

## Record, The (Hackensack, NJ)

### A courtroom bulldog who won't be leashed

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**Caption:** + + + +

COLOR PHOTO - DANIELLE P. RICHARDS / STAFF PHOTOGRAPHER - Rosemarie Arnold says **personal injury** law is not "about greedy litigation," but rather, "making sure the people who need help get help."

Silence gripped the courtroom as Rosemarie Arnold paused for a moment while describing the plight of her client seated in a wheelchair.

Arnold sniffled, wiping a tear from her eye.

Then she moved in for the kill.

The health club pool in which her client broke his neck was "a ticking time bomb," the Fort Lee attorney told the jurors.

"It blew up Mr. Lehra's neck and his arms and his legs. It blew up Mr. Lehra's manhood," said Arnold, who wore a tight skirt, high heels, and a look of pained indignation. "It blew up Mr. Lehra's life and all his hopes and dreams."

The trial in Hackensack was just getting under way, but the health club owner was clearly in trouble. Within days, before jurors could begin deliberations, Bally's Total Fitness settled for \$1.45 million.

To activists pushing for legal reforms, Arnold represents everything that's wrong with the justice system: She is a **personal injury lawyer** who has made millions of dollars for her clients - and herself - by suing doctors, insurance companies, and various kinds of businesses.

Her type is particularly prevalent in New Jersey, which ranks fourth in the nation in lawsuits per capita.

The American Tort Reform Association, among other critics, argues that all that litigation hurts business, drives up insurance costs, puts good doctors out of work, and clogs court dockets with frivolous claims. The association has already won reforms in 11 states and has legislation pending in New Jersey and 20 other states aimed at limiting filings and reducing jury awards.

Although the association portrays her kind as villains, Arnold **makes no apologies**. She defends her clients with a brash tenacity typified by the license plate on her Audi sedan: "RU NJRD."

"People think this profession is just about greedy litigation, but it's really not," said Arnold, 41, stabbing the air with a long, pink fingernail. "It's about making sure the people who need help get help."

Take Eric Myers. Six years ago, he was driving down a road in Point Pleasant when an overloaded asphalt truck swerved into Myers' lane, crushing his Ford Bronco.

The former assistant manager of Costco in Hackensack has undergone more than 10 surgeries since then, primarily to repair a fractured hip. At one point, an infection in his leg drove his temperature to 106 degrees and left him bathing in tubs of ice and alcohol. Now 35, he walks with a limp, can walk only short distances without resting, and faces more surgery.

Arnold represented Myers in a lawsuit that accused the trucking and paving companies of loading the truck so far beyond capacity that the brakes failed. Following a four-year court battle, Myers last year accepted a \$750,000 settlement.

"I'm not a fan of suing anybody, but I needed help getting my life back together," Myers said. "I had **no** idea what to do. Rosemarie took me by the hand and led me through the process."

Arnold runs her 11-attorney firm from a squat, white-stucco building equipped with a \$10,000 elevator to help injured clients clear the front steps.

Her work consumes her.

A table in her office is covered with legal documents and diapers it doubles as a changing table for her 1-year-old daughter. A phone message for a colleague is logged in at 4:43 a.m.: Arnold had awakened in the middle of the night with an idea and couldn't wait until she got to work.

"I get emotionally involved in these cases," she said. "I do this because I love it. I take care of people. That's what I've done all my life."

Arnold grew up the eldest of six siblings in the Washington Heights section of Manhattan. Her father, an obstetrician, died of cancer when she was 6. She quickly took responsibility for her four sisters and brother.

"She was always very aggressive and always fighting for the underdog," said her mother, Iris Arnold. "When I told the kids they couldn't watch TV, she came back that they had six votes and I had one."

"I told her this was not a democracy."

Arnold graduated from Brooklyn Law School in 1986 and began her career helping companies fend off **personal injury** cases. She didn't like it.

"It made me feel dirty," she said.

In 1989, she started her own firm, which now accepts about 400 new cases a year.

Arnold said she takes only legitimate complaints. She criticizes lawsuits that provide fodder for tort reformers - such as the 270-pound Bronx man who sued McDonald's, Wendy's, and other fast-food chains last year for selling food that made him obese.

"The rule in this office is we don't eat fish," she said. "If a case smells fishy, we don't do it."

Of course, her targets think otherwise.

Bally's Total Fitness aggressively defended itself against the man who broke his neck in their pool in Englewood Cliffs. The company said 32-year-old Imran Lehra of Bergenfield entered the pool after closing time and dove into the 4-foot-deep water despite numerous signs forbidding diving.

"It could not have been clearer as to what the risks were for diving in the pool," Brian Heermance, Bally's attorney, told the Hackensack jury. "He should have known better."

Arnold argued that Lehra fell into the pool after slipping in a puddle that should have been cleared from the pool's edge. She also said the health club had been told several times that it needed to lock the entrance when the pool area was closed. Five days into the trial, Bally's settled.

Arnold said such cases protect people from irresponsible business practices - for instance, those involving pharmacies that dispense the wrong medicine or tobacco companies that mislead consumers.

"It's a litigious society," she said. "But it keeps people in line."

Among several high-profile cases Arnold has pending in Bergen County is a lawsuit that accuses Toyota of having faulty seat belts that contributed to the **injuries** of a 2-year-old girl who was paralyzed in a 1999 accident involving a drunken driver.

Her passion for her clients poured out when Arnold wept as a judge sentenced the driver to five years in prison Aug. 8.

Another case seeks damages from Exxon for the killing of a gas station attendant in Oakland. The suit contends that Exxon's policies forced the owner to keep the station open all night, leaving the attendant vulnerable to a knife attack at 4 a.m.

Arnold and her firm pocket plenty of money from these cases. By law, they can collect up to one-third of the payout to their clients, a quarter if the client is a minor.

But Arnold said her true reward is on a wall covered with thank-you notes in her office.

One letter contains a poem titled "Justice" from a teenage girl who was injured when her family's apartment caught fire and the building's alarm system failed. Arnold got the family a \$1.4 million settlement from the landlord.

"Today, I can say the truth was heard. Our stories have been told," the poem says.

"Those stories that made us cry ... And I and my family can go on and live."

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