



# A World Without Trial Lawyers!



Written by:

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**O**n January 22, 2016, my husband and I were watching Real Time with Bill Maher when a discussion about deregulation, disaster and climate change came up. Here are some quotes from that episode:

*"The oil and gas industry, Wall Street, other powerful economic forces, have decided that deregulation will increase their profits. There is no money to be made in safety. There is no money to be made in health."*

— Alan Grayson

*"It's just not true that the public sector does things better. It's just institutions have to be run by smart people who are dedicated to a larger good, whether it's a profit or keeping a bridge up."*

— Jon Meacham

What surprised me is that time after time as they discussed the horrible disasters that have occurred, allegedly because of the repeal of laws established to restrict corporations, not once did they discuss how trial lawyers have been fighting for years to protect people. I found myself saying out loud to the television at least 3 times, "that's why I became a trial lawyer" or "trial lawyers do that!"

*For decades, trial lawyers like me have been fighting big companies for the people! Our environment is cleaner, our medicine is better and our cars are safer today, thanks to Americans—represented by trial attorneys—who stood up to big corporations and held them accountable in court.*

Did you read the book, "A Civil Action" written by Jonathan Harr or see the movie of the same name with John Travolta? It's based on a true story of environmental pollution in Woburn, Massachusetts where the children of the town developed leukemia and other deadly cancers after a large corporation contaminated the groundwater. It was not until after the case got national attention that the Environmental Protection Agency found the company responsible for the contamination. That's a perfect example where trial lawyers helped individuals seek justice.

Did you know that Children's Motrin, produced by Johnson & Johnson, could cause Toxic Epidermal Necrolysis (TEN), a life-threatening skin disorder that is usually fatal? Johnson & Johnson was not warning families and as a result, 7-year-old Samantha Reckis lost 95 percent of the top layer of her skin while suffering other severe injuries, including heart failure, stroke, an aneurysm and blindness. J&J argued that they did not put a warning on the label because the FDA would not have allowed them to do so. The

Massachusetts Supreme Court disagreed indicating that the FDA would likely have approved it if they had asked. This is another example of trial lawyers fighting for what is right.

In October 1991, Leora Mabee was 19 years old working in the labeling department at the Borden plant in Cape May County, New Jersey on a labeling machine that was just brought into the plant a few days earlier. Unbeknownst to Ms. Mabee, to speed up production, Borden had removed two different safety mechanisms from the machine. The safety mechanisms would have stopped the operation of the machine during cleaning, which while it would prevent serious injury, it would shutdown production possibly causing a fifteen to twenty minute cessation of production. As Ms. Mabee was cleaning glue off the rollers on the machine her hand was suddenly pulled into the rollers causing a horrific crush injury that required multiple surgeries.

When an individual is injured during the course of their employment, they are entitled to recovery under the New Jersey Worker's Compensation Act. Borden argued that Ms. Mabee's recovery should be limited to worker's compensation damages. Prior to this case, employers had only been held directly liable in asbestos litigation cases, but my law partner, Paul R. D'Amato, and Kenneth D. Mackler, with the Goldenberg, Mackler law firm, thought it was wrong that employers would sacrifice the health, safety and wellbeing of their employees for profit without facing harsher penalties.

Treading on new ground he brought Ms. Mabee's case to the attention of the Superior Court of New Jersey so that other corporations would be deterred from preventing harm to their employees. When corporations choose profit over the safety of its employees, neighbors or consumers, it's trial lawyers who fight for the individuals!



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See more at the American Association for Justice: <https://www.justice.org/>

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See Mabee v. Borden, 316 N.J. Super. 218 (App. Div., 1998)