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TED LEOPOLD and a 'textbook case of corporate greed'

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Theodore J. Leopold

Partner, Cohen Milstein Sellers & Toll;
Palm Beach Gardens

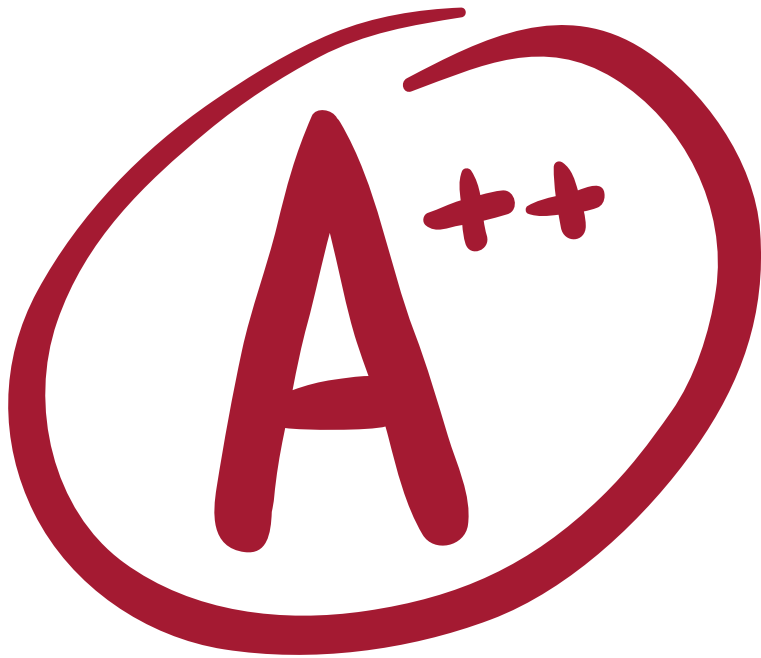
Personal Injury: Plaintiff

Florida Super Lawyers: 2006–2016;
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Plaintiff's attorney Ted Leopold and a 'perfect textbook case of corporate greed'

BY CARLOS HARRISON
PHOTOGRAPHY BY SCOTT WISEMAN

As a high school linebacker—and later as a coach—Ted Leopold knew you couldn't be afraid to tackle a larger opponent.

As a plaintiff's attorney, he still practices that.

"At the core," he says, "are my beliefs and strong attitudes toward helping those that are less fortunate or need help against the misdeeds of corporations or individuals."

To that end, he has taken on a city for allegedly not providing proper care for its police, and opposed police accused of using excessive deadly force. He has challenged cemeteries and chain stores; he has battled hospitals accused of overcharging insurance and insurers of failing to provide coverage. He helped win the ninth-largest damage verdict against an auto company in U.S. history in a rollover case against Ford, which later settled. He was also involved in a class action against the carmaker contending vehicle owners lost resale value because of the rollover issues.

Currently, he's leading the case of a Jacksonville woman who was left quadriplegic and ventilator-dependent after a Takata air bag allegedly

deployed too forcefully in her Honda Civic. The case wasn't the first to uncover widespread problems with the Japanese manufacturer's air bags, but it was, he says, the one that exposed internal emails and documents about allegedly manipulating testing data to cover up the defects. These documents added strong implications of deliberate wrongdoing in what has become the largest automobile recall—affecting approximately 34 million cars—in U.S. history.

Again, the ramifications extend far beyond a single client.

Takata, he claims, "has left hundreds of thousands, if not millions, of people with defective air bags in their vehicles that can lead to problems—such as our client, Patricia Mincey."

Soft-spoken and lean, with a gaze that is both penetrating and gentle, Leopold exudes an air of thoughtful grace, even in casual Friday jeans and a pullover sweater.

He grew up in South Florida, and the athleticism that led to his being offered scholarships at "some small schools" may have come from his father, Paul Leopold, a major league pitcher for the Brooklyn Dodgers and Washington Senators during World War II.

In college, Leopold says, he “got way too beat-up playing football,” and decided to go into coaching.

He coached for four years, then chose a completely different path: law school. The idea had been with him for some time, he says, although he can’t quite put a finger on what sparked it, nor what nudged him to finally do it. Newly married when he made the decision, he told his wife. She agreed wholeheartedly, with one caveat.

“Her first comment wasn’t ‘wonderful,’ or ‘great,’” he recalls. “Her first comment was, ‘If I put you through school and you divorce me, I’ll kill you.’”

“And 33 years later, we’re as happy as our first day of marriage.”

After graduation, Leopold got a job with a national firm—now known as Rumberger, Kirk & Caldwell—that specialized in defending the auto industry. The name partners at the time included a man he still consults as a mentor and friend, Peter Wechsler with The Wechsler Law Group.

“Ted was one of the best and the most outstanding associates I’ve ever had, and I’ve had a lot of them over the years,” Wechsler says. “Not only was he a great attorney, but also his character was beyond reproach. He’s honest, forthright, and his character is A-plus-plus.”

It was great training, Leopold says. But he felt the pull of advocating for people, as he puts it, “against large corporate malfeasance, misconduct—greed, if you will.”

When a lawyer he had defended a case against asked if he wanted to come join him as a plaintiff’s attorney, Leopold jumped: “I knew I always wanted to be on the plaintiff’s side. I knew that’s where my heart was and what I wanted to focus on.”

