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Attn: Editor

RE: Tort Reform Follow-up

To The Editor:

As you may recall early last year the bugle call for tort reform was sounded by your paper and was responded to by many including myself, a confessed " Trial Lawyer", in an attempt to set the record straight. Specifically, you found the \$137 million dollar verdict for the two year old ventilator-dependent quadriplegic girl paralyzed by a drunken driver who was over served (16 beers) at Giants Stadium quite perturbing. Well, this month the Appeals Court overturned the verdict and ordered a new trial to take place. As it stands now this girl has collected the whopping sum of \$200,000.00 from the insurance company that insured the drunk driver that struck her even though she will require \$42 million worth of care for the rest of her life. Is it really that disturbing when jurors hold entities accountable for their actions? Is it too much to ask to refrain from serving someone 16 beers? If businesses and their insurance companies are let off the hook because of a fear of increased premiums doesn't that just pass the buck to us taxpayers in the end anyway? If there is no insurance to cover the medical costs for this girl, they will in all likelihood be paid by governmental social service programs which will in turn raise everyones taxes. Since insurance companies are in the business of managing risks shouldn't they (on behalf of their culpable insureds) pay such costs instead of already strained social programs? I don't know, maybe we shouldn't hold anyone accountable anymore and let the insurance companies make even more profit. Its almost unbelievable, but the propaganda sponsored by insurance companies and Big Business has many citizens feeling almost embarrassed to stand up and do the right thing for fear of premium increase retribution. Wow, are they good or what?

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Round two of bugle call for tort reform

TO THE EDITOR:

Okay, as one of those "trial lawyers" (which seems to be a dirty word these days), I will jump in the ring again for round two of your bugle call for tort reform. You begin (after apologizing for printing fictional stories) by claiming that the need for tort reform is "undisputable except perhaps by trial lawyers." I beg to differ, what about our neighbors, friends or family members who sustain serious injuries due to the negligence of others? Does the person who can no longer work to support their family, or the family that has lost a loved one feel tort reform (code words for loss of your right to seek compensation for your injuries) is needed. Should these people just "take it on the chin" so insurance companies and big business make even greater profits? Isn't it in society's best interests to reasonably compensate people (who are injured at the fault of another) for their loss of enjoyment of life, loss of wages and medical expenses rather than to cater to claims by insurance companies that these "frivolous" cases are causing them to lose money. Every time we turn on the radio or TV we hear insurance company ads pleading to insure us, surely there must be a profit squeezed in somewhere.

You then focus on the \$137 million that was awarded (by a jury, not by "trial lawyers" and which will undoubtedly be substantially reduced on appeal) for the two year old ventilator-dependent quadriplegic girl paralyzed by a drunken driver who was over-served (16 beers) and whose parents both had to quit their jobs to take care of her. I believe you described these circumstances as an "...alteration of that child's life ...". I'm glad the jury determined it was a bit more than an alteration, and I'm sure they didn't consider the award a "free lunch." As for the increase in insurance premiums, punitive damages (which

are virtually non-existent in tort litigation) do nothing to raise insurance rates because in most states (New York included) they are not covered by insurance policies and they too are typically greatly reduced on appeal.

On the issue of "contingency fees" which you claim trial lawyers "do not share," you seem to be mixing personal injury claims together with class action suits, two entirely different animals. The standard contingency fee in personal injury cases in New York is one-third of the net recovery after expenses (it is even less in medical malpractice actions). Therefore, the injured person always gets the lion's share of every recovery. Going head to head with insurance companies and their lawyers is time consuming, expensive and the overhead is tremendous. Contingency fees allow people (regardless of income level) access to lawyers and the courts. Imagine if an injured person already unable to work was compelled to pay an attorney an hourly fee up front to take on the insurance companies. How many accident victims would be a position to do so? They also assure that attorneys accept only meritorious claims because the attorney will only be compensated if he or she is successful. The attorney that brings "frivolous" cases will soon find themselves out of business.

Sure its easy to attack "trial lawyers," and wave the "tort reform" flag, but the real victims of these attacks are really not us "trial lawyers." The true victims will be those of us who may become injured in the future only to find our rights to a full and fair recovery vanished in the name of "tort reform." I can only hope that when the public realizes this, it will not be too late.

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