

"We Won't Be Distracted From Our Mission."

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Pictured: Jim Mitchell and Andy Payne

Technology has brought a thousand changes to how we work, live, and play. But it has also opened an array of potential liabilities that extend beyond security and privacy issues and into the realm of public safety.

For example, when the boss calls, most dedicated employees are likely to answer immediately. But what if they're driving a company car or truck at the time?

"Building a stronger legal system isn't an abstract notion: It's something we have to roll up our sleeves and make happen."

"A surprising number of companies don't have policies regarding distracted driving. Simply directing staff to avoid calling or texting while

driving can make a tremendous difference,” says [Andy Payne](#), cofounder and partner of [PayneMitchell Law Group, LLP](#). “We tried a case where there was a question as to whether or not the driver had been using a phone at the time of a crash. Everybody had a company cell phone, and the policy was that if a supervisor called, you were to answer whether you were driving or not.”

Policies that put business ahead of safety can take a huge toll on both profits and lives.

In another case handled by PayneMitchell, a cable company employee caused a crash while texting and driving. The case received national attention by experts in the field. In the end, the company set a new corporate policy that prohibited texting while driving—but only after substantial judgments were awarded.

The bottom line: Companies are quick to embrace the benefits and efficiencies offered by new technology, but they should be equally quick to embrace policies that avoid liabilities and threats to public safety.

“Making products and procedures safer and getting companies to do the right thing helps the entire community,” says [Jim Mitchell](#). “We firmly believe that representing people who have been wronged through negligence serves a higher purpose— not just to the victim, but to society at large.”

CORPORATE ACCOUNTABILITY

This fundamental belief in corporate accountability has put PayneMitchell at the forefront of liability litigation, and has helped them establish a depth of expertise in aviation disasters, product defects, medical malpractice, commercial vehicle, and other catastrophic personal injury. This expertise, along with the fact that the firm limits its docket to a handful of significant cases, makes it possible to devote time and focus to what Payne calls their “individualized and aggressive approach.”

This unwavering focus can make a tremendous difference when faced with a company that steadfastly refuses to acknowledge the limitations of their own product. Payne uses a recent case won against Emerson Climate and Fusite as an example of the value of the firm’s tenacity.

“Emerson Climate took the position that their product wasn’t defective. But their patents documented that the company had identified a safety defect with this product that they later fixed,” Payne says. “Their arrogance and lack of objectivity made them dig in and resist settling.”

By refusing to take a more reasonable path, the company did itself no favors. In the end, the jury awarded \$16.3 million to the plaintiff. Payne points out that Emerson Climate also eliminated the possibility of a confidentiality agreement to keep the details of their case out of the spotlight because they chose to opt for a public trial.

“At all times, we’re guided by doing what’s best for our client and for the larger cause of public safety,” says Mitchell. “That often means you’ve got to be willing to go the distance and push a case to trial in order to change the company’s view of how they look at their own product.”

“JUSTICE FOR ALL”

In the courtroom, PayneMitchell has built a reputation for tough, assertive litigation, but the firm is also deeply committed to giving back. In addition to donating over \$250,000 to support pro bono legal work in their community, Payne and Mitchell both volunteer with professional associations.

Mitchell is past president of the Dallas Trial Lawyers Association and serves on the executive committee of the Texas Trial Lawyers Association. Payne has served on the State Bar of Texas and TTLA board of directors and the Texas State Bar Pattern Jury Charge and Grievance Committees.

“Building a stronger legal system isn’t an abstract notion: It’s something we have to roll up our sleeves and make happen,” says Payne. “That means getting involved in improving the system, both in terms of the laws that are passed and the way the Bar administers itself. We’ve been blessed to have benefited professionally as part of the system, so it’s our duty to give back to make sure the system is operating as it should for everyone.”

“For the legal system to work, you’ve got to support justice for everybody,” adds Mitchell. “It’s got to be a system that works for everybody on all kinds of cases.”

PayneMitchell believes in practicing what they litigate: Making sure that the law is as free of defects and flaws as they would expect any consumer product to be. And, while the firm’s first priority is taking care of its clients, they see that others also benefit from that commitment.

“By looking after the best interests of our clients, we find ways to serve society at large,” says Mitchell. “We can make positive changes in products and policies that create a better environment for everyone else. That’s something of which we’re very proud.”