WHEELS of JUSTICE

Tom Kline: won case for escalator victim

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He's showing a lot of class

$51M lawyer credits teaching experience

by Paul Davies

Mark McGuire and Sammy Sosa have nothing on Tom Kline.
Kline has emerged as the "Babe Ruth" of personal injury litigation, as one attorney put it.
Kline is the Philadelphia lawyer who cleaned SEPTA's clock in the $51-million verdict after a subway escalator accident ripped off a 5-year-old boy's foot.
The victory for the boy, Shareef Hall, and his mother, Deneen Hall, caps a 14-month run in which Kline has smacked quite a few out of the park.

Since October 1996, Kline has won four cases with verdicts totaling $114.3 million. Another dozen cases settled for multi-million dollar payouts.
"If major injury litigation were baseball, Tom Kline would be Babe Ruth," said Gerald G. Bernhardt Jr., a Center City lawyer who also handles personal-injury cases.
Like star athletes, Kline is well compensated for his work. Barring a reduction from appeals, Kline's cut on the four recent cases he won is estimated at more than $30 million. But unlike many spoiled athletes, Kline is not doing it for the glory, observers say.
"There are lots of good lawyers who just do their job," said Judge Mark I. Bernstein. "But with Tom Kline, you can tell he cares."
Kline often represents the poor or disenfranchised. Many have been maligned or mistreated by doctors, hospitals or drug companies. Kline shares a special bond with mistreated cancer patients, since both of his parents died from the disease.
Kline, 52, takes on powerful institutions with a vengeance. By the time Kline got through with SEPTA earlier this month, the transit agency did not even offer a defense. The jury awarded Kline's client a whopping $51 million. The SEPTA verdict is just the biggest in a long line of lucrative victories for Kline.
In the early 1980s, Kline won a $5.5 million verdict against the makers of the...
Dalken Shield — then the largest judgment against the company.

One client sent Kline a note that said he was the only lawyer who had won anything near $1 million and settled for $1.2 million. In a similar case, Kline told the papers what it would take to settle before the trial. After each trial day, Kline said the price would increase by $100,000. After three days of watching Kline in court, the case settled.

To Kline's credit, even the defense lawyers he faces voice their praise. Defense lawyer Richard Galli told a jury that Kline could cross-examine a weatherman and get him to change his forecast.

A Penn Cere specialty in a different trial said he asked several doctors at the hospital, "Who's the malpractice lawyer you're most afraid of?" The unanimous reply: Tom Kline.

Kline's special talent comes from an ability to connect with jurors. Despite Kline's penchant for $2,000 black suits and designer glasses, his genuine concern shines through. Kline can take a complicated case and separate it from the right. After playing to a jury's heart, he goes for the heart.

In the SEPTA case, the first piece of evidence Kline introduced was Sharif's ripped black sweater, followed by his torn sock and shredded pants. Near the end of trial, Sharif limped into court, his mother removed his prosthetics and revealed his butchered limbs. Some jurors looked away in horror. Others cried.

Good trial lawyers perform in court. In a case involving deaf and blind boy named Tammie, Kline sang "The Who" song with the same name. Kline has put on a one-man show called "Trial as Theater," in which he recounts dramatic moments from real cases.

Before going to law school, Kline spent six years working as a judge in Freeland, Pa., population 6,000. Keeping students engaged requires the ability to perform and make complicated things easy to understand. Kline believes his best courtroom training occurred in the classroom.

"Sixth graders are too smart and too savy to talk down to," he said. "It's the same way with trial lawyers."

Many of Kline's cases are malpractice suits against physicians and doctors. Kline cuts through complicated medical jargon. His words are spoken by doctors, like "hypertensive," get translated into English: "a high blood pressure." He even helps his kids, whom he helps to keep up his legal mind.

Kline's parents lived in the same building as the doctors and their mothers. In Kline's childhood, his grandparents often left the witness room in a pool of sweat.

In one case a defense team's witness lacked formal education in epidemiology. Kline asked about his schooling. The witness an accomplished doctor, said he enrolled in a course but did not complete the work.

"When I come from you call that a dropout," Kline said.

In another case, boxer Dennis Richardson had a blood clot erup in his brain, turning him into a vegetable. The accident occurred after Richardson had to wait more than an hour for an ambulance to take him to another hospital. A witness for the defense tried to offer a convoluted explanation to justify the delay.

Kline asked the witness if he ever ordered take-out food or called a taxi. And when your food or cab didn't arrive, what did you do? Kline asked the witness. The witness said he called back. "Well don't you think it's important to call back for the same reason," Kline demanded.

The case settled for a "lot of money," he said.

Thomas R. Kline was born in Batston, Pa., in 1969. After college, he graduated from the University of Pennsylvania and the University of Pennsylvania Medical School. Kline worked for the Philadelphia Medical Society from 1991 to 1993. He then joined the law firm of Beasley & Specter, where he worked as a partner.

On the wall is a typed letter from his father dated 1969 that reads, in part, "I know mother and I will always be proud of you." Kline's upbringing keeps him grounded and helps him relate to his clients and jurors.

"I take every opportunity to remind myself where I came from," he said.

Kline was the first in his family to go to college. He graduated from Alabam College in 1969 and received a master's in American history from Lehigh University in 1971. He began teaching elementary school and later returned to law school, graduating from Duquesne University in 1979.

Kline spent a year as a clerk for state Supreme Court Judge Thomas F. Pomeroy. In 1980, Kline came to Philadelphia to work for Beasley & Specter. In 1995, he joined the firm with Beasley & Specter.

"I am very excited to be in Philadelphia," he said. "I have always wanted to be in Philadelphia."