

# DAILY NEWS

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## OPINIONS



**ON JUSTICE** By ERROL LOUIS

# Don't deepen wounds

*Court reforms would make life even harder for the injured*

**T**here's a national movement to make it harder for injured Americans to sue incompetent doctors, careless drivers and negligent corporations that cause grievous, irreparable harm. Sitting in her Bronx apartment, Michele Youngblood wonders if the people complaining about frivolous lawsuits understand what she has had to deal with.

The argument by many corporate leaders and insurance companies is that the courts are clogged with nuisance lawsuits filed by greedy lawyers looking for an easy payday. They point to silly-sounding cases, like the one launched by overweight people who sued a fast-food chain for "causing" their obesity. And there's the famous lawsuit against McDonald's for serving scalding-hot coffee.

A tort reform movement has been gaining momentum, particularly among conservative Republicans, complete with well-funded Web sites, think tanks and publications.

Last year, there was a move to limit legal claims for pain and suffering to \$250,000 — a number seemingly plucked out of thin air. Just last week, Senate Republicans tried (and failed) for the second time in recent months to push through a bill that would require virtually all large class-action lawsuits to be removed from state courts and tried in less-friendly federal courts.

The same people are apoplectic that Sen. John Edwards, a trial lawyer, is the Democratic

candidate for vice president. Before becoming a politician, Edwards made a fortune suing doctors and taking on companies that made defective, injury-causing products.

But the arguments of the tort reform crowd induce head-shaking disbelief from people like Youngblood, who knows just how hard it is for people to recover when they have been injured. Her story illustrates how desperately important it is that courthouse doors remain open.

On New Year's Day 2002, Youngblood and two cousins left a movie theater in Harlem; the outing was an annual family ritual. Her two cousins got into a livery car, then the cab suddenly took off before Youngblood was all the way in.

The car dragged her along the street for 20 feet. It was a simple mistake but it changed the 50-year-old Bronx woman's life forever.

Youngblood's injuries left her permanently disabled. She had several rounds of spinal surgery, but still has to cope with shooting pains on her left side and constant headaches — chronic pain that never will go away.

Unable to work, she lost a \$50,000 job as an accounts receivable manager for a Fortune 500 company and has been homebound ever since. At one point, Youngblood ran through her personal savings and was forced to borrow from family members.

"I had to see how the other half lives, all of a sudden, to have nothing at all," she said. "There was nothing I could do. And I had no money."



MARIELA LOMBARD

**A cab dragged Michele Youngblood 20 feet and changed her life.**

She had no choice but to accept a \$7,000 high-interest loan from Lawcash, a Brooklyn-based company that extends credit to injury victims. It helped Youngblood pay for rent, food and utilities during the years it took to conclude her lawsuit. She settled with the livery cab's insurance company and says she's barred by the terms of the agreement from disclosing the amount.

Lawcash, which has loaned \$23 million in more than 2,800 injury cases, says Youngblood's story is not unusual.

That army of ordinary, innocent people who are constantly being injured and placed in dire financial straits is the reason the corporate-driven tort reform movement is doomed to failure. For every crazy-sounding frivolous lawsuit, there are hundreds of stories from people like Youngblood, who, through no fault of their own, have seen their lives damaged and have no choice but to make things right at the bar of justice. Having lost so much already, they shouldn't lose this right, too.  
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