

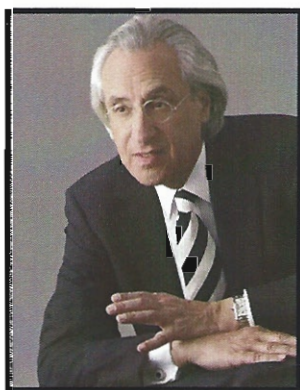
VERDICT

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Tom Kline, Esquire

2016 Justice Michael A. Musmanno Award Recipient

By Priscilla Jimenez, Esquire



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*"If major injury litigation
were baseball,*

Tom Kline would be Babe Ruth."
Gerard G. Bernhardt Jr. (1999)

Much has been written about legendary Philadelphia trial lawyer Tom Kline. He is widely regarded as one of our country's leading personal injury attorneys. He has been called in a *Philadelphia Inquirer* editorial "the high-powered plaintiffs' attorney. . . who has won a number of eight-figure awards for clients injured or killed due to negligence or incompetence by businesses, government agencies, and nonprofit health-care providers." Of note, the law school from which this author hails is named the Thomas R.

Kline School of Law at Drexel University. Tom Kline is a founding partner, along with Shanin Specter, of the law firm Kline & Specter, P.C., which has been described as "a powerhouse law firm" by *The New York Times* and "one of the country's leading personal injury firms" by *The Philadelphia Inquirer*. Kline himself has secured seven- and eight- figure verdicts in each of the past four decades -- a remarkable string. According to longtime law partner Specter, the 2008 Musmanno Award recipient, "Tom is the archetype of the 21st century Philadelphia lawyer and one of the greatest figures in Pennsylvania's storied legal history."

Many know that Kline was a sixth grade teacher before he practiced law. He was born and raised in the coal town of Hazleton, Pa. He graduated from Albright College in 1969 and received a master's in American history from Lehigh University in 1971 before heading to Duquesne University School of Law. Unknown to many, Kline finished the coursework and first draft of his dissertation toward a PhD in American urban and social history. After a clerkship

with Pennsylvania Supreme Court Justice Thomas W. Pomeroy, Kline began his career as a trial lawyer when he joined James E. Beasley, Sr. (1984 Musmanno Award recipient) in the practice of law. In 1999, Temple University named its law school the Beasley School of Law. Jim Beasley served as an inspiration for Tom's later gift establishing the Kline School of Law.

If you ask him to share some of his secrets to success, Kline will tell you that some of the most important skills he learned were through teaching a classroom of sixth graders for six years and watching Jim Beasley try cases before a jury. Kline believes that "lawyers in the courtroom are teachers if they are doing their job correctly. . . I believe that we have the opportunity to teach the jury first." This is not a task he takes lightly. During trials, Kline eats and sleeps the case. He keeps a notebook by his bed in case he wakes up with an idea. As someone who learned from the great trial lawyer of a generation before him, Kline says "It is paramount to just be yourself." Kline adds: "I don't think you can make yourself into someone

2016 Justice Michael A. Musmanno Award

Continued from page 1

you're not. We need to find what's best in ourselves in order to be the best advocates for our clients." He adds: "Every time I stand up to give an opening statement I know someone's future is riding on what I do. Those are big stakes."

Given his background as a teacher and his commitment to the legal community of which he has been such a large part of for the last 36 years, it should come as no surprise that Kline felt compelled to heavily invest in the future of our legal profession. So he donated \$50 million to establish the Kline School of Law. It is the largest gift ever given to Drexel University. In September 2014, in addition to naming its law school after Kline, the Thomas R. Kline Institute of Trial Advocacy was established. The new home of the Institute in the historical Beneficial Bank Building will integrate the law school into its legal community at its location at 12th and Chestnut streets and will be the only institute and building in America dedicated exclusively to trial advocacy training. When addressing the law students and faculty after the announcement of the gift, Kline noted, "All I ask in return is for many great trial lawyers, a lot of judges, a few United States senators, and one president of the United States."

Kline is a past president of the Inner Circle of Advocates, the most exclusive trial lawyer group in the country, described by *The Washington Post* as a "select group of 100 of the nation's most celebrated trial lawyers." In addition to Jim Beasley and

Shanin Specter, Musmanno Award recipients S. Gerald Litvin (1989) and Herb Kolsby (1993) have been Philadelphia members of this select group. Kline has been honored for 13 consecutive years from its inception in 2004 through 2016 as the No. 1 ranked lawyer among 65,000 lawyers in Pennsylvania by Super Lawyers, an accomplishment unmatched in any other state by any other lawyer. He is a recipient of *The Legal Intelligencer's* "Lifetime Achievement Award." Lawdragon, listing Kline as one of the top 500 lawyers among 1.3 million active lawyers in America, has described him as "the leading personal injury plaintiffs' lawyer in Pennsylvania."

