

SETTLEMENT	CASE TYPE	CO-COUNSEL FIRM
Confidential Settlement	Medical Malpractice	Knapp & Roberts, Scottsdale, AZ
\$89,000,000	Mesothelioma and other Asbestos-related diseases	Multiple co-counsel firms
\$4,000,000	Cerebral Palsy	Miller & Weisbrod, Dallas, TX
\$1,500,000	Erb's Palsy	The Graham Law Firm, Florence, SC
\$1,341,280	Securities Fraud Award	Oakes & Foshier LLC, St. Louis, MO
\$944,000	Erb's Palsy	The Graham Law Firm, Florence, SC
\$787,500	Failure to Diagnose	Best Law Firm Florida P.A., Orlando, FL
\$700,000	Erb's Palsy	The Graham Law Firm, Florence, SC
\$550,000	Arbitration Award	Michael P. Foley, Jr., P.C., Cheshire, CT
\$475,000	Securities Fraud Settlement	Oakes & Foshier, St. Louis, MO
\$370,000	General Liability	Peter M. Iascone & Associates, Newport, RI
\$300,000	In-Home Hospice Care	The Ryder Law Firm, P.C., Huntsville, AL
\$275,000	Nursing Home	McNulty Law Firm, Los Angeles, CA
\$235,000	Nursing Home	McNulty Law Firm, Los Angeles, CA
\$215,183	Securities Fraud Award	Oakes & Foshier, St. Louis, MO
\$209,000	Securities Fraud Settlement	Oakes & Foshier, St. Louis, MO
\$200,000	Securities Fraud Settlement	Oakes & Foshier, St. Louis, MO
\$200,000	Securities Fraud Settlement	Oakes & Foshier, St. Louis, MO

**What Now?**  
continued from page 1

“These things seem to come and go in waves,” Nelson says, “and the good thing about trends is that they can reverse themselves. But there are no immediate fixes, and it can take time for change to happen.”

Until then, the legal community needs to dig deeper into the laws, adapt innovative

approaches, and vigorously support pro-consumer legislation. As practitioners, our best bet is to do what we’ve always done: serve our clients well, and hold fast to the belief that justice does and will prevail.

**under investigation**

Sokolove Law is currently investigating potential litigation and case generation opportunities for injuries/losses arising from the following:

- ▶ **Cymbalta®**  
Emerging litigation alleging insufficient warnings about the severity of withdrawal symptoms from the antidepressant drug Cymbalta.® Side effects, the most serious of which include electric shock sensations (or “brain zaps”), seizures and vertigo, can be so severe that patients are forced to resume taking the drug just to stop them from occurring.
  - ▶ **Spray Foam Insulation**  
Claims of skin irritation, and respiratory and neurological injuries resulting from exposure to commonly used polyurethane-based spray foam home insulation.
  - ▶ **Cybersecurity and Privacy**  
Consumer litigation involving invasive data collection and breaches of privacy and security, including the surreptitious use of online tracking and data harvesting tools.
- Cymbalta® is a registered trademark of Eli Lilly and Co.*

**Co-Counsel Opportunities**

**National Networks: A Major Resource**

**Birth Injury Network**

We continually strive to generate quality leads for our co-counsel through our marketing efforts. Through their hard work, the dedicated and talented firms in our national network have delivered outstanding results to our mutual clients. The network did this even in some very tough jurisdictions. During our current campaign, we generated 15 percent more qualified leads than in the previous year for our co-counsel firms.

**Nursing Home Abuse and Neglect Network**

Our ever-growing population of seniors is pressuring the already broken nursing home industry. Regrettably, this means nursing home abuse case filings will also increase. In the past year, our marketing efforts have resulted in a 15 percent increase in overall qualified leads for our co-counsel firms.

Gain access to our proven experience and significant buying power — join one of our national networks! A limited number of states are available. Call us at 1-800-305-4009 to find out if your state is available.

**The Grim Class Action Environment — What Now?**

The U.S. Supreme Court’s rulings in two landmark cases have erected a formidable barrier to class action lawsuits. But the legal community should treat this as a call to action and rise to meet the challenge this presents.

These decisions (*Wal-Mart Stores Inc. v. Dukes* and *AT&T Mobility v. Concepcion*) particularly impact arbitration and employment litigation. In *Concepcion*, the Supreme Court ruled that the Federal Arbitration Act overrides state laws (in this instance, a ruling from the California Supreme Court) that forbid contracts from blocking class actions in consumer arbitration. The *Dukes* ruling held that a group of female Wal-Mart employees could not prove a common culture of sex discrimination at the company, making class certification impossible.

