

Featured Case:

Settlement in a Product Liability/ Severe Injury Case

In September 2011 our client was riding as a front seat passenger on the Canton Road Connector in Cobb County, Georgia. As the driver of the car came around a curve headed toward I-75, she drove slightly off the road into part of the emergency lane and ended up losing control of the car. The vehicle left the roadway and overturned down an embankment. Although fully belted in the car, our client was severely and permanently injured as a result of the accident.

Our client sued the vehicle manufacturer for failure to equip the vehicle with its version of an electronic stability control, or ESC, and for failing to give any warning that the vehicle did not have ESC or tell

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The Civil Jury Trial: The Anchor of Liberty

Thomas Jefferson, certainly no small participant in writing our Constitution, called the right to jury trial "the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

Sir William Blackstone, writing about our Common Law, called the jury trial the "palladium of English liberty." Our founding fathers revered the right to jury trial. It was one of the tools they used to resist oppressive colonial laws, including those that dealt with taxation and sedition. In many ways, it allowed the colonists to blunt the power of the English king and paved the way for the Revolution and U.S. independence.

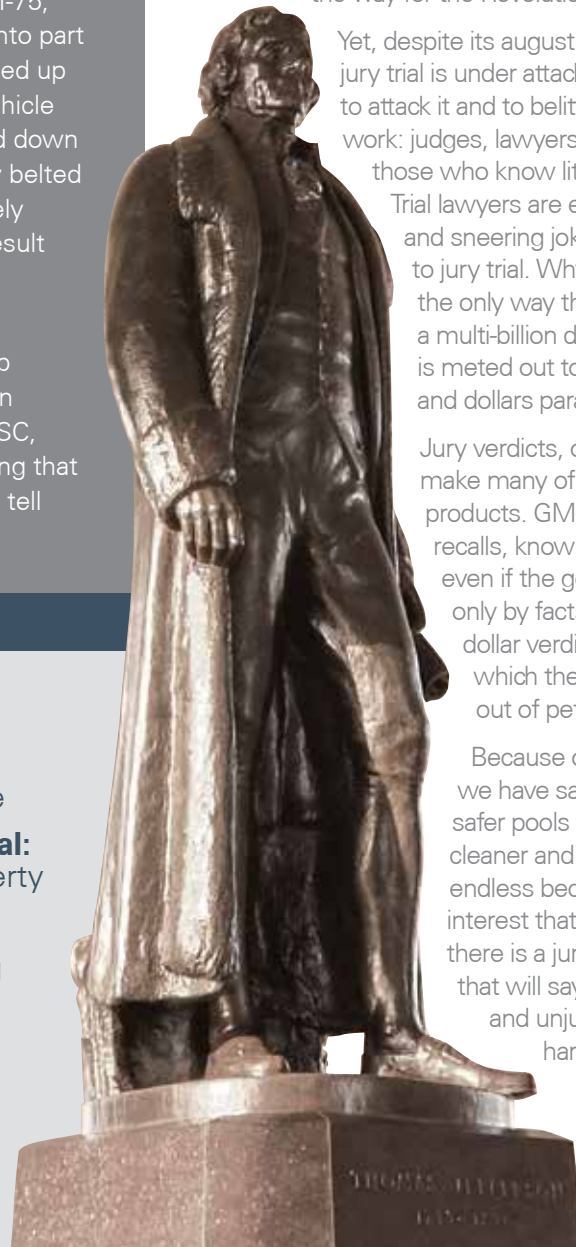
Yet, despite its august history, it seems often that the right to jury trial is under attack. Corporations use their vast PR budgets to attack it and to belittle those who make the right to jury trial work: judges, lawyers, and jurors. Verdicts are attacked by those who know little about the evidence in the case.

Trial lawyers are especially singled out for vicious attacks and sneering jokes—all designed to denigrate the right to jury trial. Why? To weaken it, of course. Because it is the only way the average citizen can get justice from a multi-billion dollar corporation. It is the only way justice is meted out to those corporations, whose lobbyists and dollars paralyze Congress.

Jury verdicts, or the threat of one, are why corporations make many of the safety improvements in their products. GM and Takata, both subject to massive recalls, know that the jury will find and want justice, even if the government does not. The jury, limited only by facts and the desire for the truth, can impose dollar verdicts far larger than statutory fines, which the largest corporations often can pay out of petty cash.

Because of jury verdicts or the threat of one, we have safer products and newer safety features, safer pools and premises, better safety warnings, cleaner and healthier food supplies. The list is endless because for every corporation or powerful interest that will not act, and harms someone, there is a jury of average Americans somewhere that will say, "Wait just a minute! That was wrong and unjust. And you are going to pay for the harm you caused."

The jury is you. And those like you. We thank you for your service, and for the justice you give. ♦



Just Keep Fighting

Featured Clients Robert and SheriLynn Meyer

In August 2008, Robert Meyer was driving a 2006 Chevy Cobalt when he inexplicably lost control of the vehicle and hit a tree. The airbags did not deploy and he broke his spine. Our office later discovered, after hiring investigators, that Robert lost control due to a **defective ignition switch** that General Motors had failed to recall. The failure of his airbag to deploy confirmed the switch failure, which cut power to the air bags. After being airlifted to the hospital, Robert was diagnosed as a quadriplegic, and his life was forever changed. The doctor told him he would be unable to walk or do anything on his own again, but Robert did not give up hope. Even in the midst of a very difficult time, Robert told himself that he would make this better.

