

DAVIS, ADAMS, FREUDENBERG, DAY & GALLI

Attorneys at Law

John E. "Jack" Davis
Richard D. Adams
Benjamin E. Freudenberg
Gregory T. Day
Matthew G. Galli

Six Hundred Northwest Fifth Street
Grants Pass, OR 97526-2024
☎ 541-476-6627 Fax 541-476-7048
E-mail: richarda@roguefirm.com
www.roguefirm.com

Carl A. Clyde, Associate
Charles H. Seagraves, Jr., Retired

Sherry Watson, Office Manager
Esther E. Stark, Assistant to
Richard D. Adams

What is the Tort System?

A "tort" is a legal term for a wrongful act that injures someone. A "tort" is the basis for a personal injury claim. "Negligence" is an example of a tort. "Assault and battery" is another example. A driver who runs a red light or speeds and thereby injures someone commits a "tort" and the injured person has a claim against the bad driver. Other examples of tort claims are for injuries caused by unsafe products such as dangerous prescription drugs, foods or defective automobiles or tools. The pursuit of these claims not only benefits our clients but holding wrongdoers accountable through our justice system tends to discourage reckless or unsafe behavior.

Our tort system allows individuals who are injured due to the negligence of other drivers or the negligence of powerful corporations to bring a claim against the wrongdoer for injuries. Presently lawyers are bringing lawsuits against the tobacco companies for harm they have caused by their dangerous products. Some lawsuits have forced large corporations to stop making unsafe products or polluting our environment.

Large corporations and insurance companies have the money to hire lawyers but most persons using the tort system to seek damages for injuries have to rely on their attorney's willingness to take the case on a contingency attorney fee.

A contingency attorney fee is one where the lawyer has to win the case or settlement in order to be paid a portion of what is recovered. We will refuse to take a case on a contingency basis if we think the case is without merit. You may hear politicians or business executives talk about "frivolous" lawsuits caused by attorneys contingency fees but no sensible attorney is going to take such a case with such a high risk of going unpaid.

The next time you hear about such a "frivolous" lawsuit we recommend you learn all the facts about the case and in particular the evidence the jury heard if a verdict was rendered. Those opposing ordinary citizens access to our court system have been reporting a lot of myths about these so-called "frivolous" cases.