



Association for Women Lawyers  
of Greater Kansas City

# link

December, 2010  
Volume 22, No. 4

## 2010 BOARD OF DIRECTORS

### OFFICERS

**Mira Mdivani**  
President

**Shelley I. Ericsson**  
President-Elect

**Tamie Fox**  
Immediate Past President

**Lara Dickey**  
Treasurer

**Phyllis Norman**  
Secretary

**Athena Dickson**  
Assistant Secretary

### COMMITTEE CHAIRS AND VICE CHAIRS

#### Awards and Scholarship

Amanda Pennington Ketchum, *Chair*  
Sheila Thiele, *Vice Chair*

#### Judicial

Courtney Hasselberg, *Chair*  
Molly Bartalos, *Vice Chair*

#### Membership

Sheryl Nelson, *Chair*  
Beth Murano, *Vice Chair*

#### Community Support

Jenny Redix, *Chair*  
Elizabeth Lynch, *Vice Chair*

#### Social Activities

Brandee B. Bower, *Chair*  
Wendee Elliott-Clement, *Vice Chair*

#### Continuing Legal Education

Nikki Cannezzaro, *Chair*  
Samara Nazir Zaman, *Vice Chair*

### MEMBERS AT LARGE

Anne Schiavone, *Fundraising*  
Brienne Niemann, *Golf/Special Projects*  
Tricia Scaglia, *Golf*  
Amber Van Hauen, *CLE*  
Whitney Deacon, *Step-Up/Special Projects*  
Pascale Henn, *Photographer*

### AWLS REPRESENTATIVE

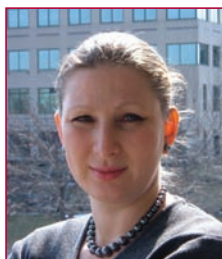
Katie Sarreshteh

### EXECUTIVE DIRECTOR

Lori Maher  
PO Box 860531  
Shawnee, KS 66286  
913.829.6941 913.829.6943 (fax)  
lori@mahergrouppllc.com

## president's message by Mira Mdivani

One of my favorite parts of my job as the AWL 2010 President has been getting feedback from our members. This is what I have been hearing:



- "This is the best Golf Tournament!"*
- "The smoothest Step-Up for Women, it runs like silk!"*
- "The most valuable networking program! (AWL's Connections)"*
- "The best social!"*
- "I love the pro bono opportunities!"*
- "A friend of mine said this is an awesome organization that really supports its members, so I signed up!"*
- "Another AWL member has helped me find a job!" (Yesss!), and*
- "AWL was there for me at a difficult time ..."*

So ... how has it all clicked together for AWL this year? I believe that three factors played an important role: member involvement; excellent leadership; and support from the legal community.

### MEMBER INVOLVEMENT

It does not get better than the **Golf Tournament Committee** as far as member involvement goes! The fifteen AWL members who volunteered on the Golf Committee this year, lead by **Tricia Scaglia** with the support of **Brienne Niemann**, produced a record-breaking golf tournament with 120 players (up from 80 last year), unprecedented fund-raising, and a lot of fun for the golfers. The Golf Committee members met on a monthly basis, planned, made to-do lists, and worked on their assignments between meetings. They got to enjoy a great golf tournament and received a lot of praise and admiration for their work. More importantly, they made lasting connections

while volunteering side by side. Other important examples of members' involvement is dedicated, passionate volunteering of our members on **AWL's pro bono projects**. I do not know any other bar association in Kansas City that has over a quarter of its members volunteer on pro bono projects directly delivering services to the disadvantaged, such as AWL's Step Up For Women and the AWL-Hope House Pro Bono Program. There is, of course, great member involvement when our **excellent socials** take place, the best of which took place this October at the Capital Grille. But we also come together behind our members at their toughest time. AWL members take time to help other members looking for jobs by providing job and practice counseling, circulating resumes to their professional networks and working the phones. I know of several members who found jobs because another AWL member cared to assist with the job search. When the AWL past board member **Bev Weber** was going through the ordeal of fighting for the life of **her daughter Lucy**, our members showed up in droves to lend their support and give generously at a fund-raiser organized by Athena Dickson and Denise Henning. At the memorial service for Lucy, I saw many members weep and line up to share hugs and words of consolation with Bev and her husband Brian. We are there for each other, in good times and bad.

### EXCELLENT LEADERSHIP

The **AWL Board** has worked very hard this year, and I thank each of our twenty-four Board members for their contributions. Our **Executive Director, Lori Maher**, continues to be a source of institutional knowledge, and I can't thank her enough for her guidance. Special recognition is due to **Membership Co-Chairs, Sheryl Nelson and Beth Murano**, whose vigorous New Membership Campaign brought 102 members to AWL. **Phyllis Norman**, who will serve as President-Elect next year, is spearheading efforts

(continued p.2)

### HIGHLIGHTS INSIDE

2010 SPONSORS .....	2
PAST PRESIDENT'S RECEPTION .....	3
AWL MEMBERSHIP IS STRONG .....	3
GOLF TOURNAMENT .....	4
HABITAT FOR HUMANITY .....	4
PLATINUM SPONSOR .....	5

AWL CONNECTIONS .....	6
HOW TO SPOT PRODUCT LIABILITY .....	7
CASA CARNIVAL SUCCESS .....	8
VETERANS STAND DOWN .....	8
JUDGE DAUGHERTY TO RETIRE .....	9
2010 AWARDS .....	10
MEMBER NEWS .....	10

