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Plaintiff's bar following wrong path

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The plaintiffs' bar is on the wrong side of the ideological fence. Traditionally, plaintiff trial attorneys have supported candidates who support a big government agenda. But in so doing, they are really funding their own demise.

Unlike any country before it, this country was founded upon the principle that individual rights are greater than rights of the government. The country's laws were written by its citizens and must fit into the contract the citizens have with each other, i.e., the Constitution. Our court system, like no other country's, has been carefully designed to protect individual rights and our jurists take an oath to defend and uphold the Constitution. The plaintiffs' bar, entrepreneurs all, have been engaged in protecting individual rights, mostly on contingency fees, and many have been very successful both as lawyers and as entrepreneurs.

Congress is currently leading us far away from the rights of individuals and toward increased rights and power for government. A natural consequence of an increased federal government is the diminished opportunity to protect individual rights in court. President Barack Obama said as much in his recent speech to the doctors at the American Medical Association's

annual meeting.

While in the short term some trial lawyers have certainly gained by their affiliation with the liberal agenda, it makes no economic sense in the long run that those who are busy pursuing negligence claims on a contingency fee basis would support those who are taking away the right to bring those claims through nationalized health care and the growth of big government.

Look at the social democracies that the current liberal policies are attempting to emulate. Not one of them has a well developed plaintiffs' bar. There are few, if any, personal injury lawsuits. There is no trial by jury, little discovery, and no contingency fees.

The American legal system is unique because America is unique in its approach to individual rights. We believe the rights of the individual should be protected more than the rights of the government. Our Constitution, common laws, statutory laws and system of enforcing those laws all center on the rights of the individual to be protected in his person and property.

While some balancing between individuals and societal rights is necessary, Americans generally strive to protect the rights of the individual through public policy that promotes safer products, fair employment, fair and equal lending, truth in trade, fair compensation for personal injuries, enforcement of contracts and the protection of civil liberties. All these public policies are necessary for a free people in a free democracy to thrive.

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Why have those who have made a living from supporting the rights of individuals given so much money to those public officials who now advocate increasing the rights of the state by diminishing the rights of the individuals?

Houston law firm Beirne, Maynard & Parsons, LLP. He served six terms in the Texas House of Representatives and chaired the House Committee on Civil Practices during his last two terms.

What is needed is a common-sense approach in the same manner in which Texas balanced its courts and judicial system to provide meaningful remedies to those who have been wronged as well as protection for those who have done no wrong.

In the medical malpractice area, common sense reforms have cut doctors' malpractice insurance rates in half. Doctors, in response, have flocked to Texas and dramatically increased access to health care.

Fair courts are one reason why Texas' economic climate is so much better than those states with more liberal agendas. Protection of individual rights, both plaintiff and defendants, is required for a stronger economy.

In Texas, the rights of the individual are still paramount, including the right to a fair trial before a fair judge, with a fair jury, in a fair venue. This public policy has brought to Texas more jobs, more doctors and better health care. That's why the big government agenda has been rejected by most Texans.

And why Texans — including trial attorneys — will be better off if the plaintiffs' bar follows suit.

Nixon is a senior fellow with the Texas Public Policy Foundation and of counsel with the

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