



AEI LIABILITY STUDIES

# Two Cheers for Contingent Fees

Alexander Tabarrok and  
Eric Helland

# Two Cheers For Contingent Fees

**Christopher Hodges**



## **Two Cheers For Contingent Fees:**

*Two Cheers for Contingent Fees* Alexander Tabarrok, Eric Helland, 2005 If America is a lawsuit hell then contingent fee lawyers are often considered its devils Contingent fees have been called unwarranted and the lawyers who accept them have been denounced as unethical and uncivilized Furthermore in the midst of increased filings and escalating awards it is difficult not to notice that some plaintiffs lawyers have become very rich As a result tort reformers have called for limits on contingent fees and many states have obliged But limits have been enacted without any evidence that contingent fees were either responsible for the liability crisis or that limiting them would produce benefits This study one of the first empirical examinations of contingent fee limits finds that contingent fees benefit plaintiffs and do not cause higher awards Furthermore contingent fee limits are unlikely to reduce lawyers income very much since they will simply switch to hourly fees Since hourly fee lawyers are willing to take more cases to court than contingent fee lawyers contingent fee limits can increase the number of low value junk suits Tort reform is an important goal but limiting the contractual rights of plaintiffs and their lawyers is an unattractive and likely ineffective method of achieving that goal The AEI s Liability Studies examine aspects of the U S civil liability system central to the political debates over liability reform The goal of the series is to contribute new empirical evidence and promising reform ideas that are commensurate to the seriousness of America s liability problems Alexander Tabarrok is an associate professor of economics at George Mason University and director of research for the Independent Institute Eric Helland is an associate professor of economics at Claremont McKenna College a senior economist at the RAND Corporation s Institute for Civil Justice and a member of the plenary faculty at the Claremont Graduate School

[A Comparative Study of Funding Shareholder Litigation](#) Wenjing Chen, 2017-04-25 This book studies the funding problems with shareholder litigation through a functionally comparative way In fact funding problems with shareholder lawsuits may largely discourage potential shareholder litigants who bear high financial risk in pursuing such a claim but on the other hand they may not have much to gain Considering the lack of incentives for potential shareholder claimants effective funding techniques should be in place to make shareholder actions function as a corporate governance tool and discipline corporate management The book analyzes among others the practice of funding shareholder litigation in the Australia Canada the UK the US and Israel and covers all of the typical approaches being used in financing shareholder litigation in the current world For instance Israel and Canada Quebec and Ontario are probably unique in having a public funding mechanism for derivative actions and class actions while Australia is the country where third party litigation funding is originated and is growing rapidly Based on this comparative research the last part of this book discusses how to fund shareholder litigation in China in context of its social and legal background and what kind of problems need to be solved if certain funding techniques are used

**Mandatory Binding Arbitration Agreements** United States. Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law, 2008

**Cost and Fee Allocation in**

**Civil Procedure** Mathias Reimann, 2011-11-15 The volume describes and analyzes how the costs of litigation in civil procedure are distributed in key countries around the world It compares the various approaches draws general conclusions from that comparison and presents global trends as well as common problems and solutions In particular the book deals with three principal questions First who pays for civil litigation costs i e to what extent do losers have to make winners whole Second how much money is at stake i e how expensive is civil litigation in the respective jurisdictions And third whose money is ultimately spent i e how are civil litigation costs distributed through mechanisms like legal aid litigation insurance collective actions and success oriented fees Inter alia the study reveals a general trend towards deregulation of lawyer fees as well as a substantial correlation between the burden of litigation costs and membership of a jurisdiction in the civil and common law families This study is the result of the XVIIIth World Congress of Comparative Law held under the auspices of the International Academy of Comparative Law

**The Costs and Funding of Civil Litigation** Christopher Hodges, Stefan Vogenauer, Magdalena Tulibacka, 2010-11-17 This book contains the first major comparative study of litigation costs and methods of funding litigation in more than 30 jurisdictions