## President's Message

continued from page 1

producing a great golf tournament, but also on preparing future leadership of her committee, to ensure the project's lasting success. **Jenny Redix**, in addition to chairing the community support committee, has volunteered as coordinator of the AWLF's Connections program for two years, which to me sounds like a full-time job in itself! **Courtney Hasselberg** has carefully steered us through the judicial endorsement process. We also thank several AWL members who do not currently serve on the Board, but who have exhibited outstanding leadership skills as well: **Janeen deVries** (AWL Past President) has lead the Step Up for Women committee, working with AWL Board members **Beth Murano, Whitney Deacon** and **Jenny Redix**. **Angela Nadler, Mary Weir, Tricia Scaglia, and Susan Szczucinski** have lead the development of the AWL-Hope House Pro Bono Pilot Project.

### SUPPORT FROM LEGAL COMMUNITY

AWL membership fees continue to represent the best value in town. Because of our well-known projects with great member involvement and our excellent leadership, the Kansas City's legal community has continued to give AWL not only its best members, but has provided considerable financial and in-kind support. Such generosity helps us fund projects while keeping membership fees affordable. We thank **Husch Blackwell Sanders** and Board Members **Lara Dickey** and **Amber van Hauen** for hosting AWL Board Meetings and the Attorney Development Forum this year. We thank **Bryan Cave** and **Angela Nadler** for hosting the AWL-Hope House Bro Bono project training. **The Henning Law Firm** has hosted so many AWL events that its office on Main should be renamed "the AWL official reception space." (Just kidding, Denise, and thank you :) We thank the firms and individual lawyers who have supported our events, socials, and the Golf Tournament. We also thank those who have chosen to become our annual sponsors, including **The Henning Law Firm, Husch Blackwell Sanders, Humphrey, Farrington & McClain, Boyd & Kenter, Langdon & Emison, McCollum & Griggs, The DeFeo Law Firm, Scaglia Law Firm, Lathrop & Gage and Shook, Hardy & Bacon**.

### LOOKING FORWARD

In short, we have had a great year: we have welcomed many new members, have supported each other through great times and when we needed help, our members have been involved in projects they deeply care about, our leaders are strong and working on developing next of the generation of leaders, and our finances are in good shape thanks to membership fees and support from the legal community. We look forward to a new project next year, the AWL Annual Conference, which will be another opportunity for members to volunteer, build relationships, and advance our mission of supporting women lawyers. I am very excited for the **incoming President, Shelley Ericsson**, and her new Board, and wish them and all AWL members a fantastic 2011!

**Mira Mdivani**  
2010 AWL President

on coordinating strategic planning and the AWL Annual Conference.

**Golf Committee Chair Tricia**

**Scaglia** has worked hard not only on

## AWL THANKS OUR 2010 SPONSORS

AWL would like to thank its "2010" Sponsors. Without these contributions, AWL could not have had the great events and community support this year. We thank all of these sponsors – THANK YOU – we couldn't do it without you.

### 2010 PLATINUM, GOLD, SILVER AND EVENT SPONSORS

The Henning Law Firm, PC	Seyferth, Blumenthal & Harris
Husch Blackwell Sanders, LLP	Siro Smith Dickson
Langdon & Emison	Translation Perfect
Boyd & Kenter, PC	Missouri Bar Association
Humphrey, Farrington & McClain, PC	Ogletree, Deakins et al.
McCollum & Griggs, LLC	Midwest Litigation Services
The DeFeo Law Firm, PC	MATA
Lathrop & Gage, LLP	Holman Schiavone, LLC
Scaglia Law Firm	Dollar, Burns & Becker, LC
Shook, Hardy & Bacon, LLP	The Woody Law Firm, PC
The Kenner Law Firm	South & Associates, PC
The Rollins Law Firm	Armstrong Teasdale, LLP
Foland Wickens, et al.	Maier Group, LLC
Corporate Counsel Group	Metropolitan Court Reporters, Inc
Scaglia Law Firm	Secretary at Law
Samara Nazir	

### 2010 GOLF HOLE SPONSORS

The Robertson Group	Tracy Borman, PC
Midwest ADP	Stephen Bough
Davis Bethune & Jones, LLC	Cooper Moeller, LLC
Boyd & Kenter, P.C.	Corporate Counsel Group
The Henning Law Firm, PC	deVries & Associates, PC
Langdon Emison	Ioudenitch Academy of Music & Arts
Stinson Morrison Hecker, LLP	Kansas Bar Association
Hovey Williams, LLP	Karlin & Company, PC
Ross Nigro	Lathrop & Gage, LLP
Dysart Taylor Lay Cotter & McMonigle, PC	Martin Leigh Laws & Fitzlen, PC
Mark M. Ferguson	Maier Group LLC
Holman Schiavone, LLC	Mdivani Corporate Immigration Law Firm
Bartimus Frickleton Robertson & Gorny, PC	Ogletree Deakins Nash Smoak & Stewart, PC
South & Associates, PC	Vance Preman
Franke Schultz & Mullen, PC	Scaglia Law Firm
Dollar Burns & Becker, L.C.	Siro Smith Dickson, PC
Hunter & Nantz, LLC	Sullivan Bautista Morgan Allen & Chronic LLC
Missouri Bar Young Lawyers' Section	UMKC School of Law
Wendt Goss, PC	Dana Outlaw
Shamberg Johnson & Bergman Chartered	H. Reed Walker
Seyferth Blumenthal & Harris, LLC	The Hon. David Fry
Dana Alteri, Lee's Summit Judge	The Hon. John A. Borron, Jr.
Law Offices of George A. Barton	The Hon. Margaret Sauer



