

# The Phone Booth Case

Before “the McDonald’s case” there was “[the phone booth case](#),” which rose to national attention after then-President Ronald Reagan referred to it in a 1986 speech in which he attacked tort law as “a pretext for outrageous legal outcomes.”

*In California, a man was using a public telephone booth to place a call. An alleged drunk driver careened down the street, lost control of her car, and crashed into the phone booth. Now, it's no surprise that the injured man sued. But you might be startled to hear whom he sued: the telephone company and associated firms.*

Nothing in Reagan’s account was incorrect, but he left out enough information that the case of Charles Bigbee became a piñata for conservatives seeking to undercut the legal rights of American citizens and boost the fortunes of corporate America.

Bigbee was indeed in a public phone booth outside a convenience store in Inglewood, Calif. in 1974 when he was hit by a car and trapped inside the booth. His injuries were serious enough that his right leg was amputated four inches above the knee and he was unable to return to his job as a custodian. He sued (and received a settlement from) the driver and those involved with the establishment that allegedly served her too much alcohol before the crash.

But the telephone company and the companies responsible for installing and maintaining the booth under contract with the phone company were also sued. Bigbee’s attorney showed the design of the booth was faulty (the folding door stuck when Bigbee tried to open it to flee before the car struck) and the location next to a busy six-lane road was dangerous (a booth in the same location had been hit by a vehicle less than two years earlier).

A Superior Court judge granted a judgment in favor of the phone company and its associated firms without allowing a jury to hear the case. After an appeals court upheld that judgment, Bigbee’s attorney appealed to the California Supreme Court, which ruled — nearly nine years after the crash — that a jury should be allowed to hear the case and make a decision. The two sides then reached a settlement without taking the case to a jury.

In his speech about the Bigbee case, Reagan correctly said that “according to Chief Justice Rose Bird of the California Supreme Court, a jury could find that the companies responsible for the design, location, installation, and maintenance of the telephone booth were liable.” The court didn’t actually find the companies *were* liable; it merely ruled (on a 6-1 vote, with Bird writing the majority opinion) that a jury should be allowed to make the decision after hearing the facts. But California politicians had been using the case as an example of the court’s supposed anti-business tenor before Reagan’s speech, and in media coverage of those complaints it was incorrectly asserted that the court had found the companies liable in the Bigbee case.

Reagan’s failure to mention that the driver had been held responsible, his failure to mention the actual issues with the design and location of the phone booth, and the implication that a court had found the companies liable all contributed to those hearing about the Bigbee case becoming unjustly outraged.