

Pennsylvania Powerhouse: Kline & Specter

By **Matthew Santoni**

Law360 (September 17, 2024, 10:39 AM EDT) -- Kline & Specter may not be responsible for the Philadelphia Court of Common Pleas' reputation for "nuclear verdicts," but some of the firm's recent wins — including an eye-popping \$2.25 billion jury award against Monsanto — haven't hurt that perception, while multimillion-dollar settlements and verdicts around Pennsylvania have shown it's not just a matter of home-court advantage.



By securing millions for plaintiffs over catastrophic injuries, toxic torts and institutions that failed to protect those in their care, while also pursuing reforms of state law and getting unsafe products off the shelves, Philadelphia-based Kline & Specter earned a spot among **Law360's Regional Powerhouses** for Pennsylvania over the past year.

Calling Philadelphia its home since founding partners Tom Kline and Shanin Specter set out on their own in 1995, Kline & Specter has built itself up to become one of the largest plaintiff-side firms in the Keystone State, with 53 of about 60 attorneys located in Pennsylvania, Kline told Law360. Though Kline & Specter has an office in Pittsburgh, as well as offices in New Jersey and New York, Kline said Philadelphia was where most of the attorneys, assistants and staff gravitate.

Both founding partners cited the firm's teamwork and its talent as keys to its success — it has six attorneys on staff who are also doctors.

"We have the most doctor-lawyers of any firm in the United States, and that's been very helpful in the litigation of medical malpractice cases," Specter told Law360.

That talent helped Kline & Specter attorneys secure a **\$32 million settlement** in March against the defunct Hahnemann University Hospital over an allegedly delayed cesarean section that led to birth injuries, he said. Prepared for defenses like claims that the baby's injuries were suffered in utero, rather than as a consequence of delivery, the firm was able to settle the case a week before trial.

Kline said that Philadelphia's courts, despite being derided by tort reform advocates as a "judicial hellhole," are actually quite effective at moving a case from start to finish.

"What's misunderstood, completely misunderstood, is that Philadelphia has the most efficient of systems in which to prosecute any civil case," he said. "There is predictability, and judicial supervision that is unparalleled, unmatched."

He also hailed the Philadelphia jury pool, not for its reputation of plaintiff-friendliness, but for its changing demographics that are bringing more educated, sophisticated jurors to court. Such jurors can listen to and process experts' reports and testimony on injuries, toxicity, diseases and damages, then thoughtfully apply them, Kline said.

One such jury was part of the firm's marquee win for the year, the **\$2 billion punitive damages award** against the makers of the weedkiller Roundup in one of the bellwether cases in a mass tort program. That jury also awarded \$250 million in compensatory damages to John McKivison, who had claimed he developed non-Hodgkin's lymphoma as a result of using Roundup.

Though a judge later **cut the award to \$404 million**, the firm said at the time that it would appeal. In an earlier bellwether case over the same product, Kline & Specter **won a \$175 million verdict** against Monsanto for Ernie Caranci, who also developed lymphoma.

Tobi Millrood, chair of the firm's mass tort department, said Kline & Specter always approaches cases with an eye toward preparing them for trial, rather than prioritizing a settlement first.

"The Roundup litigation, and the accountability it brings about to Bayer and Monsanto, is vital to both public health and public awareness," Millrood told Law360. "These important trial victories bring about the kind of public awareness Bayer/Monsanto have consciously chosen not to provide. Likewise, by holding Bayer/Monsanto accountable, it will bring the change of removing this toxic chemical Glyphosate from Roundup and thereby improving public health."

Mass tort programs like Roundup are currently one of the firm's biggest concentrated efforts, with an entire team of attorneys and support staff under Millrood, the program's "architect," Kline said.

"We have to carefully allocate our resources and choose our cases for these mass tort projects," he added. "You can't be everything to everybody, and you can't do everything you'd necessarily like to do."

Ever since winning a suit against the Southeastern Pennsylvania Transportation Authority in 1999 spurred the transit agency to refurbish and repair its dilapidated and dangerous escalators, Kline said he's taken pride in securing "not only compensation, but remediation" for clients.

When the firm **inked a \$38.5 million settlement** in February with Target and the maker of a hoverboard that caught fire and killed two girls, Kline said the federal case spurred a recall of similar hoverboards that advanced the firm's mission of remediating dangerous conditions or practices.

Outside of Philadelphia, the firm had notched an **\$8 million birth-injury verdict** in Montgomery County, an **\$11 million verdict** against a dentist in Luzerne County who missed a mouth sore that turned out to be cancerous, and a \$19.5 million medical malpractice settlement in Delaware County.

In a practice area led by Nadeem Bezar, the firm has seen more work lately suing businesses and institutions accused of enabling the abuse of minors, such as a **\$37.5 million verdict it won in arbitration** against a Philadelphia hotel for three women who were trafficked as teenagers — the first time a sex-trafficking suit had ended with a win in arbitration, the firm said in October. Four months later, in **another trafficking case**, the firm got their clients \$24.5 million in arbitration against the same hotel company.

In July 2023, Kline & Specter signed an **\$11 million settlement** with a Philadelphia-based child welfare agency, Tabor Community Partners, over allegations that it had failed to recognize and prevent abuse of an infant that the agency was supposed to be monitoring. The following month, the Archdiocese of Philadelphia **paid \$3.5 million to settle claims** from a man, represented by Kline & Specter, who alleged a priest had sexually abused him at his local parish.

Kline also credited his colleagues in the appellate practice group, who got the state Supreme Court to take up a **challenge to a long-standing \$250,000 statutory limit** to damages awarded against state agencies in vehicle-accident cases.

"It's not only work we've done, but other lawyers have come to us to work on their appeals," Kline said, praising the work of partner Chip Becker. "We've had dramatic growth in that area of our practice."

Specter said the firm's team approach let them act nimbly as courts packed their trial schedules over the last year in order to clear out some of the COVID-19-related backlog. By being able to quickly pass along and pick up on the work of colleagues who had scheduling conflicts, Kline & Specter attorneys, legal assistants and staff were able to get through the backlog without needing any continuances, he said.

"We never lose sight of the fact that winning large, complex cases is a team sport," Kline said. "When you win, the team should get the medals, not just the quarterback."

--Editing by Dave Trumbore.