



Court Ruling a Step Toward Improving New Jersey's Reputation as a Judicial Hellhole

FOR IMMEDIATE RELEASE

August 4, 2014

Contact:

Emily Kelchen, NJCJI Dir. of Pub. Affairs
609-392-6557 or ekelchen@civiljusticenj.org

TRENTON, N.J. – The New Jersey Appellate Court today released an important decision in the ongoing litigation over the acne medication Accutane.

“The opinion clarifies the law on the role of the physician when the adequacy of a drug manufacturer’s warning is at issue, further develops the equitable principle of the discovery rule, and affirms the long-standing tenet that appellate judges should be deferential to sound decision-making by juries,” said Alida Kass, chief counsel of the New Jersey Civil Justice Institute. “The court’s ruling on each of these issues is important because it shows that New Jersey courts are faithfully applying the law to the facts in the case to reach a just outcome.”

NJCJI president Marcus Rayner added, “Judges Ashrafi, St. John, and Leone should be lauded for their reasonable decision-making and dedication to the rule of law. The decline of New Jersey’s pharmaceutical industry coincides with a rise in pharmaceutical tort litigation, but reasonable decisions like this one are a first step toward reversing that trend. When businesses see that New Jersey’s court system is no longer out to get them, they are going to be more likely to invest in the state. As this case becomes precedent that other New Jersey courts rely on, the state might see itself removed from the American Tort Reform Association’s (ATRA) annual list of ‘Judicial Hellholes.’”

The case is *Gillian Gaghan v. Hoffmann-La Roche Inc.*

The New Jersey Civil Justice Institute (NJCJI) advocates for a civil justice system that treats all parties fairly and discourages lawsuit abuse. NJCJI and its members believe that a fair civil justice system resolves disputes expeditiously and impartially, based solely upon application of the law to the facts of each case. Such a system fosters public trust and motivates professionals, sole proprietors, and businesses to provide safe and reliable products and services while ensuring that truly injured people are fully compensated for their losses. Please visit our website, <http://www.civiljusticenj.org>, or contact a member of the NJCJI team to learn more.

###