Left to Right: Beth Murano, Chris Korth, Lori Maher, Brandee Bower, Wendee Elliott-Clement

## AWL MEMBERSHIP IS STRONG IN 2010

By Sheryl Nelson Membership Chair and Beth Murano Membership Vice Chair

AWL membership has grown steadily in 2010 with the addition of approximately 112 new members since January. The year started out with the recognition that with the recession, financial challenges face our members during difficult economic times. Therefore, in response, AWL created hardship memberships to retain valued members who might otherwise make the decision to forego their memberships in AWL due to financial or other difficult circumstances. Details regarding applications for hardship memberships can be found on the AWL website. In June, new members were welcomed at the New Member Reception held at the Mdivani Law Firm. The reception provided a great opportunity for new members who had joined the organization within the past year to meet other long time members. Then, in September, a membership drive was held in which there was a contest between existing AWL members to see who could encourage other non members to join. The contest resulted in a three way tie. The winners of the September membership drive were Tammie Fox, Brandee Bower, and Brianne Niemann. Our three winners received fabulous wine baskets during our wine tasting event at the Past Presidents' Reception in October.

As this year comes to a close, we would like to again say welcome to all of our new members from this past year. AWL members look forward to continuing to get to know you at our terrific events, projects, and socials in years to come.

To all of our existing members, thank you for your continued commitment to this organization! It is our membership's energy, talents, and professionalism that attract new members each year. AWL's mission is to promote the equality of women and others within society in general and within the legal profession in particular. With strong membership, we provide members the appropriate forum and support to advance in the legal profession.

## Past Presidents' Reception

by Brandee Bower, 2010 Social Chair

AWL was proud to hold its annual Past Presidents' Reception on October 21, 2010 at The Capital Grille. This event is held each year to honor the women who have led this great organization through the years. The past Presidents in attendance were recognized at the event and given a gift as a token of AWL's gratitude for all they have done and continue to do for AWL. The event was very well attended and all enjoyed great wines and champagne, with a few also enjoying the ever-popular Stoli Doli. Both Brandee Bower and Wendee Clement want to thank you all for your extremely kind compliments about this event and are very glad that a good time was had by all. "Thanks for having us serve as your party planners this year. It was a great pleasure."



Left to Right: Mira Mdivani, Nancy Kenner, Hon. Laura Stith

### AWL would like to thank our sponsors for this event:

#### Platinum Sponsors

Boyd & Kenter, PC  
The Henning Law Firm, PC  
Humphrey, Farrington & McClain, PC  
Husch Blackwell Sanders, LLP  
Langdon & Emison

#### Gold Sponsors

McCollum & Griggs, LLC

#### Silver Sponsors

The Defeo Law Firm, PC  
Lathrop & Gage, LLP  
Scaglia Law Firm, LLC

#### Silver Event Sponsors

Holman Schiavone, LLC  
Dollar, Burns & Becker, LC  
Shook, Hardy & Bacon, LLP

#### Event Sponsors

The Woody Law Firm, PC  
South & Associates, PC  
Armstrong Teasdale, LLP  
Maher Group, LLC  
Metropolitan Court Reporters, Inc.  
Secretary at Law

## AWL/AWLF's Annual "I'm Not Serious" About Golf Tournament Was a Success!!!

By Tricia Scaglia

The 15th Annual AWL "I'm Not Serious" About Golf Tournament had the great support of our members and the incredible cooperation by Mother Nature! The Tournament was held October 8, 2010, at Teetering Rocks Golf Course. This year more than one hundred twenty (120) golfers participated utilizing both the front and back nine (9) holes of the golf course. We also had a great support of the judiciary with more than twenty-five (25) judges either attending the luncheon or golfing. The proceeds for the Tournament go to benefit the Association of Woman Lawyer's Foundation (AWLF). Our generous sponsors raised more than \$16,000.00 to benefit AWLF. Golfers enjoyed the beautiful weather, camaraderie of old friends and new acquaintances all to benefit woman and children.

With the two (2) flights we had winners on each side. There were two (2) overall tournament winners.

### 1. The team with the lowest score on the front nine holes:

The Hon. Victor Howard, Jeff Keal, Matt Meyers, and The Hon. Martina Peterson

### 2. The team with the lowest score on the back nine holes:

Phyllis Norman-Komoroski, Rob Harken, Ivan Komoroski and Comm. Margene Burnett

The Tournament was a huge success due to the efforts of the Golf Committee. The Golf Committee met monthly, beginning March, 2010. Admittedly, the Committee had great motivation due to the hospitality, delicious food, and lovely home provided by our President Mira Mdivani. The Committee had the task of doubling the door prizes and raising the most money and sponsorships in the history of the Tournament. A special thanks to the Golf Committee: Julie Anderson, Ado-Lisa Anarado, Jessica Beever, Erica Briscoe, Leigh Burke, Carol Clark, Athena Dickson, Arimeta DuPree, Nicole Fisher, Kristi Hartmann, Amber Jeffers, Lynn Judkins, Jessica Madrid, Samara Nazir Zaman, Brianne Niemann, Phyllis Norman, Mira Mdivani, Monica Smith, Elizabeth Tassi, and Kendrea White .

