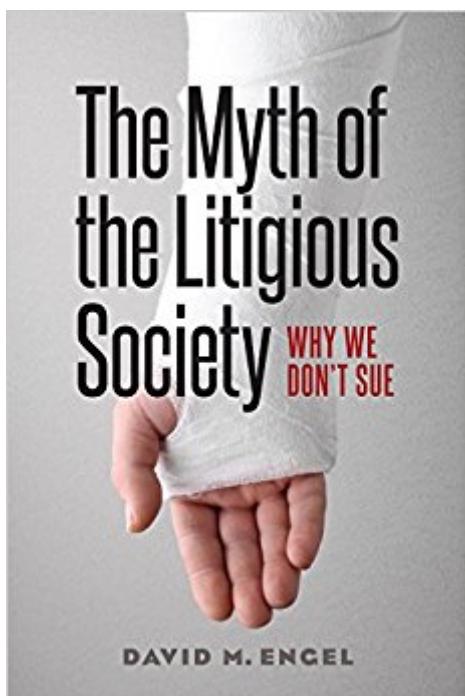


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The Myth Of The Litigious Society: Why We Don't Sue (Chicago Series In Law And Society)



Synopsis

Why do Americans seem to sue at the slightest provocation? The answer may surprise you: we don't! For every "Whiplash Charlie" who sees a car accident as a chance to make millions, for every McDonald's customer to pursue a claim over a too-hot cup of coffee, many more Americans suffer injuries but make no claims against those responsible or their insurance companies. The question is not why Americans sue but why we don't sue more often, and the answer can be found in how we think about injury and personal responsibility.

With this book, David M. Engel demolishes the myth that America is a litigious society. The sobering reality is that the vast majority of injury victims—more than nine out of ten—rely on their own resources, family and friends, and government programs to cover their losses. When real people experience serious injuries, they don't respond as rational actors. Trauma and pain disrupt their thoughts, and potential claims are discouraged by negative stereotypes that pervade American television and popular culture. (Think Saul Goodman in *Breaking Bad*, who keeps a box of neck braces in his office to help clients exaggerate their injuries.) Cultural norms make preventable injuries appear inevitable—or the victim's fault. We're taught to accept setbacks stoically and not blame someone else. But this tendency to "lump it" doesn't just hurt the victims; it hurts us all. As politicians continue to push reforms that miss the real problem, we risk losing these claims as a way to quickly identify unsafe products and practices. Because injuries disproportionately fall on people with fewer resources, the existing framework creates a social underclass whose needs must be met by government programs all citizens shoulder while shielding those who cause the harm. It's time for America to have a more responsible, blame-free discussion about injuries and the law. With *The Myth of the Litigious Society*, Engel takes readers clearly and powerfully through what we really know about injury victims and concludes with recommendations for how we might improve the situation.

Book Information

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Customer Reviews

“Engel has made an important contribution to the debate about the future of tort law. He presents an exceptionally clear and compelling explanation of why most injurers are never asked to pay compensation for the harm they have inflicted on others—and why most injury victims never receive justice. In showing how and why this happens, he also offers us a way to change it.” (Former US Congressman Henry Waxman) “An insightful and thought-provoking investigation into what people in America really do when someone injures them, why, and what we can do about it. Engel examines the facts and exposes the truth: the vast majority of people injured by others—wrongdoing done—sue or even consider suing. He then explains why—and the high price we—cre all paying as a result. The Myth of the Litigious Society calls for public policy based on reality and dedicated to making sure the law compensates, deters, and does justice as it should.” (Arthur Bryant, chairman of Public Justice) “Engel provides an important counterpoint to the rampant irresponsible reporting on civil justice, arguing persuasively that the oft-repeated claims about the litigious society are wrong. We—cre a nation of lumpers—not a nation of litigants—and Engel shows both why this is so and why our tendency to lump it—is a serious problem for us all.” (Tom Baker, University of Pennsylvania Law School) “In this well-crafted book, Engel undertakes an incisive and engaging examination of a puzzling aspect of our legal culture and issues a profound challenge to our notions of the efficacy of legal remedy.” (Marc Galanter, University of Wisconsin—Madison)

David M. Engel is the Distinguished Service Professor of Law at the University of Buffalo, SUNY, and the author, coauthor, or editor of eight books, including *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*, also published by the University of Chicago Press.

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