

## The personal and societal costs of lawsuit abuse

By Robert J. Herrington

Lawyer films, particularly the John Grisham or Scott Thurow variety, are always among America's most popular. They feature stereotyped evil villain attorneys breaking laws and shattering moral norms, while the little guy gets the shaft, at least initially. None of us can resist these exciting tales, or at least I can't, but when I heard about a nonfiction documentary film about lawyers entitled "InJustice," my enthusiasm dampened.

When was the last time anyone saw an exciting documentary about lawyers?

Then I met director Brian Kelly (a former Discovery Channel executive). His enthusiasm for the "InJustice" message was so contagious, I found myself looking forward to the review copy.

"InJustice" takes viewers on a journey through the dark corridors of lawsuit scams and abuses, including fraudulent claims in asbestos and silicosis litigation, the Fen-Phen diet drug scandal, the mega-million dollar tobacco settlements; Wall Street power grabs, and shakedown operations in the aftermath of Hurricane Katrina.

The movie examines the scope and magnitude of lawsuit abuse, its personal and societal costs, and the billions in profits it leverages (primarily for a handful of plaintiffs'

“ Set against the backdrop of an increasingly underfunded and overburdened civil justice system, “InJustice” recounts the stories of several nationally prominent members of the plaintiffs’ bar who made tens to hundreds of millions in litigation before facing criminal charges for their conduct.”

— Rob Herrington



**Rob Herrington** is a mass-action trial lawyer focused on defending corporate clients facing high-stakes lawsuits including class actions, and a shareholder at Greenberg Traurig LLP's Santa Monica office. For more information, please visit [www.verdictforthedefense.com](http://www.verdictforthedefense.com) (Sutton Hart Press).

law firms) - most often without cases ever going to trial. I was hooked from the first minute as the film chronicled some of the outrages in the class action arena I covered in my last book, "**Verdict for the Defense**" (Sutton Hart 2011).

The movie examines the scope and magnitude of lawsuit abuse, its

Continued on next page

personal and societal costs, and the billions in profits it leverages (primarily for a handful of plaintiffs' law firms) – most often without cases ever going to trial.

Set against the backdrop of an increasingly underfunded and overburdened civil justice system, "InJustice" recounts the stories of several nationally prominent members of the plaintiffs' bar who made tens to hundreds of millions in litigation before facing criminal charges for their conduct. The movie also examines the impact these abuses have had on real people, those sucked into the whirlwind of mass tort litigation, only to find that their rights were not being protected by those charged with doing so.

Kelly told me he was inspired to make the movie after seeing the constant barrage of television ads for lawyers hawking the latest class action or mass tort lawsuit. He was interested in how the lawsuit system had evolved over the last generation into a major force in our culture. Kelly explained he decided to make a film that would help people understand how the civil justice system actually operates, both the rules and the realities, and how the search for justice in this arena too often degenerates into a shakedown scheme enriching a few lawyers at the expense of everyone else.

If you haven't seen the movie, it is well worth the time. The movie documents the growing abuses of a handful of opportunistic (and in some cases maniacally entrepreneurial) trial lawyers and reveals how their actions can abuse the court system, besmirch the legal profession's reputation and ignore the rights of individual victims involved in these massive

lawsuits. "InJustice" provides a poignant reminder of why business leaders must remain vigilant, lest they become the next target of class action trial lawyers. "This is one of the most important films I have ever been a part of," said Kelly in a recent interview. "The credibility of the American legal system, and the system itself, has been under attack; not from outside influences, but from a cancerous enterprise within.

"InJustice" profiles this phenomenon, and reveals why record numbers of Americans have lost confidence in our legal system. "It's an important film, highlighting one of the most dangerous threats to American business today."

Everyone should see it. In fact, the Daily Journal has arranged a complimentary online preview copy for their readers for a limited time. "InJustice" is available for the next two weeks at <http://www.threatsofInJustice.com/dailyjournal>.

This review is the author's own and does not reflect the thoughts, ideals or words of any employer, clients or colleagues. ■