

# Petition

Quarterly

From the Florida offices of **Leesfield Leighton Rubio** Trial Lawyers



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A quarterly newsletter for  
lawyers and clients of  
**Leesfield Leighton & Rubio.**

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**U**NWARRANTED ATTACKS on trial lawyers come from a lack of understanding the difference we make in improving public safety. Every day across this country we fight to bring dignity to injured clients and accountability to negligent wrongdoers. We live in a safer, protected and more secure society than ever before — thanks to the energy and resources of the trial bar and our civil jury system. Cases you have worked on **made a difference.** This issue of **Petition** is dedicated to those cases that have improved safety in America.

#### **Barroso v. City of Coral Gables - \$1 million Civil Rights Violation**

Case No. 94-0457, S.D. Fla.

Alvin Barroso was planning to go to law school. On the night of his death he was studying for the LSAT exam. Alvin and his twin brother owned a small business where they often studied late at night.

A recently fired employee had broken into the office causing the brothers to take turns staying at the office. They contacted the police who placed a "watch order" on the office. Two rookie officers, aware of the watch order, saw a light go out in the office while they drove by. Instead of calling the office or having a supervisor join them, they began an armed building search without announcing themselves. Alvin walked into the hallway to see what was happening. One of the officers fired two shots at him without warning, striking and killing him.

**LLR** partners **Ira Leesfield** and **John Leighton** assisted the family in a federal civil rights wrongful death suit against the

City for its defective policies and procedures. The City was aware that the procedures for watch orders were inadequate, and failed to properly train police officers in how to handle these situations. Counsel proved that the building search was improperly conducted, and that by failing to identify themselves as police officers it was reasonable that the victim could have thought this was a burglary in progress.

The City agreed to pay \$1 million. More importantly, procedures changed, including watch order and building search rules. Thanks to the Barrosos, Florida families are now safer!

#### **Eimers v. Honda - \$19.8 million Verdict**

Twenty-seven year old Todd Eimers was rendered a high level quadriplegic from a defective Honda motorcycle sidestand. From the time of his accident through verdict Todd barely survived on social security benefits. He was wheelchair bound, receiving only minimum life care. Following Todd's \$19.8 million dollar verdict, he obtained a motorized van, a computer, a handicapped adapted home and just recently was married. "His health is good, his outlook is bright and his life is enriched," according to **Ira Leesfield.** (Importantly the sidestand defect causing Todd's injuries has been eliminated by Honda and no similar accidents have been reported since the re-design of the sidestand.)

#### **Rubio v. State Farm Fire & Casualty (David v. Goliath)**

**"This case is too small to litigate."** How many times have you heard that? The Rubios had a small property damage claim when

their home was burglarized. Seven months later the carrier had not investigated or paid the claim. Insurance companies often believe they can wear down consumers through delay and unreasonable demands for information. **Maria Rubio** established a consumer's remedy for first party benefits under the Florida Civil Remedy Statute. The Third District Court ruled "compensatory damages are recoverable pursuant to statute including all damages reasonably foreseeable as a result of the violation, attorneys' fees and costs, and punitive damages." 662 So. 2d 956. This result made a big difference to the Rubios and all other policyholders whose "small claims" have been ignored.

#### **Lynn v. Mt. Sinai Hospital**

**"It's your name and your reputation, I don't want to lose it."** Tongala Lynn supports two small children and had a perfect work record with The Dade County Corrections Department. During a routine urinalysis her sample was mixed up with a male who was cocaine positive. She lost her job for three years and fourteen days. **LLR's George Mahfood** turned all of that around. The Third District Court ruled that "the Court cannot allow hospitals to use medical malpractice as a convenient shield for all the torts ...," 22 FLW D1119a.

Tongala Lynn is back to work and in Court where justice will be served. Her case matters not only to her young children but the community who recognizes the value of one's reputation.

# Happy 20th Anniversary Leesfield, Leighton & Rubio

WHEN NBC NEWS correspondent Brian Ross and his crew were hijacked in Honduras, it appeared to all they would be executed by terrorists. Fortunately, through an heroic escape effort, their ordeal ended without death. However, the injuries and emotional distress were compensable and they called Miami attorney **Ira Leesfield** for representation. The case resulted in an award to Ross and his crew because of negligent airport security. "Our firm has had a long history of handling unique, special and high profile cases," according to **Leesfield**. That history includes clients such as members of the Miami Dolphins football team, singer and songwriter

Jimmy Buffett, political figures, journalists and members of the sports and entertainment world.

