

Kline & Specter Eletter - July 2020

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Note: During the COVID-19 pandemic our law firm continues to work remotely doing everything possible for our clients. Our 46 attorneys and other office personnel are working diligently from home, remotely holding depositions and mediations, communicating with experts, drafting legal pleadings and preparing new cases to file with the courts.

Kline & Specter has nation's most Top 100 verdicts

Included is the No. 1 in America: \$8 billion vs. J&J

Kline & Specter had four Top 100 verdicts – including the nation's largest – in 2019. That was the most Top 100 verdicts for any law firm in America. In fact, all four placed among the top 61 verdicts in the country. In the No. 1 spot was the \$8 billion punitive damages award won against Johnson & Johnson by **Tom Kline** and **Jason Itkin** of Arnold & Itkin LLP, of Houston, who were co-lead trial counsel along with **Chris Gomez**, of Kline & Specter. **Stephen Sheller** of Sheller PC in Philadelphia was co-counsel. The defendant was J&J subsidiary Janssen and involved Risperdal, the anti-psychotic drug found to cause gynecomastia, the growth of female-like breasts in boys and male adolescents. The jury verdict is the largest in a personal injury case in Pennsylvania history. The other three cases all involved vaginal mesh, the medical device surgically implanted to supposedly relieve organ prolapse and urinary incontinence in women but has been proven to erode and cannot be removed with remedial surgery. This has left women with permanent and severe pain and other terrible consequences. A \$120 million verdict – and No. 22 on the national Top 100 list -- was won by **Tracie Palmer** serving as lead counsel and **Braden Lepisto** and **Elia Robertson** as co-counsel. The verdict against J&J subsidiary Ethicon included \$100 million in punitive damages. Another verdict against J&J in a vaginal mesh case was for \$80 million, or No. 32 – with **Tom Kline**, **Michael Trunk** and **Kila Baldwin** as co-lead trial counsel along with **Christine Clarke** and **Philip Pasquarello** as co-counsel – and included \$50 million in punitive damages and \$30 million in compensatory damages, the largest compensatory award in the national mesh device litigation. Earlier, the firm won a \$41 million verdict – No. 61 on the national list for 2019 -- in a vaginal mesh case against Ethicon, with **Tom Kline** and **Kila Baldwin** as co-lead counsel and **Elia Robertson**, **Tom Bosworth** and **Philip Pasquarello** as co-counsel. Overall in the transvaginal mesh litigation, the firm has won nine vaginal mesh cases – including seven with punitive damages – and jury awards totaling \$347 million.

Becker-led appeal negates J&J win over vaginal mesh



Becker

Charles “Chip” Becker won an appeal in Pennsylvania Superior Court against Johnson & Johnson in a vaginal mesh case that will send a rare victory by the company back to Philadelphia Common Pleas Court for a new trial. The verdict for the defense in June 2017 came among a string of losses for J&J and its Ethicon subsidiary over its vaginal mesh products. Kline & Specter has won nine verdicts against the company in vaginal mesh cases. But in this case, a jury found for J&J, concluding that although the mesh device was defective, it did not cause the injuries to plaintiff Kimberly Adkins. However, a month after the verdict, the trial judge, Michael Erdos, ruled that the verdict went against the weight of the evidence and ordered a new trial on both liability and damages. In its ruling in late April, a Superior Court panel agreed, with Judge Kate Ford Elliott, who wrote the majority’s decision, saying testimony from the defense’s own causation expert contradicted the jury’s findings. While attorneys for Aylstock, Witkin, Kreis & Overholtz handled the case at trial, Kline & Specter served as local counsel and Becker handled the appeal, including arguing before Superior Court. He told *The Legal Intelligencer*: “The Superior Court’s ruling permits the case to go back for a new trial. We’re confident our badly injured client will prevail, as nearly all plaintiffs have prevailed in Philadelphia and across the country in transvaginal mesh cases against Johnson & Johnson.”

