

String of Errors Leads To Legal Malpractice Settlement

In 1991, Mr. J was involved in a private aircraft accident that rendered him a quadriplegic. At the time of the tragedy, he had been actively employed by Pratt & Whitney as a program manager/engineer for approximately 21 years. After a period of convalescence, Mr. J attempted to return to his position at Pratt & Whitney, but was denied that opportunity. The circumstances of that denial gave rise to a discrimination case against Pratt & Whitney, for which Mr. J sought legal representation.

The United States Department of Labor investigated Mr. J's case and found Pratt & Whitney to be in violation of his rights. The Department of Labor found that Pratt & Whitney should have offered Mr. J the opportunity to resume his job at the same salary, with the same benefits, and with the same opportunity for growth that he would have enjoyed had he not been hurt.

Mr. J first sought representation with Law Firm A, which unfortunately failed to timely file a claim under the Florida Civil Rights Act. This error eventually proved fatal to Mr. J's Florida Civil Rights Act claim.

In July 1996, Mr. J terminated Law Firm A and hired Law Firm B to pursue both the Americans with

Disabilities Act and the Florida Civil Rights Act claims. Law Firm B filed a complaint on November 18, 1996, against Pratt & Whitney, but failed to get the required "Right to Sue" letter prior to filing the Complaint. The Court dismissed the lawsuit.

After the case was dismissed, Law Firm B obtained the "Right to Sue" letter and then re-filed essentially the same complaint it had filed previously. The judge, however, dismissed the case a second and final time. Law Firm B appealed the decision to the 11th Circuit Court of Appeals, but the appellate court agreed with the trial court and the case came to an end. As a consequence, Mr. J's claims under the Florida Civil Rights Act and the Americans with Disabilities Act were forever lost. He therefore received no compensation whatsoever, all due to legal negligence.

Given his significant physical disability, Mr. J is not suited for most forms of employment. However, he was unharmed mentally and therefore remained suited for the highly intellectual job that he previously and capably performed at Pratt & Whitney. Having lost his job at Pratt & Whitney, he became essentially unemployable at only 52 years of age. Had Pratt & Whitney followed the law and made the accommodations owed to him following his convalescence, Mr. J could have returned to work in April 1993.

Following the decision rendered by the appellate court, Mr. J sought representation from Karen Terry of the Searcy Denney law firm to pursue a legal malpractice action against all of his prior attorneys. Damages were sought for the losses in income suffered by Mr. J due to his denied return to the workplace, and also for his intangible damages, such as pain and suffering, mental anguish, and loss of the ability to enjoy his life.

After 18 months of litigation, Ms. Terry settled Mr. J's claims against Law Firm A and Law Firm B. Negotiations were hampered by Law Firm A's insurance carrier, which asserted a coverage defense very late in the litigation process based on Law Firm A's late reporting of the committed malpractice. Nevertheless, the claims against those two firms were settled for a combined total of \$675,000.



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