We look forward to seeing you again next fall at Teetering Rocks! Please look for a "Save The Date" in early 2011.



Left to Right: Danny Thomas, Brianne Niemann, Paige Hunsberger – The Gopher, John B. Boyd, Mark Siedlik



Left to Right: Comm. Margene Burnett, Phyllis Norman, Paige Hunsberger - Gopher



## Habitat for Humanity Wrap Up

by Jenny Redix

Once again, AWL partnered with the MO Bar YLS Council to sponsor a Habitat for Humanity work day. On September 22, 2010 AWL members and young lawyers from around the Kansas City Metropolitan area met bright and early to begin putting together what would be the walls of some worthy family's new home. Lunch was catered by Panera Bread and after a long hard day of work, the team met at Sol Cantina for a happy hour to relax and congratulate each other on a job well done. Way to go volunteers! Volunteers included the following: Danny Thomas; Susan Elliott; Meghan Lewis; Annette Griggs; Brooke Gaudin; Pam Lane; Jennifer Reagan; Elizabeth Haden; Molly Westering; Mandy Showalter; Amber Jeffers; Pascale Henn; Amy Grace; Shauna Ripley; and Debra Washington.

## AWL Platinum Sponsor – Boyd & Kenter, P.C.

Boyd & Kenter, P.C. exclusively represents victims of workplace and personal injuries. Since 1983, it has been serving clients in both the Kansas City Metropolitan area as well as Sedalia, MO, birth home of founding partner, John B. Boyd.

Boyd & Kenter's mission has always been to put its clients first. Its boutique size affords the attorneys and staff the opportunity to give one-on-one attention to clients while maintaining an exceptional level of legal representation in courts throughout Missouri and Kansas. Boyd & Kenter attorneys and staff are dedicated to helping their clients get through obviously very difficult times in their lives. They offer compassion and understanding to each client, and fight zealously to achieve results their clients deserve.

In 2010, Boyd & Kenter committed a platinum level sponsorship to AWL. As one of the smaller firms on this sponsorship level, its commitment was not taken lightly. The mission of AWL - the promotion and support of women - along with all of the worthy charities and causes AWL supports, was the reason Boyd & Kenter felt compelled to be a supporter on such a large level. In addition, the firm was one of the largest donors in AWL's 2nd Annual Harvester's Food Drive. Boyd & Kenter supports women in the practice of law, and is a proud sponsor of AWL!

The firm is made up of four lawyers, and one attorney who is of-counsel. AWL member, Brianne Niemann, is Boyd & Kenter's associate and she has been with the firm beginning as a law clerk in 2005. After becoming licensed as an attorney in 2006, she joined Boyd & Kenter full time. Brianne received her undergraduate degree from the University of Arizona and is a graduate of the University of Missouri-Kansas City School of Law. She is a member of the Missouri and Kansas Bar, and a member of the YLS Board of the Kansas City Metropolitan Bar Association. She serves on the Board of Governors of the Missouri Association of Trial Attorneys, and on the board of the AWL. Brianne is a volunteer for the Jackson County CASA program which represents abused and neglected children in courts throughout Jackson County. She is also co-chair of MATA's Emergency Response Team which recently partnered with the American Red Cross to provide on-site pro bono legal services to victims of natural disasters. In 2009 and 2010, Brianne was named a "Rising Star" in the Missouri & Kansas "Super Lawyers" publication.

John Boyd founded the law firm with Terry Connaughton in November, 1983. He has previously served as a Missouri Workers' Compensation judge for nearly seven years, as well as Acting Chairman of the Labor & Industrial Relations Commission under a temporary appointment by Governor Robert Holden. Born, raised and educated in Sedalia, John is a 1971 graduate of Central Missouri University with a B.S. in Business Administration, and a December 1974 graduate of the University of Missouri-Kansas City School of Law with a Juris Doctor degree.

John is a Fellow in the inaugural class of the College of Workers' Compensation Lawyers. He is a founding member and Past-President of the Workers' Injury Law and Advocacy Group, a national organization dedicated to representing the interests of millions of workers who



suffer the consequences of workplace injury and occupational illnesses. Additionally, he is a member of the Missouri Association of Trial Attorneys (past Vice-President), Kansas Association for Justice, American Bar Association, Kansas Bar Association, Missouri Bar Association, and Kansas City Metropolitan Bar Association. John is also a member of the National Football League Players Association (NFLPA) panel of attorneys and is a member of Super Lawyers in Missouri. In November 2010, John received a Lifetime Achievement Award from WILG for his dedication and service to helping those grievously injured in the workplace.

Jerry Kenter is a 1967 graduate of the University of Nebraska at Lincoln, where he received his B.A. degree. He also has done graduate work at the University of Oklahoma in Norman. He received his law degree from the University of Missouri-Kansas City in December 1974. Jerry is the author of the two-volume work, Missouri Workers' Compensation, and is the consulting editor and an author of about half of the Second Edition of this work, which is considered the authority for all attorneys who practice in the workers' compensation field in Missouri. He has written several articles for the Journal of the Missouri Bar and is a member of SCRIBES, the American Society of Writers on Legal Subjects. Jerry is a member of the Missouri Bar Association, a past chairman of the Missouri Bar Workers' Compensation Committee, and the Workers' Compensation Committee of the Kansas City Metropolitan Bar Association. He is also a member of MATA and AAJ.