Settlement of \$12.75 million reached in medical device case



Specter



Baldwin



Zakeosian



Pasquarello

Shanin Specter, Kila Baldwin, Gary Zakeosian and Phil Pasquarello obtained a \$12.75 million settlement with Monteris Medical Inc. over a 2015 incident in which the tip of its medical device broke inside a patient’s brain during surgery. Michael Brassloff, then 71, of Philadelphia, suffered severe and permanent brain damage as a result. Today, Brassloff suffers difficulty with balance, walking, emotional stability, word choice and dexterity, and he has developed a seizure disorder as well as Parkinson’s-like symptoms. The device in question – Monteris Medical’s NeuroBlate 2.2 mm Sidefire – was used to remove a benign tumor in the front of Brassloff’s brain. But during surgery the tip of the carbon dioxide-cooled laser probe, which had been inserted through a hole in the patient’s skull, broke off, releasing pressurized carbon dioxide. The legal case is not over. Still pending is a lawsuit against the neurosurgeon, Dr. Kevin Judy, and Thomas Jefferson University Hospital. The suit claims that Dr. Judy used the NeuroBlate despite knowing it had not been tested with the type of tumor in Brassloff’s brain and that even after the device broke, the surgeon disregarded multiple messages generated by its software to cease laser activity. It further alleges that Dr. Judy failed to inspect the probe and perform a diagnostic MRI to ensure his patient’s well-being after the NeuroBlate disabled itself, with the software showing messages it had done so for patient safety. Dr. Judy, a physician employed by Jefferson University Physicians and a professor at Thomas Jefferson University Hospital, testified that he routinely ignored such error messages during procedures. A trial against the doctor and hospital ended in a mistrial during defense questioning of an expert witness. Kline & Specter attorneys have requested a prompt new trial.

Waldenberger, Jimenez achieve \$3.08 million settlement in auto fatality case

James Waldenberger and **Priscilla Jimenez** obtained a \$3.08 million settlement for the estate of a 47-year-old husband and father whose vehicle was rammed by a flat-bed trailer that broke loose from a semi-tractor. Terry Burden was driving his vehicle in Lexington, Kentucky in August 2018 when the incident occurred. He died at the scene. Plaintiffs alleged that the trailer detached because the driver of the tractor failed to ensure that it was secured to the tractor. In addition to suing the driver of the tractor and his employer, a claim was also brought against a company that previously inspected the equipment that connects the tractor to the trailer. Also a defendant in the case was the client's underinsured motorist carrier. In all, there were five defendants making payments as part of the settlement.



Waldenberger



Jimenez

Merson wins \$6.225 million verdict in NYC medical malpractice case



Merson

Jordan Merson, who heads the firm's New York office, won a \$6 million verdict for a woman who underwent an unnecessary hip implant that continues to cause her severe pain and mental anguish five years after the operation. The jury also awarded her husband \$225,000 for loss of consortium. The verdict was delivered for Elisabeth Njinga, 51, a consultant, and her husband, Collinet Njinga against orthopedist Michael Alexiades and the Hospital for Special Surgery in Manhattan. Njinga underwent a total hip replacement on the advice of Dr. Alexiades but she claimed in her lawsuit that he failed to obtain proper informed consent and also to advise her of the risks of the surgery. Also, she claimed that she visited the doctor three times after her surgery but her complaints were never taken seriously. An expert orthopedist presented by Merson in the case stated that the surgery was unnecessary and was not indicated based on a review of the patient's X-rays

and MRIs. Merson noted that Njinga had suffered only mild, degenerative changes to her hip before surgery and the operation should not have been performed. The defendants, he said, placed profits over patient safety. Njinga has had pain in her hip since the surgery that has never abated. She currently undergoes medical care and physical therapy but her pain is permanent.

Firm removes ads from Facebook over hate speech, misinformation



Tom Kline and **Shanin Specter**, founding partners of Kline & Specter, announced that the firm was pulling its advertising from Facebook over concerns the social media platform publishes hate speech and misinformation. In a front-page article, Specter told The Legal Intelligencer: "We decided to pause our Facebook and Instagram advertising due to Facebook's current policy on hate speech and related issues. We do not

think Facebook cares what we do, but we care what we do, and to whatever extent others are influenced by what we do, we hope they join us." Specter said he expected the law firm would lose business due to the decision but that was of secondary importance. He said the decision was

prompted by recent communications from President Donald Trump and his re-election campaign. "In recent weeks," said Specter, "I have felt repetitively that Facebook has been far too permissive in publishing hate speech and other communications that no responsible publisher would publish." He said Facebook "hides behind" the 1996 Communications Decency Act (CDA) that provides immunity from liability for providers of an interactive computer service that publishes information from third-party users. However, Specter told the newspaper, that "is baloney, because they are not the government—they are a private business that is not required to accept communications on their platforms." He said Facebook could use artificial intelligence to monitor posts for hate speech but that the company has chosen not to do so. Specter suggested the CDA be amended to provide for civil liability for Facebook and other internet platforms if they publish communications that violate the legal rights of others, such as hate speech, defamation and revenge porn." Other companies, including major firms such as Pfizer, Microsoft and Starbucks, have also pulled their Facebook advertising and civil rights groups, including the NAACP, have supported the action. ([Read the article](#))

