

Featured Case:

Defective Vehicle Leads to Wrongful Death & Serious Injury

Our clients' daughter purchased a used vehicle in March of 2012. Later that same year, their daughter was driving with her daughter in the back seat when the vehicle for unknown reasons veered left and proceeded into oncoming traffic. As a result, their daughter's vehicle was hit head on by an oncoming vehicle. Our clients' daughter was fatally injured and their granddaughter sustained serious injuries. The automaker then released a safety recall in 2014 for a defective ignition switch on the make and model that our client's daughter was driving. Our investigation of the accident led us to believe the vehicle had a defective ignition switch which caused the accident.

On behalf of our clients, we sued the automaker of the vehicle for designing

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Sherry Kerr Celebrates Twenty Years at the Firm

Sherry first joined the firm in the summer of 1995. Though the firm has evolved three times over those twenty years, Sherry has stayed through each transition, serving as an office administrator and a legal assistant.

"My favorite thing about working for the firm by far is the people. I enjoy coming to work each day because we have a great team of people led by Mr. Cooper. The other thing that has always been exciting to me is the difference our firm makes in people's lives. Lives are changed because we fight to get them the help they need following catastrophic injuries. Without Mr. Cooper and the team at The Cooper Firm, many families would never have received the funds they needed to do things such as get the right wheelchair, change the house so a wheelchair will function there or move to a location that accommodates their new limitations. Other times, it helps families move forward after the loss of a loved one. I am proud to be a part of this firm and what it represents."



"My favorite memories have to do with firm outings! Over the years we have had a great time together bowling, celebrating birthdays, going out to celebrate a good outcome for a client, playing pranks on each other... And most recently a visit to Skyview in Atlanta."

Over her time at the firm, Sherry's family has grown. She and her husband adopted a daughter from China who is now a freshman at North Cobb Christian School. Her daughter participates in several different

"My favorite thing about working for the firm by far is the people."

sports throughout the year. Sherry and her family are actively involved in The Church at the Well in Cartersville and the charity Orphan Aid Liberia, which provides food, clothing, medical care, education and hope for war orphaned children living in West Africa. Sherry serves on the board for

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◆ Fooled Both Ways

Tort Reform and Its False Promises



A noted philosopher once said, “**There are two ways to be fooled. One is to believe what isn’t true; the other is to refuse to believe what is true.**” The truth of that is shown in many areas, but none more obvious than the insurance industry’s “tort reform” efforts over the past few decades. A “tort claim” is a civil action against someone who harmed you unintentionally. Tort claims have been around for hundreds of years. “Tort reform” has been a consistent series of recent legislative efforts to restrict or reduce the injured person’s ability to file such a claim in the first place, or to reduce the amount of damages that the person can receive if they are able to file one. Citing no evidence beyond the laudable “need” to improve healthcare and reduce costs, the industry convinced state legislatures in many states to enact tort reforms that severely restricted a malpractice victim’s right to sue and to get full compensation.

Opponents of tort reform pointed that out repeatedly. They gave legislators copies of the Harvard, RAND, and other studies showing that there was no medical malpractice crisis, and that the real crisis was the number of people who die annually as a result of medical malpractice. The legislators nonetheless fell for the industry’s slick lies, and still passed the “reforms.” Let’s look at some of those slick lies:

There is a medical malpractice crisis. There is, but not the one the industry talked about. It claimed that legions of frivolous lawsuits were clogging the courts and hurting healthcare. That’s not true, and the legislators knew it years ago. The statistical data showed every time that there were not too many lawsuits. If anything, there were too few, as medical malpractice was harming more people per year (some 98,000 or more per one study) than guns!

Doctors were fleeing their practices in droves. That too was not true. The insurance industry and legislators put out anecdotal evidence, but no data. The real data showed that very few doctors were leaving the practice, especially since they had put in time, money, and effort to become doctors.