J.R. is the oldest son of founding member, John B. Boyd. He attended the University of Missouri-Columbia where he was an active member of the Gamma Kappa chapter of the Delta Tau Delta Fraternity and graduated in 1991 with a Bachelor of Arts in History. He later attended the Oklahoma City University School of Law and graduated with his Juris Doctor degree in 1994.

J.R. has been licensed to practice in Missouri since April 1995. He is currently a member of the Missouri Bar Association, the Kansas City Metropolitan Bar Association (Chairman of the Workers' Compensation Committee 2000-2001), the Missouri Association of Trial Attorneys, and the American Association for Justice. (continued next page)



Theresa Levings (left) Kendra Mosley Ayuk (right)

## AWL CONNECTIONS

by Karan Garrison

AWL Connections celebrated the beginning of its third year with another fantastic celebration dinner, and there was much to celebrate. On November 3, 2010, at Brio Tuscan Grille, the AWL Connections Classes of 2009 and 2010 welcomed the Class of 2011 into the fold. Although the food, wine, and desserts were all wonderful, the truly noteworthy aspect of the evening was the very real and meaningful friendships among the women in AWL Connections. For the last year or more, these women, myself included, have shared many new experiences as well as occasions for celebration, including a tour and lunch at the Nelson-Atkins Museum of Art, the birth of a baby girl, a tour of Kauffman Center for the Performing Arts, a judicial appointment, volunteering for Harvesters, a first victory in the courtroom, and countless more.

The dinner also marked the celebration of bringing on a new coordinator, Karan Garrison with Off My Platter, Custom Project Support. For the last two years, AWL Connections has relied on Jenny Redix of Kander & Rigby, who has volunteered her time and energy to provide programming and coordination support for AWL Connections. Because of the success and growth of AWL Connections, the group will now rely on the full-time efforts of Karan and her company. Jenny was honored during the celebration dinner and thanked for the help she has so graciously volunteered to the group, because everyone in the group knows that AWL Connections would not be where it is today without Jenny.

In the upcoming year, AWL Connections will continue its goals of fostering relationships among women in the law and alleviating the disconnect between experienced women attorneys in leadership positions and new women attorneys. As a member and mentee of the Class of 2010, I am excited for the Class of 2011. My hope for them is that they discover what AWL Connections really has to offer them. Through these real relationships, these true connections, AWL Connections has done more than create a professional network, it has created a special environment, a safe place, where women lawyers share encouragement, support, advice, guidance, assistance, laughter, and friendship. So welcome and congratulations to the women of the Class of 2011 – Mentors: Margaret Dean, Susan McGreevy, Honorable Karen King Mitchell, Karen Renwick, and Ann Thompson, and Mentees: Amber Hackett Jeffers, Michelle Marvel, Erica N. Perkin, Ashley E. Robinson, and Gillian R. Ruddy.

## Boyd & Kenter, (cont.)

He has been a member of the Workers' Injury Law and Advocacy Group (WILG) since its creation in 1995, and has lectured at continuing legal education seminars on workers' compensation issues. He was recently elected to serve as President-Elect of WILG.

Maria Dugan joined Boyd & Kenter, P.C. in an of counsel position in June 2010. Maria has a legal practice devoted primarily to the areas of social security disability and family law. Maria earned a law degree from the University of Notre Dame Law School in 1989. She received her undergraduate degree in Communication from Rockhurst University. Following law school, Maria practiced at Legal Aid of Western Missouri in Kansas City with a public interest law grant from Notre Dame. After completion of the grant, she continued at Legal Aid practicing for in the areas of social security disability, housing, consumer rights, and family law. At Legal Aid, Maria supervised a team of social security advocates and successfully represented clients in federal class action litigation against the Social Security Administration. Her family law practice focused on representation of women and children in domestic violence situations. Prior to joining Boyd & Kenter, Maria was an associate at Patterson Law Office. She is a member of the Missouri Bar Association, the Kansas City Metropolitan Bar Association, and the National Organization of Social Security Claimants Representatives.

Many of Boyd & Kenter's clients and cases come from referring attorneys who know of the firm's outstanding reputation and expertise in workers' compensation and personal injury matters. Boyd & Kenter would be happy to serve other AWL members and their clients.

## How To Spot A Products Liability Case

By Langdon & Emison

A large body of litigation comes from auto collisions that lead to serious injury or death – the review of these cases for potential auto product liability defects can result in a sizeable settlement or verdict against the car manufacturers.

These cases are usually referred to as “crashworthiness” or “enhanced injury” cases, where the vehicle design itself either causes the injury or makes the injury worse than it would have been without the defect. Common characteristics include:



*Left to Right: Adam Graves, Phyllis Norman, David Brose, Bob Langdon, Brett Emison, Kent Emison, Jessica Agnelly*

- Minor collisions resulting in catastrophic injury or death;**
- One or a few occupants are severely injured while others have minor or no injuries;**
- Severe damage to or failure of a localized area of the vehicle (e.g., a roof crush or seat back collapse);**
- Seat-belted occupants who are seriously injured or who are partially or fully ejected.**
- Head injury to a client in the back seat with no other injuries (possible seat back failure)**

Proper investigation of potential cases calls for preservation and acquisition of the subject vehicle. Do not allow the auto insurer to take the car and sell the salvage. It is also not wise to settle with the negligent driver, as it may create an “empty chair” for the defendant car manufacturer to attack during trial. It is also smart to have an expert or specialist in these types of cases investigate and evaluate the matter early.

