

Mob may be a memory, but culture of corruption lives on



Guest Columnist Lawrence J. McQuillan

Mayor Oscar Goodman's "Mob Museum," a \$30 million tribute to the mafia's role in shaping Las Vegas, will certainly be a must-see for the city's tourists. But the mob culture is hardly a thing of the past. The corruption, kickbacks and pay-to-play justice normally associated with organized crime still flourish in Sin City today.

Anyone who's ever watched television at 3 a.m. in Vegas knows that predawn programming is overrun with ads for personal injury lawyers, who seem to have found the perfect market in this city.

These attorneys are capitalizing on a well-documented ethics crisis in the state's judicial system. The legal environment in Sin City encourages frivolous lawsuits by rewarding plaintiffs staggering awards. Unfortunately, these handsome payouts have come at the expense of the local economy, taxpayers and even the integrity of the judicial system itself.

First, Las Vegas courtrooms feature an atmosphere of lawlessness—or at least extreme impropriety—characteristic of the Old West. Already this year, residents have been confronted with several embarrassing stories concerning out-of-control judges.

In July, Judge Elizabeth Halverson was suspended for failing to perform her duties impartially, for creating a hostile work environment, and most sensationally, for falling asleep during a trial.

The following month, another area judge lost his job because—like a sassy teenager—he posted graphic comments hostile to prosecutors on his MySpace page.

The structure of Nevada's judicial system is partly to blame. Most judges, including those on the Supreme Court, are elected. And because campaigns for the bench are expensive enterprises, judges become dependent on the wallets and purses of the very lawyers whose cases they are tasked with hearing. Judges have become politicians in robes.

Naturally, all that campaign cash leads to the appearance, at the very least, of conflicts of interest. In one instance, Las District Judge Nancy Saitta awarded \$1 million in fees to an accountant and his attorneys, two of whom had hosted a fundraiser for her while she considered their case.

Another Las Vegas District Judge, Sally Loehrer, collected \$80,000 for her unopposed campaign in 2002, with 54 attorneys and law firms contributing \$500 or more. Of that group of lawyers, 51 had cases pending before or assigned to her courtroom.

When it comes to the high-stakes elections for the Supreme Court, sitting justices can expect huge contributions from those with matters before the bench. In fact, 44 percent of the \$1.5 million raised by the incumbents between 1998 and 2002 came from parties who later had cases decided by them.

These all-too-common instances of judicial impropriety go hand-in-hand with Las Vegas' broken legal environment, which weighs down the entire state.

According to a tort liability index—which compares all 50 states—Nevada ranks in the bottom 20 percent when it comes to substantive law, which covers medical malpractice and products liability rules. Also, thanks largely to its judicial elections, the state rests in the bottom 40 percent in its procedural rules.

Examples of Nevada's excessively litigious tort system abound. For instance,

even though auto accident rates in Las Vegas are only slightly above the national average, personal-injury claims are the highest in the nation—a full 63 percent above the national average.

Las Vegas is also notorious for its oversized medical liability insurance premiums. This has led to a severe doctor shortage, so everyone—especially those needing care—feels the sting.

In Clark County, obstetricians face malpractice insurance rates about four times as high as their counterparts in San Francisco. Neurosurgeons in the area are subjected to rates more than three times as high as their Bay Area colleagues.

In fact, even though Nevada's state legislature tried to address the issue with some modest tort reforms in 2002, the American Medical Association still rates Nevada's medical liability climate as in "crisis." As Tom Purdon, the former president of the American College of Obstetricians and Gynecologists, put it, "Southern Nevada has become the worst place in the country for women trying to find prenatal care."

The number of lawsuits filed last year grew over the 2005 total, and Nevada's courts are still overloaded with frivolous medical liability claims.

Las Vegas will always be known for its high-stakes betting. But courtrooms aren't casinos. And corrupt judges and zealous trial lawyers shouldn't be allowed to gamble away the state's economic future and patients' access to quality health care. Maybe the new "Mob Museum" should include a special "courtroom" exhibit.

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