

As Seen In ... *Forbes*, July 23, 2007

Carroll, Kelly, Trotter, Franzen & McKenna

Specialists in Medical Malpractice

Bad outcomes can occur despite the best medical care. Defending reputations in the medical community takes an experienced law firm.

Carroll, Kelly, Trotter, Franzen & McKenna has a record that is virtually unmatched. In fact, this specialist practice has a success rate of better than 95 percent at trial. And it is often able to obtain early and favorable settlement terms because of its reputation.

CKTF&M was established in 1994 in Long Beach by founding partners Richard Carroll, John Kelly and Michael Trotter. The firm specializes in insurance and professional liability defense. It has since grown to include more than 30 lawyers. Last year, it opened the firm's first satellite office, in Las Vegas, to better serve the needs of its clients in the western United States.

The firm's range of expertise includes many related legal fields, such as business litigation, health care law, legal malpractice defense, product liability and managed care issues. Five of its partners are members of the prestigious American Board of Trial Advocates, with a combined total of more than 400 trials among them. Many are also recognized as experts in their legal field and have both published and lectured to lawyers, health care professionals and members of the insurance industry.

A Challenging Calling

Perhaps no area of law is as challenging as defending doctors against the accusation that injury or death resulted from their negligence. And perhaps in no other area of law is experience so critical.

Consider how different each malpractice case is. Furthermore, a lawyer must quickly learn the medical intricacies of each case in a way that allows him or her to explain a doctors' decisions to juries. And the lawyer has a very limited window in which to explain it all to jurors at trial.

"You represent someone who has spent four years in medical school, three years in residency and nine years in practice, and in seven to eight days you have to convey to the jury why the judgment they made was appropriate under the circumstances," says Carroll.

"In today's world of managed care and growing concern for the manner in which health care is delivered, juries are more and more distrusting of the health care profession."

Overcoming Sympathy

With a seriously injured person or grieving family in front of them, it's not surprising juries are sympathetic to the plaintiff. This emotional aspect, to say nothing of the evidentiary issues involved, is a tremendous hurdle to overcome.



From left: Michael Trotter, John Kelly, Richard Carroll, Mark Franzen and Robert McKenna

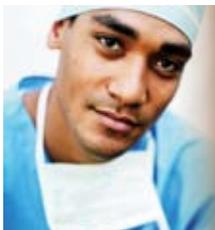
"There are some really bad outcomes that have nothing to do with the care that was provided. It happens in spite of the doctor's best efforts," says Trotter. "A lot of people think a bad outcome means somebody did something wrong. That's the biggest fundamental flaw people have when judging medical care." Trotter and his partners admit it can be personally challenging to check emotions.

Many of the lawyers at the firm have young children. "I have little kids. So when you're trying a case for a doctor against parents of a child with profound brain damage, and a victory for you is sending that child home with no money, it tugs at your heartstrings," says Carroll. "When you have little kids, they want to know what you did all day. And you have to be truthful and feel that what you have done is just."

"What makes it easier," Trotter says, "is when you get to know the doctors you're representing, and then you find out about the success stories and all the good they have done over the years. Of course, those facts are rarely admissible before a jury."

John Kelly adds, "the loss of or serious injury to a child, parent or spouse generates tremendous grief and sympathy and those cases are emotionally difficult on everyone. However, we have great faith in the jury system and, much more often than not, the jurors do the right thing."

Richard Carroll, 52, John Kelly, 48, Michael Trotter, 43, Mark Franzen, 54, and Robert McKenna, 40, are proud of their young firm and are committed to the zealous representation of health care professionals for many years to come.



CARROLL, KELLY, TROTTER, FRANZEN & MCKENNA

For more information, visit www.cktfmlaw.com or call 562-432-5855 in Long Beach or 702-792-5855 in Las Vegas to speak with an attorney.

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