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Law firm's status grows, from Eastern Airlines crash to Swissair disaster



CHARLES TRAINOR JR. / Herald Staff

THE FIRM: The law firm of Podhurst Orseck Josefsberg Eaton Meadow Olin & Perwin has handled cases from more than 40 major commercial airline accidents. From left, Victor Diaz, Michael Olin, Steven Marks, Barry Meadow, Aaron Podhurst, Joel Perwin and Joel Eaton.

By **CINDY KRISCHER GOODMAN**
Herald Business Writer

Aaron Podhurst was vacationing in Dallas in September when he heard a TV report that a Swissair jet had crashed off Nova Scotia.

Podhurst was horrified at the tragedy, which killed all 229 people aboard. But his mind raced. Why had the crew reported smoke in the cockpit before the plane went down in the Atlantic? More importantly, would his phone soon be ringing?

Since an Eastern Airlines wide-bodied jet plowed into the Florida Everglades in 1972, Podhurst has become known across the country for representing the families of crash victims.

Now, less than two months later, the Miami law firm of Podhurst Orseck Josefsberg Eaton Meadow Olin & Perwin represents a half-dozen families of people who died in the Swissair disaster. This week, Podhurst is in London, meeting with more possible clients.

"When I hear the news of a crash, I'm in shock just like any other citizen, but I have to wait and see what occurs," Podhurst said. "By now, I know that almost every time, I will get a call, and someone will want to interview me."

Podhurst and a group of six other lawyers at his firm have handled cases from more than 40 major commercial airline accidents, including the 1996

ValuJet crash in the Everglades and the 1995 American Airlines crash near Cali, Colombia. In the past five years alone, the firm has negotiated four large settlements that total more than \$250 million.

The Miami firm, which used to act mostly as local counsel to big firms outside the state, now is considered among the preeminent aviation specialists in the country. It regularly vies with New York and Washington lawyers for business. And, there's no doubt that its location in Miami, an international air travel hub, has helped the firm attract cases from crashes in Central and South America.

"More than ever, crash

cases from Latin America are filed in Miami," said Victor Diaz, a partner at the Podhurst firm. "A lot of the international carriers are buying aircraft in the U.S. and registering ownership in Florida, so we're able to bring suits here."

Courts have ruled that such suits can be filed in state and federal courts in Miami. There are two benefits to victims' families: Cases flow faster through Florida courts, and juries here tend to award larger damages than in Latin America.

Podhurst's involvement in major aviation cases began in 1972 with the Eastern crash in the Everglades. A Miami federal judge named Podhurst chairman of the Eastern plaintiffs' steering

Miami law firm on the case of Swissair disaster

committee. In most large air disasters, plaintiffs' lawyers form steering committees to chart the course of the litigation.

From there, Podhurst's status grew. He since has chaired the steering committee in the ValuJet crash, with his firm representing the families of about a third of the victims. He also headed the plaintiffs' steering committee that represented more than 150 victims' families in the American Airlines Cali crash.

Another coup for Podhurst came last December. He represented the families of three Cuban American pilots who were shot down by the Cuban Air Force. Judge James Lawrence King awarded the families \$187.5 million in a nonjury trial. Podhurst is now trying to collect on the award.

Though some lawyers will rush to crash locations and solicit victims' families, Podhurst refuses to call anyone. He says he only will speak with family members who approach him.

"We realize that we do lose business, but we know sooner or later our phone will ring," he said.

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Many of his cases are referred to him by other lawyers who know a family member but have no experience in aviation work.

"There are people out to sell themselves regardless of quality of product," said Mitch Baumeister, a New York lawyer who has become well known for aviation work. "Aaron and his firm are high quality, ethical lawyers. I say that even though we compete. Some firms I wouldn't say that about."

Diana Stromfield of Miami was bombarded with solicitations after her daughter, a Coca-Cola executive, was killed in the Cali crash. She wound up calling the Podhurst firm upon a friend's suggestion. She has settled with the airline for an undisclosed amount.

"The lawyers there were very professional and caring way to the point that I forgot it was business and felt more like it was a personal favor they were doing for me," she said. "I appreciated the tactful way they approached the process."

Maurice Ferre, a Miami-Dade commissioner, said he, too, was pleased with the firm's representation when his son, daughter-in-law and grandchild were killed in the Cali crash.

"This is a special breed of lawyer, and you have to be confident in their integrity," Ferre says. "You have to have confidence that they won't lump you into a group and settle you out. That definitely didn't happen to me."

Podhurst said experienced attorneys know how to come

up with a fair value and present their case to insurers. Much of it is based on a formula that includes future earnings and the pain and suffering of those left behind. He says he reaches a settlement in seven out of eight cases he handles.

The lawyers say they prefer it that way.

"Aaron is exceptional at organizing his presentation," said Tom Thornton, who represents airline insurers. "He will tell me what he thinks is fair and reasonable, and we are usually able to come to an agreement. He is the dean of that side of the practice."

Steve Marks, a Podhurst Orseck partner, says it's a misconception that when there's a disaster, insurance companies pay everyone. "As a general rule they hire the best lawyers to stonewall, slow things down and settle cases cheap," he said.

"If someone doesn't know what he's doing, an insurer could try to give you \$500,000 when the case is worth millions," Marks said. "You first try to settle, but if not, you have to have the wherewithal to take it to trial. Cases can get expensive to try."