Attorneys help negotiate end to tent city pitched in San Francisco neighborhood

Shanin Specter, Tracie Palmer and Phil Pasquarello, along with counsel from San Francisco-based Walkup, Melodia Kelly & Schoenberger and Los Angeles-based Greenberg Gross LLP successfully represented UC Hastings College of the Law and local residents in litigation against the City of San Francisco. Suit was filed in May to remedy illegal conditions in the Tenderloin neighborhood, where over 400 tents crowded the sidewalks and drug dealing was rampant. Within five weeks of suit being filed in federal court, the city agreed to remove 70% of the tents within 40 days and to take all reasonable steps



to permanently remove the remainder, while respecting the legal rights of the homeless by placing them in vacant hotel rooms and sanctioned encampment sites. The city also agreed to enforce drug laws equally across San Francisco and to set up a high level working group, including the mayor, to address drug and related issues in the Tenderloin neighborhood. "This is vital impact litigation for San Francisco and may serve as a model for other cities. I am grateful for the leadership of Mike Kelly, Rich Schoenberger and Matt Davis of Walkup Melodia and Wayne Gross of Greenberg Gross, as well as Tracie Palmer and Phil Pasquarello at Kline & Specter." ([Read article](#))

Kline nominated for Legal Intelligencer Attorney of the Year



Kline

Tom Kline was nominated for Attorney of the Year by *The Legal Intelligencer* as part of its 2020 Professional Excellence awards highlighting "the great work and achievements across the full breadth of the Pennsylvania legal community." Nominations were announced May 28 and the winner will be announced at a reception on Sept. 9. In nominating Kline for the award, the nation's oldest legal newspaper noted his string of courtroom victories in 2019 culminating with the \$8 billion punitive damages verdict handed down by a Philadelphia jury in October against Johnson & Johnson over its anti-psychotic drug Risperdal, which caused boys and male adolescents to develop gynecomastia. The *Intelligencer* noted that Kline implored the jury in his closing argument to "send a message" to the defendant, J&J subsidiary Janssen. The verdict is reported to be the largest in Pennsylvania

history. Earlier in the year, Kline was co-lead trial counsel with Kila Baldwin in the \$41 million jury verdict in *Emmett v. Johnson & Johnson* in a transvaginal mesh case and was co-lead trial counsel with Baldwin and Michael Trunk in *Mesigian v. Johnson & Johnson*, which resulted in an \$80 million jury verdict. Kline was co-lead trial counsel in three of the top jury verdicts in America in 2019. The second nominee for Attorney of the Year is Emily Baker-White, who created the Plain View Project, which uncovered thousands of offensive Facebook posts and comments by current and retired police officers; 72 officers were eventually put on administrative leave and 13 were fired as a result. The third nominee is Brian McMonagle, of McMonagle Perri, who in 2019 represented clients in noteworthy cases including indicted Philadelphia City Councilman Bobby Henon, Amtrak 188 conductor Brandon Bostian and recording artist Meek Mill.

Becker bestowed the PTLA President's Award

Charles "Chip" Becker was presented with the Philadelphia Trial Lawyers Association's President's Award by PTLA President Tom Sheridan at the PTLA annual meeting on June 16. Becker, a member of PTLA's board of directors, was unaware that he was to receive the award and was surprised by Sheridan's laudatory speech. "Over the past year this recipient has worked tirelessly for our organization," said Sheridan, before disclosing Becker's name to the audience. "We have worked closely together and he has been invaluable in helping me and PTLA make the best decisions in the face of adversity and crisis. He has been a wise and reliable counsel and confidant to me and our entire leadership team." Sheridan praised Becker as a talented "team player" who "makes everyone else around him better and by doing so makes the team better." He added that Becker is "clearly the smartest one in the room" but a person who also possesses humility and the ability to listen to others' opinions. "He is quietly confident and never boasts about his many accomplishments. He is endearing and a pleasure to work with and, make no mistake, he will out-think and out-work any and all of his adversaries." Sheridan also presented the President's Award to attorney Sudhir Patel, president of the Pennsylvania Association for Justice.

