

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES

ALM

Trading Places: *A Defense Attorney-Turned-Plaintiff Gets \$1.55 Mil. Verdict in Personal Injury Case*

BY ASHER HAWKINS

Of the Legal Staff

An attorney who represents himself will wind up with a fool for a client, but that doesn't mean lawyers can't make good plaintiffs.

A Philadelphia jury recently awarded most of a \$1.55 million verdict to a veteran Center City defense attorney who claimed a January 2003 rear-ender left him with a torn rotator cuff. The remainder of the award went to the attorney's wife.

In *Pakuris v. Buckwalter*, Margolis Edelstein partner Christopher Pakuris claimed the tear was so massive doctors have not been able to repair it, leaving the right-hander with permanent loss of motion of his right arm.

When asked by *The Legal* what it was like to be a plaintiff, Pakuris, whose practice focuses on insurance-related cases, replied, "Not very good."

"Your whole life is exposed to everyone," he said.

According to court papers, Pakuris, 52, was struck from behind as he sat at a shopping mall entrance waiting to make a right turn.

The driver of the other car was Justin Buckwalter. Pakuris's attorney in the matter, Kenneth Fulginiti of Duffy & Keenan, said Buckwalter, who is in his mid-20s, was at the time of the accident an employee of his parents' business, a chain of specialty shops in various malls in the Philadelphia suburbs.

Buckwalter was represented in the case by attorneys from the Law Offices of Gerald F. Strachan, which serves as in-house counsel for the Ohio Casualty Insurance Co.

Company spokeswoman Cindy Denney declined to comment on the jury's verdict.

In court papers, the defense described the January 2003 accident as featuring a "low-speed impact" and suggested that Pakuris' tear stemmed from a pre-existing condition.

Fulginiti, who handled the matter with lead trial counsel Thomas Duffy, said that as a result of kidney failure, Pakuris had needed a kidney transplant about a year before the accident. Shortly before the accident, Pakuris had gone for a check-up to his nephrologist, who noted that the medication Pakuris was using to treat his kidney problems was apparently causing pain in his joints.

The jury in the case was picked July 11 and the trial, over which Judge Esther R. Sylvester presided, ended July 18, Fulginiti said.

Prior to trial, Pakuris had demanded \$1 million, Buckwalter's policy limit, and the defense had responded with a \$35,000 offer. The offer was upped to \$100,000 on the first day of trial, he added.

After approximately four hours' deliberations, the 12-member panel returned with its 11-1 finding in favor of Pakuris, Fulginiti said.

The award includes \$1.3 million for Pakuris and \$250,000 for his wife, Joan. Fulginiti said a petition for roughly \$50,000 in delay damages has been filed.

Fulginiti said that while it was not mentioned during the trial that Pakuris is a defense attorney who regularly represents insurance companies, the defense noted on several occasions that both Pakuris and his wife are lawyers.

"They certainly tried to paint the picture



DUFFY



FULGINITI

that [Pakuris] is a well-to-do person and contrast him with this young man who caused the accident," Fulginiti said. "But he came off the way he is, which is a family man."

According to court papers, Pakuris has claimed his injuries have impaired his ability to actively care for his two younger sons, ages 3 and 1. Pakuris also has a 22-year-old son from a previous marriage.

Called to the stand during the trial as experts for Pakuris were: Scott Jaeger, the Philadelphia hand surgeon who treated Pakuris for his injury; registered nurse Kathleen Corrigan, a Havertown-based life-care planner; and Pakuris' nephrologist, George Francos of Thomas Jefferson University Hospital.

Fulginiti said that during a check-up a month before the accident, Francos had effectively given Pakuris a clean bill of health, but made a note that Pakuris seemed to be experiencing some myalgia, or muscle pain.

When called to the stand, Francos explained to the jury the differences between a rotator cuff injury and the type of pain kidney patients sometimes experience as a side-effect of their medications, Fulginiti said. •