

THE LEGAL OUTLOOK

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“I consider trial by jury as the only anchor ever yet imagined by man by which a government can be held to the principles of its constitution.”

**THOMAS
JEFFERSON**

Joseph L. Messa receives President’s Award at Philadelphia Trial Lawyers Association Annual Meeting



On Wednesday, June 21st, Founding Partner Joseph L. Messa, Jr. was honored with the Philadelphia Trial Lawyers Association *President’s Award* at the organization’s annual meeting.

The award is given by the outgoing Association President to a member of the PTLA whose dedication to the group proved invaluable to the President and to the group’s ability to adhere to its mission and achieve its goals.

“I believe so much in what this organization stands for and works towards,” said Messa. “To receive this award from my dear friend, Ezra, was an absolute honor.”

The Philadelphia Trial Lawyers Association is dedicated to the preservation of Civil Justice System and every citizen’s right to trial by jury. In addition to its work for victims of negligence, the PTLA supports continuing legal education for attorneys in Philadelphia by sponsoring a Luncheon Lecture Series and numerous seminars. The organization also honors exemplary law school seniors with trial advocacy awards.

Your rights to fair compensat

■ By Richard J. Heleniak

In my many years as an injury attorney, I have encountered numerous clients who feel like they have to apologize for bringing a claim to court, as if there is something wrong with or distasteful about seeking to hold someone accountable for negligent or wrongful conduct which causes injury. When someone says to me, "I'm not the type to sue," I want to say, *"Well what type of person is the type to sue?"*

The answer to this question should be: **a True American**. Our founding fathers created the court system to be a place where regular citizens could go to have disputes resolved in accordance with the rules and the law. Perhaps most importantly, the United States Constitution, as well as the Constitution of the Commonwealth of Pennsylvania, gives each of us the right to have those disputes considered and decided by a jury of common citizens, who use their collective wisdom in considering the evidence to determine whether someone is legally responsible for an injury or wrong in a civilized and formal process. A jury trial gives all parties the opportunity to present evidence and arguments in support of their side of the dispute. Additionally, our uniquely American system permits injured persons to hire lawyers to represent them in disputes on a contingent fee basis, in which the lawyer only gets a fee if the claim is successful, and in which the injured person pays nothing unless there is a recovery of damages to compensate for the injury. This ingenious arrangement permits injured persons who would otherwise not be able to afford it to hold big corporations and governments responsible for their negligent or wrongful conduct. The ability of the common individual to challenge corporate and governmental conduct in a lawsuit has resulted in safer products, better healthcare, and protections of constitutional and individual rights. But for the contingent fee arrangement, individuals would not be able to

afford the great cost necessary to challenge the big corporations and insurance companies. Without the ability of the individual to file a lawsuit and get a jury trial, cars would not have seatbelts and airbags to protect us, doctors would not have the obligation to advise us of the risks, benefits and alternatives before subjecting us to surgery, and children's playgrounds would be filled with dangerous equipment and conditions. These are just a few examples of the impact and societal benefit that individual lawsuits have contributed to make our country a better place to live.

Without the ability of the individual to file a lawsuit and get a jury trial, cars would not have seatbelts and airbags to protect us, doctors would not have the obligation to advise us of the risks, benefits and alternatives before subjecting us to surgery, and children's playgrounds would be filled with dangerous equipment and conditions.

SO, WHERE DOES THE NEGATIVE STIGMA COME FROM?