Over the past two years, lower courts have cited both *Concepcion* and *Dukes* as a reason to keep class action suits from proceeding. According to the watchdog group Public Citizen, in the year after *Concepcion*, judges ruled 76 times that class action bans in arbitration agreements were enforceable. In the recent *Comcast Corp. v. Behrend* case, the Supreme Court upheld rigorous standards for proving damages on a class-wide basis, reinforcing the *Dukes* decision.

So what happens to employees and consumers victimized by massive corporations? Is justice now out of their collective reach?

Arguably, the current anti-class action environment creates an invitation for untamed corporate misconduct. Yet while *Concepcion* and *Dukes* were

huge wins for Big Business, there’s no need for the legal community to panic, notes Scott Nelson, an attorney with the Public Citizen Litigation Group.

“These are uncertain times for the consumer, undoubtedly. For smaller consumer claims, if a class action is not available, the vast majority of wrongdoing will go unaddressed. However, creative legal strategies can allow attorneys to be more successful in navigating the current environment.”



MIKE SKOLER, CEO, Sokolove Law

Nelson recommends that practitioners of consumer litigation determine up front if there is an arbitration agreement with a class action ban. “If so, they must assess whether there’s any remaining basis for challenging the ban. The Supreme Court’s impending decision in *American Express Co. v. Italian Colors Restaurant* and the California Supreme Court’s decision in *Iskanian v. CLS Transportation of Los Angeles* are likely to

provide more clarity on this matter.”

In employment cases, some experts claim that class action bans violate the National Labor Relations Act’s protection of “collective action.” The National Labor Relations Board so ruled in *D.R. Horton Inc. v. NLRB* — a decision now under review by the U.S. Court of Appeals for the 5<sup>th</sup> Circuit.

Beyond arbitration cases, says Nelson, attorneys must focus on demonstrating that common issues predominate in prospective class actions. *Dukes* and *Comcast* both placed a premium on showing that the majority of issues, but not necessarily all, can be the subject of common proof.

There are possible legislative and administrative remedies available, too. For example, those interested in corporate accountability should work to persuade the Consumer Financial Protection Bureau to limit the enforcement of mandatory arbitration agreements in consumer financial contracts. After all, it has the authority to do so already.

continued on page 4

**inside this issue**

- Co-Counsel SPOTlight .... 2
- Campaign Highlight ..... 3
- Opportunities ..... 4

Although Mark Lanier started his practice in 1990, it was in 2005 the Lanier Law Firm became synonymous with courtroom success in the fight against Merck and its dangerous drug Vioxx®. The \$253 million verdict that the firm won for the client garnered international attention — and demonstrated its founder's persuasiveness and courtroom mastery.

And that is only one of the firm's many successes in almost a quarter-century of personal injury practice. In fact, a recent high-profile worksite injury trial required Mark Lanier to return to his hometown of Lubbock, Texas. The case resulted in a \$5.5 million verdict, and was, personally, one of the most rewarding he's ever handled.

"We treasure our longstanding relationship with the Lanier Firm," says Sokolove Law CEO Mike Skoler. "Mark Lanier and his firm



MARK LANIER, Lanier Law Firm

exemplify decency, generosity and humanity. They do this both through their commitment to clients in the courtroom — and in their

commitment to the public."

With 58 attorneys practicing out of Texas, New York and Los Angeles, the Lanier Firm handles a wide variety of personal injury cases. Specialties include toxic exposure, pharmaceuticals, intellectual property, maritime law, FELA, and sports and entertainment.

"It's been an honor and a privilege to work with Sokolove Law," stated Mark Lanier. "The Sokolove firm represents excellence and innovation within the bar — while lending its time and talents to its community, colleagues, and, ultimately, its clients. Both our firms seek to ensure that each person is allowed the justice the court system offers."

Vioxx® is a registered trademark of Merck & Co. Inc.

#### Contributing Editor

## In Psychopharmaceutical Cases, Follow the Money

By Dr. Brian Russell, Psychologist and Attorney

Have you heard statistics like "One in 10 American children has attention deficit hyperactivity disorder"? Or "One in 88 American children has autism"? And has that made you worry that there's an epidemic of mental disorders among our children? First, the good news: There's no epidemic.

Now, the bad news: Over-diagnosis and overmedication of mental disorders have reached epidemic proportions in America. Their most severe and longest-lasting damage often afflicts children.

Perhaps one in five high-school-aged boys carries a diagnosis of ADHD — but that doesn't mean one in five actually has the disorder. Often, such diagnoses are made by family physicians, many of whom don't possess a copy of the *Diagnostic and Statistical Manual of Mental Disorders* — let alone the specialized training and tests needed to accurately differentiate ADHD from other conditions.

