

Judge Sandra Mazer Moss in Plain Clothes

By Claudine Q. Homolash, Esq.

PHILADELPHIA

As I walk into City Hall Courtroom 653 to meet the Honorable Sandra Mazer Moss, I instantly notice a portrait of Judge Moss in plain clothes holding a bouquet of pink and white flowers. Right away, I am intrigued. Where is the black robe that adorns every other judge in their portraits? Why does Judge Moss' portrait look so different? By the end of our meeting I understood completely why Judge Moss' portrait was painted like no other.

Judge Moss Creates the CLC

Judge Moss, current head of the Complex Litigation Center, is no rookie to the program. A Common Pleas judge for less than three years, Judge Moss was placed in charge of the Asbestos Program in 1987. Anyone familiar with this program knows that it managed more than 8,000 cases dating back to 1975, and the docket moved at a snail's pace. Accepting the challenge of heading what many viewed as "the ugly stepchild" of the Philadelphia court system, Judge Moss instantly shook things up as she began to consolidate cases and hold monthly meetings with counsel to discuss new procedures. Judge Moss was determined to get these cases moving "for the good of all parties involved."


Back then, former Supreme Court Chief Justice Ralph Cappy served as the Supreme Court's liaison to the Philadelphia Court of Common Pleas. With Justice

Cappy on her side, Judge Moss submitted a business plan for a Complex Litigation Center. The plan was submitted in February 1991 and, by February 1992, the Complex Litigation Center (CLC) was up and running.

Because the CLC was short on judges, Judge Moss came up with the brilliant idea of using Senior Judges to try the asbestos cases. With the help of the asbestos bar,

Judge Moss put together a training program and bench books for all of the Senior Judges. She recalls the judges being fascinated with the science and thrilled to be involved in the birth of the asbestos program. "Monthly meetings, reverse bifurcation, we really started to get things moving," recalls Judge Moss. Three years after the center opened, the asbestos backlog was eliminated and all 32

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mass torts programs that started during Judge Moss' time at the center were properly disposed in accordance with ABA standards.

It was this type of forward thinking that made Philadelphia's Complex Litigation Center the national model for mass torts litigation.

Judge Moss remained head of the Complex Litigation Center until 1996, and reassumed the position in January of 2009. In the interim, various judges rotated through the coordinating judge position including Judges Victor J. DiNubile Jr., Joseph D. O'Keefe, Allan L. Tereshko in his first term as coordinating judge, Norman Ackerman, and Paul P. Panepinto and Judge Tereshko in his second term.

Judge Moss has fond memories of the early days. As we talk, she explains to me that the mammoth tables in her courtroom were once in the Wanamaker Building that originally housed the center. "When the center in the Wanamaker Building closed, I asked for these tables," she explains. "These tables were purchased with the idea that I wanted all counsel to be able to sit down together and talk about the cases and work together," a philosophy she continues to follow.

Judges should not be dictators

"Judges should not be dictators," Judge Moss remarks. Instead, Judge Moss finds that when she listens to both sides there's usually a middle ground. "Attorneys have great ideas. The programs work a lot better when the lawyers feel like they own a piece of the program." Judge Moss urges lawyers to communicate their ideas to her and she believes that it is this type of communication that minimizes motion practice and helps build credibility and trust amongst lawyers, something that has been lost over the years.

Judge Moss continues her "participative management" philosophy in the mass torts she currently handles, including Paxil, HRT, and Yaz, to name a few. While some might say she is the most experienced captain to run the ship, Judge Moss still encounters challenges in the mass tort program. "Every mass tort is different. One of the biggest challenges is figuring out what every mass tort needs. What is going to make these cases trial ready?"

"New issues always arise in mass tort litigation. When the asbestos program was in its early stages, I never even thought that issues

concerning whether a plaintiff could sue a second time would even be of concern. But these issues did arise and were recently decided by the Pennsylvania Supreme Court in *Abrams [v. Pneumo Abex Corp., et.al., Docket No. 17 EAP 2009 (Pa., Oct. 21, 2009)]*, in which the Pennsylvania Supreme Court ruled that plaintiffs who recovered for non-malignancy claims under Pennsylvania's former one-disease rule can now file a second claim for a malignancy that was allegedly caused by asbestos exposure, if they can identify a defendant that was not a party to the first action.

