

## **BACKGROUND:**

# **THE IMPORTANCE OF THE CIVIL JUSTICE SYSTEM**

### **WHAT ARE THE FUNCTIONS OF THE CIVIL JUSTICE SYSTEM?**

The civil justice system has several functions. If someone is killed or injured due to another's wrongdoing, a civil lawsuit can provide financial compensation to the victim or their family. Civil litigation may be the only way a harmed victim is able to achieve some form of justice, directly holding accountable an entity that caused them harm. And if someone is seriously injured, compensation from those responsible means victims do not have to rely on taxpayer-funded government programs to survive.

In addition, civil lawsuits deter unsafe practices by supplying financial incentives for companies to operate safely; provide a forum where evidence of misconduct can be forced out into the open as well as the disclosure of internal information vital to protecting the public's health and safety; and allow for the evolution of written precedents, which develop individual rights and restrain abuses. When disputes are resolved without trial and without a public record, wrongdoers can prolong misconduct and suppress information about dangerous practices. In other words, the civil justice system protects us all, whether or not we ever go to court.

### **HOW DOES THE CIVIL JUSTICE SYSTEM MAKE US SAFER?**

A lawsuit – or the possibility of a lawsuit – deters reckless manufacturers, builders, unsafe hospitals and other wrongdoers from repeating their negligence or misconduct, and gives them the proper economic incentive to become more safe and responsible. Verdicts and settlements have pushed innumerable unsafe products off the market and led to the elimination of many dangerous practices, saving millions of people from injury or death while also providing information to regulators so they can act on larger health risks and problems. In cases where criminal laws are violated but are not properly enforced, a civil lawsuit or the potential for one can become a more effective deterrent than a criminal penalty.

### **HOW DO CIVIL LAWSUITS HELP VICTIMS OF CRIME, HATE AND DISCRIMINATION?**

The civil justice system often steps in where the criminal justice system has failed. The criminal justice system isn't designed to compensate survivors – but the civil justice system is. The criminal justice system also doesn't hold perpetrators directly accountable to victims – but civil cases do. What's more, civil lawsuits by hate crime victims have bankrupted white supremacists and Nazi

organizations while also directly responding to the financial needs of victims. And civil lawsuits often provide the only effective means to expose and end discrimination and harassment.

## HOW DO CIVIL LAWSUITS HELP PROTECT THE ENVIRONMENT?

Lawsuits by those sickened and injured by pollution play a critical role in enforcing environmental laws and regulations. Today's environmental agencies, which lack resources and are often captured by the industries they are supposed to regulate, do not adequately monitor polluters. They rely heavily on self-reporting by industry, a situation that less responsible businesses can exploit to their advantage. Also, some sources of pollution have always escaped control. Victim lawsuits fill in these enforcement gaps by holding polluters accountable for harm.

## IS THE CIVIL JUSTICE SYSTEM IMPORTANT TO DEMOCRACY?

Yes, critically so. The right of injured people to go to court and collect compensation from the perpetrators of their harm is one of the great achievements of American democracy. In our system, the poorest and most vulnerable, including those who are in need of medical care or are the disrupted families of sick and injured children, can challenge the largest corporation or government agency and hold them accountable for causing harm. Unlike the executive and legislative branches of government, our court system is not dominated by money and politics. In particular, the system relies on the power and authority of civil jurors, who cannot be wined, dined and bought off by corporate lobbyists.

Learn more from the Center for Justice & Democracy:

Study, *Lifesavers 2021: CJ&D's Guide to Lawsuits that Protect Us All* (2021), <https://centerjd.org/content/lifesavers-2021> (125 lawsuits that have led to major safety improvements benefiting large numbers of people, spanning over 50 years, including cases that have led to the redesign or recall of a product, a safer hospital procedure, better and safer law enforcement, a more secure public area, the bankruptcy of a hate group, the protection of sexually-abused children, and a cleaner environment.)

Spotlight on Justice, "Civil Lawsuits Save Lives and Can Help Mitigate Our National Crises" (2021), <https://centerjd.org/content/spotlight-civil-lawsuits-save-lives-and-can-help-mitigate-our-national-crises>

Fact Sheet, "Litigation's Safety Role; Auto Recalls and Beyond" (2019), <https://centerjd.org/content/fact-sheet-litigation%E2%80%99s-safety-role-auto-recalls-and-beyond>

Study and Spotlight on Justice, *The Importance of Civil Justice to Sexual Assault Survivors and the Devastating Consequences of Tort Reform* (2019) <https://centerjd.org/content/importance-civil-justice-sexual-assault-survivors-and-devastating-consequences-tort-reform>; <https://centerjd.org/content/spotlight-access-our-civil-courts-critically-important-sexual-assault-survivors>

Study, *Civil Lawsuits Lead to Better Safer Law Enforcement* (2020) <https://centerjd.org/content/civil-lawsuits-lead-better-safer-law-enforcement-3>