Twenty named Super Lawyers, Rising Stars

Kline & Specter had 20 of its attorneys named 2020 Pennsylvania Super Lawyers or Rising Stars, with Tom Kline selected as the state's No. 1 attorney an unprecedented – for any of the 50 states – 17th straight year and **Shanin Specter** selected for the 17th year among the state's Top 10.



The independent attorney rating service includes the best 5 percent or less of all lawyers in a state. Also selected as Super Lawyers for 2020 were **Lee B. Balefsky**, head of the firm's Mass Tort Department and also a 17-year selection; **Andrew J. Stern**, who was selected for the 16th consecutive year; **Charles "Chip" Becker**, head of the firm's Appellate Department, who was named in Super Lawyers Top 100 list; **Michael A. Trunk**; **Dominic Guerrini**; **Nadeem Bezar**; **Christopher Gomez** and **Kila Baldwin**. Winners were chosen by statewide voting and review by Super Lawyers' blue ribbon panel. Kline was recognized for his myriad legal victories, including his \$8 billion punitive damages verdict in October 2019 against Johnson & Johnson in a Risperdal case. Kline & Specter attorneys also were named as Pennsylvania Rising Stars for 2020, designating them as among the top 2.5 percent of attorneys in the state who are 40 or younger or practicing 10 years or less. They are **Priscilla Jimenez**, **David C. Williams**, **Braden Lepisto**, **Patrick Fitzgerald**, **Emily Marks**, **Tracie Palmer**, **Mark S. Polin**, **Elizabeth Crawford**, **Ben Present** and **Elia Robertson**. Additionally, **Jordan Merson**, who heads the firm's New York City office, was named a New York Super Lawyer and **Gilbert Shelsby** and **Robert Leoni**, members of the firm's Delaware office, were named Super Lawyers in that state.

Kline, Specter named to Lawdragon Nation's Top 500

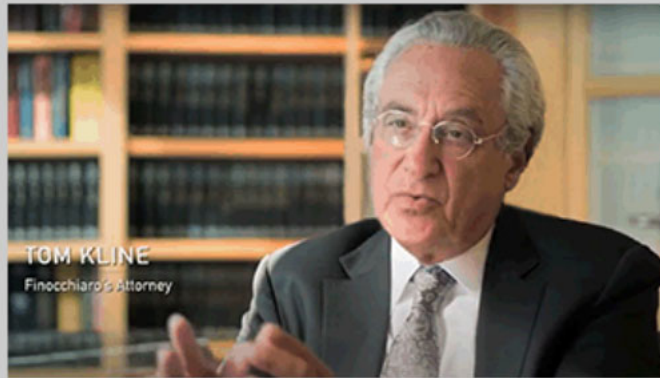
Tom Kline and **Shanin Specter** were selected by the independent attorney survey group Lawdragon as among the Top 500 Leading Plaintiff Consumer Lawyers in the nation. Lawdragon, which started in



2007, said it was impressed with the attorneys' "caliber and breadth of talent dedicated to helping consumers." Kline and Specter have figured prominently in litigation against the giant pharmaceutical firm Johnson & Johnson in recent years, with Kline in late 2019 winning an \$8 billion punitive jury verdict against J&J subsidiary Janssen over its anti-psychotic Risperdal. Both he and Specter have won eight-figure verdicts against J&J subsidiary Ethicon in lawsuits involving women injured by surgically implanted transvaginal mesh.

Kline featured on ID's "The Lost Boys of Bucks County"

Tom Kline along with Kline & Specter clients Anthony and Bonnie Finocchiaro appeared on the ID Channel's nearly two-hour special "The Lost Boys of Bucks County" about the 2017 murders of four young men at the hands of Cosmo DiNardo. The special, which premiered on June 22, detailed the disappearance and murders of Dean Finocchiaro, Jimi Patrick, Mark Sturgis, and Tom Meo on the DiNardos' farm in Solebury Township.



