

# **FIRE** & **SMOKE**

GOVERNMENT, LAWSUITS AND THE RULE OF LAW



**Michael I. Krauss**

THE INDEPENDENT INSTITUTE

# Fire And Smoke Government Lawsuits And The Rule Of Law

**Gregory C. Sisk**



## **Fire And Smoke Government Lawsuits And The Rule Of Law:**

**The Rule of Law in the Wake of Clinton** Cato Institute, 2000 Includes essays by Fred Thompson C Boyden Gray Theodore B Olson and David Horowitz      **Litigation with the Federal Government** Gregory C. Sisk, 2006 This volume is designed to be a practical aid for lawyers dealing with federal government contracts and agencies      **Fire & Smoke** Michael I. Krauss, 2000-06-01 The state of Mississippi's lawsuit against tobacco companies in 1994 was quickly emulated by more than a dozen other states and then the federal government Not to be outdone more than a dozen cities and the federal government have followed the City of New Orleans's lead and sued gun manufacturers Do these lawsuits signal new directions for more effective public policy or a new and dangerous trend whereby governments use tort law to achieve public policy objectives they were unable to accomplish legislatively In this new policy report so called government recoupment lawsuits are carefully examined and found to be flagrant abuses of the constitutional separation of powers seriously undermining over two hundred years of common law torts adjudication Author Michael Krauss a leading legal scholar on the relationship between tort law and personal freedoms systematically dissects the tobacco and firearm recoupment lawsuits He shows how such lawsuits betray every criterion of sound effective and just tort law The lawsuits against gun manufacturers can show no damages no proximate causation and no wrongdoing Similarly governments have no direct damages to claim against tobacco manufacturers and cannot legally stand in the place of individual smokers or their families Fire Smoke concludes that recoupment lawsuits are incompatible with civil freedoms representative democracy and the rule of law upon which institutions of a free society depend      **The Rule of Lawyers** Walter K. Olson, 2002-03-06 Big ticket litigation is a way of life in this country But something new is afoot something typified by the 246 billion tobacco settlement and by courtroom assaults that have followed against industries ranging from HMOs to gunmakers from lead paint manufacturers to factory farms Each massive class action suit seeks to invent new law to ban or tax or regulate something that elected lawmakers had chosen to leave alone And each time the new process works as intended the new litigation elite reaps billions in fees which they invest in fresh rounds of suits as well as political contributions The Rule of Lawyers asks Who picks these lawyers and who can fire them Who protects the public's interest when settlements are negotiated behind closed doors Where are our elected lawmakers in all this The answers may determine whether we slip from the rule of law to the rule of lawyers

**Suing the Gun Industry** Timothy Lytton, 2009-04-21 Mass tort litigation against the gun industry with its practical weaknesses successes and goals provides the framework for this collection of thoughtful essays by leading social scientists lawyers and academics These informed analyses reveal the complexities that make the debate so difficult to resolve Suing the Gun Industry masterfully reveals the many details contributing to the intractability of the gun debate New York Law Journal Second Amendment advocate or gun control fanatic all Americans who care about freedom need to read Suing the Gun Industry Bob Barr Member of Congress 1995 2003 and Twenty First Century Liberties Chair for Freedom and Privacy

American Conservative Union The source for anyone interested in a balanced analysis of the lawsuits against the gun industry David Hemenway Professor of Health Policy Director Harvard Injury Control Research Center Harvard School of Public Health Health Policy and Management Department author of *Private Guns Public Health* Highly readable comprehensive well balanced It contains everything you need to know and on all sides about the wave of lawsuits against U S gun manufacturers James B Jacobs Warren E Burger Professor of Law and author of *Can Gun Control Work* In *Suing the Gun Industry* Timothy Lytton has assembled some of the leading scholars and advocates both pro and con to analyze this fascinating effort to circumvent the well known political obstacles to more effective gun control This fine book offers a briefing on both the substance and the legal process of this wave of lawsuits together with a better understanding of the future prospects for this type of litigation vis vis other industries Philip J Cook Duke University An interesting collection generally representing the center of the gun control debate with considerable variation in focus objectivity and political realism Paul Blackman retired pro gun criminologist and advocate Gun litigation deserves a closer look amid the lessons learned from decades of legal action against the makers of asbestos Agent Orange silicone breast implants and tobacco products among others *Suing the Gun Industry* collects the diverse and often conflicting opinions of an outstanding cast of specialists in law public health public policy and criminology and distills them into a complete picture of the intricacies of gun litigation and its repercussions for gun control Using multiple perspectives *Suing the Gun Industry* scrutinizes legal action against the gun industry Such a broad approach highlights the role of this litigation within two larger controversies one over government efforts to reduce gun violence and the other over the use of mass torts to regulate unpopular industries Readers will find *Suing the Gun Industry* a timely and accessible picture of these complex and controversial issues Contributors Tom Baker Donald Braman Brannon P Denning Tom Diaz Howard M Erichson Thomas O Farrish Shannon Frattaroli John Gastil Dan M Kahan Don B Kates Timothy D Lytton Julie Samia Mair Richard A Nagareda Peter H Schuck Stephen D Sugarman Stephen Teret Wendy Wagner

