

# Best Lawyers®



● "LAWYER OF THE YEAR"

**AWARDS**

page 4

● IN THE LAW

page 6

● ONES TO WATCH

page 17

## Georgia's Injury and Malpractice Leader

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page 11





# GEORGIA'S INJURY AND MALPRACTICE LEADER

In 2021, Adam Malone recovered more than \$38 million in settlements for catastrophically injured clients, while continuing his leadership roles outside the courtroom to enhance the profession for injury lawyers.

By Justin Smulson

**ONE WOULD BE HARD PRESSED** to find another lawyer in Georgia—and perhaps even the United States—as dedicated to plaintiffs injury law as Adam Malone. His reputation for excellence in Georgia's courtrooms is matched only by his service to the legal community in the area of injury law.

"Year after year there is a constant assault on the civil justice system by those who fear the accountability that juries impose on wrongdoers," says Malone, who was named the 2016 Best Lawyers® "Lawyer of the Year" in Medical Malpractice Law – Plaintiffs in Atlanta. "I took an oath to uphold and defend the constitutions of the United States and the State of Georgia. My duty is to fight for each and every one of my clients, and for the preservation of the constitutional system that provides access to the justice my clients deserve. I do this by volunteering my time to professional organizations whose mission is consistent with my oath."

Malone has become an expert in representing survivors of traumatic brain injury through decades of handling trucking, motor vehicle and medical negligence cases. An authority on the subject, he shares his legal knowledge with his peers in the American Association for Justice (AAJ)—the nation's largest organization for lawyers representing the injured. After serving on its Executive Board for more than 10 years, Adam became the chair of AAJ's Traumatic Brain Injury Litigation Group in 2021. AAJ's Traumatic Brain Injury Litigation Group is the nation's most distinguished group of lawyers specializing in traumatic brain injury litigation.

In addition to traumatic brain injury, Malone is one of only few lawyers in Georgia who have the expertise necessary to competently handle cases involving brain injuries to newborn babies. "The saddest and often most challenging cases I handle are the ones involving profoundly brain injured children caused by negligent and inattentive care during labor," Malone

says. "They are fiercely defended and very expensive, but they are among the most gratifying of all when our work produces the resources the child and the child's family needs to maximize their quality of life. I'm proud to have developed a niche in this area of law."

His impact outside the courtroom also extends throughout the entire state of Georgia as well. In April 2022, Malone will begin serving as President of the Georgia Trial Lawyers Association. He will also continue serving on the Foundation Board of the Shepherd Brain and Spinal Center—the nation's largest and most distinguished rehabilitation hospital, and on the Georgia Supreme Court's COVID-19 Task Force, which he joined after its formation in 2020.

In 2021, despite challenges presented by the pandemic, Adam Malone and Malone Law still resolved eight cases and recovered more than \$38 million on behalf of their clients who were catastrophically or fatally injured. Each of these

## More Than \$38 Million in Settlements for Catastrophically Injured Victims in 2021.

medical negligence cases began prior to 2020:

- **Paralysis.** A pain management physician misplaced a catheter into a patient's spinal cord and then advanced the catheter up through eight levels inside the cord causing irreversible and permanent spinal cord damage. The patient was permanently paralyzed. He was a retired husband and grandfather.
- **Brain damage.** A neurologist dismissed and ignored classic warning signs of a stroke as a conversion disorder without doing any tests in a young man. The man went on to suffer a preventable stroke and is now permanently brain damaged, unable to work or live independently.
- **Wrongful death.** A cardiologist failed to inform a woman of abnormal cardiac testing. The woman suffered a fatal heart attack two weeks later. The test and the autopsy confirmed that heart attack was completely

preventable had she received timely treatment with a simple procedure in a cath lab.

