

Trials & Litigation

Ex-client in \$2.2M law firm chair-collapse case wins reinstatement of 'substantial' verdict

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By [Martha Neil](#)

A would-be client of a Florida personal injury law firm wound up without the legal representation he had sought after his chair collapsed as he was meeting with an attorney in 2003.

But Robert Friedrich did eventually wind up with a big win against Fetterman & Associates in the premises liability case he pursued over the injuries he said he suffered during the meeting in the law firm's conference room.

A \$2.2 million jury verdict in his favor was awarded in 2009 in the Palm Beach County case (the law firm was liable for about one-third of the total, and the retailer that sold the chair was liable for two-thirds). However, an appellate court later reversed and directed a defense verdict, finding that causation had not been established. On Thursday, the Florida Supreme Court reversed (PDF) the appellate court and reinstated what it called a "substantial" verdict against the firm, saying that causation was a question of fact for the jury to determine.

An expert for Friedrich said an inspection should have revealed the "weak joint" in the chair blamed for the collapse and said it should be standard procedure for businesses to test chairs every six months, the court recounts. An expert for the law firm said the only test for defects in chairs is to sit in them, and no other test would have revealed the defect that caused the Friedrich accident.

Given this testimony, "a review of the district court's opinion and the record demonstrates that the district court impermissibly reweighed the evidence and substituted its own evaluation of the evidence in place of that of the jury," the supreme court writes. "The parties presented expert witnesses who provided different opinions regarding whether Fetterman should have or could have discovered the defect of the chair upon reasonable inspection."

A dissenting judge would have upheld the directed verdict against Friedrich. Even if the jury agreed that businesses should inspect chairs every six months, the dissenting judge said, there was insufficient evidence to prove that an inspection would have revealed the defect in the chair at issue.

Hat tip: [Legal Profession Blog](#).

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