Recently, when the plane carrying George Barley, a leader in Florida's Everglades environmental fight, crashed in Orlando, the family turned to **Leesfield Leighton & Rubio** who obtained a substantial result for the estate and survivors. "George Barley was working as President of Save Our Everglades and his fight for environmental protection was an inspiration to everyone in our firm," according to **George Mahfood** who participated in the case. "Although I am very proud of the clients we have represented, it is our results against giant defendants over the past

20 years which brings us a sense of pride," according to partner **John Leighton**. Some defendants that have been held accountable to **Leesfield Leighton & Rubio** clients include Honda (Japan), Kawasaki (Japan), Suzuki (Japan), Yamaha (Japan), Piper Aircraft, Textron, Inc., Bell Helicopter Textron, Chrysler Corporation, Jeep, Winnebago, Winn Dixie, Publix Supermarkets, Eckerd Stores, BellSouth, K-Mart, American Airlines, Woolworth's, General Motors, Coca-Cola, Holiday Inn, G. D. Searle, Medtronic, Home Depot, Cosco Products, Wendy's, DeBartolo Corp., Toys R Us, Ryder, Sears, Magnavox ...

"The past 20 years have given us the opportunity to represent thousands of clients whose lives have been improved by holding negligent wrongdoers accountable for injuries," says partner **Maria Rubio**.

The firm is nationally recognized for its involvement in the American Bar Association, Association of Trial Lawyers of America, and every aspect of the organized trial bar. **Leesfield** has served as President of the Academy of Florida Trial Lawyers, and Chaired the American Bar Association Products Liability Committee. He is now a Fellow of the American Bar Association and Senior Board Member of the Association of Trial Lawyers of America. Partner **John Leighton**



**Leesfield and wife Cynthia in chambers of Supreme Court Justice William O. Douglas, 1972.**

now chairs the Inadequate Security Litigation Group and the Motor Vehicle Collision, Highway and Premises Liability Section of the Association of Trial Lawyers of America.

Over the years, we have tried to dedicate our resources to cases that have made a difference in the betterment of our society. "There is a real feeling of accomplishment in doing the right thing," says **Steve Kozlowski** who joined the firm in 1995. "Perhaps the spirit and philosophy of the firm is best expressed by our ongoing commitment to meet new challenges," according to the firm's most recent addition **Rob Boyers**, who had practiced in New York prior to joining the **Leesfield Leighton & Rubio** team. "I can't wait to get into work every morning," says **Boyers**. "This is a place not only where things are happening, but the entire staff is dedicated to making a difference."



**Key West Office at 615 1/2 Whitehead Street.**

## Share Your Case and We'll Share Key West

**Petition** will recognize and publish cases which have made a difference to your client and community. Counsel with a leading case promoting safety will be selected as a guest of **Leesfield Leighton & Rubio** at their Key West home for any weekend during 1997.

Fill out the enclosed form and we will notify the winner of the **Key West Vacation** in the October issue of **Petition**.

Form - (Fax back to **LLR** (305) 854-8266 or E-mail to: [Leesfield@aol.com](mailto:Leesfield@aol.com))

Case Name: \_\_\_\_\_

Verdict/Settlement: \_\_\_\_\_

Date of Conclusion: \_\_\_\_\_

Brief Facts: \_\_\_\_\_

How case improved client's life: \_\_\_\_\_

How case improved safety in America: \_\_\_\_\_

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/Fax number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**More facts can be submitted to us by E-mail.**

## Miaminotes



**Leesfield Leighton & Rubio** has a long history of community involvement. This 20th Anniversary year was marked with a re-dedication to public service and support. According to partner **Maria Rubio**, "our 20th anniversary was just another reminder of how the goals of our law firm are so closely aligned with the community."

**Leesfield Leighton & Rubio** was privileged to assist the following organizations during 1997:

Big Brothers/Big Sisters of Miami

The Women's Fund of Dade County

Easter Seal Society

United Fund for Aids

American Heart Association

Project Cripple

Laura Rosenberg Foundation

Voices for Children of Dade County

American Red Cross

Florida Keys Marine Institute

Cystic Fibrosis Research, Inc.

The March of Dimes

## Join us in Welcoming...



**Steven Robert Kozlowski** has been with **Leesfield Leighton & Rubio** since 1995 when

he entered the firm as a law clerk. Steve is a Cum Laude graduate from the University of Miami School of Law. Today he is a trial attorney active in the

Academy of Florida Trial Lawyers, Association of Trial Lawyers of America, Dade Action PAC, GALLA and the South Beach Business Guild. Steve has already added to the firm's reputation of providing CLE speakers to the legal community on cutting edge topics, as he recently gave a lecture for the Monroe County Bar Association entitled *Computer Technology and the Law*.