He started working hard in rehab, and in just four short months Robert was walking with a walker. Just six and half years later, Robert



SheriLynn, daughter KadiLynn and Robert Meyer

has made dramatic improvements. He is able to do things for himself, like getting a glass of water and feeding himself, when the doctor said he would never be able to complete those tasks. "Don't let them ever tell you no," Robert shared. "Never give up hope and always keep fighting." Robert now enjoys car rides and getting out of the house. He also likes playing board games with his fourteen-year-old daughter.

"Don't let them ever tell you no," Robert shared. "Never give up hope and always keep fighting."

Robert and his wife SheriLynn are a great examples of the power of belief and show what can happen when you never ever give up. Despite Robert's challenging and life-altering accident, he and SheriLynn have a hope each day will bring new blessings. All of our team at The Cooper Firm are grateful we had the opportunity to help Robert and SheriLynn. ♦



Gift of Hope Charity Event: Thank You

On behalf of The Cooper Firm, Orphan Aid Liberia and the orphaned children of Liberia, I want to thank everyone that participated in the Gift of Hope event. With your help, we were able to raise \$21,228 for the children in Liberia. I know many of you were unable to attend the event for various reasons but were still interested in helping. You can visit <http://orphanaidliberia.com/> for more information on how to help or to stay updated on what the organization is doing. It was a great success that will result in food, clothes, education, and much more for many beautiful Liberian children. ♦

drivers about the dangers of driving a vehicle without ESC. The ESC system uses speed sensors on each wheel and the ABS and traction control systems, and vastly improves the car's ability to brake individual wheels and make automatic steering corrections. If the vehicle starts to travel in a direction that is different than the indicated steering wheel position, then the ESC will brake the appropriate wheel

or wheels to help the driver maintain control of the car. Our client also sued the driver of the vehicle for allowing the vehicle to go off the main roadway. We were able to settle the case for a confidential amount on behalf of our client.

Note: ESC is a critical safety device which you should make sure is included in any car you buy. ♦

What you should know about the 'Year of Recalls'

2014 definitely amounted to the "year of recalls," with over 60.5 million vehicles recalled for product defects. Many of the recalls involved defects that could result in severe injury or even death—so-called "safety-related defects." Manufacturers recalled the largest number of vehicles since 1999. With all the ever-expanding recalls, drivers should know a few things.

♦ **What is a recall?** A recall is required when a manufacturer or our government safety agency, the National Highway Traffic Safety Administration ("NHTSA"), determines that a vehicle or part of the vehicle creates a risk to safety or fails to meet safety standards. The manufacturer must then make appropriate changes to fix the vehicle or any component part. In most cases, the manufacturer will repair the defect, but in some cases they will replace the part, offer an equipment refund, or (in rarer cases) repurchase the vehicle.

Although limited, there are **ways to know if your vehicle is under recall** and if it has already been fixed after an earlier recall. This year, NHTSA released its Vehicle Identification Number ("VIN") search system and requires all auto manufacturers to update the system weekly with recalled vehicles. This program enables you to type in your vehicle's VIN to see if the vehicle is subject to any recalls or if certain recalled vehicles have already been fixed. You can visit the site at www.safercar.gov/. Auto makers are also legally required to send out letters to owners updating them on recalls on their vehicles within 60 days, but their systems are sometimes outdated and only notify customers via snail mail. You can also register to get email or text notifications from NHTSA at www.odl.nhtsa.dot.gov/subscriptions/index.cfm. The SaferCar app is also available for Apple and Android phones and will send you notifications based on your preferences. Some manufacturers also have their own apps that will alert you if there has been a recall.

♦ **Where can you find your VIN?** You can locate your VIN by looking at the bottom left-hand side of your vehicle's windshield, or you can look at your vehicle's registration card or insurance card. Again, you might also find it in the manufacturer's app, which links to your vehicle.

♦ **Every recall is important, and the defect should be fixed immediately.** There have been recalls because of loose or defective ignition switches that shut off your moving vehicle—and cut off many of its critical safety features. Some 42 people have died from that defect alone. Other recalls involve less dangerous defects with no reported complaints or injuries, but all are important and should be fixed. Every recall should be handled the same way: with care and urgency. If you receive a recall letter in the mail or see that your vehicle is under recall in a VIN search, be sure to take your vehicle to your nearest dealership to have them make the necessary repairs. Similarly, be sure to register your vehicle with the manufacturer after a new or used purchase, so they can reach you.

If you or someone you know has been injured as a result of a defective product or vehicle, always contact an attorney to learn how to protect your rights. ♦





Relentlessly Pursuing Justice

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“With The Cooper Firm, I did not feel like just another client. Without the support and guidance of Lance, Amanda, and Linda, I don’t know that I would be where I am today. Thank you for all that you have done for my family and me. Given my situation, I believe most would have given up, but you guys didn’t.”

- D.P., Cooper Firm Client