"It was a game for Cosmo DiNardo," Kline tells the viewing audience toward the end of the program. "Every action by Cosmo DiNardo proves that what he did was really thinking in his twisted mind was that these young men were really disposable trash." DiNardo lured his victims to the farm under the guise of selling them marijuana. He eventually pleaded guilty to killing the four men, while his second cousin, Sean Kratz, was later found guilty by a jury in the shooting death of Finocchiaro, whose family Kline represents along with **Colin Burke**. "You have a bunch of working-class kids, who were lured to a rich kid's parents' farm and ended up being prey to a twisted, torturous, murderous mind of Cosmo DiNardo, a young man who made a decision that he was going to, for sport, murder people," Kline says in the special. Family members of the slain boys are quoted extensively in the program, expressing a gamut of emotions – doubt, fear, resentment, anger. But in the end, they all share a sense of loss. "There's a void," says Bonnie Finocchiaro. "There's a void, an emptiness that just consumes us. There's a missing part to this family now and it can never come back." "The Lost Boys of Bucks County" is available on the [Investigation Discovery website](#) or the program can be viewed on the network's on-demand app IDGO available on a variety of different platforms. (Viewer discretion is advised.)

Specter appears on CNN, authors op-ed, on coronavirus waivers



Shanin Specter appeared on CNN's "Smerconish" program after writing an op-ed for the network on coronavirus waivers. He noted that as businesses have been opening after months of being shuttered because of the coronavirus, some have been asking patrons (or attendees at functions such as President Trump's June 20 political rally in Tulsa) to sign liability waivers. But, said Specter in the article: "They're a bad idea. First, a signed form providing that a patron won't sue even if the business was negligent is unenforceable in most states, as it's

considered against the public interest. Second, the form itself sends the wrong message. It discourages

reasonable care by owners and staff. It suggests that the business isn't operating safely." Likewise, he wrote, laws that make a business immune from lawsuits over COVID-19 amount to a "blessing for bad behavior. Like a waiver, it encourages a lack of due care. And as with a waiver, it punishes someone victimized by another's fault by denying them their day in court." Instead, Specter suggested, people need simply follow the rules, such as those set out by the Centers for Disease Control and Prevention on wearing facemasks, practicing social distancing, cleaning surfaces and washing and sanitizing hands. ([Read the CNN article](#)) On the television program, Specter told host **Michael Smerconish**: "What a business should say instead of saying 'sign a waiver,' a business should say, 'We care about you, we care about your health and your safety. We strive to make our workplace safe, our restaurant safe, our business safe. If you see something you think is not safe, please tell us, please tell a manager.' That's a positive message. That's what people want to hear." Regarding Trump's political rally in Tulsa, Specter opined: "What the president is saying today, regrettably, is 'I care more about my political future than I care about your health and safety.' He'd be much better off for the country and himself if he said, 'Please wear a mask.'" ([Watch the interview](#))

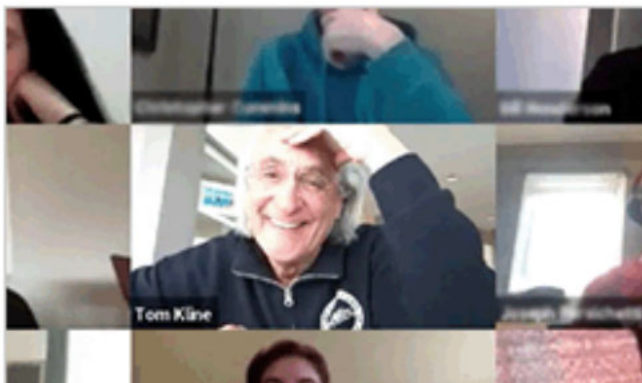
Williams helps lead fight against mail-in voting restrictions

David Williams, as president of the Barristers' Association of Philadelphia, helped lead the fight against unfair restrictions of Pennsylvania's mail-in voting system. The Barristers', which represents some 1,000 African-American attorneys, announced its participation in a lawsuit filed by the Public Interest Law Center challenging the state law governing mail-in voting in light of the COVID-19 pandemic. While the new law, enacted last fall, provides for mail-in ballots, there is a problem with timing: you can't send for a ballot until seven days before an election and then they must be returned by election day. With mail delays due to the coronavirus, that could result in thousands of ballots arriving too late to be counted. The lawsuit proposes that mail-in ballots postmarked on or before election day be counted even if they arrive late (and if there is no postmark or a postmark is illegible, the vote be counted up to seven days after election day). "We shouldn't have to choose between our health and our vote," Williams told the news media. "We have elderly, pregnant and otherwise vulnerable loved ones to consider. As Black lawyers of conscience, we could not stand on the sidelines of this fight." He noted that because of the COVID-19 pandemic, more than 600,000 Pennsylvania voters had requested mail-in or absentee ballots. Williams also pressed the case in an appearance on WURD-Radio, where he noted the U.S. Supreme Court had already upheld allowing mail-in ballots that arrived after election day as long as they were post-marked in time. He pointed to the fiasco that occurred in the Wisconsin primary election in which 180 polling places were shut down because of the coronavirus and voters were left standing in line for hours. Williams warned that without changes in the mail-in voting laws, "that could potentially happen in Pennsylvania, especially in Philadelphia." Among others joining in the lawsuit were Disability Rights Pennsylvania, the SeniorLAW Center and the Southeast Asian Mutual Assistance Associations Coalition.



