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The Ford/Firestone recall and our tort system

In the past decade, more than 145 people died and over 300 more were seriously injured in Ford Explorer rollovers caused by Firestone tire failures. As the two corporations wage legal and public relations battles to see who is more responsible, and as elected officials and government regulators call for investigations into its causes, the rest of us are left to come to some conclusions about the Ford/Firestone tragedies.

Weak regulatory bodies

Understaffed and without sufficient authority, the National Highway Traffic Safety Administration had no way to identify or track safety-related problems until the car makers and suppliers chose to tell them about it. That happened only after Ford and Firestone were repeatedly sued, and the subsequent recall occurred too late to save enough lives. The media weren't privy to the problem early enough, either.

Secrecy kills

Ford and Firestone were able to postpone public scrutiny of the problem by withholding consumer complaints about the problems and forbidding plaintiffs and their lawyers from revealing anything about their lawsuits, and by sealing court records and documents following settlements.

Punitive damages work

In the absence of real criminal penalties, punishment in the form of punitive economic sanctions from juries of fair-minded people serve as a highly effective way of sending warnings to corporations and encouraging them to avoid inappropriate and egregious wrongdoing.

America's tort system delivers

Only an unfettered civil justice system can identify hazards, hold people and companies accountable for creating dangers, compensate those harmed, and prevent others from being harmed.

When we hear people talk about the need for tort "reform," remind them about Firestone and Ford. Such "reform" would protect the companies from the families they hurt.

The work of lawyers

The first lawsuits were filed in 1992, serving notice to Ford and Firestone that others knew about the problem. Over the decade, victims' lawyers unearthed and worked to expose documents—which Ford and Firestone fought to keep secret—that are now being used to warn drivers around the world of the defective tires.

Our civil justice system

America's civil justice system is forcing Ford and Firestone to compensate those who were injured by the companies' irresponsible behavior. Settlements paid by the companies have already helped devastated victims to get their lives back in order and have given them a measure of justice.

An early start

Before journalists wrote about it, before NHTSA investigated it, and before Congress was concerned about it, our civil justice system was working to unveil the truth about the tread separation tragedies.