



Richard M. Gerry

Catastrophic Personal Injury • Wrongful Death • Dram Shop Liability

AIKEN SCHENK

ATTORNEYS AT LAW

Richard Gerry focuses on serious personal injury claims. Over the past 31 years, juries have awarded Richard's clients multi-million-dollar verdicts to compensate for wrongful deaths and catastrophic injuries. His experience ranges from automobile cases to complex litigation involving freeway design. Appearing before the Arizona Supreme Court and Court of Appeals and the Ninth Circuit Court of Appeals, Richard has tried and won cases that have established new legal precedents to protect the rights of injured clients.

#### SIGNIFICANT CASES

*Graham v. ValueOptions* (2008): \$36 million jury verdict for wrongful death, awarded to the victim's widow, two minor children and surviving parents. Patrick Graham was shot to death by a dangerously mentally ill patient under the supervision of ValueOptions. The jury found ValueOptions 90% at fault for failing to seek a court order to evaluate the shooter for involuntary commitment. Court testimony showed that the shooter had not received treatment for eight months, even though a nurse practitioner charged with his care had warned ValueOptions that the shooter could be a danger to himself and others due to his deteriorating condition. The \$36 million jury award was Arizona's fifth-largest for 2008 (*Arizona Attorney*, June 2009) and the 58th largest in the nation (Verdict Search).

*Adamowicz v. Ryan et al* (2007): \$3 million settlement. A 68-year-old woman was killed by a drunk-driving teenage girl. The victim's surviving adult children sought compensation from the teenager's parents, for allowing her to drive despite knowing she had a history of alcohol abuse; from the owner of the home at which the girl attended a party where alcohol was provided; and from the mini-mart that sold her alcohol. Settlement was based on claims of negligent entrustment of a vehicle to a minor, parental liability for children under the age of 21 who supply alcohol to minors, employer liability for employees who sell alcohol to minors, and punitive damages for conscious disregard of the probable injury and death caused by intoxicated minors.

*Hudgins v. Southwest Airlines* (2006): \$9 million jury verdict. Two men were directed and given written authorization to carry their weapons aboard a Southwest Airlines flight. Southwest then reported that the men did not have authorization. The men were arrested, jailed and prosecuted for taking weapons aboard the plane and faced ten years in prison. Southwest refused to

provide to the FBI the facts proving the men's innocence unless the men signed a release agreeing not to sue Southwest for their false arrests. The \$9 million jury award was among Arizona's top ten jury awards for 2006 (*Arizona Attorney*, June 2007).

*Esson v. LaPuesta Del Sol* (2004): \$2.6 million jury verdict. Death of a 29-year-old man killed in an auto accident by a drunk bartender. Although the accident occurred after work, jury found the bar 100% responsible for negligently allowing its employee to get drunk on the job.

*Burton v. State and Yavapai County Fair* (2003): \$9 million settlement. Jockey suffered a severe brain injury in a collision with another horse that was blinded by mud after slipping on the track and ran in the opposite direction. Stewards and track officials failed to cancel races due to unsafe track conditions.

*Chadwick v. State of Arizona* (2000): \$4 million jury verdict. Nine-year-old girl strangled by her brother, who was on supervised probation. Trial verdict after Supreme Court reversed Court of Appeals' dismissal. Supreme Court ruled probation officer had a duty to report foreseeable danger to the court.

*Landers v. State and City of Phoenix* (1998): \$4.5 million settlement. Police officer killed when drunk driver crossed through freeway median. Unsafe freeway design without median barrier to prevent cross over collisions.

#### REPORTED CASES

*Caretto v. Department of Transportation*, 192 Ariz. 297, 965 P.2d 31 (App. 1998)

*Gobel v. Maricopa County*, 867 F.2d 1201 (9th Cir. 1989)

*Desmond v. Superior Court*, 161 Ariz. 522, 779 P.2d 1261 (1989)

*Hamilton v. Municipal Court*, 163 Ariz. 374, 788 P.2d 107 (1989)

*Bade v. Department of Transportation*, 150 Ariz. 203, 722 P.2d 371 (App. 1986)

*Loughran v. Superior Court*, 145 Ariz. 56, 699 P.2d 1287 (1985)

*Reinhold v. Navajo County*, 139 Ariz. 227, 677 P.2d 1335 (App. 1984)

*Fuenning v. Superior Court*, 139 Ariz. 590, 680 P.2d 121 (1983)

*State ex rel Baumert v. Superior Court*, 133 Ariz. 371, 651 P.2d 1196 (1982)

*State v. Surety Insurance Co.*, 128 Ariz. 284, 625 P.2d 347 (App. 1981)

## **PUBLICATIONS AND LECTURES**

“Overlooked Personal Injury Law,” 2006  
“Cross Examining the Expert,” Lorman Education, 2004  
“Appeals,” ASU College of Law, 2002  
“Civil and Criminal Contempt,” Arizona Supreme Court, 2001 and 2002  
“Don’t Lose Your Appeal,” State Bar of Arizona, 2001  
“Affirmative Defense,” Maricopa County Bar Association, 2000

## **HONORS AND AWARDS**

*The Best Lawyers in America*® (2010): Personal Injury Litigation  
*Super Lawyers*® (2007-2009\*): Personal Injury Plaintiff  
Outstanding Trial Lawyer for 2008: Arizona Trial Lawyers Association  
One Hundred Largest Jury Verdicts for 2008 (*Graham v. ValueOptions*, \$36 million, #58)  
Ten Largest Arizona Jury Verdicts for 2008 (*Graham v. ValueOptions*, \$36 million)  
Ten Largest Arizona Jury Verdicts for 2006 (*Hudgins v. Southwest Airlines*, \$9 million)

## **PROFESSIONAL MEMBERSHIPS**

State Bar of Arizona: Legal Education Committee, 1992  
State Bar of California  
American Trial Lawyers Association  
Personal Injury Trial Lawyers Association  
Million Dollar Advocates Forum  
Multi-Million Dollar Advocates Forum

## **COMMUNITY INVOLVEMENT**

Judicial Selection Committee, Phoenix Municipal Court, 2006-present  
President, John C. Lincoln Hospital Guild, 1991-1992  
“Mother Ginger,” Nutcracker Ballet; Ballet and Friends Toys for Tots, 1992

## **EDUCATION**

Arizona State University, J.D., 1978: Order of Barristers  
Arizona State University, B.S. *summa cum laude*, 1975

## **BIRTHPLACE**

Phoenix, Arizona