

Why a properly functioning Civil Justice System is essential to our American democracy.

In the United States, the civil justice system is a critical and historic component of our democracy. When two citizens have a dispute, they both stand equally before the law and have their dispute resolved by a jury, without the government taking sides. If one citizen damages another's property or person, it is the jury that hears the evidence and decides the case, not the politicians in Columbus or Washington DC, who all too frequently take sides by passing laws and regulations favoring one side or another.

- The Founding Fathers considered the civil jury a necessary check on the power of the government and the ruling classes, and this fundamental American principle has been widely accepted throughout our history. King George III's effort to restrict jury trials was cited in the Declaration of Independence as one of the grievances that justified breaking away from England. Thomas Jefferson said the right to a civil jury is "justice by the people."
- The Founding Fathers also considered the right of a citizen to have civil suits heard by a jury of his peers so precious that they guaranteed it in the Bill of Rights. The Seventh Amendment of the U.S. Constitution states: "In suits at common law... the right of a trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." The Ohio Constitution, Art. I, section 5, states that the right to trial by jury shall remain "inviolable."
- The civil justice system embraces, at its core, the notion of personal responsibility. Our system of justice requires that the person responsible for causing damage should pay for the damage he caused. If the government over-regulates and passes laws protecting people from being responsible for the damage they cause, then government is taking sides, and personal responsibility will be little more than an empty slogan.
- The civil justice system contributes to the effort to keep government small and manageable, as disputes between citizens or companies are more efficiently handled in a local court, rather than through an overbearing, expensive regulatory state that would need to anticipate every dispute and regulate against them ahead of time. Interference from Columbus and Washington D.C. on local community matters is not only unnecessary, but inconsistent with the concept of a limited government.
- The civil justice system helps to reduce taxes by keeping Medicaid and Medicare costs down, because if a reckless person causes injury to another and is not responsible for the medical bills, then that cost is shifted to the taxpayer, and government health care programs necessarily become larger, more complex, and more expensive. Taxpayers should not have to carry the burden for injuries caused by private citizens. Those who cause the injury should pay for their own mistakes, not the taxpayer.
- The civil justice system helps the market economy function independently and without excessive regulation by requiring those who make decisions that violate market principles--by engaging in fraud or by placing defective products on the market, to name just two examples--to raise their prices to account for the fraud or defects, thereby giving those who act responsibly a competitive pricing advantage over those who do not. Thus, market forces will help weed out socially irresponsible behavior.