



Kline & Specter Eletter - December 2020

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Kline & Specter wins top honors in PA, nationally for verdicts

While civil courts were closed for most of 2020 due to the pandemic, Kline & Specter was recognized in Pennsylvania and nationally for its many large verdicts. *The National Law Journal*, in a special publication, noted that the firm won six of the 32 largest product liability verdicts in the country over the previous past five years. That was the most for any law firm in the United States. The publication also noted that Kline & Specter had four of the largest verdicts overall in the Top 100 in 2019, the most of any law firm in the United States. And, locally, *The Legal Intelligencer/VerdictSearch*, also in a special issue, found Kline & Specter obtained the four largest verdicts in Pennsylvania in 2019. Those verdicts included the biggest product liability case – and second in the nation overall for any category – between 2015-2019, the \$8 billion punitive verdict won last year against Johnson & Johnson and subsidiary Janssen in a case involving Risperdal, the anti-psychotic drug linked to gynecomastia, the growth of female-like breasts in young males. Co-lead counsel in the case were **Tom Kline** and **Jason Itkin** of Arnold & Itkin, with Kline giving a moving and memorable closing speech at trial. Co-counsel was Kline & Specter's **Christopher Gomez**, with **Stephen Sheller** of Sheller PC also counsel in the Risperdal litigation. Another Risperdal case that tried to a \$70 million verdict with Kline & Specter as co-counsel was No. 24 on the national list. Other Kline & Specter product liability verdicts cases that made the list involved vaginal mesh, the medical device surgically implanted to relieve organ prolapse and urinary incontinence but later eroded in many women, causing severe and permanent pain. One verdict, for \$120 million, with **Tracie Palmer** as lead counsel and **Braden Lepisto** and **Elia Robertson** as co-counsel, ranked at No. 13 nationally over the past five years. The others were for verdicts of \$80 million (No. 19), tried by Kline, **Michael Trunk** and **Kila Baldwin** as co-lead trial counsel and **Philip Pasquarello** as co-counsel; \$57.1 million (No. 28), with Baldwin as lead counsel and Palmer and Robertson as co-counsel; and \$41 million (No. 32), with Kline and Baldwin as co-lead counsel and Robertson, Pasquarello and **Tom Bosworth** as co-counsel. Three of those cases plus Kline's \$8 billion Risperdal award placed in the Top 100 nationally in 2019 and took all four top spots in Pennsylvania for the year. The firm also won the nation's 11th largest medical malpractice verdict from 2015-2019 with a \$47 million award for a baby injured in a post-birth procedure, the largest medical malpractice verdict in federal court in Pennsylvania history. That case was tried by **Dominic Guerrini** and **Mark Polin**. In a bench trial, **Regan Safier** in 2017 won a nearly \$42 million verdict for a child who suffered a forceps injury at birth that caused brain damage. That verdict also set a record as the largest-ever medical malpractice award in federal court in the Middle District of Pennsylvania. And the firm won a \$46.5 million verdict against a security firm in the shooting deaths of two employees at a Kraft Foods

plant, a verdict that placed 22nd among wrongful death awards nationally over the past five years. **Shanin Specter** was lead counsel with co-counsel Guerrini and **Patrick Fitzgerald**.

Mesh verdict upheld by PA Supreme Court



Becker

In an appeal argued by **Charles “Chip” Becker**, the Pennsylvania Supreme Court affirmed a \$12.5 million verdict awarded in a vaginal mesh case to an Indiana woman. The 6-1 ruling upheld a Superior Court decision and came nearly five years after a Philadelphia Common Pleas jury awarded Patricia Hammons \$5.5 million in compensatory damages for permanent pain she suffers because of the defective medical device plus \$7 million in punitive damages against Johnson & Johnson subsidiary Ethicon Inc. The company had argued that the Pennsylvania courts could not exercise jurisdiction over the case since Hammons was from Indiana and Ethicon is a New Jersey company. Becker argued that jurisdiction was properly placed in Pennsylvania since Ethicon used a Pennsylvania facility to manufacture the mesh that caused Ms. Hammons’ injuries. The state’s highest court agreed. In the majority opinion written by Justice Max Baer, the court stated: “We conclude that the suit, specifically Hammons’ claims that she suffered injury resulting from the transvaginal mesh device, arises out of and indisputably relates to the mesh that was manufactured in Bucks County, Pennsylvania by Secant under the careful supervision of Ethicon.” The court also noted that “Ethicon purposefully availed itself of the privilege of conducting business in the Commonwealth.” The Hammons case was tried by **Shanin Specter**, **Kila Baldwin** and **Michael Trunk** of Kline & Specter and **Adam Slater** of Mazie Slater and was the first of nine verdicts won by Kline & Specter in vaginal mesh cases. In a statement to the news media, Specter and Becker said they “expect J&J to seek relief in the U.S. Supreme Court. We expect to win there, too.” Since this ruling, the case has been settled.