**Guns, Gun Control, and Elections** Harry L. Wilson, 2007 Gun related violence remains an intractable problem despite a decline in the past decade Some believe the solution lies in stricter gun control laws while others think these measures would be ineffective or counter productive *Guns Gun Control and Elections* examines current gun control policy and explains how it was adopted by discussing the roles and interactions of elected officials interest groups political parties and the public Original research on media coverage and public opinion as well as a chapter on state policy Virginia make the book both informative and accessible The book focuses on the utility of gun policy and its discussion of policy impact is grounded in real world politics The author highlights the importance of gun control in the presidential elections of 2000 and 2004 as well as in some U S Senate and statewide campaigns

**Peace Research Abstracts Journal**, 2004 *Confirmation Hearings on Federal Appointments* United States. Congress. Senate. Committee on the Judiciary, 2013

**Shakedown** Robert A. Levy, 2004 Baseless lawsuits encourage the notion that

individuals can engage in risky behavior then force someone else to pay for their mistakes That s the premise underlying litigation against manufacturers of cigarettes guns lead paint fatty foods and alcoholic beverages Meanwhile our antitrust laws have been co opted by frustrated competitors who curry favor with bureaucrats to attack market leaders such as Microsoft In effect antitrust is now a subsidy used to promote the parochial interests of politically favored companies In Shakedown Robert A Levy uncovers the worst abuses of a judicial system run amok then offers concrete proposals to fix the problems     George Mason Law Review ,2000     *The AALS Directory of Law Teachers* ,2007     **Cleveland Bar Journal** ,2000     Who's who in America ,2003     *Land and Property Law in Countries of Common Law* Oleg Igorevich Krassov ,2022 The monograph covers main aspects of the land and property law applicable in England Wales Northern Ireland British Overseas Territories Crown Dependencies some countries of the ommonwealth Caribbean the Republic of Ireland the Republic of Cyprus the Commonwealth of Australia New Zealand and island countries of Oceania the United States of America and Canada Concepts which consider legal notions land real property legal real estate meaning are analyzed Characteristics of titles to land and interests as to the land of the law landlord tenant of the concurrent ownership are given The essence of the doctrines of violating the boundaries of ownership causing private inconveniences taking possession of land by a person who does not have a title to it is revealed are considered The monograph is targeted to students graduate students and teachers of law schools employees of legislative executive and judicial authorities as well as for all those interested in land civil law and comparative legal studies     **Reports of Cases Relating to Maritime Law** Great Britain. Courts,1908     **Cases and Materials on State and Local Government Law** Richard Briffault,Laurie Reynolds,2004 Includes a wide range of textual material both excerpts from other writings and wide ranging notes written for this book Many areas of emphasis in earlier editions have now become individual courses in many schools such as Land Use and Regulation Constitutional Law and Civil Rights While retaining important material in those areas this casebook expands its coverage of the materials customarily allocated to Local Government Law and emphasizes areas not the focus of separate law school courses Offers the choice in areas of emphasis which meet interest and experience without sacrificing important and necessary basic exposure     *Select Cases on the Law of Evidence* John Henry Wigmore,1913     **Reports of Cases Relating to Maritime Law** ,1908     *The Law Times Reports of Cases Decided in the House of Lords, the Privy Council, the Court of Appeal ... [new Series].* ,1907     **The Federal Cases** ,1894

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