Making Them Pay

The Top 20 P.I. Awards of the Year

The big verdicts and settlements just keep getting bigger. The average recovery among the Top 20 Awards reported in the *Law Journal* over the last 12 months was $5.8 million, up from $5.6 million the years before. The total amount awarded increased to $116.4 million from $112 million. The highest recovery was $12 million in an auto case, and the lowest recovery on this year's list was $2.3 million.

In a break from the trend of the last two years, automobile negligence cases accounted for most of the big recoveries – eight in all. In addition the two wrongful death awards and the one products liability verdict in this year's list involved motor vehicle accidents. Medical malpractice had been the most fertile area in 1996 and 1995, but accounted for only three of the big awards in 1997.

For the third straight year, Essex County produced most big recoveries, but not by much. Three recoveries came in cases filed in Essex, while Bergen, Monmouth and Middlesex each had two. Ten other counties produced one recovery each and there was one case from federal court.

TOP 20 LIST

1. $12 million, Paetzold v. New Jersey Bell Tel. Co.:

A Vincentown woman will receive $12 million from Bell Atlantic and a Medford medical professional building for debilitating brain injuries she suffered in 1992 when she swerved her car to avoid a fallen telephone wire and collided with a van.

Trial was set to begin Feb. 10, 1997, but the parties settled on Jan. 31 after a two-day settlement conference before Burlington County Superior Court Judge John Sweeney.

Bell Atlantic will pay $10.4 million of the award, and the remaining $1.6 million will be borne by Farm Pediatrics, a doctor's office where the telephone line was installed.

According to the suit, filed by Cherry Hill plaintiffs' attorney John Baldante, a clamp attaching the telephone wire to the doctor's building was negligently installed. The clamp was manufactured to accommodate telephone wires that were 0.109 inches in diameter, but the wire used was only 0.083 inches in diameter and slid out of the clamp and onto the roadway, Baldante adds, saying the telephone company failed to secure the clamp.

Baldante, a partner at Levy, Angstreich, Finney, Baldante, Rubenstein & Coren, says an employee of Farm Pediatrics noticed the telephone wire hanging low about 20 minutes before Donna Paetzold drove down Tuckerton Road in Marlton and swerved to avoid it.

William Lundgren III, a partner at Green, Lundgren & Ryan in Haddonfield who represented Bell Atlantic, did not return telephone calls seeking comment. Neither did Kevin McCarty, an associate at Haddonfield's Murphy and O'Connor who represented Farm Pediatrics.

Baldante said that before the accident Paetzold worked as a paralegal and was active in the community. Since the accident, however, she as become dependent on her husband and two children, now 15 and 13. Paetzold, 45, cannot walk by herself and has difficulty performing routine tasks such as bathing and eating. Much of her cognitive abilities are on the level of a 5-year-old, Baldante said.

Baldante said that his client previously received $15,000 from an insurance policy held by Linda Carr, the driver of the van. He said the accident was not Carr's fault. Carr's attorney, Robert Zane, a partner at Barrington's Alessi, Lezenby, Zane & Cure, was out the office and could not be reached for comment.

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VOICE OF THE BAR

Loved the Coverage, Hated the Cover

Dear Editor:

I received and read with a mixture of pride and disappointment the *Law Journal's* Sept. 15, 1997 personal injury supplement titled "Making Them Pay: The Top 20 Personal Injury Awards of the Year."

Naturally, I was proud of the fact that I had had the opportunity to champion the *Donna Paetzold v. New Jersey Bell Telephone* case involving a profoundly brain-injured woman and, through the recovery we achieved, help her and her family live with financial security and dignity. However, I was very disappointed and offended by the cartoonish cover page on this magazine insert which depicted a sinister-looking litigant with slicked-back hair, beady eyes, a fiendish grin and shiny suit walking down a gold-paved path on a pair of obviously unneeded crutches to wallow in the windfall of his large recovery at a chrome skyscraper bank decorated with a giant dollar sign.

It is astonishing to me that a publication such as the *Law Journal*, which is devoted to disseminating substantive information to lawyers so that they can better represent their clients, would chose such a tasteless graphic for the cover page of a publication summarizing 20 of the most important personal injury cases of the year. Cases in which the lives of the plaintiffs were horribly devastated, if not destroyed and the recoveries obtained for them served no other purpose but to try to make their lives whole. Certainly, the plaintiffs in the cases contained on your Top 20 list, following their respective verdicts and/or settlements, did not walk to the bank to rejoice in the spoils of "lottery-like" winnings. On the contrary, these individuals immediately resumed the horrific realities that they were forced to suffer and endure by the irresponsible and negligent conduct of others, utilizing their awards only to make their lives slightly more bearable.

In a public relations climate where lawyers and personal injury litigants are often unfairly stereotyped and characterized as sleazy, money-grubbing and insensitive, I would have expected the *Law Journal* to have acted more responsibly toward the legal profession and more respectfully to the plaintiffs involved in these tragic cases. The graphic on the cover page of your Top 20 list trivializes these justifiable and outstanding results. It also does a disservice to me and my fellow attorneys who worked so zealously to improve our clients' unnecessary circumstances and assist them in enduring their devastating plights.

