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All those frivolous lawsuits: We must have rocks in our heads

By Dave Russell

June 8, 2004 5:12 p.m.

I don't know of any statistics, but it would seem that one's chances of making it through life in these United States without ever being involved in some sort of silly legal confrontation would be lower than our 50 percent divorce rate.

It seems like not a week goes by without headlines like "Husband sues wife for reading his mail," or "Plastic bird art inspires \$8 million suit" popping up.

An attorney once told me, "Those lawsuits seem frivolous until you are the one doin' the suin'." I don't know. A Texas woman recently sued a furniture store and won \$780,000 because she tripped over an unruly kid and fell. Not a frivolous lawsuit until you consider it was her own kid running amok.

Somehow, if my kids are running wild in Wilson's Widgets and Sprockets, and cause me to fall, I think I'd be more likely to dust myself off, sheepishly apologize for their behavior and give them a gentle "calm-down/we-don't-act-like- that-in-stores" thump on the bottom than I would be to bring a suit against the storeowner.

Some of my dearest neighbors, we'll call them "Bob" and "Janet" because those are their names, have been doing some landscaping and asked me to contribute to the effort.

Janet walked by my house one day in early spring while I was in the front yard stacking rocks into totems - some more than six feet tall - and she liked them. As she said, "It gives your house a sense of `whimsy.'"



I agreed to place one of my whimsical stone friends in their front yard. I had Bob over and let him pick one out of the several I had standing.

He chose a good stack, a five-footer that had been up for about three weeks and had survived some pretty high winds standing out in the open.

The plan was to erect it between three lighted fountains Bob had installed. While he worked on finishing up his part, over the next few days I began making plans to take the totem down and reassemble it exactly as it had been constructed in the first place.

I was supposed to be taking photos to print out so I'd know the order and angle of the stones, but I couldn't get around to it somehow.

A few nights later I was lying awake thinking about things, still feeling that something wasn't right about the whole totem idea. I had figured it to be separation anxiety, as I do get attached to them. I give them names and talk to them. I had never given one away before.

Then it hit me. Mother Earth loves her rocks and pulls them home with a very strong force, commonly known as gravity. Stacked rocks fall, sometimes when the wind is still and there isn't a person within 100 feet of them.

When I was a kid, a lighted fountain would draw me like a moth to a bug zapper, and I don't think kids have changed too much. A five-foot stack of rocks between lighted fountains would be a well-baited trap.

I don't know if it says more about our culture or about me, but "lawsuit" came to my mind before "someone could get hurt." Of course, when I e-mailed Janet and Bob to let them know that I was having second thoughts, I listed my concerns as "someone could get hurt" first and "lawsuit" second.

Thankfully, they agreed with me. Janet told me that her father would have labeled such a thing an "attractive nuisance."

Now I am working on a driftwood piece for them, hopefully something that will still be "attractive" but without the "nuisance" aspect.

While we can't calculate our odds of living an entire lifespan in the U.S. without being sued over something silly, I think it's probably safe to say that for every frivolous lawsuit we read about, there are likely 20 bad ideas that never came to fruition because of them.

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