



Beware of guests who come for sun, sea, sand and to sue, *Jamaica Observer, ft. Bruce Liebman and Michel Morgan*

Bruce S. Liebman, co-managing partner of the Kaufman Dolowich & Voluck LLP Florida office, and Michel A. Morgan, attorney at KD in Florida, were mentioned in an article written by Henley Morgan for the Jamaica Observer.

As a young man I returned to Jamaica from the United States, where I had worked for a major brewing company, to head the packaging quality control department of a well-established bottling operation. Indelibly etched in my memory is one of the first problems I was confronted with. The company, which sanitized and reused glass bottles that were returned from trade, was experiencing a problem with foreign matter found in bottled products. Most complaints came from an impoverished community located not far from the plant. The procedure for dealing with complaints of that nature was to send the complainant to the company's attorney downtown, where payment was made to settle the claim.

I recall asking the company's principal why was this procedure — which amounted to an acceptance of liability — continued when most of the complaints could be proven to be contrived. His response was rather nonchalant. These people, he said, were poor. This was a way of them making a living and paying them an easy way of getting rid of the problem.

Those were simpler times. Jamaica had a closed economy with controlled imports and little in the way of exports. The power of brand and the need to protect it was not well understood. In such an environment, the chance of a consumer complaint, genuine or contrived, taking down a monopoly business operation was close to zero.

Fast-forward to today. Jamaica has an open economy with competing products from all over the world. A few Jamaican companies and their products are themselves considered to be global brands. The value of a company's brand is well understood and carefully guarded, especially through internal quality systems. The level of legal exposure to complaints by customers has increased exponentially. Nowhere is this truer than in the tourism industry.

*A conference held a few weeks ago in the resort city of Montego Bay opened the eyes of participants to the many risks. The conference, which was put on by the United States law firm Kaufman Dolowich Voluck used as a theme, **Caribbean Hospitality Industry Liability in the United States**. Presenters Bruce Liebman and Michel Morgan made some stunning revelations starting with the first slide, which read thus: "US media reports that Jamaica is facing historic tort liability issues relating to assault, rape and negligence."*