

A Quality Reputation: Kline & Specter

Max Mitchell, *The Legal Intelligencer*

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At a time when medical malpractice lawsuits are on the decline statewide, attorneys at Kline & Specter have been continuously winning large verdicts and hammering out significant settlements across Pennsylvania.

There was the \$21.8 million verdict last year in Delaware County for a man who went blind due to a prolonged back surgery in which his blood pressure was not properly monitored; the \$30 million settlement for a child who was severely brain damaged because of improper anesthesia during a hearing test, and the \$16 million settlement for a man who was brain damaged following an improperly managed ventricle fibrillation, to name a few recent cases.

According to firm leaders, that success could have something to do with the fact that five physician-attorneys work at the firm, or it is due to the firm's intensive screening process, or possibly it is the product of a reputation that the firm has built since its founding more than 20 years ago.

"We've been fortunate to apparently be a magnet for claims such as these," founding partner Shanin Specter said. "These types of cases have simply gotten more complex both in terms of factual development, expert development, pretrial costs, and sophistication of the presentation in the courtroom, with associated costs, so other lawyers look to refer these cases because of their interest in maximizing the recovery for the client."

Specter said that "regrettably" the firm takes fewer than one case out of every 100 that is referred to the firm but, given the costs of litigating cases, that rigorous screening process allows the attorneys to focus on cases that involve the most serious issues.

Thomas R. Kline said the medical malpractice division has been a mainstay of the firm since he and Specter founded it in 1995. Kline has also handled numerous medical malpractice cases, including a premature birth case that came to a \$42.9 million verdict in December 2013.

"It's not by happenstance that our firm continues as the top medical malpractice group in an area in which there's been a declining number of cases filed and jury verdicts and settlements," Kline said. "We have attracted, by reputation and achievement, a very substantial share of the statewide catastrophic medical malpractice injury and death cases."

Medical malpractice cases have been on the decline since 2002 when the Medical Care Availability and Reduction of Error (MCARE) statute imposed numerous additional requirements for medical malpractice suits, including the need for certificates of merit.

Kline cited both the public awareness of the firm, as well as relationships with other medical malpractice firms and attorney organizations, as a main source of cases and referrals.

And when cases are selected for the medical malpractice group, the suits immediately get the attention of one of the attorneys on staff who are also medical doctors.

Attorneys agreed that having so many lawyers who are also experienced doctors makes a big difference when it comes to working up a case. Specter gave the example of the \$30 million settlement involving the brain damaged child that he worked on with Garabet "Gary" Zakeosian, who has experience as a pediatric-anesthesiologist.

"That case, in order to be properly handled, required a lawyer who was also a pediatric-anesthesiologist, and there aren't too many of those in the country," Specter said.

Along with Zakeosian, the doctors/attorneys include Barry Magen, Geary Yeisley, Lisa Dagostino and Mark Polin. Attorney Paulette Francois is also a nurse. Together, the team has experience in anesthesiology, intensive care, cardiac surgery, general surgery, obstetrics, gynecology and other areas of medicine.

But, the firm also could not have such success without its roster of experienced trial attorneys. Attorney **Andrew Stern**, who won a \$100 million medical malpractice verdict in 2000 and more recently won a \$10.1 million verdict over a child's delayed diagnosis, said the firm's structure and resources are part of what has allowed him to be so successful trying cases.

Stern said that, although he is very involved in the firm and always has its backing, given the structure at Kline & Specter, he can operate his own "firm within a firm," which allows him to focus very narrowly on each case he handles.

Stern said he works closely with associate Elizabeth Crawford, and a team of paralegals and assistants. Having this "firm within a firm" allows him to become engrossed in all the details of each case, take most of the depositions, lead the process of investigation and eventually develop the best strategies for trial.

"That continuity gives me a big advantage," Stern said. "Even with trial. I've tried a number of cases. We know how to handle things with trials. It's second nature. We have very efficient procedures in place when we're getting ready."

And when it comes to trying cases, Stern said his goal is to hone the claims into an easily digestible theme, such as the need for doctors to finish the job he or she has started. The actual theories of the case, he said, should serve as the spokes supporting the central theme.

He cited the \$10.1 million verdict he secured in April in the case *Tillery v. Children's Hospital of Philadelphia*, where doctors failed to promptly diagnose bacterial meningitis.

"The main theme of the case was there was a workup that was started, but that was not properly completed. Who doesn't understand that?" Stern said. "The various theories were, you started to do a chest X-ray because you're not sure if it's a respiratory problem. But when you see a negative chest X-ray, don't just stop there. He could be having a serious bacterial infection, and because you didn't do those tests, you're not finishing the job."

Stern added that having clients he really believes in and knows jurors will sympathize with are also key factors in seeing repeated wins for the firm's clients.

Sympathizing with the clients, and generally working to compensate those who have been catastrophically injured also adds to an intangible quality firm leaders pointed to as a major contribution to the medical malpractice group's success. That quality is the motivation and satisfaction that comes from the work itself.

"The joy of our practice energizes everybody in our firm every day," Specter said.

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