As many as 20 percent of all auto accident fatalities result from rollover accidents. Vehicle instability, roof crush, and occupant ejection are the three primary theories of defects in rollover collisions. Auto makers concede that a vehicle should not roll over on flat pavement and must be designed to withstand sudden steering or turn maneuvers. Investigation is required to determine if there was some external “trip” mechanism to cause the rollover or whether the vehicle rolled because of instability caused by the vehicle’s design. It is also true that many car manufacturers saved money and material by reducing roof strength, which results in a substantial number of roof crush accidents. Also, rollover ejections could often have been prevented by adequate restraint systems and/or reinforced (“glazed”) safety glass on side and rear windows, like that found in front windshields.

Tires can be a large contributor in accidents. Most drivers don’t know that tires have a useful life of only six years. Old, aged, or used tires are a common cause of blow-outs and tire detreads.

Restraint system devices such as seat belts and air bags should make drivers safer in a collision. But some restraints are so poorly designed that they actually cause injury. Rear seat lap belts are inadequate and car makers have known this for decades. Lap belt-only systems increase the risk of severe abdominal and spinal cord injuries. In many cases, a person receiving injuries from a lap belt would have had little or no injury if the vehicle had been equipped with a lap/shoulder belt.

Similarly, “passive” and automatic seat belt systems are dangerous. These were popular in the late 1980s and early 1990s. These shoulder bets are often motorized, or mounted on the car door. In the case of a collision this design would result in ejection from the vehicle during a crash.

Finally, auto engineers also admit that if an occupant survives crash forces, he or she should not be injured or killed by a subsequent fire. Potential fire defects include fuel tank location and shielding, or failure of the fuel line. Manufacturers routinely place fuel tanks in positions where they are at risk of crush or compromise in a collision and often fail to adequately protect the fuel tank from puncture damage. Cuts or breaks in fuel lines or the fuel filler neck results in massive amounts of fuel escaping from the vehicle due to leakage or siphoning. This can easily be remedied by the use of a check-valve device that costs only pennies.

If you come across a case that seems like it might fit any of the descriptions above, you should contact a lawyer whom you know has experience in this type of litigation. Spotting a product liability case like this can bring just compensation to victims who contact you as an attorney, and raise the potential of your settlement or verdict by millions.



## AWL Mourns the Loss of Lucy Weber

Lucy Elizabeth Weber, one-year-old daughter of AWL member Bev Weber joined the angels in heaven on Saturday, November 20, 2010, in the loving arms of her parents after a courageous six-month battle with cancer. She is now completely healed and is living among the angels in heaven. Lucy was born on June 8, 2009. Lucy began an incredibly brave battle with AT/RT cancer in June 2010 and spent her first birthday in surgery to remove a cancerous tumor from her brain. Lucy was truly a remarkable little girl even through her illness, and she brightened the lives of so many. She has had a profound impact on people near and far and she will truly live on in the hearts of everyone who knew her or followed her story.

**SAVE THE DATE**

**FEBRUARY 10, 2011**

**AWLF – 2<sup>ND</sup> ANNUAL  
POSH NOSH**

**THE KEMPER MUSEUM OF  
CONTEMPORARY ART**

## DANNY THOMAS MAKES CARNIVAL FOR CASA A HUGE SUCCESS

Jackson County CASA would like to thank attorney and AWL member Danny Thomas for his tremendous work as the Honorary Chairperson of the 5th annual Carnival for CASA to benefit Jackson County. Not only did Thomas' efforts help raise much-needed funds for CASA, they also allowed 124 CASA kids and their guardians to attend the Carnival, which drew a crowd of more than 520.

Thomas, an attorney at Humphrey, Farrington & McClain, P.C. in Independence, MO, was among those who brought their families to the day of fun at Paradise Park in Lee's Summit on September 11. Among his many accolades, Thomas was ranked by Missouri Lawyers Weekly as the 5th Top plaintiffs' lawyer in Missouri in 2008; was named Best of the Bar by the Kansas City Business Journal in 2009; and was selected by Ingram's Business Magazine as a member of the 40 Under Forty class of 2010.

The mission of Jackson County CASA – to be a child's voice in court – is fulfilled by roughly 250 CASA lay volunteers who are recruited, trained and supported to serve as advocates on behalf of the best interest of abused and neglected children in the family court system. Currently, they are only able to serve one third of the children who pass through the system each year. Funds raised during events like Carnival for CASA allow the organization to train more volunteers and support its vision that every abused and neglected child involved with the Jackson County Family Court has a CASA and ends up in a safe, permanent home.



## AWL Sponsors Women Veterans Stand-Down and Mini-Retreat

Learning, networking and rejuvenation were the goals of the inaugural women veterans stand-down and mini-retreat organized and held on October 23, 2010, by the U.S. Department of Labor Women's Bureau in Kansas City. Volunteers from many community and government organizations, including AWL, came together at Penn Valley Community College to help care for the growing number of female veterans who are homeless or on the verge of homelessness. The event highlighted community resources and services which often make a difference in helping families make ends meet, and addressed barriers women veterans encounter as a result of a lack of information.

The event was designed to take a proactive approach to prevent homelessness in women soldiers and veterans by providing a central venue to mobilize groups to action whereby military women could obtain information about and gain access to needed services. The volunteers provided job search assistance, explanation of VA benefits and services, legal services, clothing boutique, chair massage, health screening, continental breakfast, lunch, childcare, and transportation to and from the event. All services were provided for free.