Scared doctors practice “defensive” medicine, and order scores of unnecessary medical tests and procedures to cover themselves. Recent studies show for a fact that doctors were not practicing defensive medicine and that tort reform has done nothing to reduce the amount of tests and procedures the doctors order to treat their patients. Again, before many of these reform measures were passed, the industry knew they were not true. GAO and

Congressional Office of Technology Assessment reports had proven those claims false. A 2012 study by the prestigious **New England Journal of Medicine** is the most recent study, of many such studies, that proves tort reform simply does not work. A team of five doctors and various health care experts studied claims in Georgia, South Carolina, and Texas. The study looked at 3.8 million ER cases in 1166 hospitals from 1996 to 2012. They chose ER cases because the emergency room was thought especially to need tort reform, and thus it is nearly impossible to sue an ER doctor for negligence. The study showed that the “tort reforms” did nothing to reduce the number of tests (MRIs, CTs, etc.) ordered.

Reduced claims and reforms will lower the cost of malpractice insurance for the doctors. This was, by far, about the biggest lie the industry told. To date, premium reduction has been almost nil. But insurance profits are up, no doubt.

Juries give runaway awards when deciding malpractice cases. Again, not true. A report from the Department of Justice showed that the median medical malpractice award from a jury was \$400,000. But, the median award from judges, when they were deciding the case as they can do by agreement of the parties, was \$631,000. In other words, juries are decidedly more conservative than highly trained judges, who see these cases day in and day out.

Caps on damages will improve healthcare and reduced costs. Study after study has shown this to be false. What the caps really do is make it harder for victims to find lawyers, who must base their decision to take a case on risk. Lawyers practice law and business and must invest in cases based on risk, just like any other business. Medical malpractice cases usually cost over \$50,000 to pursue, and if the damages award is capped, then lawyers cannot afford to take the case because the potential return is outweighed by the risk, and the return to the client is of little help. Caps do nothing more than shut down cases before they are filed, and deprive victims of access to courts.

Lesson Learned (among others). Tort reform legislation did nothing to help any false crisis, nor did it lower doctor’s insurance premiums. The upshot? Legislators should enact legislation based on facts and data. Not on myth. Not on anecdote. Not on falsehoods. And certainly not to satisfy the heavily lobbied profit-driven wishes of a very greedy special interest group. ◆

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and manufacturing a defective vehicle and for knowing about the defect for years without properly recalling the vehicle. We were able to settle the case on behalf of our client for a confidential amount. ♦



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Orphan Aid Liberia and has gone to Africa several times on mission trips with the organization.

Sherry's loyalty to the firm is highly admired. She is a joy to have in the office, and we are very proud of her and her accomplishments over the past twenty years. ♦



Team Highlights



Linda Stricker Campbell's

husband, Gene, has been very active in Golf Channel's Amateur Tour, participating in several golf tournaments this year with a couple of wins under his belt. Her youngest son Joshua will be attending North Cobb High School as a sophomore this fall.



Pat Dawson

is pleased that his older son, Christopher, has enlisted in the Air Force via the Delayed Entry Program. Christopher qualified for a wide variety of jobs, and Pat hopes he will focus on drones or pararescue.



Amanda Lavery and her family have been enjoying the summer break by swimming, hiking, and being with family and friends. Her daughter, Alexis, starts college in the fall and her son, Wynston, will begin middle school. Spencer will return to elementary school and will be in the 4th grade.



Sherry Kerr celebrated her 20 year anniversary of working at The Cooper Firm just a week after her birthday this July. Her daughter Noelle will be starting her freshman year at North Cobb Christian School this fall.



Victoria Schneider and her husband Ian are expecting their first child, a baby boy, this December.



Doreen Lundrigan

welcomed her second grandchild, Brynlee, this August.



Lance Cooper's youngest son, Aaron, graduated from Mount Paran Christian School this year and will be attending Auburn University this fall. His daughter, Michelle, graduated from Samford University this past spring and is recently engaged to be married to her fiancé Kirk. His daughter, Rebekah, graduated from Georgia State this year.



Drew Ashby is continuing his volunteer work for a church plant in Smyrna. His two sons are both taking swim classes, and his oldest just started pre-school.



Relentlessly Pursuing Justice

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“ I highly recommend Lance Cooper. I have known Lance for many years and he is one of the finest lawyers I have had the pleasure to work with. He is known as one of the best products liability and personal injury lawyers not only in Georgia but the entire Southeast. ”

- Robert Schnatmeier, *DUI / DWI Attorney in Marietta, GA*