**Robert B. Boyers** is the newest addition to the firm. Raised in New York City, he was a prosecutor for four years in the District Attorney's

Office for Queens County, NY. He also spent several years litigating personal

injury cases with a Manhattan law firm. He is an alumnus of Emory University School of Law in Atlanta, Georgia. Rob is admitted to practice before the Bars of New York, Connecticut and now Florida. Rob honed his trial skills in New York, but now feels at home here in the Sunshine State where he lives with his wife Amy Eisenberg.

## Leesfield/ATLA Law Student Scholarship

THE 1997 **Leesfield ATLA Law Student Scholarship** will be presented to Whitnie Henderson at the San Diego Convention. This is the third consecutive year this scholarship will be given in recognition of the ATLA law student member who has demonstrated the highest commitment to trial advocacy and preservation of the jury system. Leesfield was the founder of the Law Student Section which now has over 4,000 members and 82 Chap-



**Last Year's Scholarship Winner, Debbie Cotton, presented by Ralph Nader and Ira Leesfield.**

ters. This year's recipient attends San Francisco Law School, where she is active in the Black Law Student's Association as well as Moot Court. A single parent, Whitnie has dedicated herself to the Youth Court Programs at a local High School where she involves students in the judicial system.

## Lincoln...Leesfield... Leukemia Society of America

**Ira Leesfield** joined Congressman Lincoln Diaz-Balart as a celebrity waiter at the Leukemia Society fund raiser held at Victor's Cafe in Miami. **Leesfield** was a singing waiter at this very successful event.



**Featured, Congressman Lincoln Diaz-Balart, Judge Ellen Leesfield and Ira Leesfield.**

## Governor Chiles Appoints Leesfield

ON MAY 23, 1997, Florida Governor Lawton Chiles announced that Miami Trial Lawyer **Ira Leesfield** was one of his appointments to the **Florida Constitutional Revision Commission**. The Constitution of the State of Florida is reviewed once every 20 years by a select group of Floridians. Governor Chiles

said "I'm proud to have tapped a diverse group of our state's leading citizens to serve on the Constitutional Revision Commission. These dedicated individuals love Florida and have a historic task ahead of them." Last year, Governor Chiles appointed **Leesfield** to the State's Appellate Judicial Nominating Commission.



**Vice President Al Gore and Governor Lawton Chiles congratulate Ira Leesfield.**

## Off the path in Key West!



THE ISLAND OF KEY WEST is a popular destination for adventure seekers as well as those looking for some rest and relaxation. The tropical island breezes keep the climate comfortable year round. If you find yourself in Key West with a desire to be active, the only thing you will find lacking is time. As the adage goes "so much to do, so little time." Key West offers all of the expected activities of an island get-a-way such as, diving, snorkeling, boating, beaches, shopping, restaurants and bars, but there are also many off-the-beaten-path activities and places which aren't so obvious to the new visitor.

**1. The Bahamian Quarter** is an area of Key West which has significant historical interest. The Bahamian art, architecture and flare of the quarter is a rich testament to the historical role that Bahamians had in Key West. *Blue Heaven* (729 Thomas St.) has some of the best Bahamian food on the island.

**2. Walking tours.** One of the best ways to experience Key West is by foot. A variety of walking tours are offered appealing to specific interests. Among them include the *Literary Walking Tour*, which features points of interest involving Tennessee Williams, Ernest Hemingway and many others; and the *Haunted Walking Tour* which highlights some of Key West's "oldest" residents. Also be sure to take a tour of Key West's bizarre history in the *Cemetery Tour*, which tours Key West's historical cemetery. For more information see <http://discover.key-west.fl.us/cemetery/index.htm>