Judge and Jury Eric Helland, Alexander Tabarrok, 2006-02-01 With inordinate amounts of money spent in the United States on lawyers and lawsuits and multi billion dollar settlements growing each year the very timely book Judge and Jury asks Is the tort system benefiting the public In Judge and Jury the fear of litigation is shown to reduce innovations drive physicians and manufacturers out of lawsuit prone specialties and increase manufacturing and consumer costs In the courts data from thousands of cases all over the country demonstrate that tort system awards are driven by political factors such as judicial elections jury compositions and the location of courts themselves This book assembles the unprecedented findings and insights by authors Eric Helland Alexander Tabarrok who have pioneered economic and legal research into the injustice and enormous costs created by the politicization of the tort law Seeking to reverse the extremely harmful trends in tort law Judge and Jury assembles innovative alternatives for reforming the tort system and charts a course toward re establishing fair civil justice for all in the United States

**Complications in Anesthesiology** Emilio B. Lobato, Nikolaus Gravenstein, Robert R. Kirby, 2008 Now in its Third Edition this comprehensive problem based textbook discusses the full range of complications in anesthesiology Major sections cover intraoperative and postoperative complications affecting each organ system respiratory cardiovascular neurologic ophthalmologic renal hematologic and hemostatic gastrointestinal endocrine obstetric immunologic and infectious and disorders of temperature regulation Coverage includes problems that are rarely mentioned in older textbooks such as ischemic optic neuropathy and postoperative cognitive dysfunction Chapters address complications associated with specific equipment and techniques with adverse drug interactions and with herbal remedies and over the counter medications Also included are chapters on medicolegal issues and risks to the anesthesiologist

*The Reform of Class and Representative Actions in European Legal Systems* Christopher Hodges, 2008-10-07 This book examines the principal trends and policy goals relating to collective

redress mechanisms in Europe     **The Comparative and International Law Journal of Southern Africa** ,2001  
    **American Book Publishing Record** ,2006     **Index to Legal Periodicals & Books** ,2006     **Current Publications in Legal and Related Fields** ,2007     **Forbes** ,2005     Medical Malpractice Frank A. Sloan,Lindsey M. Chepke,2008

Most experts would agree that the current medical malpractice system in the United States does not work effectively either to compensate victims fairly or prevent injuries caused by medical errors Policy responses to a series of medical malpractice crises have not resulted in effective reform and have not altered the fundamental incentives of the stakeholders In *Medical Malpractice* economist Frank Sloan and lawyer Lindsey Chepke examine the U S medical malpractice process from legal medical economic and insurance perspectives analyze past efforts at reform and offer realistic achievable policy recommendations They review the considerable empirical evidence in a balanced fashion and assess objectively what works in the current system and what does not Sloan and Chepke argue that the complexity of medical malpractice stems largely from the interaction of the four discrete markets that determine outcomes legal medical malpractice insurance medical care and government activity After describing what the evidence shows about the functioning of medical malpractice types of defensive medicine and the effects of past reforms they examine such topics as scheduling damages as an alternative to flat caps jury behavior health courts incentives to prevent medical errors insurance regulation reinsurance no fault insurance and suggestions for future reforms *Medical Malpractice* is the most comprehensive treatment of malpractice available integrating findings from several different areas of research and describing them accessibly in nontechnical language It will be an essential reference for anyone interested in medical malpractice Frank A Sloan is J Alexander McMahon Professor of Health Policy and Management and Professor of Economics at Duke University He is the coauthor of *The Price of Smoking* MIT Press 2004 and author or editor of many other books on health economics Lindsey M Chepke an attorney is a Research Associate at the Center for Health Policy at Duke University

**Symposium** ,2002     *New Law Journal* ,1997     *Journal of Economic Literature* ,2007     **Values & Public Policy** Claudia Mills,Robert J. Fogelin,1992 Ideal for courses in ethics moral problems and public policy this contemporary anthology encourages students to scrutinize normally unquestioned popular notions All selections are drawn from CQ The Report From The Center For Philosophy And Public Policy and refer to issues such as air pollution human rights and education issues with which our country is currently formulating public policy Blends real life policy debates with otherwise empty ethical abstractions prompting students to contribute opinions and ask questions Grants flexibility to instructors by offering a wide variety of selections more than 80 to choose from depending upon the focus of their courses

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