Best Lawyers awards national, regional honors to Kline & Specter

Best Lawyers singled out Kline & Specter with top national and regional designations, including Tier One honors for Mass Tort Litigation and Tier Two honors for its Appellate Practice. The ranking, among the best in the United States for mass tort litigation, came about one year after the firm, in a case led by **Tom Kline**, won an \$8 billion verdict in a trial involving the anti-psychotic drug Risperdal against Johnson & Johnson. Kline & Specter has also won nine verdicts against the company in cases involving vaginal mesh, including verdicts for \$120 million, \$80 million, \$57.1 million and \$41 million. Appeals in a number of those cases have been successfully contested by Kline & Specter’s Appellate Department headed by **Charles “Chip” Becker**. The firm also won Tier 1 designations regionally for handling mass tort, medical malpractice, personal injury and product liability cases as well as appellate litigation. Best Lawyers published its rankings in U.S. News & World Report. Best Lawyers had also previously recognized a number of Kline & Specter attorneys individually in its “guide to legal excellence”, including **Tom Kline**, **Shanin Specter**, **Andrew J. Stern**, **Lee Balefsky**, who heads the Mass Tort Department, **Becker**, **Kila Baldwin**, **James Waldenberger**, **Priscilla Jimenez** and **Nadeem Bezar**.



Bezar named to prestigious trial lawyers group

Nadeem Bezar became a member of the International Academy of Trial Lawyers (IATL), a highly prestigious organization that limits membership to 500 fellows from the United States. It also includes fellows from nearly 40 countries around the world. The IATL, chartered in 1954, seeks out and honors lawyers who have achieved “a career of excellence through demonstrated skill and ability” in trials, including attorneys practicing on both the plaintiffs and defense sides in both civil and criminal law. The Academy invites only lawyers who have attained the highest level of advocacy. Noted the academy: “A comprehensive screening process identifies the most distinguished members of the trial bar by means of both peer and judicial review. Nadeem Bezar has been evaluated by his colleagues and the judges in



Bezar

his jurisdiction and has been highly recommended by them as possessing these qualifications and characteristics.” The IATL states its purpose as seeking to cultivate the science of jurisprudence, promote reforms in the law and facilitate the administration of justice, while elevating in the legal profession standards of integrity, honor and courtesy.



Specter urges widespread reform of mass tort litigation

Shanin Specter appeared on the “Reasonably Speaking” podcast sponsored by the prestigious American Law Institute and may have surprised his fellow panelists – a prominent defense attorney and two distinguished law professors – with his comments. The topic was multidistrict litigation, or MDLs, used by federal courts to consolidate cases involving a large numbers of plaintiffs, such as opioids, vaginal mesh and Roundup.



Specter challenged plaintiffs and defense attorneys and judges with his views. “I am sad to report to you,” he told moderator **Elizabeth Chamblee Burch**, “that I think that many plaintiffs lawyers in the MDL context are interested primarily in themselves and not their clients and what we are seeing, regrettably, in many MDLs is lawyers who have amassed thousands and thousands of cases, way too many for them to ever handle themselves.” In such instances, he continued, competent defense attorneys will realize they can “drive a very hard bargain because they (plaintiffs’ attorneys) are really stuck, they’re stuck in a corner.” The result, Specter said, is that those cases get settled for “the lowest amount of money the plaintiff’s lawyer can convince his or her client to accept.” He said this “despicable” practice “turns the rules of professional conduct and the entire purpose of a lawyer’s role ... on its head.” Specter suggested that lawyers not be allowed to take more cases than they can actually prosecute, that judges supervise this and, in instances in which cases are settled en masse, ensure that the settlements are “fair and reasonable.” Specter also advocated for the right of the plaintiff to transfer cases from the MDL back to their home federal district after a reasonable period for discovery and for judicial management of common benefit fee awards. The highly influential American Law Institute, founded in 1923, produces scholarly works disseminated to lawyers, judges, legislators and educators. [Watch the video](#)

