

Op/Ed by Michigan Chamber President & CEO, James Barrett

Attention: Editorial Page Editor

The following is an Op/Ed by Michigan Chamber President & CEO, James Barrett. This piece is timely as trial lawyer and Democratic Presidential Candidate Senator John Edwards is visiting Michigan this weekend. It is also newsworthy in light of recent analysis of Jennifer Granholm's Campaign Finance Statements. Please consider for publication on your editorial page or feel free to use it in any news stories.

Buyback Time in Michigan
By James Barrett, President & CEO
Michigan Chamber of Commerce

The revelation that lawyers and judges have so far donated \$935,255 to the gubernatorial campaign of Democrat Jennifer Granholm has been greeted with near disbelief. It's not merely that these massive contributions comprise nearly a third of the record \$2.8 million Granholm raised through Dec. 31. What is stunning even to old political hands is the blatant nature of this attempt by plaintiff lawyers to return Michigan to its former status as a lawsuit-friendly state. It is a major political development in this election year.

The sense of surprise over these contributions is found not only among Granholm's Republican opponents. Consider the statement by Karen Holcomb-Merrill, former head of Michigan Common Cause: "I'm not aware of such a substantial amount of money from any one interest group in a gubernatorial campaign ever before." She points out the obvious problem: "Any time a candidate receives a large portion of their funds from a particular special interest group, there is certainly a concern that the candidate might be unduly influenced by those contributions, or may feel pressure to support the agenda of that group."

Recently, The Detroit News pointed out that the plaintiff lawyer industry is backing the Granholm candidacy for a very simple reason: "Lawyers who contributed said they are looking for a Gov. Granholm to appoint judges who would be friendlier toward clients suing over issues such as negligence and workplace injuries." Not surprisingly, one of her backers is Farmington Hills personal-injury lawyer Sam Bernstein (known to many as Mr. 1-800 Call Sam).

The plaintiff lawyer industry is backing Granholm to a degree it has never backed any other Michigan candidate. As The News said, "Her donations from lawyers nearly matched the sums raised from all sources by former Gov. James Blanchard (\$1.05 million) and Rep. David Bonior, D-Mich. (\$864,670). GOP front-runner Lt. Gov. Dick Posthumus raised about \$1 million." Through December 31, 2001, some 1,600 lawyers had contributed to Granholm. There's no doubt they desperately hope to return Michigan to the days when it was much easier to manipulate our legal system for their profit.

Many citizens may have forgotten that prior to legal reforms undertaken by the Engler administration, and a majority in the legislature, Michigan's legal climate benefited plaintiff lawyers. Frivolous lawsuits were common, many of which were settled out of court in order to end the legal harassment. Plaintiff lawyers reaped enormous profits, to the detriment of most Michigan businesses and citizens. Our economy suffered. Job creation was slowed, and health care and consumer costs reflected the high cost of dealing with frivolous lawsuits.

Then came the legislative reforms. We eliminated "jury shopping," ended "joint and several liability" and limited the right to sue for individuals who cause the accident or problem. As a result, there are over 10,000 fewer lawsuits per year than in the five years prior to reform -- from an average of 34,345 suits per year down to 23,360. While frivolous lawsuits still occur, this drastic reduction in the overall number of suits clearly reflects the fact that our system is no longer seen as a legal lottery in which plaintiff lawyers cook up spurious lawsuits with the hope of hitting payday.

This apparently has been too much for the lawyers. They know that the next governor will appoint many of Michigan's 616 district, circuit, appellate and other judges as vacancies occur. If they can put their candidate in office, they in turn can expect the return of friendly judges to the bench. That's why they're giving early, and giving plenty. And they aren't finished yet.

This weekend, a major Democratic Party fundraiser will feature North Carolina Senator John Edwards, whose ties to the plaintiff lawyer industry are so notorious that the non-partisan Capitol Hill paper Roll Call felt inspired to take a closer look. The paper reported that Edwards, who is setting the stage to run for President in 2004, "has relied almost entirely on his trial lawyer friends to underwrite his ambitions." Plaintiff lawyer contributions to his PAC comprise 86 percent of the total, the paper discovered. "No other Congressional leader or potential presidential contender has such a heavy reliance on a single industry for their leadership PAC."

Whether it is the White House, or the state House, the plaintiff lawyers are investing in candidates who will create a legal climate encouraging more frivolous lawsuits.

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SOURCE: Michigan Chamber of Commerce

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