

“You’ll never get people to
love lawyers.
hate.”

They are too easy to

We need to get out the message that says:

“You can hate them,
but they do good
things.””

**Gary Jackson crusades
for the little guy, as well
as for the reputation of
trial lawyers**

BY KERRY HALL

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Gary Jackson is a man Big Business loves to hate.

A trial attorney in Charlotte, Jackson makes his living suing companies, such as banks, insurers and hospitals, who he says wronged “the little guy.”

But he worries Big Business is about to make his life, and those of his clients, more difficult.

Proposed legislation in Congress and the Carolinas would crack down on lawsuit payouts. And powerful groups, such as the U.S. Chamber of Commerce and the American Medical Association, are gunning for lawyers like him.

“(The public) thinks we’re preying on other people’s misery,” said Jackson, a thick-set man with gray hair who sports rectangular, black-rimmed glasses and the occasional suspenders. “That’s a bad place to be.”

Businesses, Jackson said, have done a better job sending their message – that lawsuits are bad for the economy – than attorneys have done touting the good they can do.

So Jackson has embarked on a mission to convince the public that trial attorneys aren’t greedy but needed in a democratic society. With no formal bankroll or campaign, he wants to change opinion case by case.

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SEE JACKSON | 30



Gary Jackson

- **Family:** Wife, Courtenay Jackson, and two sons, Walker Alexander Jackson, 3, and Elliott Warner Jackson, 22 months.
- **Hometown:** Shreveport, La.
- **Politics:** Lifelong Democrat; chaired Democratic Party in Forsyth County 1991-1993. The Clinton administration nominated him for

U.S. Attorney in the early 1990s.

■ **Cases:** With medical malpractice claims, Jackson said he takes on an average of one new case for every 80 to 100 calls he receives from prospective clients.

With construction defect claims, he averages one new client for every five calls he receives.

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Lawyer crusades for the little guy

KERRY HALL

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Nationally, as a member of the Association of Trial Lawyers of America's public affairs committee, he's urging colleagues to mount counterattacks against groups that criticize trial lawyers.

Locally, he's advocating that colleagues reach out into the community, even speak at PTA meetings, to put a friendly, familiar face on the profession.

"We've lost the public," said Jackson, 51, widely considered a pioneer in class-action lawsuits involving home construction defects. "Jurors have been so poisoned by the bad publicity, it's hard to get a fair shake in the courtroom."

Push for tort reform

The effects lawsuits have on the economy isn't clear. Trial lawyers say they are needed to keep companies honest and products safe.

Tort reform supporters say the mere thought of a lawsuit can bankrupt businesses, force doctors to close doors and stifle job creation. They want caps on damages, reduced attorney fees in class-action lawsuits and more protections for businesses.

"It costs \$30,000 to defend yourself, even if you're not liable," said Cam Crawford, executive director with the South Carolinians for Tort Reform. "That hurts small business and takes money out of our economy."

Last year, tort reform supporters pushed through the federal Class Action Fairness Act, which makes it harder for attorneys to pick the states in which they want to file class-action suits. Reformers say they hope to keep the momentum going this year. They also have their sights set on the states.

Half a dozen states, including South Carolina, capped damages in medical malpractice cases in 2005. Efforts to curb medical malpractice awards died in the N.C. General Assembly last year, but Republicans are expected to raise the issue again this session.

Political analyst Charlie Cook said tort reform proponents are more organized, and committed, than in the past. Pharmaceutical companies and medical groups, which blame lawsuits for rising malpractice insurance premiums, have banded with those pushing for tort reform.

"For the business community, this is huge," said Cook, editor of the Cook Political Report, and a longtime friend of Jackson's. "They have made it their top priority."

A sign of the firepower being assembled: Business and medical groups shelled out \$33.8 million lobbying for tort reform in 2004, according to Political MoneyLine, which tracks such spending. The trial lawyers association spent \$2.9 million.

Changing sides

Jackson understands his opponents well, once having worked on behalf of big business as a corporate attorney.

The only child of a loan officer and a housewife, he grew up in a three-bedroom brick ranch house his daddy built in Shreveport, La.

He developed a love of politics early on, which led to his interest in law because "most politicians were lawyers."

"We were a poor state," he said. "If you were in government, you were powerful. That's where you had the greatest ability to have influence on the world."

A chubby child, Jackson said he's always hated bullies and identified with the underdog. During his senior year of high school, the debate team won the state championship. The topic: "The jury system should be changed." He argued both sides.

He became the first in his family to attend college in 1972 when he enrolled at Duke, where he majored in history. A few years after graduating from Duke Law School, Jackson took a job at Womble Carlyle in Winston-Salem, one of the state's premier corporate law firms.

Soon, he was earning more than \$100,000 a year arguing on behalf of the former R.J. Reynolds Tobacco Co. and against sick smokers.

But he was questioning his life when he defended a railroad company that had been sued by a 19-year-old employee whose leg had been severed in an accident. Jackson said he felt sorry for the guy and thought his claims had merit. But he also knew he could argue around the man's case in court. (The case settled.)

At the same time, he worked on a case involving RJR retirees who'd been scammed out of their savings. He got a taste for fighting for the disadvantaged.

In 1995, he left Womble Carlyle and joined a small plaintiff's firm in South Carolina, taking a salary cut of \$70,000, more than half his annual pay.

Attorney Hoyt Tessner, who worked in Womble Carlyle's Raleigh office, said, "The prestige of being there, and being paid well, can put you in the position where you have the golden handcuffs on. But frankly, I think Jackson relished going up against all the big boys and doing something where you make a difference."

Jackson started working on cases involving homes built with a defective synthetic stucco that let moisture into the walls. When his new firm split up, he said, he cashed out his 401(k) to continue with the stucco cases and took out an equity line of credit on his home to pay bills. He moved, with the stucco lawsuits, to a Raleigh firm and in the late 1990s through 2002 settled nearly 300 such cases for about \$25 million.

His firm earned attorney fees of more than \$6 million.

The white binder filled with his first stucco lawsuits still sits in his office, a reminder "of what you have to go through to get somewhere," he said.

Focus on helping consumers

Last April, Jackson opened his own firm, The Jackson Law Group, with offices on Morehead Street. Clients include consumers with defective homes, investors who were defrauded and the family of a

man who died after receiving an overdose of anti-anxiety medication at a hospital.

He's also working with the N.C. Public Interest Research Group Education Fund to craft what the group is calling a Homeowner Bill of Rights. Among other things, the proposed legislation would extend the statute of limitations for when people can sue for home defects to 10 years from its current six. The group plans to unveil details next month.

Kentucky attorney Julie Goodman argued against Jackson as counsel for homebuilders he sued in the synthetic stucco cases. She said it's important to preserve people's right to sue, adding the stucco lawsuits "absolutely should have been brought forward."

"The most expensive investment these people had was literally rotting from the inside out," said Goodman, now general counsel to the U.S. Equestrian Foundation. "What was their option?"

Jackson hopes he'll be able to persuade more people to view the work he and his colleagues do as necessary.

"If we develop a consistent message, get it out there, it may be like trying to melt an Alaska glacier with a hair dryer," Jackson said. "I think it's worth a try."