

Messa & Associates

TRIAL ATTORNEYS WITH A REPUTATION FOR RESULTS

The Legal Outlook

February 2015 | Volume 7 | Issue 2

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Consumer News:

RECALL REPORT



MEAN GREEN cleaner recalled for undeclared Ammonia content

CR Brands is asking that all consumers of the Mean Green Super Strength Cleaner and Degreaser which is sold at value stores including Family Dollar, Dollar Tree, Walmart, and Dollar General, return the product to their place of purchase for a replacement.

For more info, call toll-free at 866-447-3369 between 9am and 4pm, Monday thru Friday, or visit the website at www.crbrandsinc.com.

JOSEPH L. MESSA, JR. CERTIFIED BY THE AMERICAN BOARD OF PROFESSIONAL LIABILITY ATTORNEYS AS A MEDICAL MALPRACTICE ATTORNEY, AWARDED STATUS OF DIPLOMAT



Joseph L. Messa, Jr., founder of Messa & Associates, P.C., has been awarded board certification by The American Board of Professional Liability Attorneys (ABPLA), a national organization founded in 1972 that certifies leading trial advocates in areas of professional negligence law. It is the only organization in the United States accredited by the American Bar Association to identify and certify legal professionals in the areas of legal and medical malpractice.

Board Certification is reserved for attorneys with superior ability in areas of professional negligence and attorneys deserving of special recognition in their practices areas.

Peer-nominated candidates are evaluated based on their experience, education, ethics, examination, and excellence. Those candidates that ABPLA considers qualified are invited to sit for an examination. Passing the exam awards candidates with both Board Certification and Diplomat status.

Mr. Messa successfully earned the distinction of an American Board of Professional Liability Attorneys Diplomat and Board Certified Medical Malpractice Attorney. To add to his achievements, Mr. Messa will be sworn in later this year as the President of the Philadelphia Trial Lawyers Association.

In addition to earning multiple seven- and eight-figure verdicts for his clients, Mr. Messa is an AV-rated attorney and listed in the Bar Register of Preeminent Lawyers. He is a member of the Million Dollar Advocates Forum, Multi-Million Dollar Advocates Forum, and was named a Top 100 Trial Lawyer by The National Trial Lawyers. Mr. Messa is also an Advocate of the American Board of Trial Advocates. He has been recognized as a Pennsylvania Super Lawyer from 2009 to 2014 and was selected to the Top 100 Pennsylvania and Top 100 Philadelphia lists for 2012 and 2013.

Recently, Mr. Messa settled a child safety case for \$6.1M on behalf of a three year old girl who lost her right eye after being impaled by a metal latch connected to a fence. She was attending pre-school on a local college campus when she ran into a previously known defect. The young girl will require special medical treatment for the rest of her life.

THE FEBRUARY SUNSHINE STEEPS YOUR BOUGHS AND
TINTS THE BUDS AND SWELLS THE LEAVES WITHIN.

WILLIAM C. BRYANT

February is American Heart Month



Heart disease is the leading cause of death in the United States, attributed to 1 in every 4 deaths among adults in the US, per year. The Centers for Disease Control and Prevention (CDC) attribute the rising number of heart disease cases to uncontrolled high blood pressure. According to the CDC, almost 67 million people in America suffer from high blood pressure. Those people are 4 times more likely to die from stroke and 3 times more likely to die from heart disease, compared to those with normal blood pressure.

In honor of American Heart Month, the CDC wants you to **"MAKE CONTROL YOUR GOAL."** Below are a few ways you can make sure you are keeping yourself safe from the dangers of high blood pressure (BP):

- **Ask your doctor what your BP should be** and set a goal to lower it to healthy levels.
- **Take your BP medicine as directed** and if you are having trouble with timing, money, or side effects, ask your doctor for help.
- **QUIT SMOKING!** And if you don't smoke—don't start!
- **Reduce your Sodium intake.** Most Americans consume too much sodium thanks to pre-packaged and processed foods. Look for low-sodium alternatives and recipes to help keep your blood pressure low.

For more information, visit
www.cdc.gov/bloodpressure

MESSA & ASSOCIATES FILES THREE CONSTRUCTION INJURY CASES ON BEHALF OF SERIOUSLY INJURED CLIENTS

Joseph L. Messa, Jr., Jenimae Almquist, and Ramon A. Arreola have filed a series of construction site injury cases in the Philadelphia Court of Common Pleas within the last few months on behalf of clients who have been seriously and permanently injured due to negligently dangerous worksite conditions.

