

The negligence in steven zaillian's film a civil action

[Entertainment](#), [Movie](#)



A Civil Action

In the film *A Civil Action*, there are several examples of negligence that appear to be crucial to the Beatrice Foods and W. R. Grace and Company vs. the families of the victims of Woburn, Massachusetts trial. There are other components of the legal system that appear as well but negligence seems to be the most significant aspect of the film to focus on. Negligence is defined as, "failure to use reasonable care, resulting in damage or injury to another" (New Oxford American Dictionary). The film, *A Civil Action*, directed by Steven Zaillian, incorporates realistic aspects of the criminal justice and legal systems to depict the significance of negligence in a courtroom.

The film portrays a civil lawsuit where specific families in the town of Woburn, Massachusetts are suing over the negligence that the company Beatrice Foods and W. R. Grace and Company both committed, which resulted in death. Although the deaths were deemed indirect but still resulted in direct contamination of the town's water, essentially killing the children of those suing the companies. In the trial, Jan Schlichtmann, played by John Travolta, files a civil lawsuit against both corporations resulting in a failure to win the case. He, as a lawyer as well as both industrial food and water companies show signs of negligence throughout the trial and film.

A Legal remedy can involve holding a right, imposing a penalty, or making another court order to impose its will. In the film, economic and noneconomic damages are accounted for. The plaintiff is searching for relief to the people who were hurt in the community by the companies that

intoxicated the water source. The film explores aspects of the economic and noneconomic damages that the Beatrice Foods and W. R. Grace and Companies inflicted. The idea that the plaintiffs were searching for money to compensate for the money lost shows a part of the economic aspect of the civil case. The non-economic aspects of the legal remedies include the physical lives that were lost. In terms of the economy, the Beatrice Foods and W. R. Grace and Companies were focused on making profit rather than taking a step back to look at the lives that were being damaged. In turn, Beatrice Foods and W. R. Grace can draw both the economic and noneconomic damages as a parallel because they each took effect on each other within the duration of the alleged crime that was committed. The economic aspect of the negligence of the companies started out by only wanting to make the most amount of money possible, it ended in affecting families by causing loss that could not be paid back with currency.

A civil lawsuit that takes place in a federal court involves a plaintiff filing a complaint and filing a direct copy of that complaint on the defendant to the court. Within this complaint there is supposed to be a clear explanation of the damages or injuries in which the defendant inflicted upon the alleged victims. The main attorney requested for the companies to clean up the contaminated areas and apologize to the families of those who were victimized by the damage. Juries have the duty to calculate the economic and noneconomic damages that were done to the plaintiff and those who the plaintiff speaks for. The jury holds the responsibility to propose whether the evidence creates a scenario where the defendants are to be held legally

responsible. As a first year college student, from reading cases with concurring and dissenting opinions I think that the Jury is probably as equipped as anyone to serve the role that they do. It is a difficult position to be put in but having an unbiased jury is the plaintiff's best bet at reaching their ideal outcome to the trial.

The jury has to base his or her opinion on their personal experiences to judge the damages. I think that economic damages are fairly obvious when it comes to a civil case, the noneconomic damages are harder to form an "Accurate" opinion on because it is more personalized to the individual whom it has affected. In the film *A Civil Action*, the jury members were equipped to make a decision regarding remedies because they had taken every aspect of the case, including the evidence and testimonies, and used it to the full extent. The plaintiffs initially requested a large sum of money in cash to pay for a research project that would work to explore the direct links between the waste and the illness. Another large sum of money was requested to be paid to each family who lost a child to compensate for the lost. Requesting this money would have resulted in a settlement. Since the defendant's side refused the offer, the case was taken to trial. When the defendant only offered 20 million dollars in cash, the offer is denied and the trial is taken to be presented in front of a jury. In the end, the amount of money dispersed among the plaintiffs and the families affected by the contamination was not nearly enough to compensate for the loss of money or life.

The term tort reform describes a group of idea that is designed to change the way the legal system works. Essentially, each tort reform law aims to

make it more difficult for those who are injured to be able to file a lawsuit, obtain a jury trial, and places limits how much money the injured can receive at hand. Each law is individually different, but together they all connect to reach their goal. Many people argue with these efforts due to the cost of healthcare rising, and the cost of insurance falling, however the reforms will reject the injured the specific amount they should earn for the injuries that they have received. Most tort reform laws emphasize that the resulting verdicts for these cases have grown out of control. Individual states have been delegating about various proposals for tort reform, as well. There are several possible proposals including: limiting contingency fees, statute of limitations, and collateral source rule reforms. Some reforms are able to restrict the contingency fees so that the plaintiff nor the court will have to pay the fee if the others favorable result occurs. The collateral source rule makes sure the plaintiff only receives money for the damages they they are fighting for against the defendant. Noneconomic damage caps are disputed tort reforms used to limit damages for non-financial harms like permanent disability, blindness, paralysis, and trauma.

Two states that have a cap/limit on damage awards are Massachusetts and Maryland. Massachusetts caps noneconomic damages at \$500, 000 in medical malpractice cases. Maryland has a \$725, 000 cap on noneconomic damages in any malpractice claim arising from the same medical injury, regardless of how many defendants there are. Noneconomic damages in the malpractice category are damages that include compensation for the plaintiff's pain and suffering, anxiety, loss of enjoyment of life, scarring, and

other negative effects of the medical negligence. (Nolo). When looking at these forms of damages, it is hard to put a price on it because it is more focused on each plaintiff. These limits are beneficial because it can stop the overprice of something that isn't worth as much. Negligence can be seen through many different cases and everyday situations, which relates back to the film.