

RETIRED LAPD MOTORCYCLE OFFICER AWARDED \$15.7 MILLION IN INJURY CASE

Featured Case:

Chatsworth, California: Robert W. Johnson & Associates was retained to provide economic testimony in quantifying the present cash value of lost earning capacity and future medical expenses.

Citation: Barry Bowman v. City of Los Angeles, et al., Superior Court of the State of California, County of Los Angeles, North Valley District, Case No. BC 329390. Plaintiff's attorneys Robert H. Tourtelot of Tourtelot & Butler, Los Angeles, California and Michael Alder of Alder Law, Beverly Hills, California. The judge was the Honorable Holly E. Kendig.

Case Synopsis: On October 13, 2004, Mr. Barry Bowman, 59, a retired Los Angeles Police Department Officer was riding his motorcycle on his way home from his job as a security officer on a movie set. A dump truck, being driven by Tommie Wyatt, Jr., entered the intersection from a road on the right in an attempt to make a left hand turn and struck Mr. Bowman.

Mr. Bowman sustained major injuries, including permanent brain damage, permanent loss of vision in one eye, substantial loss of hearing, a fractured hip joint and femur in his right leg, severance of his carotid artery from ear to ear and two major

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HOW CAN YOU BENEFIT FROM STRUCTURED ATTORNEY FEES?

Structured Attorney Fees provide a unique opportunity for attorneys to accumulate wealth, with unmatched rates of return.

Structuring is the ideal vehicle to achieve greater wealth accumulation. You can *defer taxes, receive unmatched rates of return* and, most importantly, be able to *pay yourself first*.

As an attorney, you already know that your fees can be unpredictable. You cannot be sure when cases will arrive or when they will conclude, which makes it challenging to manage cash flow. When your fees do arrive, taxes can take a huge bite from your income.

Structured Attorney Fees allow you to:

- Defer up to 100% of your pre-tax income
- Contribute as much income as you like
- Increase your guaranteed flow of income
- Even out your cash flow

Moreover, structuring your fees gives you a chance to plan for the "big things" in your life. For you, the "big thing" might be buying that next big house, or sending your child to Stanford,

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**What are the benefits of Structuring
your Attorney Fees? See Page 3**



\$1,000,000 Jury Verdict for Shortened Life- Expectancy

A verdict of \$1,000,000 was given to a 80 year old retired shipyard worker who was exposed to asbestos on the job.

San Francisco, California --Robert W. Johnson & Associates was retained to prepare a **LIFE ACTIVITY CALENDAR**® that, admitted through lay testimony, would graphically illustrate how the asbestosis cancer was literally strangling the "color" out of the plaintiff's life-style.

Citation: *Phillips v. Abex, San Francisco, California, Superior Court No.927408, Brayton, Gisvold & Harley, by Attorney Philip A. Harley, Novato, California.*

Case Synopsis: Mr. Edward Phillips, an 80-year old married and retired shipyard worker, suffered from end stage asbestosis as a result of asbestos exposure. In the year prior to his cancer's manifestations, according to the testimony of his wife, Mr. Phillips was a very active husband and grandfather. His greatest joy was the time spent with his grandchildren and great-grandchildren, which was at least once a month. However, as a result of the asbestosis, he is totally bed-ridden and on oxygen. Through the use of the **LIFE ACTIVITY CALENDAR**® Checklist, Mrs. Phillips was

able to clearly catalog the activities of Mr. Phillips. At trial, the **LIFE ACTIVITY CALENDAR**® was admitted into evidence and became an integral part of Mrs. Phillips' testimony. There was no cross-examination of Mrs. Phillips' testimony.

Attorney Comments: "The **LIFE ACTIVITY CALENDAR**® made a critical difference and had a significant impact on the jury. It held the jury's attention and dispelled the myth that 80-year old retirees only watch television, take "geritol" and can barely generate enough energy to change the channel. The jury could literally see how the asbestosis was strangling the life out of Mr. Phillips."

Results: The defense offered less than \$10,000 pre-trial and asked the jury for a defense verdict. The jury reached a verdict of \$1,000,000. This is the largest verdict for the shortened life expectancy of a plaintiff over 70 years old in San Francisco.



Let us prepare a **LIFE ACTIVITY CALENDAR**® for your next case. Call (800) 541-7435 ext. 200

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HOW CAN YOU BENEFIT FROM STRUCTURED ATTORNEY FEES?

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or buying out your partner when they retire. Whatever the “big thing” might be for you, the important point is that structuring your fees gives you the ability to achieve it – easily, painlessly, and with an unmatched rate of return.

How do structured settlements compare to traditional investments?

Structured Attorney Fees have been around since the mid 1990's. Unfortunately, attorneys have been reluctant to structure their fees because they have not been able to accurately compare this investment with other investment vehicles. Robert W. Johnson & Associates has developed the Tax Equivalent Guaranteed Return (**T.E.G.R.SM**) methodology to simplify this comparison for you.

What is the **T.E.G.R.SM**? The **T.E.G.R.SM** is the guaranteed rate of return that any other investment needs in order to match the pre-tax payout of Structured Attorney Fees.