Williams

Tom Kline speaks at online class at Kline School of Law



Tom Kline appeared as a special guest in a class taught by **Jerry Lehocky** at the Kline School of Law at Drexel University. The class taught by Lehocky, a partner at Pond Lehocky Giordano, emphasized trial advocacy techniques and Kline discussed how to ask questions during trial. "If I were to leave you ... on how to ask a question, I would say to ask sometimes poignant, brief, direct questions to make an impact ... those are the kinds of questions that can make a difference in a trial," said Kline. He detailed two of his cases and discussed cross-examinations he conducted. Kline

also noted that he sometimes poses rhetorical questions to a jury in his closing argument, questions

such as: "Do you think that's right?" Kline pointed out that judges tell juries that questions are not evidence. But, he said, "That doesn't mean that questions aren't important. You can make an awful lot of points with your questions despite what the answers are and despite whether those questions are objected to." One student asked Kline for his advice with school and careers during the pandemic. "It is a different world that we have inherited since the middle of March 2020. Who would have ever thought we would all be here," he said, adding, "We don't know how long we will literally be living in these little boxes we're talking in ... I can't do any better than to tell you you've got to plug forward and you have to look beyond this."

Specter comments on med-mal immunity on talk radio

Shanin Specter discussed governmental grants of legal immunity for health care professionals during the COVID-19 pandemic on the Court Radio Show hosted by fellow attorney **Dean Weitzman** of the law firm MyPhillyLawyer. Specter noted that New Jersey and New York have enacted these measures and the Pennsylvania legislature is considering such a step. But Specter noted concern: "That's dangerous because, while we all owe the health care professionals a great deal of gratitude for risking their lives to take



care of us and to take care of our loved ones, that does not extend to giving them a free pass when they do something wrong, particularly when what they have done wrong has nothing to do with COVID." He cited the possible case of a woman who enters a hospital to have a baby and encounters medical error that results in her child suffering profound injury. "And the doctor says, 'Well, I suspected that she had COVID,' but the issue had nothing to do with it ... the doctor is immune." And, Specter pointed out: "Everyone is suspected of having COVID nowadays when they go into a hospital." Specter also spoke with Weitzman about what Kline & Specter had been doing during the crisis, namely continuing business as usual with its employees working from home since March 16. "We had been planning for weeks and we were able to smoothly transition ourselves out of our building," he said. Lawyers and paralegals and other employees were set up with home offices where necessary. "It's uncomfortable and nobody wants to operate from home, but we're doing it." The Court Radio Show is broadcast every Sunday at 7 a.m. over 100.3 WRNB, Boom 103.9 and Classix 107.9 WPPZ. ([Hear the entire broadcast](#))

On stage: Smerconish talks politics, life, columns



Kline & Specter Of-Counsel **Michael Smerconish** took his one-man show to St. Louis, where he told an enthusiastic audience about his life and career seen largely through the eyes of the 1,047 newspaper columns he has written. In an engaging appearance, he told about growing up in a Republican household and going on to become president of the Young Republicans Club at Lehigh University, which led ultimately to a job in the administration of President George H.W. Bush. Smerconish, host of "The Michael Smerconish Program" on SiriusXM and CNN's "Smerconish", told of his trip to Cuba with the late

Sen. Arlen Specter and having dinner with Fidel Castro. He spoke about conducting the first radio interview with President Barack Obama and how, a little rattled when the president showed up early, he asked him a question (suggested by his son) about the "Book of Secrets," the fictitious document held by presidents that supposedly answers mysteries such as who really killed JFK, if aliens really landed in

Area 51 etc. Obama's answer: "I could tell you, but then I'd have to kill you." Smerconish touched on many of his newspaper columns written over 15 years, including columns about everything from politics to Winston – not Churchill, but his dog, who he once rushed to the vet for suspected seizures only to be told the pooch had the hiccups. The best of Smerconish's columns appear in his book "Clowns to the Left of Me Jokers to the Right" (the proceeds of which go to charity). The columns also contain postscripts, many of which show years later that Smerconish had been right about some things and wrong about others. "He will never run, much less be elected president of the United States," he once opined about Donald Trump. Smerconish told his audience that Americans want the same things in life: good health, prosperity, good things for their kids, to be left alone to worship, or not. And good things for our country. He concluded: "There is more that unites us than divides us." [Watch the entire program](#)

