

Mining for Justice

How to Identify Mass Tort Cases

I didn't always know I wanted to be an attorney. I wasn't one of those people. I just knew I didn't want to be a librarian and I was fairly certain my undergraduate degree in history wasn't really going to do anything else for me. So when my friend told me he was going to law school, I thought, "three more years of college fun AND I get to wear cool stylish suits when it's all over...sign me up." Yeah, life planning wasn't one of my strong points at the time.

Fast forward to my first week of law school and I knew I'd likely made a big mistake. This stuff was miserable and I thought I was out of my league. The fun I fantasized about was replaced with the reality of reading hours upon hours of case law. I mean, I had a class called "Torts". Huh? What's a tort? After quickly learning the term tort, in a legal sense, had nothing to do with the culinary arts, I actually started enjoying what I was learning. I liked the subject matter so much that I quickly began searching for employment with a plaintiffs' firm. I landed a job with one such firm working in their mass tort department. Since I pretty much just learned what a tort was, I reasoned mass torts must be regular torts on steroids. More torts equals more fun, right? Well, looking back on my rudimentary thought process at the time, I think I was actually right. Shocking, I know.

Nearly a decade later, I can confidently declare that mass tort litigation is my passion. I say this not based on my complete lack of marketable skills in any other arena of anything, but rather because mass tort litigation provides the ability for common people to stand up against corporate giants and hold those giants accountable. And I, little old me, get to represent those common folk. It's awesome. And I take great pride in it. But why? Because I get to be part of a legal process that acts as the last line of defense against a corporate mentality that places profits above consumer safety. It's kind of like being Batman, but not as cool. Still cool, but nowhere near Bruce Wayne cool.

Anyway, I think you can probably tell I enjoy it. But why should you care? Because I think you'd find the same enjoyment I've found and you'd get to be part of system that vigorously fights for justice on behalf of "the people". You may be saying to yourself, "well I already do that, I represent injured and aggrieved clients every day." That's awesome!!! Keep doing that!!! But take some time to learn about mass torts as well because you very likely have several of these cases in your current inventory and may not even know it.

As plaintiffs' attorneys we review loads of medical records. It's part of the job. Not the most enjoyable part, well, not for me at least, but a very important part. Our clients' stories exist in those records, but we need to make sure we are really listening to what those stories are telling us. It's important to not just focus on the part of the story we want the records to tell us, but to also focus on the "what else". And if you look close enough, you may just find you are sitting on something that could springboard your practice into the wonderful joyous world of mass tort litigation.

Here's a quick example of what I'm talking about: Several years ago a colleague of mine was reviewing some medical records for a possible medical malpractice case. It was a failure to diagnose cancer situation where the client developed bladder cancer which metastasized and eventually resulted in death. Although relatively irrelevant to the underlying malpractice case, the medical records indicated the decedent was diabetic and managed this condition with prescription medication. One night at the bar, my colleague was running the case by me for my opinion. As soon he said the words "bladder cancer" I immediately inquired as to whether the decedent was prescribed the drug Actos. See, Actos

has been linked to the development of bladder cancer, but my colleague wasn't aware of this. After a review of the medical and pharmacy records confirmed my suspicion, I helped file a mass tort lawsuit against the manufacturer of Actos and obtained a very good result for the family. Thank goodness I joined my colleague in the bar that night!

The point to be made is that mass tort cases, which largely focus on pharmaceutical and medical device products, may very well be sitting in your current case inventory as you read this article. The key is to educate yourself and FIND THEM! Take a few minutes and get on the internet to see what current mass tort litigations are currently being pursued. Check out my firm's website at www.ohiotiger.com and navigate to our drug and device page which is updated with all current mass tort litigations. You can even give me a call to chat about it as I'm more than happy to annoy you with what has become my passion. Develop a familiarity with the drugs/devices and the signature injuries they cause. Keep this knowledge in the back of your mind when you screen your personal injury, medical malpractice, workers compensation, or social security cases.

In the event you identify something that looks like a possible mass tort case, investigate it further or call an experienced mass tort litigation attorney for advice. We want to help you. We want to help your clients. We want to hold these companies accountable and create a safer world for all.

Keep fighting the good fight!