Twelve AWL attorneys and one paralegal volunteered for the Saturday event, with half of the group volunteering in the morning and the other half of the group volunteering in the afternoon. The legal services included guidance about the next steps to resolve specific legal problems, including referrals to resources within the legal and greater community. Questions ranged the entire spectrum, with most legal issues involving domestic law, criminal law and estate planning. "Overall, we empowered the women with knowledge. Most of the women were surprised to have the opportunity to sit down at a table with a lawyer and all were very thankful for the service," said Jenny Redix, who organized AWL's involvement with the event through her role as AWL's Community Support Chair.

AWL plans to support that event again next year. For more information about the 2010 event, please visit: [kcwomenveterans.wordpress.com](http://kcwomenveterans.wordpress.com). **Thank you** to the following AWL members who gratuitously volunteered for the event: **Beth Murano, Tracey Chappell, Melissa Posey, Rosalie Borgardtts, Chari Young, Mandy Showalter, Pat Mack, Mira Mdivani, Susan Elliott, Margaret Dean, Sophie Woodworth, Shannon Cohorst, and Jenny Redix.**

## Judge Jay A. Daugherty To Retire on December 31, 2010

Judge Jay A. Daugherty recently announced his plans to retire, effective December 31, 2010, as Judge of the 16<sup>th</sup> Judicial Circuit, Jackson County, Missouri. Judge Daugherty will return to the practice of law as a member of the law firm, Shaffer, Lombardo Shurin, beginning a full-time mediation and arbitration practice in January, 2011.

Judge Daugherty has served as a Judge for 27 years, the last 20 of which have been as a Circuit Judge. From 2003-2004, he served as the Presiding Judge. "I am proud to have been a member of one of the best trial courts in the country. The Court has always been the leader in the state of Missouri in court automation, case management and in adopting cutting edge techniques. On my departure, I am certainly grateful to have served with so many fine judges and feel blessed that the court's staff consists of many talented and loyal individuals. I thank all of them for making the last 20 years of my life so rewarding."

Judge Jay A. Daugherty is one of the few judges nationwide to have earned a Master's Degree in the Judiciary from the National Judicial College at the University of Nevada. He is also a graduate of the National Institute for Trial Advocacy. He received his law degree from the University of Missouri-Kansas City and a Bachelor's degree from the University of Missouri-Columbia. Prior to his appointment to the bench in 1991 by Governor John Ashcroft, he served as an Administrative Law Judge for seven years and as an Assistant Attorney General of Missouri for three years.

As Judge Daugherty thought back on his career, he stated, "As a judge, I have experienced some interesting times. I began when personal computers were a new fad. Most courts still relied on typewriters and carbon paper to conduct the court's business. We actually used law books to do legal research. Certainly the use of computers to present a case to the jury via PowerPoint or the use of the internet to conduct research in the courtroom in the midst of a jury trial was not even a dream when I started on the bench."

Judge Peggy Stevens McGraw has said of her colleague, "Judge Daugherty was instrumental in getting our civil case management system in place, bringing new innovations to our Court. As Presiding Judge, Jay was a consensus builder. On a personal note, it's going to be a real loss to me, as I've always considered him as someone I could go to for reasonable, well-thought-out advice, and he has always been there to help me when needed."

In his 20 years on the circuit bench, Judge Daugherty has tried hundreds of jury trials, including complex commercial, construction and business litigation; medical malpractice; a broad spectrum of personal injury cases; employment discrimination; and product liability, to name only a few. Among some of his higher profile cases were three industrial/environmental hog farm cases, most of the litigation involving allegations of child sexual abuse against the Archdiocese of Kansas City/St. Joseph, as well as numerous first-degree murder cases, death penalty cases, and cold-case DNA rape cases.

Judge Daugherty has served as the Chairman of the Supreme Court Commission on Alternative Dispute Resolution (ADR) since it was created in March, 2009. The Commission is charged with reviewing the national trend toward the adoption of the Uniform Mediation Act; considering ethical issues including confidentiality, privilege, and the giving of legal advice by neutrals; assessing the increased use and

acceptance of ADR in Missouri; and assessing the impact of arbitration clauses in many areas of business.

In November, 2009, Judge Daugherty became Chairman of the National Board of Trustees for the ALS Association. Judge Daugherty was 18 when his father died of ALS, or amyotrophic lateral sclerosis. For the past 25 years, Judge Daugherty has been active in the ALS Association's Keith Worthington Chapter, which includes Kansas, Nebraska and Western Missouri.

Judge Ann Mesle praised the Judge for his work ethic, saying, "Judge Daugherty worked smart. He really understood his job as a judge. He was a planner, and engaged the Court in a Strategic Planning process that benefits the Court to this day."

"Judge Daugherty also did a better job than anyone else in encouraging community relations between the bench and the bar; within the bench; with the media; and with our other constituent groups. As a result, he always was among the top rated judges in the evaluations done by the Missouri Bar and by the voting public in the retention elections." As Judge Daugherty leaves, perhaps Judge Mesle summed it up best by saying, "He was just a damn fine guy."

Judge Daugherty has written many articles and is widely published in national and local publications. He has been quoted as an expert on ADR, ALS, and matters of the court by journalists. His article on the Missouri Non-Partisan Court Plan appeared in the Spring, 1997 issue of the Missouri Law Review and remains a scholarly reference on the Missouri Plan. In addition, Judge Daugherty wrote an analysis of "The Jury System: It Still Works" that dealt with the Rodney King case.

