



## The Myth That Trial Lawyers File Frivolous Lawsuits

Wealthy, deep-pocket special interests do not fear frivolous lawsuits precisely because they know our justice system filters out suits without merit. What they fear are meritorious lawsuits – actions brought by citizens against those reckless drivers on our highways, and those polluting our environment, producing dangerous products, swindling their employees to pad their profits, or otherwise acting dangerously — putting others' children or loved ones at risk for injury or death.

Yet powerful special interests are determined to diminish the rights of individual citizens and the access those citizens have to the court system. By promoting the myth of “frivolous lawsuits,” they work to distort our civil justice system and intimidate individuals from exercising their constitutional rights and seeking justice when they are injured or a loved one is killed due to negligence.

### **Safeguards & Financial Disincentives Against Frivolous Lawsuits:**

- A judge has the power to dismiss a case, filed with no basis in law, as soon as it is filed.
- A plaintiff's attorney is subject to sanctions for squandering a court's time and wasting taxpayer resources (a judge may order a plaintiff to pay courts costs and defense attorney's fees).
- Trial lawyers do not get paid unless they are successful in proving a claim. Clients of trial lawyers generally cannot afford to pay the fee insurance companies pay their own attorneys – often \$300 to \$700 an hour. Indeed, many such clients are stretched to pay for housing and groceries while paying medical bills.
- Trial lawyers must pay all expenses for a claim while it is pending. The costs may range from hundreds of dollars on a very simple claim to hundreds of thousands of dollars on very serious claims with catastrophic injuries. If a claim is unsuccessful, the trial lawyer has lost three to five years of work, along with the expenses paid to try and prove the case.

Americans rely on our courts to hold wrongdoers accountable. That's what trial lawyers do: we ensure all citizens can get a fair shake in the courtroom, even when taking on the most powerful interests.