

The Legal Intelligencer

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Service, Legislative Affairs Top Phila. Trial Lawyer Leader's Agenda

By Amaris Elliott-Engel

Stewart Eisenberg likes his plaintiffs trial lawyer profession because his successful advocacy in cases can benefit injured clients.

"You have the opportunity to change people's lives in a significant way," Eisenberg said.

Eisenberg, of Eisenberg Rothweiler Winkler Eisenberg & Jeck, will now be advocating on a larger scale as this year's president of the Philadelphia Trial Lawyers Association. Eisenberg has been practicing with his firm for the past 18 years in medical malpractice, crash worthiness, products liability and complex personal injury cases. After graduation from Temple University School of Law, he worked for trial lawyer Marshall Bernstein.



Eisenberg may be the first president of the Philadelphia Trial Lawyers Association to lead the state trial lawyers organization, the Pennsylvania Association for Justice, before leading the city trial lawyers group. Typically, PTLA presidents who also lead the PAJ are first elected to preside over the city organization and then elected to lead the state organization, Eisenberg said.

Eisenberg said leading the PTLA thrusts him into the hot seat a bit more than did his leadership of the PAJ, then called the Pennsylvania Trial Lawyers Association, from 1998 to 1999.

Philadelphia trial lawyers place more pressure than members of the state group on their president from their high expectations for returns on "keeping courthouse doors open" and opposing "tort reform," Eisenberg said.

"There's much more single-mindedness of purpose in Philadelphia," Eisenberg said.

Eisenberg said he'll use the PTLA platform to advocate for Senate Bill 746, a bill that would change the parameters of insurance bad faith claims by changing the trier of fact from judges to juries in those cases. Eisenberg said he also will advocate for a bill that would increase the minimum limits of automotive insurance. He expects the bill to be introduced in the House of Representatives in September.

PTLA's attention will also be turned to the national level and the debate over health care reform, Eisenberg said. PTLA will oppose any effort to limit the legal rights of patients in the health care reform legislation, including the creation of federally mandated health courts to hear medical malpractice cases and the establishment of practice guidelines that would give immunity to doctors from lawsuits as long as their standards of care fell within the practice guidelines.

PTLA also will advocate for the election of a state Supreme Court justice "in favor of keeping access to the court open to everyone without limitations," Eisenberg said. There is one opening on the state Supreme Court up for contention this fall.

Eisenberg will also promote service as part of his platform this year.

Eisenberg estimates that less than half of the PTLA's 1,100-membership base takes on pro bono cases. While many members probably take on pro bono cases that are never officially reported, Eisenberg said he would like every PTLA member to commit to taking on one pro bono case in programs that the PTLA officially supports. The PTLA takes on cases from the First Judicial District's mortgage foreclosure diversion program, Philadelphia VIP, the Support Center for Child Advocates, the Legal Clinic for the Disabled and the Homeless Advocacy Project.

And in an era of city budget deficits and court budget cuts, Eisenberg also will run with an idea from trial lawyer Edward F. Chacker. Eisenberg has formed a committee to explore a new volunteer program in which members of the plaintiffs trial bar would volunteer their services as arbitrators in the FJD's arbitration center and save the court the costs of paying the arbitrator's \$225 honorarium.

"I believe we can save the court system hundreds of thousands of dollars a year," Eisenberg said.

Eisenberg said he will also continue the diversity program that was ramped up during attorney Mark Tanner's PTLA presidency.

Younger lawyers, minority lawyers and women lawyers are welcome to get involved in PTLA, Eisenberg said.

The trial lawyers' job bank continues to encourage the participation of diverse law school students about to graduate, he said.

Eisenberg said the plaintiffs trial bar has not been affected by the economy as much as other parts of the legal world and that he does not believe the effort to diversify the plaintiffs bar has been crimped by economic constraints.

"The opportunities are still there in the trial bar," Eisenberg said. "They're [firms] obviously being more conservative in a conservative economic time." •