

Deborah Chang

When Deborah Chang first started her work in the products liability arena more than twenty years ago, she found a conspicuous lack of other women. Though some may believe that it has persisted as a male-dominated area, Ms. Chang has remained at the forefront of products liability litigation, and has watched as more and more women have joined her in the practice, and excelled. "Women are very good at piecing the whole story together. They have the patience to learn the product from the bottom up, and they listen to the client to see where the failure occurred—what should happen, and what actually did happen," says Ms. Chang.

Since joining legendary personal injury firm Panish Shea & Boyle LLP in 2008, Ms. Chang has continued to attend every single one of the same product inspections associated with her cases that first piqued her products liability interest at the start of her career. Not even the passage of two decades of time can dull Ms. Chang's innate curiosity towards the facts of her cases; the more she gathers, the richer the story becomes. "I think I learn something new every time I go to a product inspection with an expert. Every accident or incident is different, and I want to know exactly where every failure occurred. Instead of hunks of twisted metal, you have a totally compelling drama, and you can make the jury understand it better," says Ms. Chang.

Now, as Panish Shea & Boyle LLP gears up for its work in cases involving the Toyota/Lexus recalls and other automotive and tire defects, Ms. Chang finds those habits she developed early on defending other automobile manufacturers for over twenty years to be invaluable in helping to reconcile the complex engineering concepts that lie behind the cases. Her knowledge and experience in accident investigation, reconstruction, vehicle dynamics, and attention to detail are especially important in cases involving cars that have been used and enjoyed by jurors on an every-day basis.

She is currently representing victims with catastrophic injuries resulting from sudden unintended accelerations in Toyota and Lexus vehicles. In one case, a pedestrian on a sidewalk was struck by an out-of-control accelerating Lexus and tragically lost her right leg in an above-the-knee amputation. In other cases, the vehicles suddenly and unexpectedly accelerated into light poles or trees, causing significant and traumatic injuries and deaths. "We receive numerous calls every single day from people from all walks of life—including a judge—who have experienced problems with their Toyota or Lexus vehicles." In these types of claims, or as in her recent case involving a defective personal watercraft that exploded, every aspect of the product and the incident must be investigated, reconstructed, and broken down into understandable components in order to convince the jury that the product was unreasonably dangerous and defective.

The work required grows even more exponentially when going up against a large manufacturer such as Toyota, and there are few firms that have the resources and expertise to put the pieces together. "Very good attorneys from all over the country come to us because products liability cases can be costly, time-consuming, and require the attorney to be deeply entrenched in



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the science, terminology, and engineering of the case." According to Ms. Chang, Panish Shea & Boyle is devoted to working with the best experts and putting the story together using the most effective technology. Its attorneys have the requisite experience and are willing to do the necessary work, sit with the experts, and ask the questions necessary to take the product apart and put the science together in a way that makes sense to the judge and jury. Over the years, these attorneys have obtained the largest automobile products liability verdict in history (\$4.9 billion), the largest tire defect verdict

in history (\$56 million), the largest single-victim personal injury verdict in California history (\$58 million), and the largest known verdicts and settlement in aviation disaster cases.

"You can bet that by the time we depose the manufacturer's employees or experts in any of these types of cases, we will know the product, its component parts, the correct terminology, and the engineering just as well as whoever we are deposing," says Ms. Chang.

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Deborah Chang of Panish Shea and Boyle On

Women Representing Women in Personal Injury Cases

For more than 20 years, Deborah Chang has skillfully handled cases involving complex accidents, catastrophic injuries and product defects.

One of Chang's most complex cases involved a mother of two whose life was changed forever during a field trip. Before that day, the woman enjoyed an active life as an ordained minister and teacher at a Christian school. Described as "prim and proper" and conservative, the woman planned to pursue a Ph.D. in Theology to complement her existing master's degree. When her daughter's choir planned a rehearsal trip, the woman volunteered as a chaperone. No one could have expected what happened next.

While walking to a nearby bakery to pick up the treats for the choir, the woman was struck by a bus. She hit her head on the cement, lost consciousness and suffered serious traumatic brain injuries. CT scans at the hospital revealed brain lacerations, hemorrhages, contusions and skull fractures. What was exceptional in this case, however, is that the woman made a remarkable and dramatic recovery. In fact, post-accident, there were no noticeable changes in her cognitive or motor skill functions. She appeared and spoke normally, and neuropsychological testing did not reveal significant deficits. Yet, there were some effects that the testing didn't reveal.

"When my client awoke from her coma, she was a changed person," Chang says.

This case presented a unique brain injury in which the woman's personality changes proved to be just as debilitating

as deficits in cognitive function. Proving it, however, was an enormous task and required extensive discovery of the patient's pre-incident and post-incident personality and behaviors.

"This is an aspect of brain injury that very few attorneys have encountered. This case presented the rare situation in which we had such striking contrasts

she was minister before the accident and changed dramatically after the incident," Chang explains.

A neuropsychologist secured by Chang called it a "modern-day Phineas Gage" case referring to the 1800s railroad construction foreman who survived an accident in which a large iron rod was driven completely through his head. The injury damaged his brain's frontal lobes, causing bizarre effects on his behavior and personality.

According to documents from the litigation, post-accident, the woman fought with the nurses, became increasingly hostile and fabricated numerous stories. She refused to accept rehabilitation and treatment, threatened suicide, and ultimately fled from the hospital. She repeatedly lied under oath during a Riase hearing held to determine if she needed further care against her will. Because she presented herself so well, however, the court denied the hospital's request for involuntary hospitalization and allowed her to return home.

After her release from the hospital, the woman refused to get any treatment, medication, or care, even though she suffered from seizures, migraines, severe



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mood swings and pain. Further, the woman became estranged from her family and exercised poor judgment in handling her finances and association with unsavory characters.

Still Chang's client refused to believe that she had a deficit.

"She took it as an insult," Chang explains. "She was raised to be a non-complainer, and wanted to show a brave front to the world. But when her defenses were down, my client realized that she was in physical and emotional pain."

Lee Thunberg served as defense counsel for the city and municipal bus company on behalf of Cihigoyenette, Grossberg & Clouse during the case. (Thunberg is no longer with the firm.)

"Brain injury cases are a very complex type of litigation that require an enormous amount of time, energy and cost from both sides," Thunberg says. "This case reinforced the need to think outside the box."

At the request of defense counsel, the probate court ultimately appointed Mitchell I. Roth as the woman's court-

appointed conservator to represent her interests in probate court and to report to the court.

"This case was unique because it encompassed different aspects of the law including personal injury, disputes about the liability, governmental negligence, probate and conservatorship," Roth says.

Evidence proving the plaintiff's claims sometimes came from unexpected sources. The defense counsel's sometimes 24/7 surveillance of the woman gave Chang some of her best material to prove her case. Depositions of the woman's family members, co-workers and friends provided a compelling story that reflects how devastating such changes can be to the patient and her family. Chang ultimately secured a \$7 million settlement on behalf of her client in late 2009.

"This settlement means that my client can receive the medical care and support she needs. It allows her to live comfortably with her children and move on with her life," Chang says.

—Robin L. Barton