

Big-ticket litigation is a way of life in this country. But something new is afoot--something typified by the \$246 billion tobacco settlement, and by courtroom assaults that have followed against industries ranging from HMOs to gunmakers, from lead paint manufacturers to factory farms. Each massive class-action suit seeks to invent new law, to ban or tax or regulate something that elected lawmakers had chosen to leave alone. And each time the new process works as intended, the new litigation elite reaps billions in fees--which they invest in fresh rounds of suits, as well as political contributions. The Rule of Lawyers asks: Who picks these lawyers, and who can fire them? Who protects the public's interest when settlements are negotiated behind closed doors? Where are our elected lawmakers in all this? The answers may determine whether we slip from the rule of law to the rule of lawyers.

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