



Lawyer Scrum Ensues over Metrolink Disaster Cases

By **Stony Olsen**

You may remember the **Metrolink rail** disaster in the suburbs of Los Angeles in early September. That was the one in which the Metrolink commuter train ran a red light and collided head-on with a Union Pacific freight train.



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The accident killed 25 people and injured over 130 more. And what does that equal? Lawsuits!

Indeed, so many lawyers are now hounding the victims that California’s state bar is issuing public warnings about it. Great moments in ambulance chasing, indeed!

Stories out of the *Los Angeles Times* report that many attorneys are calling victims’ families, even offering to pay funeral expenses if only said families will hire them.

In response, the state bar has written a letter to local hospitals, basically telling them to hang up on the attorneys because it is unethical for them to be trying to solicit clients. “Any unsolicited contact with a potential client either in person or by telephone (and perhaps even by mail) by an attorney or someone acting on his or her behalf is both illegal and unethical,” the bar’s chief trial counsel, Scott J. Drexel, said in his letter. “It is especially serious when the contact or solicitation takes place at the scene of the accident or at the hospital where the injured person has been taken for care and treatment.”

Attorneys are nevertheless eager to pile in, largely because there’s a guaranteed amount of around \$200 million at stake,

which is the statutory cap on damages, though many firms have even expressed plans to challenge that cap. But even if the cap stays, assuming a 30 percent contingency fee, \$60 million or so will be going to the attorneys.

Is the chance at that sort of money worth the ethical issues and total confirmation of the worst kinds of lawyer stereotypes? Probably. Unless the state bar pledges to take away any legal fees over any ethical violations by the attorneys, being an attorney for a crash victim or a victim’s family is a pretty lucrative position to be in.

Some firms are even trying creative ways to get victims’ attention. For example, instead of shoving business cards into the hand on the stretcher, they are holding “open houses” for victims’ families — to which, of course, all the victims and/or their families have been invited by letter. The excuse? Beware the six-month filing deadline! In other words, lawyers have to bother people at funerals because if they don’t hurry, March will soon arrive and they won’t be able to file.

Somehow, the professional responsibility committee probably won’t buy that one, and hopefully the California state bar will do something serious to put a stop to the lawyer scrum for clients.

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