- **Wrongful death.** A hospital admitted a middle-aged lady who presented with signs of a heart attack. Through a series of miscommunications, she fell through the cracks and sat in the hospital for over 32 hours without any treatment whatsoever. The autopsy showed her heart attack and death were easily preventable with timely treatment.
- **Amputation.** A surgeon botched the revision of an iliac bypass graft resulting in numerous additional emergency surgeries and an above-knee amputation of a middle-aged lady's right leg. The surgeon failed to show up for one of the surgeries even though he was on-call. Discovery revealed he left for a brief vacation.
- **Unnecessary surgery.** A hospital allowed a cardiologist it knew had been reported for performing medically unnecessary cardiac procedures and billing for them, to remain on staff where he performed another unnecessary cardiac procedure causing the patient to have a fatal heart attack.
- **Negligence.** A rural hospital using only temporary physicians failed to follow-up on a patient's chest x-ray and after the patient's condition worsened, botched an elective intubation. The patient was deprived of adequate oxygen for over 19 minutes. She was a 28-year-old travel nurse and is now profoundly brain damaged living in the front room of her parents' home requiring 24/7 care.
- **Misplaced catheter.** A teaching hospital allowed a resident physician to place a central venous catheter under the supervision of an attending physician who did not have privileges to perform this procedure. Central venous catheters should only be placed in veins. They placed the venous catheter in the patient's carotid artery and caused the patient to have multiple strokes and brain damage from which he never recovered.

"It was gratifying to resolve these cases on behalf of these people and their families, who waited longer than expected for the justice they deserved," Malone says. "This is our calling, and we strive mightily to be worthy of it." **B**



# MALONE LAW



## TRAUMATIC BRAIN INJURY, MEDICAL MALPRACTICE, CATASTROPHIC INJURY

**FROM ITS OFFICE** in the heart of Atlanta, Malone Law is known for securing justice with measurable results for individuals, families and local communities throughout Georgia.

Since the start of the COVID-19 pandemic, Adam Malone was determined to remain active by harnessing innovations in technology that furthered the practice of law, while continuing the tradition of excellence that began with his father, founder Thomas “Tommy” Malone, in 1965.

“Before the pandemic hit, we were prepared and already set up to work remotely,” said Adam Malone. “That transition was easy for us, but initially there was resistance from our colleagues on the other side. Eventually, by working together, we all found our way.”

Malone Law continued to push through the pandemic responsibly and safely, and despite all the challenges, finalized eight settlements in 2021, securing more than \$38 million for their clients.

“All of these cases began prior to the pandemic and while the world came to a halt, we could not stop because the needs of our clients never stop—many of them need regular or around-the-clock care for the rest of their lives,” Malone said. “This is a

challenging time for all people but especially for the injured and disabled. Insurance companies are the only ones who benefit from delay, not the rest of us. Through video depositions and video court hearings we could push our cases along and sometimes even more efficiently than pre-pandemic. Where defendants used to slow us down by identifying sometimes as many as 26 expert witnesses against us and scattered all over the country, with remote video depositions we could depose witnesses on opposite ends of the country in the same day—that previously would have been impossible with commercial flight travel.”

The firm’s achievements in 2021 extended beyond the courtroom as well. Attorney Meri Benoit Link became the first new partner announcement in several years. Additionally, she is the first female partner in the firm’s 57-year history.

“Meri’s talent, abilities and legal knowledge have benefitted the firm and our clients tremendously through the years,” Malone said. “She guided my dad well when she worked with him. I am fortunate to work with her and so grateful that she accepted my invitation to join me as my law partner.”

Malone Law and its lawyers have received countless accolades and honors for their achievements and service.

Adam has annually been listed in The Best Lawyers in America®, in the areas of Personal Injury Litigation – Plaintiffs and Medical Malpractice Law – Plaintiffs since 2010. In 2016, he was named the Best Lawyers “Lawyer of the Year” in Medical Malpractice Law – Plaintiffs in Atlanta.

His contributions to the state’s legal community will reach a new milestone in April 2022, when he will begin serving as the President of the Georgia Trial Lawyers Association. Concurrently, he is proud to continue serving on the Georgia Supreme Court’s COVID-19 Task Force, which he joined after its formation in 2020. For years he served on the Board of Governors and the Executive Committee for the American Association for Justice (AAJ)—the nation’s largest organization for lawyers representing the injured. In 2021 he was named chair of AAJ’s Traumatic Brain Injury Litigation Group.

“I work with my colleagues in Georgia and throughout the country to advocate for injured clients and to help find ways to keep cases moving and reduce court backlogs,” Malone said. “This is a continuing challenge, but I love challenges, and I am honored to help by hopefully bringing good ideas and being part of the solution that keeps the wheels of justice turning for all.”