Tom Kline on TV on "Fighting Back"

Tom Kline offered expert analysis on a CBS3 report on "The Law Of Fighting Back" that focused on the rights victims have in defending themselves against attacks by criminals. "I have never in over 40 years seen the streets more dangerous," said Kline, who has lived most of his adult life in Philadelphia. The news item opened with a black-and-white video of a woman being kicked and dragged by three hooded perpetrators followed by interviews with people about how they would fight off their assaulters.



But Kline noted that the law is basically "stacked against" victims. He explained: "You cannot use deadly force if deadly force is not needed. You cannot even use non-deadly force unless the circumstances require it." The show's moderator noted that the laws in New Jersey and Delaware require victims to retreat if they can, though that is not the case in Pennsylvania. The best option, she said, may be flight over fight. And a victim must be able to defend his or her actions afterward. "If you use deadly force you may end up being a criminal defendant," Kline cautioned. "You may end up being the one in jail." Kline noted there is one option victims always have – suing their attackers. A victim can sue perpetrators and be awarded their assets and can even sue in cases in which they are attacked by minors. "You would have a potential claim against the parent for negligent supervision," he noted. [Watch the TV clip.](#)

Shanin Specter offers tips on "How to Get a Job You'll Really Like"



In March, **Shanin Specter** gave a talk at Berkeley Law on the topic: "How to Get a Job You'll Really Like." He has given the same lecture to law students at Hastings, Stanford and the Beasley School of Law at Temple University. After noting that money correlates the least with career satisfaction, Specter then cited studies that show young lawyers get the least satisfaction from working at big firms after graduation. "How many of you are headed to big firms," Specter asked his students, then, seeing only a few raised hands, he quipped:

"Maybe I should have you close your eyes and raise your hands." Young lawyers are more content if they work at small firms or become solo practitioners, and even more so if they perform public sector work. While cited by attorneys as very important, only 16 percent of those who have practiced for a time say their expectations were met in this category. Said Specter, "This to me is very concerning." He suggested an "alternative pathway to satisfaction." First, students entering the field should ask themselves a simple question: "What do I like in the law? What classes and practices interest me? What kind of work do I want to do?" Second, decide where you want to live, whether a small town or big city,

East Coast or West, the Bay Area or Montana. Then, third, research the possibilities that match those two answers. And finally, send letters. Not emails or texts, but letters. “I don’t tend to open emails from people I don’t know,” Specter said, noting that letters sent in today’s world are a rarity and tend to get noticed. “I get so few letters, I admire the initiative.” Follow the four steps, said Specter, who has helped hire his firm’s current 46 attorneys, “This absolutely works for getting a job you really like.” ([Watch the video](#))

Gildersleeve, aided by Kline and Fitzgerald, advocates vs. Amtrak arbitration requirement

Tom Kline and **Patrick Fitzgerald** accompanied Charles Gildersleeve, several members of Congress and the American Association of Justice (AAJ) in a news conference call introducing the “Ending Passenger Rail Forced Arbitration Act” (S. 3400 / H.R. 6101). The legislation, introduced by Sen. Richard Blumenthal (D-CT) and Reps. Conor Lamb (D-PA) and Denny Heck (D-WA), was supported by the efforts of the AAJ and seeks to revoke Amtrak’s forced arbitration provision added to all Amtrak tickets last year. The broad arbitration clause bars current and former customers from filing lawsuits related to

any claim against the national passenger rail company. Charles, the brother of the late Bob Gildersleeve who was killed in the Amtrak 188 train derailment and whose family Kline and Fitzgerald represented in the litigation, denounced Amtrak’s new policy: “Amtrak should not be able to hide behind the secrecy of forced arbitration when their actions have harmed, or worse, killed someone ... We were at least able to hold Amtrak publicly accountable for [the Amtrak 188 derailment]. I believe all Americans should have that constitutional right.” Kline, as chairman of the Plaintiffs’ Management Committee of the Amtrak 188 multidistrict litigation, was instrumental in achieving a \$265 million global settlement and orchestrating the settlement program for the passengers injured and families of those who died in the tragedy.