Recent mass tort cases have caused Judge Moss to rethink her approach concerning *Frye* and summary judgment motions. Judge Moss would like to schedule these motion deadlines earlier so that cases continue to progress in a timely fashion. Judge Moss' overriding goal is to get all parties fair access to the courtroom – both plaintiffs and defendants – and she is constantly searching for new approaches to get this done. "It's trial and error. I'm always learning from past mistakes and implementing new methods to perfect the process."

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PTLA would like to thank the following members who have recently participated in our 100 Cases for VIP program:

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Judge Moss' Portrait

The portrait of Judge Moss was commissioned by the Louis D. Brandeis Law Society. When approached by the Society, Judge Moss was adamant about creating a portrait that truly conveyed the type of judge she is. "One hundred years from now, I wanted people to know who I really was. I felt that my best work was done in the boardroom and at the bargaining table – being a team leader, holding case management conferences and assisting in the negotiation of large settlements."

Judge Moss is known for working as much without a robe as with

one and her portrait personifies that approach. Judge Moss made sure her portrait included certain pieces of her courtroom, such as flowers from her staff, and other memorabilia that told who she really was. To my surprise, attached to the back of the portrait is a manila envelope that acts as a time capsule. The envelope does not include the typical items one might think to include like Judge Moss' resume or numerous awards. Instead, the envelope holds treasures that truly portray who Judge Moss really is – letters from lawyers, cards from litigants, congratulatory

mail, and news on settlements she helped achieve.

Judge Moss is an integral part of the Complex Litigation Center and it is her hands-on philosophy that makes Philadelphia's mass tort program second to none.

Editor's Note: *Claudine Q. Homolash, an attorney at Sheller, P.C., specializes in pharmaceutical injury, products liability and consumer protection litigation. You may reach Ms. Homolash at: chomolash@sheller.com.*

FRONT PAGE NEWS

BIG Returns with Big Brothers Big Sisters

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spending a few hours each month for at least one year with my Little, and it's been time well-spent!

Jeffrey and I like to be outdoors. We hike and bike a lot, and we love to eat French fries. We've seen art exhibits, baseball and basketball games and movies both good and bad. Jeffrey has an easy smile, and he has inspired me to smile more too. Just like any relationship, it took us a while to open up and build this strong friendship. But after seeing how much fun we had during a tubing trip on the Delaware River this summer, I now better understand the impact that a mentoring friendship can have on a child. Since that time, we both have grown to really look forward to and enjoy our activities together. But, it doesn't really matter

what we do, it's the consistent time we spend together that makes a difference.

Sometimes though, I get so busy at work with trials or travel that I don't get to see my Little Brother Jeffrey for a couple of weeks, so we talk on the phone, and I send him postcards from exotic places like Pittsburgh and Knoxville, TN. Jeffrey appreciates the calls and mail, and it helps us keep in touch until the next time we can hang out. So you see, you can be a busy trial lawyer and a Big!

You can also be a Big in BBBS SEPA's School-Based Mentoring program and visit your Little at his or her school during lunch or recess. Shanin Specter and Eric Weitz are School-Based Bigs with BBBS SEPA, and I can't say I'm surprised that trial lawyers have

been attracted to mentoring through BBBS - it's just a natural fit for who we are.

BBBS SEPA, like so many non-profits, has been hurt by the economic downturn and government funding cuts that make up a huge part of their budget. BBBS SEPA depends on donations to help recruit volunteers, reach more children and ensure the healthy and successful growth of each mentoring relationship. Donations help Big Brothers Big Sisters provide on-going relationship support for the children, their families and the volunteers, to build the strongest, longest lasting relationships possible. Many children remain underserved because there aren't enough Bigs to go around—or enough financial support to match the volunteers who are interested in

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