



## Alerts

### [WHITE PAPER - UPDATED] The Social Inflation Survival Guide

May 1, 2023

*Insights for Insurers*

As we mark Law Day, we are pleased to issue an updated version of the White Paper *The Social Inflation Survival Guide: The Dangerous Triple Barrel Threat of Social Inflation, Economic Inflation, and Greenflation in a Judicial Environment Swarming with Reptiles and Raining Nuclear Verdicts*.

Authored by Scott Seaman, the report discusses social inflation, identifies the elements of the United States civil justice system that makes it particularly susceptible to social inflation, the social trends fueling social inflation, the costs of social inflation, and steps insurance and corporate defendants should take to combat social inflation. Abuses in the tort system harm consumers and others in the form of higher premiums, higher prices, and increasing unavailability of products and services.

#### [Download the White Paper \(PDF\)](#)

As noted above, May 1 is Law Day in the United States, with celebrations, events, and writings continuing throughout the month of May. President Eisenhower established Law Day in 1958 to celebrate the rule of law in a free society. The ABA's theme for 2023 Law Day is "Cornerstones of Democracy: Civics, Civility, and Collaboration." Many are picking up on the importance of civility in their Law Day projects. Many are pointing to the declining confidence in institutions, including the justice system in the United States.

The tort reform recently enacted in Florida was opposed by plaintiff's trial lawyers and they did not welcome its passage. One large plaintiffs firm actually declared a war on civility in response, stating in an internal memo:

Good morning PI lawyers across the country!

As we enter this new era, I want to make it unequivocally clear that we will not be giving an inch to carriers ever again.

Not one inch.

Specifically, as a matter of policy we will not be granting any extension of any sort moving forward for any reason.

They can figure it out or file a motion.

Under no circumstances will we be agreeing to any continuances, discovery extensions, or request to extend deadline to answer complaints. Redline rules.

It will be a serious internal offense if we find any courtesies being

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extended to the insurance industry.  
Including cases filed prior to March.  
No discovery extensions.

No matter the circumstances.

We may want to help the human being defense attorney because we know them and maybe like them, but we will not because they work for an enemy who is heartless and ruthless.

The enemy who just tried to kill us in FL.

They work for the enemy who would like nothing more but for you to be unemployed.

We work for the people.

Exclusively.

They tried to take from the most vulnerable people and consequently, from your families.

No extensions for responses to our complaints.

If there are extenuating circumstances that would benefit our client only please reach out to [Names Deleted] for prior approval.

As a blanket rule we will be giving not one single inch.

Debra Cassens White, "Morgan & Morgan won't give 'one single inch' to insurance carriers on continuances and courtesies," *ABA Journal* (March 30, 2023), available at <https://www.abajournal.com/news/article/morgan-morgan-wont-give-one-inch-to-insurance-carriers-on-continuances-and-courtesies>

The firm sent a follow-up missive the next day—after media backlash and several commentators pointed out the requirements of the rules of professional responsibility and court rules—stating “all attorneys and team members are required to follow the rules of professional conduct and civil procedure” applicable in their states.

Both our civil and criminal justice system—though they may be the world's gold standard—are in need of improvement. As lawyers, it is incumbent upon us to root out and remedy injustice wherever we find it and strive to make the justice system better, more fair, and more just. We may disagree upon what that means, but we should act with civility in our dealings with judges, court personnel, counsel, parties, and others who cross our path. Civility has long been a topic of concern. Law Day is an appropriate time to point out the importance of civility in the functioning of our justice system. To lawyers, every day should be law day.