

# YOU & the LAW

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## Contingency fees help ordinary citizens get justice

People injured by a dangerous product or whose property was damaged by a company's reckless or hazardous activities usually can't afford to hire a lawyer to make a big corporation pay for the harm it caused.

The only way most people can have their day in court is to hire a lawyer who works for a contingency fee. In a contingency fee case, the attorney and client sign an agreement that the client doesn't have to pay the attorney up front. Instead the lawyer will receive a percentage of the amount of any settlement or court award paid to the client.

If the client doesn't receive a monetary award or settlement for damages, the client's lawyer receives no fee. Under a contingency contract, the lawyer only gets paid if the injured person wins; however, the client is still responsible for such expenses as court filing fees and depositions of witnesses and experts.

Being able to hold companies accountable for their bad conduct does more than compensate the injured person for the damage done. The threat of having to pay damages for injuries caused by a dangerous product is an economic incentive for industry to manufacture and sell safer products and eliminate harmful practices.



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But rather than improve their products and change their ways, some industries and big businesses spend millions of dollars to make it harder for people they harm to take them to court. They attack lawyers and contingency fees instead of correcting unsafe business practices.

Insurance companies, manufacturers of dangerous products and the tobacco industry are some of the industries that have waged media campaigns over the years to protect themselves from being sued for the harm they cause.

To support their attacks on lawyers and the contingency fee system, these corporations create groups that pretend to be formed and run by regular people trying to protect consumer interests. Then they hide behind these groups to avoid public outcry from opposing the legal rights of people they harm.

But the tax filings and other records for these "grassroots" organizations tell the real story. A closer look at who funds these groups shows that their real purpose is to protect major corporations and industries from being held accountable for causing harm.

These corporate-created special interest groups launch public relations campaigns to persuade the media and the public that too many lawsuits are being filed and that contingency lawyers are the problem. They also try to influence legislators, judges and juries to side with corporate interests.

The Civil Justice Association of California is a recent example of a front group formed to benefit the interests of Big Tobacco, Wall Street bankers, pharmaceutical companies, and the Koch Brothers and other polluters. Its goal is to limit contingency fees so that people with limited financial resources won't have a chance against the huge corporate resources of these special interests.

It is the latest in a long line of such "grassroots" groups, which first appeared in the 1990s. All of these groups have one purpose — to tilt the scales of justice in favor of their corporate funders.