Pre-Tax Comparison

It is important to remember that with Structured Attorney Fees you are working with 100% of your money because you invest on a pre-tax basis. It is also important to understand that the results are **guaranteed**. With a traditional investment, you are typically working with 60% - 65% of your money after-taxes, and the results usually are **not guaranteed**.

Unmatchable Rates of Return

Structuring your fees gives you an unmatched rate of return, with annual **Tax Equivalent Guaranteed Returns** that can reach:

- 20+% for a 5-year investment
- 15+% for a 10-year investment
- 10+% for a 20-year investment

A Long-Term Scenario: Funding Retirement

An attorney planning to retire has just settled a case with \$500,000 in fees. The attorney has the option to either (a) structure their \$500,000 fee, or (b) pay the tax and invest the balance.

(a) If the attorney structures their fee, the \$500,000 will pay out \$38,229 annually, before tax, over 20 years, **guaranteed**.

(b) On the other hand, if the attorney pays the 40% tax (\$200,000) and invests the \$300,000 balance, the investment would need to generate a **T.E.G.R.SM of 11.23%** to match the structure's **guaranteed** total payout.

Clearly, few investments are likely to yield a steady return of 11.23% over 20 years, whereas the structure is **guaranteed**, no matter what happens. The structured approach is the obvious choice to maximize the return on the initial fee.

The benefits are clear:

- **Unbeatable, guaranteed returns**
- **Increased cash flow and lower taxes**
- **100% tax deferral**
- **Unlimited contribution allowance**

You can use the structure as an investment vehicle to meet almost any financial goal.

Structured Attorney Fees beat every other guaranteed investment vehicle for investing and maximizing the benefit from your hard-earned fees. It not only makes more money, but it is unhindered by down-turns in the economy and the stock market.

You provide the vision and we'll provide the investment vehicle.

All you need to do is contact us at (800) 541-7435 and we'll help you get started.

RETIRED LAPD OFFICER IS AWARDED \$15.7 MILLION

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strokes during the early stages of hospitalization. Mr. Bowman will require a caretaker 24 hours a day, seven days a week, for the remainder of his life.

At the time of the accident, Defendant Wyatt was driving the truck under a contract with the City of Los Angeles. Mr. Bowman sued the City of Los Angeles and Defendant Wyatt. Bowman claimed that Wyatt was negligent in his operation of the vehicle and the City was liable as his employer. The City of Los Angeles argued that Wyatt was an independent contractor, not its employee, and that therefore the City was not liable for the accident.

Expert Testimony: First, Mr. Johnson was asked to calculate Mr. Bowman's loss of future earning capacity. Second, Mr. Johnson was asked to calculate Mr. Bowman's future lifetime medical expenses.

In calculating the earnings loss, Mr. Johnson first looked at Mr. Bowman's earnings through the date of injury. He then annualized and grew his earnings to current year's dollars to yield \$88,701 per annum. Mr. Johnson also included the federal minimum fringe benefits rate of 9.3% of wages. Since Mr. Bowman had no plans for retirement, Mr. Johnson took his work-life out to age 79. No mitigating income was included as Mr. Bowman would not be reentering the workforce.

Next, Mr. Johnson reviewed the life care planner's future medical plan. Since Mr. Bowman suffered a brain injury, he will be dependent on 24-hour care for the rest of his life. Mr. Johnson presented two future medical expense scenarios. The first

scenario consisted of attendant care on an hourly basis. The second scenario consisted of attendant care based on live-in rates.

Result: After 12 days of trial, the jury awarded Mr. Bowman \$15,735,000. The award consisted of \$1,500,000 in past pain and suffering, \$9,500,000 in future pain and suffering, \$776,000 in past medical expenses and lost earnings and \$3,959,000 future medical expenses and lost earnings.

Attorney's Comments: According to Plaintiff's attorney Robert Tourtelot, "We initially elected to use the services of a local economist. However, we subsequently learned that the particular economist we had selected was placing unacceptable geographical restraints on her availability for deposition and trial testimony. I subsequently learned that she was 'semi-retired' and had to deal with her assistants. I am so glad that we were able to bring in Mr. Johnson. He played a major role in our obtaining the highest personal injury verdict ever in the Chatsworth, California Courthouse.

Mr. Johnson did an excellent job helping present our economic damages. Mr. Johnson came prepared with his presentation material which helped the jury follow along. This is especially helpful when there is more than one scenario like we had. In addition, Mr. Johnson was able to remind the jury that the oldest person at plaintiff's work was 81 years of age.

Mr. Johnson put up a range of \$3.2 to \$4.8 million in past and future economic damages. The defense economist only put up a range of \$1.4 to \$1.7 million. The jury awarded us \$4.7 million for these damages. As you can see, the jury definitely sided with Mr. Johnson's testimony. We certainly intend to utilize his services in our future cases."

About Robert W. Johnson & Associates: A nationally recognized, full service, consulting firm that specializes in illustrating and quantifying damages. Services include: court-qualified expert witness testimony in quantifying the loss of enjoyment of life (pain and suffering) in personal injury cases and quantifying the loss of love, care, comfort, society, consortium, etc. to the survivors in

wrongful death cases. Other litigation support services include analysis and placement of structured settlements, generating wage loss reports that include the present value of future medical expenses and illustrating the loss of quality of life with the LIFE ACTIVITY CALENDAR®.