As for his future, Judge Daugherty will be returning to private practice, beginning a full-time mediation and arbitration practice as a member of the law firm of Shaffer, Lombardo Shurin. When asked about this new aspect of his career, Judge Daugherty said, "I am incredibly excited to bring my years of experience, my energy and my enthusiasm to the practice of mediation and arbitration and to do it with the outstanding group of dedicated and talented attorneys at Shaffer, Lombardo Shurin."

As he leaves, Judge Daugherty indicated, "I want to express my gratitude to the people of Missouri, the citizens of our community and all the lawyers I have worked with, for allowing me to serve you as a judge for most of my adult life. It has been my honor and my privilege to be entrusted with the responsibility of upholding the law of the State of Missouri."



Judge Jay A. Daugherty

*Judge Jay A. Daugherty, a resident of Jackson County, was appointed to the Circuit bench in 1991 by Governor John Ashcroft and retained by the voters in 1992, 1998, 2004, and 2010.*

## AWL HOPE HOUSE PROJECT UPDATE

by **Tricia Scaglia**

In June, 2011, AWL partnered with Hope House to watch the AWL-Hope House Pilot Project to provide training on a uncontested Missouri Dissolution. Hope House has referral for a few cases which are in the process of being assigned to the volunteer attorneys.

These clients are relieved to have the assistance of an attorney in this difficult time in their lives. Hope House is appreciative to have the assistance of volunteer attorneys to help with the demand for legal services for these victims. We will continue to keep you posted as to the progress of these cases, the need for additional volunteers and future training. If you have any questions about this project, please contact Tricia Scaglia at [tricia@scaglialaw.com](mailto:tricia@scaglialaw.com).



### NEW ADDITION

AWL Member, **Betsy Lynch**, delivered her baby boy on October 5, 2010. **Jimmy Lynch** weighed 7 lbs., 14 oz. and was 19 inches long.

### AWL/AWL F GOLFERS SUPPORT CHILDREN'S MERCY HOSPITAL

In keeping with AWL's tradition of designating a charity for each of its events, this year's golf tournament was no exception. AWL was able to provide the Parent Room in the Children's Mercy Hospital Cancer Center with paper products and laundry items, as well as monetary donations. We thank all of our members for their generosity, and we know the parents of children in the Cancer Center were greatly appreciative as well.

## AWL Members were off the charts on Best of the Bar; Super Lawyers and Rising Stars. See the AWL members below who were named to each category

### Best of the Bar 2010

Joan K. Archer	Nancy Kenner
Brian "Ian" M. Bartalos	Kristi Kingston
Molly B. Bartalos	Christopher S. Korth
Jose Bautista	Theresa Levings
Thomas V. Bender	Whitney D. Lloyd
Jill K. Best	Susan McGreevy
Toni Blackwood	Mira Mdivani
Tracy L. Bornman	Jessica E. Merrigan
Stephen R. Bough	Jill A. Morris
Nikki Cannezzaro	Sheryl Nelson
Margaret E. Dean	Carol Poindexter
Christine H. DeMarea	Anne E. Post
B. Janeen deVries	John Rollins
Lara S. Dickey	Tricia Scaglia
Athena M. Dickson	Anne Schiavone
Denise K. Drake	Sheila L. Seck
Wendee Elliott-Clement	Rik N. Siro
Shelley I. Ericsson	Susan Szczucinski
Tamie Fox	Daniel Thomas
Kimberly Gibbens	Amber F. Van Hauen
Courtney A. Hasselberg	Beverly M. Weber
Pascale Henn	Samuel M. Wendt
Denise Henning	Teresa A. Woody
Heather A. Jones	
Jill A. Kanatzar	
David Kenner	

### Super Lawyers 2010

Joan K. Archer	Robert L. Langdon
Thomas V. Bender	Theresa Levings
Marcela C. Blanco	Susan McGreevy
Stacey Meyer Bowman	Mira A. Mdivani
Sharon A. Coberly	Marcia L. Montgomery
Cathy Dean	Jill A. Morris
Denise K. Drake	Theresa A. Otto
Nathalie Elliott	Carol Poindexter
J. Kent Emison	Susan Robertson
Karen Glickstein	Anita I. Rodarte
Tamara Hatheway	Terry J. Satterlee
Catherine M. Hauber	Anne Schiavone
Denise Henning	Patricia A. Sexton
Randy W. James	Rik N. Siro
Nancy Kenner	Robert C. Sullivan
Kristi Kingston	Victoria Westerhaus
John Kurtz	Teresa A. Woody

### Rising Stars 2010

Molly B. Bartalos  
Jose Bautista  
Jill K. Best  
David A. Brose  
Nikki Cannezzaro  
Koriambanya S. Carew  
Anthena M. Dickson  
Brett A. Emison  
Stephanie Goodenow  
Angela Harse  
Nicole Hininger  
Heather A. Jones  
Tyson H. Ketchum  
Kathryn Lee  
Jessica E. Merrigan  
Brianne N. Niemann  
Phyllis A. Norman  
Jenny R. Redix  
Daniel Thomas  
Lauren Tucker McCubbin  
Amber F. Van Hauen  
Courtney Waits  
Pamela J. Welch  
Samuel M. Wendt  
Molly B. Westering  
Judy Yi