With his family—which by then included two children, ages 2 and 4—he left Miami for Palm Beach Gardens, a sprawling, affluent community that’s much more garden than beach and home to the PGA. Twenty-five years later, it’s still home.

The practice and the firm’s reputation grew as it expanded into mass torts and national class actions. Then, in 2000, Leopold won the case that he calls “the perfect textbook case of corporate greed.”

It resulted in the largest verdict for a single claimant in state history at the time: \$78.5 million in punitive damages. More importantly, for Leopold, it showed “what litigation can do to change the system, and make managed care better, because that really reverberated around the country,” he says. “There were a lot of changes within the managed-care industry as a result.”

Chippis v. Humana Health Insurance involved a Palm Beach County police officer’s 5-year-old daughter, who had been born with cerebral palsy. The jury agreed that Humana improperly terminated coverage for the special care the girl

required, simply as a way to reduce its costs.

“Humana terminated [insurance for] over 100 catastrophically ill or injured children,” he says, “the same day they terminated her [coverage].”

The result, however, has extended far beyond those children, and Humana.

“I know for a fact, through the multitude of other litigation in that area that I’ve had, in speaking to higher-ups in the company, that the Chippis case was really a little bit of a game-changer,” Leopold says, “in terms of at least how managed-care companies looked at things—with the realization that, for the first time, they would have to answer to someone in the legal arena.”

The case made Leopold a finalist for Public Justice’s Trial Lawyer of the Year award. Just over a dozen years later, he served as the national group’s president.

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—PETER WECHSLER,
THE WECHSLER LAW GROUP

In between, he served on the settlement committee in the national Ford Explorer/Firestone class action lawsuit involving the combined hazards of tread separation and stability issues. And, in a separate case, he helped win a record-setting \$131 million for the family of one of the New York Mets’ top prospects, a 22-year-old outfielder killed in a rollover accident in a Ford Explorer.

The aftermath of those cases and others like them, he says, makes vehicles—and their occupants—safer.

But he’s not just holding automobile manufacturers accountable. He also sued a motel chain over alleged racial discrimination, and won an award of more than \$2 million in another case for the family of an unarmed 21-year-old man shot and killed by Marion County sheriff’s deputies.

“Not only did they shoot him and then handcuff him, but then, while he was handcuffed, they tased him 12 times while he bled to death,” he says. “We never would have been able to prove that unless we took that case to trial.”

He also reached an undisclosed settlement with Service Corporation International, the largest cemetery company in the world, on behalf of 72 families, over the handling of their

relatives’ remains. The lawsuit contended the cemetery operators secretly broke open burial vaults and dumped remains in nearby woods, buried remains on top of one another, and mixed body parts and remains together.

The judge in that case, Leonard Fleet, recalls Leopold as “always superbly prepared, and very, very gentlemanly.”

“I don’t give compliments to trial attorneys very easily. I’m too demanding,” he says. But Leopold merits an exception: “Ted personifies the ethical standards and professional standards to which every lawyer should aspire.”

Leopold brings up another case, involving a Florida woman riding as a passenger in a Ford F-150 that ran over a stop sign and burst into flames. She lost her legs.

“It was another conscious decision by a company to put cost savings over safety and to make a fuel tank out of plastic when it was originally made out of steel and then to not shield it with the proper materials,” he says. “They didn’t want to spend the money to put proper shielding on it.”

When he took the case, Florida law considered the cause of the accident immaterial in a products-liability crashworthiness case. As the trial approached, however, the state Legislature passed a law overturning that doctrine. “So that case went from a very strong product liability case to now having to defend how the accident occurred and issues of whether there was drinking involved.”


Several people advised him to drop the case. He didn’t. And he still won.

“I was very strong in the belief that I wasn’t going to let the client down just because of the way the law had changed, and we were going to go all the way through to trial and do the best we could,” he says. “If you care and you’re doing the right thing by representing them, you’re there in the good and the bad. We carry the flag for our clients.”

In 2010, Leopold sued the city of Pembroke Pines after police officers and firefighters claimed that workers’ comp claims for on-the-job injuries were denied. A financial settlement was reached in that case.

Then in 2014, Leopold merged his practice with the national plaintiff’s firm Cohen Milstein Sellers & Toll. The result, he says, allows him to help litigate large cases he couldn’t take on as a boutique firm. An example spills out almost in the same breath: “a fascinating, very important human rights case against Exxon.”

It involves the deaths of Indonesian villagers in an area where the oil company was drilling.

“Exxon hired, allegedly, military and guards to protect the area, but those security guards were raping and killing villagers. So we represent several of those people against Exxon for human rights violations,” he says. “Having the opportunity to do things like that, and to be co-lead on a case like that, is great.” 

Fun Facts About Ted Leopold

Football days: Linebacker, No. 67, Coral Gables Senior High School

College major: History, with a minor in education

Funniest relative: His brother Tom is a well-known comedy writer whose credits include writing two years of *Seinfeld* episodes and the final season of *Cheers*

Collection on his office wall: →

A framed, nonpartisan collection of presidential campaign pins, including LBJ, Ike, Nixon, FDR, Kennedy and Humphrey. It's next to a signed poster from President Obama. Photo collage (right) of his dad's baseball career.

What makes him get out of bed every morning: "Fear. ... of not doing a good job."

Best piece of advice he ever got: "One that comes from my wife: to be happy every day. I don't always use it, but I try."



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