

Is There Too Much Litigation?

Article by: Vernon Stent

I'm sure you will not have failed to notice that we have become a more litigious society. Whether this is right or wrong is a matter of great debate, but here we are with our ambulance chasers, our ultra protective corporations and public bodies and countless rich lawyers and insurance salespeople working for all sides.

Some will argue that the law is the problem. Our law is adversarial. It generally needs winners and losers. If someone is disadvantaged by the act of somebody else, they can often find a remedy in one of our many laws. Someone will probably sue and may then counter-sue, all because compromise is often not in the lexicon.

Others may blame those who practice law. Criminal law exists to deal with acts that most of us deem to be unacceptable. The civil law is a little different. It may intervene in disputes; it may quantify the scale of a loss and, of course, identify the party or parties responsible. The question is: can the whole civil law industry - this massive and intricate production line that eats up public funds and our funds - be accused of feeding itself? We already know that lawyers need to have a continuing diet of new clients. Isn't it also the case that the courts and the staff that work in them also welcome new business? How many cases are thrown out as being too trivial and a waste of the court's time? Certainly some are thrown out, but is the proportion as high as it should be?

Others will take a totally opposite view and blame those who are being sued. This school of thought is: the law is doing its job. If everyone worked within the law then there would be no (or let's say very little) litigation. This is a powerful argument often put by lawyers. Of course powerful arguments are their stock in trade! Their point is that if toy shop has sold an unsafe and illegal toy then that toy shop should be held accountable and be made to pay for breaking the law. By doing this the toy shop will make sure that, in future, toys sold from its shop will be safe (well, that's the theory). By holding organizations and individuals to account, the law is gradually making the world a safer place. If this is the case, one would expect that the world will indeed become safer. Therefore, surely the increase in litigation should level off and indeed fall, as the effects of litigation bite. Only time will tell. If it does, and if we are all safer and are being treated more fairly then surely the lawyers were right all along. If it doesn't - if litigation increases and the lawyers continue to grow in number and riches - then I think that a point will come when we need to clip the wings of the civil law industry.

The cost of protective and defensive measures against litigation; the cost of fighting cases and the massive insurance costs are now becoming serious for us all. These costs are being added to the goods we buy and the services we pay for and are surely adding to the tax burden.

For now we have the system that we have and must work within it. Also, there are some areas where, even if there were no laws at all, we would have a moral duty to adhere to standards. For instance, nobody has the right to put others at risk, especially when they are not informed of the risk. Companies that pack food have a moral duty - as well as a legal duty - to make sure the food is wholesome and packed in a clean environment.

We sell fly killer machines. Our customers buy the very best in the industry - Insect-o-Cutor fly killers. Where open food is being prepared or sold, businesses must ensure that lamps are shatterproof. We sell shatterproof uv bulbs for many of our fly killer machines. We also sell re-usable covers that slip over the our T11G UV tubes and prevent shattering. This is a must. There can be no compromise when dealing with open food.

There are laws and there are laws. There is also a moral consideration to our fellow human beings that transcends anything else. You can visit Re-usable covers for T11G lamps and UV Bulbs are here at our web site at <http://www.eeeee.co.uk>