The first case, filed by Messa and Almquist, was on behalf of a 47 year-old construction worker who was rendered a paraplegic after falling at a construction site. The plaintiff was installing windows and doors on the second story of an apartment building. The area in which he was performing installations was not fitted with stairs, ladders, or guardrails. Plaintiff fell at least one story to the ground becoming paralyzed from the waist down. Defendants are accused of failing to maintain a safe worksite and of altering the worksite after the fall took place.

Messa and Arreola filed a products and premises liability case on behalf of their 44 year old client

who sustained a serious and permanent knee injury after the Marshalltown brand drywall stilts he was utilizing broke in half. The plaintiff sustained fractures to his right tibia, tears to his ACL, MCL, and meniscus, and strains to his LCL.

Messa and Arreola filed an additional construction injury case on behalf of their 30 year-old plaintiff who fell 40 feet through a roof at an unnecessarily dangerous warehouse construction worksite. Plaintiff sustained fractures to his right elbow and left ribs, as well as serious injuries to his head, spine, and left shoulder. Tests results also show serious neurological injuries after the fall. Defendants are accused of carrying on business in unreasonably dangerous conditions.



Settlements and Verdicts

CONFIDENTIAL

Joseph L. Messa has settled a \$6.1M child safety case on behalf of his six-year old client who tragically lost her right eye at just three years of age. The client's right eye was impaled by a protruding metal latch on a playground fence at an area college campus where she attended pre-school. Mr. Messa asserted that the institution neglected the children's safety when they failed to repair the latch a year earlier after it caused an injury to another little girl. The college's failure to alert the proper parties in order to repair the fence's dangerous condition to prevent further injury left the dangerous condition that caused the little girl a life-changing injury.

BREAKING IT DOWN

USING LAWSUITS FOR SOCIAL REFORM: EQUALITY IN EDUCATIONAL FUNDING

■ By Jenimae Almquist

Resolving disputes among parties is not the only way that litigation is used to promote fairness. Lawsuits can be used to test an unfair law, system, or institution as well. For example, a judicial process exists to challenge a statute on the grounds that it violates the federal or state constitution. Just as your personal injury attorneys formulate evolving strategies to move your case forward, institutional reform lawyers craft step-by-step litigation tactics to advance a higher goal. Unfortunately, this process often takes decades.

The infamous case, *Brown vs. Topeka Board of Education*, is an example of “institutional reform litigation,” designed to effectuate social change, and was actually the product of years of planning by lawyers to dismantle racial segregation in schools. Many wonder, though, whether the promise of *Brown vs. Board*, including the ideal of equal educational opportunity, has been fully realized. Some would argue that racial and socio-economic segregation remains in full force in our public schools, with the poorest districts receiving the fewest resources and pervasive gaps in funding for white versus minority pupils.

Article III, section 14 of Pennsylvania’s Constitution mandates that the legislature must “provide a thorough and efficient system of public education to serve the needs of the Commonwealth.” With state budget cuts of as much as \$860 million in 2011, teachers and students faced the inadequate resources available for learning. Anecdotes about the resulting overcrowded classrooms, crumbling physical plants, and teacher shortages abound, and statistics confirm that the budget crisis hampers student performance. For example, in 2013, more than half of Pennsylvania students could not pass the Keystone graduation exam. A 2014 report by the Pennsylvania State Education Agency linked declines in test performance directly to the disproportionate spending in the poorest school districts.

On November 10, 2014, two non-profit organizations decided to stand up for

school change in Pennsylvania, and filed a lawsuit demanding that the legislature give the money needed for schools to meet the proficiency requirements that it imposes on students. The Philadelphia Public Interest Law Center, (“PILCOP”), in conjunction with the Education Law Center-PA, filed the case requesting a new way of doling out taxpayer dollars to schools. Plaintiffs include six school districts, ranging from urban to rural, as well as seven parents of students and two associations. The recent case is only one of several proceedings filed since 1979, attempting to promote equal financing in Pennsylvania education.

The 2014 lawsuit claims that the Pennsylvania legislature uses a discriminatory school funding formula, creating a “*disparity [that] violates the Equal Protection Clause of our state constitution because children in low-wealth districts are being denied the opportunity to receive an adequate education, while their peers in high-wealth districts are receiving a high-quality education.*” The Plaintiffs further allege that the constitutional requirement for “thorough and efficient” educational system is undermined by the lawmakers’ method of funding schools. Ten days after the Complaint was filed, the Philadelphia City Council passed a resolution in support of the case, citing “reversed progress towards equity in education funding,” and leaving Pennsylvania 47th in the nation in terms of fairness in allocating educational funds.