Jimenez named board president of Concilio



Jimenez

Priscilla Jimenez was elected president of The Council of Spanish Speaking Organizations of Philadelphia (Concilio). A board member since 2017, she was unanimously elected to replace **Antonio Valdés**, CEO of Children’s Crisis Treatment Center, who had served as Concilio’s president for 15 years. Jimenez, a graduate of the Kline School of Law and a native New Yorker, has been a notable presence in various volunteer organizations in Philadelphia. She serves on the Governor’s Advisory Commission on Latino Affairs and was past president of the Hispanic Bar Association of Pennsylvania. “We are extremely excited about our new board president, Ms. Jimenez, and look forward to working alongside her and the board to enhance our services and broaden our reach to residents in and around the Philadelphia area. We are very fortunate to transition from a great leader to

another amazing president,” said **Adonis Banegas**, Concilio’s executive director. The organization was founded in 1962 and provides an array of social services that help ensure the availability of education, health, adoption, foster care and cultural opportunities.



Specter comments on President Trump’s defeat and legal jeopardy



Shanin Specter was a regular on the “Let’s Go There” podcast during election week, making four appearances in which he discussed the election and its aftermath, particularly lawsuits filed by the Trump campaign. “There is a strong view that Pennsylvania will be pivotal in this election,” he told hosts **Ryan Mitchell** and **Shira Lazar** in prescient comments. “I think we’re going to have a robust, free and fair election in Pennsylvania this year.” About the legal challenges to results in the state, Specter said he doubted the litigation would gain any traction. “All we’re doing here is delaying the inevitable and the inevitable is that Vice President Biden is going to carry the state and he’s going to carry it handily when all is said and done.” He said there was “no merit” to any of the legal challenges.

Asked about the U.S. Supreme Court possibly tossing thousands of Pennsylvania ballots, Specter said he doubted the court “would upset the apple cart” in Pennsylvania. Even if late-arriving (after Nov. 3) mail-in ballots were disallowed, he estimated that would be nowhere near Biden’s margin of victory in the commonwealth. Asked why Donald Trump won Pennsylvania four years ago but evidently lost the state in 2020, Specter responded: “Two words: Donald Trump.” He added that while Biden is a good man, “Let’s face it, a lot of people are voting for Biden because they’re voting against Trump because they’re unhappy about the rhetoric, about the actions ... They feel that he’s a danger to the republic.” The following week Specter opined on whether Trump may face criminal prosecution upon leaving office. Specter mentioned possible state charges in New York involving making false bank statements and crimes involving payoffs to his “porn star friend.” Said Specter: “I think the president has real legal jeopardy ... The president can’t pardon himself for that stuff. These are ongoing investigations and those are hot investigations.” Asked if Trump could somehow escape charges, perhaps by leaving the country, Specter responded, “He’s not really getting away with it because the man just lost his job. He got fired by the American people.”

Listen to the podcasts -- [11/3/20](#); [11/4/20](#); [11/5/20](#); [11/10/20](#)

Baldwin interviewed on the Ebaugh case

Kila Baldwin was interviewed for the Great Trials Podcast on the vaginal mesh case she tried to a \$57.1 million verdict. Her client in the 2017 trial was a Pennsylvania woman, Ella Ebaugh, who suffered permanent injury and pain after the surgically implanted devices eroded inside her body. The devices implanted in Ebaugh, which were meant to treat urinary incontinence, were made by Johnson & Johnson subsidiary Ethicon Inc. “One of the themes, at least in my head, was just to get numbers out there in front of the jury the whole time, like the monetary value of this company and how many millions they were spending on marketing versus the very tiny number of women they actually tested it in and the tiny amount they spent on research versus marketing,” Baldwin told podcast hosts **Stephen Lowry** and **Yvonne Godfrey** of the Georgia-based law firm Harris Lowry Manton. “One year they made \$100 million. I think that drives a jury’s punitive verdict,” said Baldwin, whose co-counsel in the case were **Tracie Palmer** and **Elia Robertson**. At the end of a trial that lasted more than a month, the jury awarded \$7.1 million in compensatory damages and \$50 million in punitive damages. The case has since been settled. Baldwin also was co-lead counsel in two subsequent vaginal mesh trials that ended in verdicts of \$80 million and \$41 million. The podcast ended on a humorous note: Midway through Baldwin told her interviewers that during the Ebaugh trial an internal J&J email was disclosed in which a company executive called the mesh product a “steaming pile of ----.” Baldwin stopped short, saying she had promised herself not to say the missing



