

was doing very bad mentally and sought medical treatment and the doctor took her off work. When her leave ended, she tried to return to work. The manager told her he would get back to her, but never did. Ms. X needed both her jobs to survive, but had now lost one.

What occurred to Ms. X was not right, and she filed a lawsuit to seek justice. This is one of many cases with the same fact pattern. It should not be this way, but fortunately, Ms. X stood up for herself. Her case is still working its way through the courts. We are confident justice will be served. **Rob A. Rodriguez, Rodriguez & King, Attorneys at Law, Ontario**

A self-made millionaire didn't know what to do with his millions. His children were successful, so they wouldn't benefit from an inheritance. While he didn't care whether they received a single penny, he didn't want to force them into probate court, which would be the case if he died with no plan at all or just a will.

So we came up with a creative solution. My client has three young grandchildren whom he loves very much. However, without any planning, a minor's inheritance is held in a blocked account, then turned over in its entirety at age 18. An 18-year-old suddenly coming into a large amount of money can be a very dangerous thing!

Fearing this fate, my client created a living trust that avoids court intervention and distributes his assets to his grandchildren—at age 65! Why? His millions will be further invested, compounding interest for approximately 50 years. Grandchildren learn the value of hard work, and he creates a sustainable legacy.

This is just one example of the power of estate planning and what you can do for your family with the right attorney. **Christopher S. Scarcella, C.S. Scarcella & Associates, Claremont**

It was early morning. Johnny's four-year-old brother climbed atop the cabinet where the parents kept the snout nose "utility lighter." Thinking it was a toy, the child lit the house on fire while all were sleeping. When his parents heard their four-year-old crying, they woke up and found the house engulfed in fire. They cleared their way through the smoke, grabbed the child and headed to the baby's room. The crib was on fire with four-month-old Johnny still in it with his face, fingers and toes severely burned. First responders grabbed Johnny's limp body. Although he survived, he lost his hands and feet and suffered catastrophic brain injuries.

Because the lighter wasn't designed with a child safety feature, we filed Johnny's claim for product design defect. During years of litigation, including designers depositions, it was discovered that the manufacturer previously designed prototypes including a child safety feature at a cost of less than 23 cents, yet didn't include the feature which

was not mandated by U.S. standards. Aside from the many millions of dollars recovered to provide for Johnny, the manufacturer changed the design and included the safety feature. This is just one example of how our office has not only benefited a client, but also our community. **William D. Shapiro, Law Offices of William D. Shapiro, San Bernardino**

Mike, a 55-year-old roofer, fell off a ladder. He plunged 12 feet to the ground, permanently injuring his back. He had a disability insurance policy that promised to pay \$200 a month for life if totally disabled by an accident, but only for three months if disabled by sickness. His benefits were abruptly cut off when his disability was classified as a sickness

It soon became obvious that Mike's disability was caused by the accidental fall and not a sickness. The defense attorney's strategy now was to turn against the local adjuster who cut off his benefits. They claimed the home office knew nothing of this "reclassification to sickness." The question became: who was responsible for the dirty work—the local adjuster or the home office?

Gus, a home office manager, testified that the authority to terminate a claim rested with the local adjuster and that they did so without home office authority. Hoping the jury would not punish the company, Gus stuck to his story. But when he inadvertently referred to a "file jacket," I was lucky enough to catch this innocent slip of the tongue. I had not heard of a "file jacket."

I showed the judge my copy of the file, which was represented to me as complete yet did not contain the "file jacket." Finally, it came out that the file jacket was out of state at the company's headquarters. The judge ordered the company to produce it immediately, and it arrived by air courier the next day.

When I first read the file jacket, I knew I had hit pay dirt. During the entire trial, the insurance company had asserted that its home office had not seen this file during the crucial period when the company reclassified my client's claim from accident to sickness. Here was a file jacket with approximately 20 dated stamps during that crucial period showing that the home office actually knew and approved the reclassification.

The jury was quite upset at the insurance company and hit them with a \$5 million punitive damage award. The verdict led to a landmark California Supreme Court decision establishing insurance bad faith as an independent cause of action.

If I hadn't caught that slip about a file jacket, the case would have turned out much differently. It pays to be a good listener. **William M. Shernoff, Shernoff Bidart Echeverria, Claremont** ■



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