

# DAILY Actor

## *A Civil Action* written by Steven Zaillian

**Jan Schlichtmann:** It's like this. A dead plaintiff is rarely worth as much as a living, severely maimed plaintiff. However, if it's a long agonizing death as opposed to a quick drowning or car wreck, the value can rise considerably. A dead adult in his 20's is generally worth less than one who is middle-aged, a dead woman less than a dead man, a single adult less than one who is married, black less than white, poor less than rich. The perfect victim is a white male professional, 40 years old, at the height of his earning power, struck down in his prime. And the most imperfect? Well, in the calculus of personal injury law, a dead child is worth the least of all...

The odds of a plaintiff's lawyer winning in civil court are two to one against. Think about that for a second. Your odds of surviving a game of Russian roulette are better than winning a case at trial. Twelve times better. So why does anyone do it? They don't. They settle. Out of the 780,000 cases filed each year, only 12,000, or one and a half percent, ever reach a verdict. The whole idea of lawsuits is to settle, to compel the other side to settle. And you do that by spending more money than you should, which forces them to spend more money than they should, and whoever comes to their senses first, loses. Trials are a corruption of the entire process, and only fools with something to prove, end up ensnared in them. And when I say prove, I don't mean about the case. I mean about themselves...