Baldwin

word on air. But she later slipped and broke her promise. “Oh, I said it! Oh, no!” she exclaimed to laughter. The podcast was conducted via Zoom from Savannah, Ga. [Listen to the podcast](#)

Specter, Fitzgerald quoted in Washington Post on pre-school sexual abuse case

Kline & Specter represents three families in a high-profile sexual abuse case related to the Washington, D.C. Office of the Attorney General’s recent lawsuit against the Washington Hebrew Congregation on allegations the Congregation’s Edlavitch Early Childhood Center preschool ignored D.C. laws designed to keep children safe amid accusations that an assistant teacher sexually abused multiple young children there. The lawsuit charges that the Congregation operated the school in violation of District law and regulations and failed to adequately report dozens of complaints and concerns by staff about the conduct of the perpetrator. The OAG’s suit claims that the school misrepresented to parents that it had the proper licenses to operate, had hired qualified staff while the preschool’s summer program operated without a license for three years, and hired staffers who did not meet the minimum education and training requirements and placed children in their care. In addition, the suit alleges that the school did not conduct background checks on all of its employees. **Shanin Specter** and **Patrick Fitzgerald** filed a separate lawsuit against the Congregation and said the temple should be held accountable for the “unlawful operation of its school.” They told *The Washington Post* in a statement: “These civil charges are a necessary step in the right direction. But they are not sufficient to achieve justice for our clients or the other families who have suffered enormously these past two years.”

Specter opines on COVID lawsuit on radio show

Shanin Specter was a guest on the Court Radio Show where he was asked a number of questions about the COVID pandemic and possible lawsuits that might be filed by those stricken with the disease. Fellow attorney and show host **Dean Weitzman** asked specifically whether someone who may have contracted the disease from another person who attended a Donald Trump rally would have a case against the rallygoer, or even the president himself. “Realistically, how is the injured person going to prove they got it from the rallygoer?” Specter asked. “Therefore, the person who was sued is going to make the argument, ‘Hey, you could have gotten COVID anywhere. You have to prove you got it from my rally. You can’t prove it.’ I think that’s a winning defense.” The show also touched on whether Democrats could, if Joe Biden won the presidency and Democrats wrested control of the Senate, add more seats to the U.S. Supreme Court. Responded Specter: “Yes ... It’s a little tricky, but it could happen.” The Court Radio Show airs at 7 a.m. Sundays on 100.3 WRNB, Boom 103.9 and Classix 107.9 WPPZ. [Hear the entire broadcast](#)

Smerconish story shown as feature-length film

Michael Smerconish’s stage performance about his life and 30-year career as a radio and TV personality titled *Things I Wish I Knew Before I Started Talking* was made into a feature-length film that opened in virtual cinemas in October and on VOD and DVD in early December. Smerconish hosts a radio show daily on SiriusXM’s POTUS channel and also is the host of a Saturday morning TV program on CNN. In the one-man performance, Smerconish reflects on his career and gives a unique look at the origin of the partisan divide in the United States. Highlights of the film were also aired on CNN International. Among recollections: Smerconish at just 18 years old meeting with Ronald Reagan, managing campaigns for former Philadelphia Mayor Frank Rizzo and Senator Arlen Specter, serving in the George H.W. Bush administration, and having dinner with Fidel Castro at his home



in Cuba. Smerconish also talks in the film about doing the first live radio interview from the White House with President Barack Obama, confronting the living members of Led Zeppelin with a demand that they reunite, and drinking champagne from the Stanley Cup. [See it on Amazon](#)