Unlike the sleazy caricature portrayed on the cover of your Top 20 magazine insert, my client, Donna Paetzold, did not walk to the bank to wallow in her wonderful windfall of an award, because Donna, even after her settlement, still cannot walk. Indeed, it would serve my client no good to visit the bank because she does not understand the concept of currency and suffers from such severe spastic quadriplegia that she is incapable of signing her own name. Unlike the sleazy caricature utilized on your cover page, Donna Paetzold is incapable of striking a fiendish grin, because my client still suffers from emotion lability and is not competent enough to formulate the requisite intent necessary to style a fiendish grin. No, the case that I championed for the Paetzold family stood for the antithesis of what your cover page connotated. In fact, on the day that the Paetzold award was finalized, Donna Paetzold did not go to the bank. Instead, she went directly home with her family, where her husband literally fed her dinner, cleaned her diaper and then lifted her from her wheelchair and placed her motionless body into bed.

I hope in the future you will treat these catastrophic cases more responsibly and give to these litigants the respect they deserve.

John Baldante
Cherry Hill

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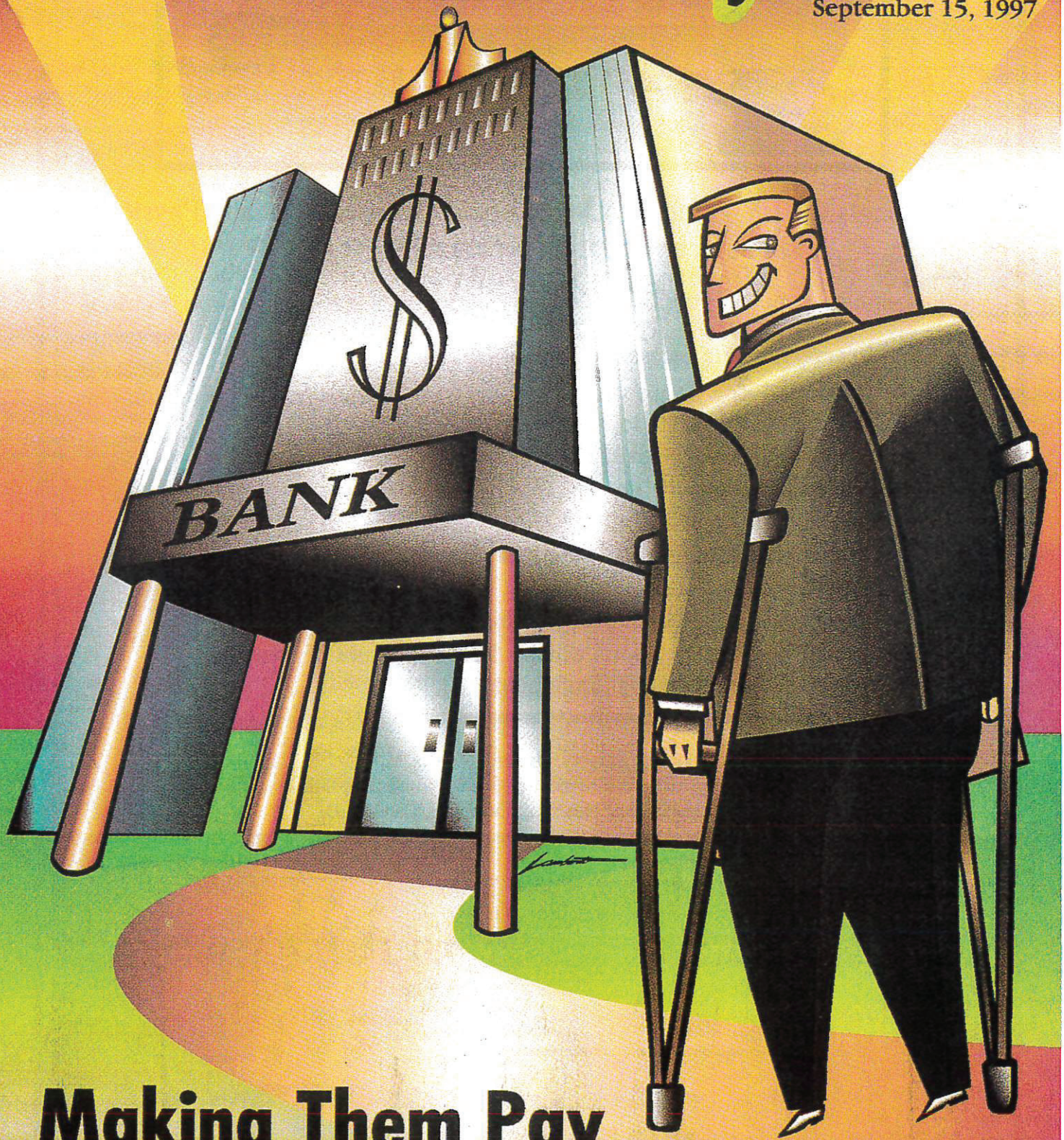
New Jersey Law Journal

PERSONAL INJURY

September 15, 1997



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