie for a job well done.

As I assume the leadership of KATA, I reflect on the difficulties we have experienced in the last few years as we have struggled to protect our civil justice system and the right to trial by jury. Consumers have won battles, but the war still rages all around us.

We should have no illusions regarding the challenges confronting us. We face a concerted, organized, well-financed campaign by special interest groups, using scare tactics and misinformation, to cripple our system of civil justice. Insurance companies, drug manufacturers,

medical associations, product manufacturers, and other large corporations and business associations seek to do away with the right to trial by jury that holds them accountable to victims of their negligence.

These special interest groups wage their assault on the civil justice system in the form of legislation, which punishes victims of negligence by taking away their access to the courts. These so-called tort reformers advocate for caps on damages, mandatory arbitration, Federal preemption, Federal no-fault, and other proposals aimed at limiting their liability. They support these efforts through a sustained media campaign promoted by phony, contrived lobbying groups such as American Tort Reform Association, Citizens Against Lawsuit Abuse, and

Stop Lawsuit Abuse, all funded by corporations and business entities whose main objective is to ridicule victims, criticize lawyers, and poison jurors.

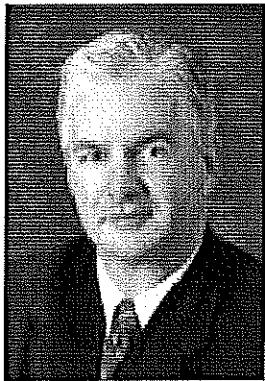
Why do we face this battle year after year? The answer is simple, "profits." The trial theme "profits over safety" has been used by lawyers against corporations so often it has become cliché. The same corporate mentality that places profits over safety now attempts to dismantle our civil justice system by taking away an individual's right to trial by jury. In essence, they seek to substitute numerous individual wrongs for which there is compensation with one global wrong for which there is no compensation.

As a society, we have strayed far from the principles of Thomas Jefferson, who declared the right to trial by jury "sacred," and who in his first inaugural address on March 4, 1801, stated:

"Equal and exact justice to all men... freedom of religion, freedom of the press, freedom of person under the protection of the *habeas corpus*, and trial by juries impartially selected. These principles form the bright constellation, which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith...; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and regain the road, which alone leads to peace, liberty and safety."

The moment of error and alarm is now. We must expose the arguments of the special interest groups for what they are: scare tactics, gross distortions, and misinformation. In the court of public opinion, we must frame and argue the real issue now confronting us, "profits over justice."

The truth is a powerful weapon, but we must each be willing to engage the enemy. If we sit idle, the damage will be irreparable.



By Tyler S. Thompson
KATA President

Tyler Thompson, Barrister's Club member, is a partner in Dolt Thompson Shepherd & Kinney, located in Louisville, Ky.

I pray I never have a conversation with a parent wherein I have to explain that \$3,000 per year is all their child can receive for being permanently confined to a wheelchair, incontinent of bowel and bladder, unable to bear children, and unable to ever participate in gainful employment. This is the reality of the reforms sought by the so-called "tort reformers."

As an organization we are a powerful force, but only when we pledge our time, energy and commitment to the cause before us. In the past, we have proved ourselves capable and have risen to the challenges confronting us. There is much work to do in the future. We must continue to build upon the work done by Chuck Adams in providing us a strong voice in the legislature. We must continue to build upon the work done by Dick Lawrence

in providing victims a voice in Frankfort. We must continue to build upon the work done by Charlie Moore in getting accurate and reliable information to consumer and victim rights' groups.

The law is our profession and we are the gatekeepers of the civil justice system. How we bequeath it to our children and the next generation is of vital importance. In our most recent presidential election, one of the candidates identified an issue he claimed was "a hill to die for." I believe we have our own such issue. In the battle to preserve the civil justice system, the unfettered, unhindered, and unimpeded right to trial by jury is "a hill to die for." Please stand your ground and do your part when called upon.



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