Like all institutional reform litigation, the 2014 school funding case calls on the court system to serve as a check-and-balance on the legislative branch. Specifically, the Plaintiffs seek a formal declaration that the school funding methods are unconstitutional and discriminatory, as well as a court order requiring lawmakers to revisit how schools are financed. In response, the legislative and executive branches have asked the Court to dismiss the case, arguing that a Court cannot decide this type of “political question” without overstepping its authority. Defendants also maintain that courts are ill-equipped to define “adequate” education, and that

simply forcing more spending per student will not necessarily increase performance. By contrast, the proponents of reform argue that a new formula would enhance equality because the calculations would not rely as heavily on individual districts to draw from property taxes to make up the shortfalls in state-granted funds. (Schools are funded by state, federal, and local tax dollars).

Oral argument in the school funding lawsuit as to whether the case is “justiciable” or should be dismissed will be held in Harrisburg on March 11, before the entire Commonwealth Court sitting *en banc*, (meaning that all the judges of the Court will be present). New Jersey has undergone a similar process, with litigation spanning three decades and ten separate lawsuits. Ultimately, the New Jersey Supreme Court struck down school funding laws because they violated a similar state constitutional provision for a “thorough and efficient” education system. Kansas courts have likewise invalidated school funding laws, and a New Mexico case is ongoing.

It remains to be seen whether the school funding system in Pennsylvania will undergo changes in the coming years, as attorneys on both sides work to resolve political, economic and social questions that cut across the lines separating the three branches of government. One thing is certain: all of our children deserve equal access to opportunity, and the lawyers advocating for them must be prepared to fight for the long haul, using the legal process as a tool to promote justice. As U.S. Supreme Court Justice Earl Warren wrote sixty-one years ago in the landmark case of *Brown v. Board*, “[i]n these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.”



Jenimae Almquist

(jalmquist@messalaw.com) is a board member of the Rendell Center for Civics and Civic Education, and volunteers in local schools to cultivate an educated citizenry that understands our system of government.

AROUND THE OFFICE

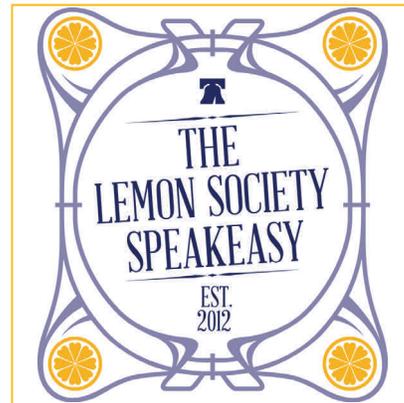


After attorneys and staff at Messa & Associates offered a heartfelt goodbye to paralegal Anthony Giletto, they congratulated Joan Sanchez on his promotion to paralegal! Joan will be working with attorneys Joseph L. Messa, Jr., Jenimae Almquist, Tom Sweeney, Megan M. Kwak, and Ramone A. Arreola. Good luck, Joan!



On Valentines Day, everyone's favorite receptionist, Lisa M. Lopez, celebrated her wedding reception at our offices. Each of the four conference rooms was turned into a room full of delicious foods and the foyer became a dance floor! It was a beautiful day.

Congratulations, Lisa!



This month, new client coordinator Kate Britt is busy planning *The 4th Annual Lemon Society Speakeasy*, a Prohibition themed event that benefits ALSF's Annual Childhood Cancer Symposium and families affected by childhood cancer. The event will take place on March 28th at the Pyramid Club. Tickets at alexislemonade.org.

MAIN LOCATIONS

PHILADELPHIA

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

CHERRY HILL

2091 Springdale Rd.
Suite 2
Cherry Hill, NJ 08003
P: 856-810-9918

SATELLITE LOCATIONS

COLLINGSWOOD

475 White Horse Pike
Collingswood, NJ 08107
P: 856-833-0600

GERMANTOWN

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

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

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TRIAL ATTORNEYS WITH A REPUTATION FOR RESULTS

EDITORS

ANGELA LEONE | aleone@messalaw.com

MEGAN KWAK | mkwak@messalaw.com

CONTRIBUTORS

KATHLEEN BRITT | kbritt@messalaw.com

MAGGIE KOVALCIK | mkovalcik@messalaw.com