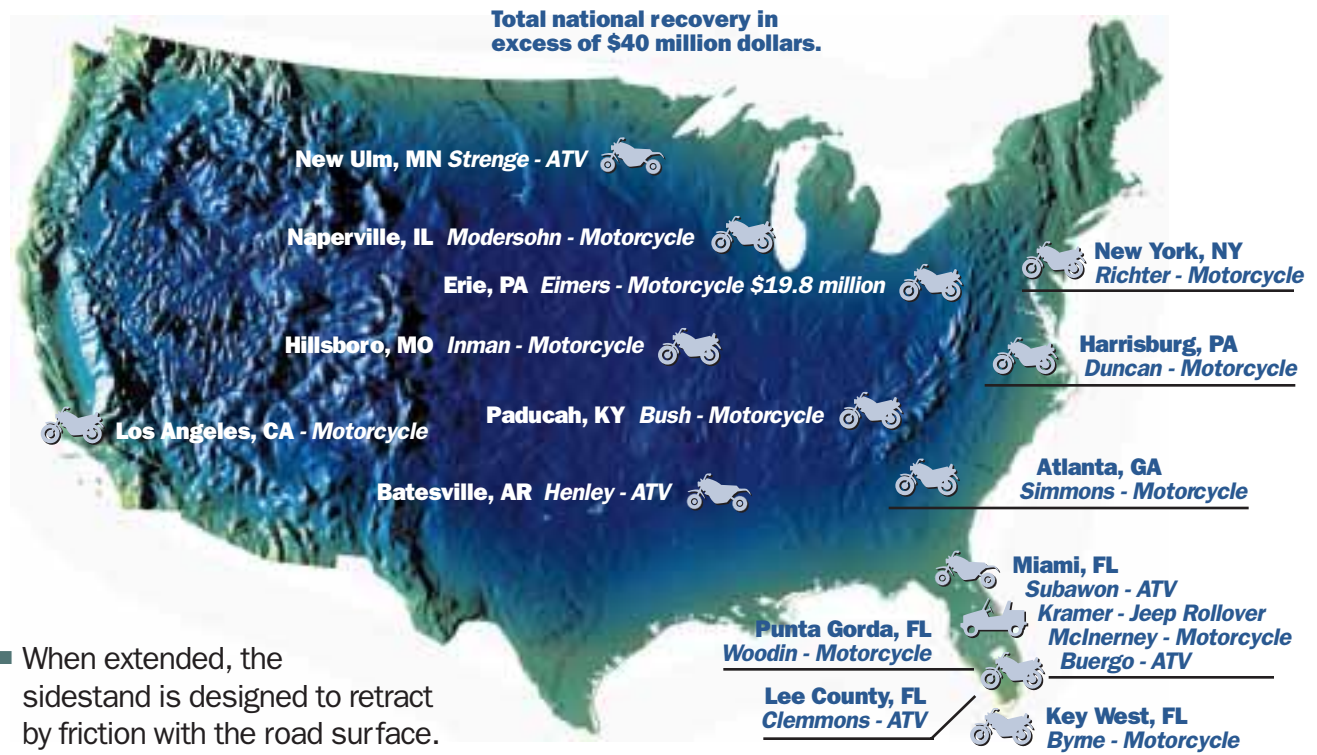
**3. The Wreckers Museum.** Key West was one of the richest cities per capita in the United States at the turn of the century. The shipping industry was thriving and so were the wreckers. Wreckers were ship salvagers who would salvage the goods from ships that ran afoul off of the dangerous waters of Key West. Their history is featured in the Wreckers Museum on Duval Street, located in a 167 year old house, the oldest in the keys. It's a must see!

Remember while in Key West please come by and visit the offices of **Leesfield Leighton & Rubio**, at 615 1/2 Whitehead St. We promise a great cup of coffee!

# Anatomy of a Motorcycle Sidestand Defect Case

**M**OTORCYCLE sidestand defect cases have recurring elements that reliably establish the responsibility of the manufacturer. Here are the highlights:

- The sidestand is not equipped with an electric interlock, an automatic or mechanical retraction device, nor any audible or visual warning that the rider has forgotten to retract.
- The sidestand is designed to extend and rest with a slightly forward angle.
- The sidestand is equipped with springs designed to hold the sidestand in the forward angle.
- The sidestand is mounted on the left side of the motorcycle.
- When extended, the sidestand is designed to retract by friction with the road surface.
- The extended sidestand does not retract in a left-hand curve.
- The extended sidestand prevents the motorcycle from achieving a sufficient lean to allow negotiation of the left-hand curve.
- The steel foot of the sidestand scrapes along the road surface and leaves a straight line scrape mark or discoloration in the pavement.
- The motorcycle leaves the roadway on the right side.
- The steel foot of the sidestand has fresh, deep abrasions from its high speed, high heat impact with the aggregate in the road pavement.
- Tragically, the rider is seriously injured or killed by an off road impact.



**Leesfield Leighton & Rubio** has litigated over twenty motorcycle sidestand defect cases throughout the United States, including a \$19.8 million dollar verdict against Honda in Erie, Pennsylvania. For further information about sidestand litigation please call **1-800-836-6400**, or E-mail: **Leesfield@aol.com**.



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