Jimenez named to PA Commission on Latino Affairs



Priscilla Jimenez was among 15 new commissioners appointed by **Gov. Tom Wolf** to the Pennsylvania Governor’s Advisory Commission on Latino Affairs. Jimenez was sworn in to the new post in a ceremony at the state Capitol. During a ceremony, Wolf said: “Pennsylvania is built on a foundation of inclusion and diversity and the Latino community is an important part of our commonwealth’s history and our future.” He noted a need to hear from members of his commission, which also includes 18 previous members, on topics ranging from healthcare and education to economic development and the census. “I look forward to working with the commissioners to create a Pennsylvania where everyone can thrive,” he said. Also speaking at the swearing-in were Department of Aging Secretary **Robert Torres**, Department of Education Secretary **Pedro Rivera** and state **Rep. Danilo Burgos**. The

commission was created by executive order and its mission is to advise the governor on policies and legislation that impact Latino communities.

New Attorney – Aaron Dunbar

Aaron Dunbar, a former prosecutor with the Philadelphia District Attorney's Office, joined Kline & Specter, where he represents plaintiffs in personal injury and mass tort litigation. He previously also worked with two other Philadelphia law firms handling civil litigation. Dunbar graduated *magna cum laude* from the University of Maryland Eastern Shore with a degree in criminal justice, then earned his law degree from North Carolina Central University School of Law, where he was staff editor of the NCCU Law Review. While in law school, Dunbar worked with the Small Business and Community Development Clinic, the Criminal Defense Clinic and the Veteran's Law Clinic. He is a member of The Barristers' Association of Philadelphia and is also on the board of directors for the Men's Center for Growth and Change in Philadelphia.



Dunbar

COVID-19 update: helping with food and masks

During the coronavirus pandemic, it has been difficult for our staff to continue many of their previous volunteerism efforts, yet some have been able to lend a helping hand, including attorney **Kila Baldwin**, who provides lunches several times each week for staffers at Jefferson Hospital, Grand View Health in Sellersville, Pa., and the Margate City Fire Department at the Jersey Shore as well as elderly neighbors. **Amanda Lorentson**, who in the last eletter had started to sew protective masks for doctors and nurses, has pumped out nearly 200 of the masks made from vacuum cleaner bags and elastic bands. The masks have found their way to hospitals in Philadelphia, Boston, New York, St. Louis, Los Angeles and New Jersey. And recently **Cheryl Bettigole**, a doctor and director of the Division of Chronic Disease and Injury Prevention for the City of Philadelphia, went to Lorentson's home to pick up several dozen masks to be used by essential workers helping the city's homeless.

Photo Gallery



Kline & Specter opened a state-of-the-art multi-purpose classroom/conference center that seats 50 people and accommodates video conferencing. Its two rooms can be combined into one space with acoustical paneling and a cutting-edge sound system. When two rooms, each is fully automated for lighting, audio, and video. The built-in video conferencing feature can pan, tilt and zoom, while ceiling microphone arrays automatically adjust to the active speaker's location. (No need to be mic'd up.) Sound engineers meticulously measured speaker output and fine-tuned the microphone arrays to optimize audio levels, while digital sound processing eliminates feedback. There is also wireless video/screen sharing from any internet connected device. And, a room sensor automatically adjusts everything to whether there is one large space being used or it has been made into two separate rooms. Powered window shades automatically adjust for proper lighting. Seen here in use at a meeting of the firm's attorneys before the pandemic, the large room can now provide an opportunity for proper social distancing.



Kline & Specter's **Tom Kline** and **Brittney Schoenbeck** appear on the big screen in their appearance in "Uncut Gems," the recent motion picture starring Adam Sandler featuring a Philadelphia 76ers 2012 playoff game where the duo are in their regular court-side seats next to the visitor's bench as they watch the star performance of Kevin Garnett, playing himself in the movie. While neither Kline nor Schoenbeck received an Oscar nomination, Twitter was abuzz with spotting the long-time Sixers fans.

Charity

Among donations made by Kline & Specter are those to aid the following:

- Homeless Advocacy Project
- The Philadelphia Fund for Seniors
- Community Legal Services
- Foundation for Criminal Justice
- Barristers' Association of Philadelphia
- Pennsylvania Innocence Project
- Howard University School of Law
- Project H.O.M.E.
- Homeless Children's Education Fund

"If our hopes of building a better and safer world are to become more than wishful thinking, we will need the engagement of volunteers more than ever."

— Kofi Annan

"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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