For years now, those who would be responsible for paying the damages determined by juries to be necessary to compensate injured persons for their losses – the insurance industry, product manufacturers,

tion in court are under **attack.**

Chambers of Commerce representing business – have engaged in widespread advertising campaigns and lobbying to try to convince people and legislatures that there is something wrong with making sure that those who are careless in providing healthcare and those who sell defective products which cause personal injury should not be made to pay for the damage they cause. Through public relations campaigns they have spread false information about the legitimacy of many lawsuits and have exaggerated the cost of lawsuits, and in doing so seem to have convinced many people that lawsuits are “frivolous”. This propaganda has been intended to help the industry in its lobbying efforts as they have attempted to get laws passed which limit an individual’s ability to bring a lawsuit and also attempt to arbitrarily limit the damages which can be recovered. Fortunately, the campaign to put caps on damages in both Pennsylvania and New Jersey has been unsuccessful. In fact, the Pennsylvania Constitution specifically protects its citizens against caps on recoverable damages, mandating that such decisions be left to the unfettered wisdom of the jury.

The assault on your right to bring a lawsuit continues, and has now been extended to the federal level. While much of the Washington news has been focused on President Trump and the attempts to repeal the Affordable Care Act, the Republican-dominated Congress has quietly resumed an assault on your right to hold negligent parties responsible for the damages caused. In the first few months of 2017, the U.S. House of Representatives has seen the introduction of numerous bills which both seek to limit your rights and also to take away the control of those rights from the states and give it to the federal government. These bills would seek to cap damages at \$250,000.00 in medical malpractice, nursing home neglect and defective product cases, and also limit attorney’s fees to make it harder, if not impos-

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-Thomas Jefferson

sible, for an injured individual to bring a legitimate lawsuit. Other proposed bills would take away your right to have your medical malpractice claim decided by a jury of common citizens and instead decided by doctor-stuffed panels and federal court judges. Other bills would severely limit class actions, taking away the ability of common citizens who have suffered real but relatively small individual losses to band together to bring their claims more efficiently and to stand up in unity against the big banks, manufacturers, and drug companies.

We all must be vigilant. We cannot stand by while our fundamental rights of access to the courts and to a trial by jury are being assaulted. Contact your Congressional Representative and tell him or her that you oppose these efforts to take away your important American rights.

In 1789, Thomas Jefferson said, “I consider trial by jury as the only anchor ever yet imagined by man by which a government can be held to the principles of its constitution.” The right to jury trial was so important to our country’s founders that it was made the law of the land in criminal matters by Article III of the Constitution and in civil cases seeking money damages by the Seventh Amendment to the Constitution, part of the Bill of Rights. To bring a lawsuit to right a wrong is truly American. You should be proud to have the right to do so, and you should help to protect this truly American right.

AROUND THE OFFICE



On June 20th, Darla DiCrecchio, paralegal to Lee D. Rosenfeld, got engaged to her beau, Austin, at Grounds for Sculpture in Hamilton, New Jersey! Congrats to the love-birds!!



Many congratulations to Jahaan Ameen who married her fiancé, James, on June 10th at the Regal Ballroom in Northeast Philadelphia. Wishing lots of love, luck, and happiness to the newlyweds!



We are wishing a Happy, Happy Birthday to all of our June babies: Jen Gomez Hardy (5th), Stewart Ryan (15th), Darla DiCrecchio (20th), and Jenimae Almquist (28th). Happiest of birthdays to you all!

MAIN LOCATIONS

PHILADELPHIA
123 S 22nd St
Philadelphia, PA 19103
P: 215-568-3500

CHERRY HILL
2091 Springdale Rd. , Ste. 2
Cherry Hill, NJ 08003
P: 856-810-9500

SATELLITE LOCATIONS

GERMANTOWN
6000-6002 Germantown Ave
Philadelphia, PA 19144
P: 215-844-1614

PITTSTON
309 Wyoming Ave
Pittston, PA 18643
P: 570-883-0800

CONSHOHOCKEN
923 Fayette St.
Conshohocken, PA 19246
P: 215-940-7700

LINWOOD
605 New Road
Linwood, NJ 08221
P: 609-601-1644

ROSELLE
520 West First Ave
Roselle, NJ 07203
P: 908-300-3900

COLLINGSWOOD
475 White Horse Pike
Collingswood, NJ 08107
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