Two years ago, one in 110 American children was supposedly autistic; two years before that, one in 150 had the condition. Yes, diagnoses are being made more frequently, but their accuracy is often highly suspect. Cultural or parental preferences for "quick fixes" are partly to blame, but to really understand this troubling trend, follow the money.

There are billions of dollars to be made — mostly by pharmaceutical manufacturers. Some cash trickles down to

prescribers in research grants, consulting and speaking fees, and reimbursements for care. These profits are made by putting Americans on indefinite psychopharmacological treatment regimens. The earlier the diagnosis of the patient, the longer the duration of their treatment.

Yes, there are pharmaceutical executives and prescribers whose intentions are pure, even if misguided. There are also villains in both camps who don't mind profiting by, for example, recommending a stimulant "trial" for a high-school-aged boy with "potential" ADHD. They'll do this, despite the potential anxiety and other psychophysiological side effects of a drug that lends itself to rampant abuse on high-school and college campuses.

Lawyers can make uniquely and dramatically meaningful differences for those damaged by the over-diagnosis and overmedication of mental disorders. Recently, the First Circuit upheld a \$142 million verdict against Pfizer for actively promoting the unapproved use of Neurontin® to treat (among other conditions) bipolar disorder. Expect misdiagnoses of (and "off-label" prescriptions for) pediatric bipolar disorder and autism to produce waves of future legal cases.

Brian Russell, Ph.D., J.D., M.B.A., is a psychologist, attorney, expert witness, litigation consultant, and television personality. For more information, visit [www.drbrianrussell.com](http://www.drbrianrussell.com).

Neurontin® is a registered trademark of Pfizer Inc.

Sokolove Law is known as a master of leveraging its expertise, buying power, branding, and marketing savvy. It uses these assets to successfully tell its story through broad-based national campaigns. However, with some case types, Sokolove Law sees opportunities to supplement this strategy with some regionally focused mini-campaigns. In fact, there are regional markets only accessible by highly targeted messaging.

So, over the past year, with some market opportunities, Sokolove Law leveraged its national brand through regional media channels. We discovered effective ways to reframe and retool the most important national advertising messages and strategies for the local level.

Doing this allows us to make the big broad themes relevant to each individual target audience. Local outreach still requires Sokolove Law expertise and guidance, and it must be synchronized with national branding and marketing strategies. It also must ensure that the Sokolove Law brand stands apart from other regional rivals.

To complement these regional efforts Sokolove Law has made investments to develop landing pages and mini sites. These are focused within certain regions to support paid search and search engine optimization efforts, improving website traffic and page rankings.

As we expanded, we gained insights about the unique intricacies of each market. As an example, historically, TV has been our strongest media channel for qualified leads for the national birth injury campaign.

However, we also found that markets with a concentrated population can make radio an effective channel to reach the birth injury audience. Additionally, heavily populated market areas offer a wide selection of radio stations — this provides more choice, which means the rates are more negotiable.

We leveraged a mix of broad-reach media and online advertising to penetrate local markets — successfully capturing the attention of a targeted, highly qualified audience. Because of TV's wide reach, it drove most of the results; however, Web channels continue to make sustainable gains, too.

With our national focus, bolstered by local outreach, we'll successfully maintain a consistent flow of qualified, high-value leads for our co-counsel.

#### Operations Update

## E-Signatures Improve Efficiency

Sokolove Law has used electronic signature services (e-signature) as part of our packet fulfillment offering for nearly three years. The service we use is DocuSign, a Web-based electronic signature service. E-signature is a quick and simple alternative to postal mail because it allows us to screen, qualify, and sign clients in a single phone call. As a result of using e-signature, our packet conversion has increased.

#### How does e-signature work?

We load contracts and other paperwork to the DocuSign site and attach virtual "Sign Here" stickers. The site is secure and data-encrypted. When sending paperwork to potential clients, we offer the option of signing electronically. If a caller is interested, we email him/her a link for e-signature. Once a caller has signed, we are notified immediately. We then print the paperwork and send it to co-counsel. It's that easy.

#### The benefits of e-signature:

- The sign-up process is reduced from weeks to minutes.
- The DocuSign site is easy to navigate and user-friendly.
- Callers are required to complete and pass an identification security check before gaining access to their paperwork. This provides an added level of security.
- We can track every e-signature packet sent, allowing us to check on a caller's progress during the signing process.

#### Are e-signatures valid?

Yes, e-signatures are legally binding. They have the same legal effect as pen-and-ink signatures, as long as they're executed through a process like DocuSign, which clearly establishes the intent to sign and ensures all legal elements of proof.