For more than a decade, Kline chaired the Federal Judicial Nominating Commission, a merit-selection panel for federal judges in Pennsylvania created by U.S. Senator Arlen Specter, a champion of civil justice and former Musmanno Award recipient

(2001). When asked to recount his greatest moment as a trial lawyer, Kline quickly says that it did not happen in a courtroom. It happened in Cuba in 2002 when, in the wake of the events of September 2001, Kline accompanied Specter to Cuba and single-handedly convinced Fidel Castro to wear an FDNY cap for the world to see in solidarity with the United States against terrorism. Kline reminisced: "It was a tough sell."

Kline jokes that there have been so many that he has lost track of all of the cases he has tried in City Hall. In one year alone, he recalls with a smile, he and Specter won multi-million dollar verdicts in "most of the courtrooms on the sixth floor." He has not however, lost track of his clients.

Kline is fond of quoting his law partner, as saying, "The best client is one who someday might

Continued on page 11



2016 Justice Michael A. Musmanno Award*Continued from page 10*

send you a thank you note.” Kline treasures the letters of thanks he has received from families and people who he, in his own words, “has helped to obtain a measure of justice.” One such client was Linda McAlister, the mother of a baby who was catastrophically injured as the result of a hospital medication error in 1991. More than 20 years later she wrote:

Tom, please always remember that, because of you we were able to spend every day with Johnathan. We were able to take him to any doctor anywhere. Had the money to take the very best of care of him. We are forever grateful. When having a bad day, know that and feel proud.
Love, Linda

This letter hangs on the wall in Kline’s office within arms’ reach of a letter of encouragement from his father, dated April 28, 1969.

In 1999, the case of *Hall v. SEPTA* captured the attention of the region during a month long trial before Judge Frederica Massiah-Jackson. Kline obtained a \$51 million jury verdict and SEPTA was fined \$1 million. Most importantly, this one civil case on behalf of one little boy forced the entire rebuilding of the SEPTA escalator system, exposed by Kline to be obsolete and decayed. In an interview with the *Philadelphia Daily News* following that verdict, Judge Mark Bernstein said, “There are lots of good lawyers who just do their job. . . but with Tom Kline, you can tell he cares.”

Kline has also made national headlines often — from the \$4.8 billion Vioxx settlement, in which *The Wall Street Journal* called him a “key player,” to the Sandusky/Penn State civil litigation, in which Kline obtained the first victim settlement and became a national spokesperson for the victims of childhood sexual abuse. In 2015 he obtained the landmark first multi-million dollar Risperdal verdict on behalf of Austin Pledger, an autistic boy who developed gynecomastia from the anti-psychotic drug Risperdal, manufactured by Johnson & Johnson. What many people do not know is recounted by Kline’s co-counsel Chris Gomez, now a Kline & Specter lawyer. Gomez explains that Austin, a severely autistic young adult, spends many of his waking hours watching the repetitive motion of the show *Wheel of Fortune*, which was part of the damages presentation at trial. He describes how Kline surprised Austin for his 21st birthday to realize his lifelong dream: meeting Vana White at a live taping of *The Wheel of Fortune*. His mother counts that day as her son’s happiest moment.

In addition to setting THE standard in the courtroom, Kline’s numerous landmark appellate cases have helped mold the law in our commonwealth. He has fought resolutely for two decades to “eliminate the draconian caps on liability that unfairly grant special privileges to municipalities and to the commonwealth unconstitutionally and without

justification.” He adds that “although lost for now in the Pennsylvania Supreme Court in the Zauflik case, where an innocent teenage amputee was deprived of a \$14 million jury verdict, the battle is not over yet.”

As noted by defense attorney, Dan Ryan, whom Kline has been on opposite sides of the courtroom and negotiation table with on numerous occasions, “having litigated with Tom for so long, one thing has always been clear. Whether spellbinding a jury, arguing before the court or sitting at the negotiating table, Tom is motivated by one thing only: the best interests of his client.” And finally, in the words of his friend and fellow Philadelphia trial lawyer Bob Mongeluzzi, with whom Kline has led the Pier 34 collapse and Amtrak 188 derailment litigations: “Tom Kline is the greatest trial lawyer of our generation and richly deserves inclusion in the pantheon of great Philadelphia trial lawyers stretching back to Andrew Hamilton. Although he is one of America’s best lawyers, he is an even better father, grandfather and friend.” ♦

Editor’s Note: Priscilla Jimenez, *Esquire*, sits on the Editorial Board of the *Verdict* and is an associate at the law firm of Kline & Specter, P.C., where she concentrates her practice on mass torts and personal injury litigation. You may contact Ms. Jimenez at:
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