



tribute to a well-deserving man.

—*Crystal Francis, Senior Law Project  
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### **VERDICT MESSAGE: TORTS NOT OUT OF CONTROL**

There must be something wrong with the survey of civil jury verdicts (ARIZ. ATTORNEY, May 2005). Why is there no medical malpractice verdict among the “Top 10” verdicts? And does the author really expect us to believe defense verdicts are reached in 93 percent of all malpractice cases? What’s she hiding, and who is she working for? There must be a conspiracy, as nothing else can explain the author’s statistics and a crisis so significant that one doctor in Tucson had to retire to the Virgin Islands!

More generally, why are there only five personal injury cases on the list? Really, only four, as one case—number 9—involved a verdict against a man convicted of first-degree murder (who, undoubtedly, did not have coverage for his wrongful act). And why do five of the seven largest verdicts involve business-to-business disputes? Again, are these statistics really accurate? They’re certainly inconsistent with everything I hear on cable television and read on the op-ed pages.

Would some people, for reasons of self-interest or the opportunity to mouth off in public, have hyped the tort “crisis”? Politicians? Insurance companies? It’s hard to imagine, but it’s also hard to reconcile the statistics with the assertiveness with which the tort “reformers” tell us every imaginable problem in America is caused by “greedy” trial lawyers and—although they never mention them—“greedy” plaintiffs and “gullible” jurors.

Sarcasm aside, I know there are problems with the system for resolving civil disputes. I know a “Top 10” list does not prove very much. That said, the statistics show what they show, and certainly call into question the certainty with which the “reform” movement cloaks its arguments. We’ll only make our system better when the “reformers” lower their voices and we all work together to improve the system.

—*Mark Rubin  
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