PERSISTENCE PAYS

Many Bay Area personal injury attorneys will settle a case at or near the amount initially offered by the insurance carrier. The members of SFTLA are different. We distinguish ourselves by challenging the carriers' notions of what is "reasonable" compensation for our clients. We have a vision of a greater justice that goes beyond the carriers' notions of "common sense" valuation of cases, because we know that those valuations are nothing more than formulas concocted by bean counters who are focused on the carriers' billion-dollar profits, not our clients' well-being.

This article celebrates SFTLA members who have had the vision to see a greater justice and who have had the tenacity to persist until justice was done. We will hear how Peter Clancy had the vision to see liability in a case where his client rear-ended the defendant and the determination to turn a $400.00 offer into a $10,000.00 settlement. Mark Zanobini proves that you can hold public entities accountable for a slip and fall if you keep after them. Sandy Ribera shows that one insistent young attorney can take on a package shipping giant and make it pay if you believe in yourself and your clients.

We will take a brief look at how Dawn Hassell was able to pop a $30,000.00 policy on $578.00 in property damage in a case that GEICO originally valued at $250.00 for the BI claim. She did it without spending the case into a hole. Finally, Mary Alexander puts a careless employee in the course and scope of employment in a leg amputation case despite all indications to the contrary at the outset of the case, and the secret was finding a simple white lab coat. But to do it, she had to reject a policy-limits offer of $100,000.00.

Peter Clancy says "Ridiculous Offers Do Not Fly"

Veronica came to me as a client in late 2008. She had just been in a rather odd car accident and wanted a lawyer to help her. She had exited Highway 580 onto a long, gently-curved off-ramp when she saw a car in front of her. At first she did not realize that the car was stopped, but started to slow. By the time she realized that the car was in fact stopped, it was too late, and she struck the stopped car in the back. As a result of the accident, my client re-aggravated a prior hip injury and had a handful of visits with her primary care physician and some physical therapy. Her medical bills totaled less than $3,000.

There was no police report, no witness, and the other party insisted that she was not stopped in the middle of the off-ramp, and the injuries consisted of a re-aggravation of an existing condition. To top things off, the auto carriers arbitrated the property damage, resulting in a finding that my client was 50% responsible. I sent a policy-limits demand, along with my analysis of liability (based upon Cal. Veh. Code 21718(a), which prohibits stopping on a freeway) and within 5 days I had a check for $400 and a release sitting on my desk. I mailed both back to the carrier.

I contemplated walking away from the case, but felt that justice was not being done for my client. We gave settlement one last shot, but ended up right where we had been before.

Late in 2010 we filed suit, and the case was assigned to a very aggressive defense firm. At this point, my client was happy to get anything for the claim – even the $400 offered before we filed. We went to mediation and made the same demand we had made earlier – waiting to see if the carrier would come off their $400 offer. Within 3 hours we had the case settled for $10,000 – more than 20x the last offer made by the adjuster. Neither my client nor I made a lot of money on this case, but we showed that ridiculous offers do not fly and are not the basis for any fair and reasonable resolution of a case.

Mark Zanobini overcomes years of "no"

This case arose out of an accident on premises belonging to both the City and County of San Francisco and Bay Area Rapid Transit District at the Balboa Park Station in San Francisco.

The defect was a narrow elevated walkway without a handrailing. Plaintiffs contended that the area had been known to be pedestrian unsafe for over nine years but nothing had been done to remedy the problem. The informal walkway had been used by hundreds of City College students and others daily. Defendants' own studies showed the area to be "pedestrian unfriendly." Plaintiff's expert said the walkway could have been easily widened and/or made safe and even for just a few thousand dollars.