Stern Clinic and ACLU letter to UN

The Kline School of Law Andy and Gwen Stern Community Lawyering Clinic, together with the ACLU of Pennsylvania, sent a formal letter of complaint to the United Nations over the alleged use of violence and excessive force by Philadelphia police against Black Lives Matter protesters last May and June. The letter claimed that police violence, including the use of tear gas and rubber bullets, against peaceful protesters was a violation of international law and violated victims' First Amendment right to peaceful assembly and freedom of expression. The letter stated that in contrast police either ignored or encouraged white vigilantes and counter-protesters. "It's unfortunate that we must appeal to an international body like the United Nations to get the City of Philadelphia to address police violence," the groups said in a news release. "Our goal in submitting this filing to the United Nations is to push the City of Philadelphia to apologize for these atrocious acts and adopt policies regarding the use of less lethal weapons, such as tear gas, rubber bullets, and pepper spray, that are in line with human rights law," said Rachel López, director of Kline Law's Stern Community Lawyering Clinic, which provides legal services to those who cannot afford it. The letter bemoaned not only police action at the protests in West Philadelphia but also "the city's history of violence and suppression." The news release said the letter listed recommendations that included adoption of new police rules for the use of non-lethal weapons, removal of the city from a federal program that accelerates the militarization of police, hiring of an independent investigator to examine the use of police violence against protesters and hold offending officers accountable, and to have the city formally recognize "the legacy of racism and patterns of police brutality against Black Philadelphians."

Lorentson, once competitor, now coach of Penn Law's trial team

Amanda Lorentson was named as assistant coach of the trial team at The University of Pennsylvania Carey Law School. The team, made up of second- and third-year law school students, competes in national trial competitions including the annual Texas Young Lawyers Association (TYLA) National Trial Competition, which will be conducted online this year due to the pandemic. The Penn head coach is Thomas Perricone, a Penn Law alumnus and federal prosecutor who teaches Trial Advocacy at the law school. Lorentson graduated in May from Penn Law and was a member of the moot court and trial teams and ran Penn Law's Intramural Mock Trial Competition. In 2018 she won Best Direct Examination at the National Trial Advocacy Competition.



Lorentson

Kline pens article on 76ers hiring of Doc Rivers

Sixers superfan **Tom Kline** welcomed Doc Rivers to Philadelphia with an article published in the *Philadelphia Business Journal* praising the new head coach, saying he is "a superb tactician in the huddle and is a disciplinarian without being an authoritarian." Kline, whose courtside seats at the Wells Fargo Center are immediately adjacent to the visiting team's bench, has seen every team and their coaches, including Rivers, up close for the past 16 years. He watched Rivers in action as he led the Boston Celtics and the Los Angeles Clippers. "I have seen every NBA coach at work in the huddle and on the sidelines. Doc is at the top of the pack," wrote Kline. He lauded Rivers for his actions and demeanor on and off the court, noting his blunt comments against racism this past summer. Wrote Kline: "Credit the Sixers owners for moving with lightning speed to hire him five days after he parted ways with the Clippers. He was the best coach available. And, yes, the Clippers' loss is the Sixers gain." The only problem is that now, as the Sixers coach, Rivers will be at the other end of the court from Kline's seats. "I will miss Doc as a visiting coach," wrote Kline. "He was always good for a laugh and even a hug before each game – even for a Sixers fan like me who would then predictably root against him and his



Kline with Doc Rivers

team once the National Anthem ended. I'll be happy to look down the court and see our team's fortunes and fate in Doc's capable hands." ([Read the entire article](#))_

Charity

Share Food Program

Kline & Specter is proud to have been a Community Champion Sponsor for the “Party in the Warehouse” virtual program conducted by the Share Food Program. The annual fundraiser helps bolster the great work done by the program, which since 1991 has distributed food to those in need. The Share Food Program now gets out roughly five million meals every month to the needy in Philadelphia and the surrounding counties. More than half the recipients are children and about one-eighth are elderly and the disabled. The program collects food from a variety of sources, including government partners, supermarkets, wholesalers, restaurants, farms and individual donations. It handles the complex logistics and raises money to purchase, coordinate, store, package and distribute food. The program started as a Philadelphia food co-op in 1986.

“If you knew what I know about the power of giving, you would not let a single meal pass without sharing it in some way.

— Buddha

“One of the country’s leading personal injury firms”
Philadelphia Inquirer

“The most powerful plaintiffs firm in the city”
Philadelphia Business Journal

“A powerhouse law firm”
The New York Times



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