



## Dept. of Justice Reports Tort Trials Down Dramatically

But State of the Union Address Could Offer More Attacks on Civil Justice System

### Facts Don't Match Bush's Rhetoric on Lawsuits; Federal Tort Trials Down 79%



- 79%

As the Associated Press recently [reported](#), White House officials have indicated that the President will include in his State of the Union address a call for limits on compensation for injured Americans. Attacking the civil justice system is nothing new for President Bush.

President Bush has railed against "frivolous" or "junk" lawsuits more than 180 times since taking office, and has called for limiting the rights of people injured by negligent corporations in his last three State of the Union addresses. He has blamed trial lawyers and the civil justice system for everything from problems with public schools to the rising federal budget deficit to high health care costs. But the facts tell a very different story.

The Congressional Budget Office (CBO) [reported](#) that medical malpractice costs amount to less than 2 percent of overall health care spending in the United States.

The President's claims that lawsuits are clogging our courts are undermined by facts released by his own administration last summer. [According](#) to the U.S. Justice Department, federal tort (personal injury) trials have decreased by 79 percent since 1985. And a recent [survey](#) of federal judges - including those appointed by Bush - found that an "overwhelming majority" do not believe that so-called "frivolous lawsuits" are a major problem in our civil justice system.

[Summary of Dept. of Justice Study](#)

### On the Hill

With major challenges facing the country and Congress in 2006 - from national security to millions of uninsured Americans - Senate Majority Leader Bill Frist has announced his intention to spend the coming weeks focusing on a bill that would hurt American workers and hand a \$20 billion bailout to asbestos corporations. The asbestos bailout bill, S. 852, is opposed by every major asbestos victims' organization, organized labor, the insurance industry, and a large portion of the business community; it is being pushed by a small group of large, politically-connected corporations that stand to get the multi-billion-dollar bailout.

[See why asbestos victims oppose S. 852](#)

### By the Numbers

**79%:** Decrease in tort cases resolved in U.S. District Courts between 1985 and 2003, according to a report by the Department of Justice.

[Source: [U.S. Department of Justice](#)]

**Less than 2%:** Percentage of health care spending attributable to medical malpractice costs, according to the Congressional Budget Office (CBO).

[Source: [Congressional Budget Office, "Limiting Tort Liability for Medical Malpractice"](#)]

### In the News

Visit the [ATLA Press Room](#) for information about other important issues.

[Judges don't see 'frivolous' problem](#)

*Tallahassee Democrat, 4/19/05*

### Quote of the Week

"Frivolous litigation is not a major problem in the federal court system, according to an overwhelming majority of federal judges who participated in a recent survey."

- [Business Insurance Magazine](#), 4/11/05

### News & Research

[The Dirty Little Secret About the Congressional Medical Malpractice Bill](#)

[Lawsuit Gives President George W. Bush Safer Bulletproof Vest](#)

[What "Tort Reform" Did to Texas](#)

[Texas Governor Opposes Bush on Asbestos Bill](#)

2/1/2006

"One percent of all federal judges surveyed thought frivolous lawsuits were a problem. The survey also found 87 percent of the judges thought Rule 11 adequately dealt with attorneys who file frivolous lawsuits."

#### [Rhetoric vs Reality on Lawsuits](#)

*Keep Our Families Safe: Consumer News For Families, 10/24/05*

"[N]ot only did the Bush Department of Justice not find an explosion of litigation, it found that the number of federal tort-or personal injury-trials has steadily declined 80% since 1985. ... [T]he Department of Justice says that the increasing cost and complexity of bringing a case to trial has made it harder than ever for an injured consumer to get into the courtroom in the first place."

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