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EYE ON THE BALL

Adam Malone uses what he learned from his famous father to chart his own path

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IN 2002, ADAM MALONE WAS FLYING his single-engine Cessna 210 from Atlanta to the Islands, where he planned to join his family on vacation, when he ran into bad weather.

“Air traffic control directed me into the storm, saying it was a small buildup and I’d be through it in no time. They were wrong,” he says. “It was severe weather, and it threw me up about 3,000 feet in three seconds; then it threw me down about 4,000 feet in the same amount of time. I’m just bouncing around up there.”

The 1969 plane lacked advanced radar and satellite weather equipment, GPS or autopilot, so he kept his hands on the yoke. At one point, he was thrust backwards so violently that his seat-back broke. He held onto the yoke for leverage while trying to maintain something approximating level flight.

What must’ve been several minutes seemed to last hours. Finally, he emerged into clear skies. He had several thoughts. One, he was lucky to be alive. Two, he wouldn’t trust air traffic control again. And three, he wouldn’t fly until he invested in some good radar weather equipment.

“I swore I’d be prepared if that ever happened again,” says Malone, who has been flying since he was a teen. “The important thing is, I never panicked. That would have been disastrous. I would have lost control of the aircraft. In a situation like that, you’ve got to stay calm and focused.”

Prep and focus are key parts of Malone’s practice. He keeps a baseball on the massive desk in the law office that his father, Tommy Malone, the late “King of Torts,” occupied for years. It’s a spacious chancellor with leather chairs, large bookcases, a collegial round table, and honors on the walls. Amid all the austere brown, the white ball with its 108 double stitches of waxed red thread almost demands to be grabbed. But Malone doesn’t keep the ball around to practice his slider.

“That’s just a reminder for me to always keep my eye on the ball,” he says.

For a long time, he admits, he didn’t. He had to overcome disruptive and self-destructive behavior. “My father was always a limit-pusher, and I am my father’s son,” he says.

Like his father, who died in 2019, Malone was the rebellious son of a respected legal giant. Adam is named for his grandfather, Rosser Adams Malone, a lawyer and judge in Albany. And like his father, he pushed limits and became a great plaintiff’s attorney focusing on medical malpractice cases, racking up multimillion-dollar verdicts and settlements.

But this isn’t necessarily a “like father, like son” story.

“I loved my father,” Malone says. “He was my hero and my best friend, and I know he loved me and was proud of me. But Dad was not always easy to work for, and I’m sure I wasn’t always easy to



Malone with his father in 2010. “Dad had a special talent to see through all the bullshit,” says Adam. “He had a knack for connecting with a jury, and for simplifying complex matters, communicating to them in a way that sticks.”



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work with. The longer I practiced, the easier it was to work with each other."

"The Malones are family to me, and their gifts are undeniable," says Rachel Orlandini, office administrator, who has spent 25 years working for the Malones. "It was through Tommy's example that I learned that excellence is achieved through hard work and dedication. Adam inherited a lot of his father's talent, but I've never seen anyone who could master the details like him. ... He connects with people in a way I've never seen."

TOMMY MALONE WAS A LARGE MAN

with a larger personality, and he used both to great effect in the courtroom, and at Malone Law, the Atlanta firm he founded more than 60 years ago.

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Jon Peters is a former superior court judge and longtime defense attorney who has opposed both Malones. "Tommy was more of a showman than Adam is," Peters says. "Adam has a quieter approach, more reserved. But he is equally persuasive and effective."

Malone attributes his success to the lessons he learned watching his father in action. "In his early years, he was about the only lawyer in Georgia that would take on tough cases and sue the establishment," Malone says. "He saw the bigger picture. I really appreciate the sacrifices he made early on. It's hard to make a living losing cases when you work on contingency. Lawyers today have benefitted from the shots and losses my father took."

Adam knows something about taking shots. He has exchanged blows in a ring—Muay Thai boxing is a hobby, though lately he's more interested in Ashtanga Vinyasa yoga—and in his youth nothing was more important to him than the next party.

"Formative years were challenging years," Malone says. "It was not until I quit drinking at age 23 that I realized I hadn't learned how to relate to others without a beer in my hand."

At Georgia State University in Atlanta, he managed a 3.0 GPA despite spending



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multiple nights a week with friends at the University of Georgia. In need of more discipline, he decided to finish his studies at University of North Georgia, a military college.

“Some folks see themselves approaching a cliff and turn. Some of us have to actually fall of the cliff and climb back up it,” Malone says. “That’s where I was. I went right over the cliff but landed on a ledge, and it was at that point I realized I needed to change my direction. So I made the decision to start climbing. Along the way, a lot of hands reached out and I was able to accept help. All of that made me who I am. That’s why it’s so important to me to remember those who gave me a chance, and how important it is for me that if I ever find myself looking down on another human being it’s because I’m extending a hand to help them up.”

Malone moved to Helen, a tourist town, borrowed a mountain bike, and got a job as a waiter. Then he kept adding jobs—dishwasher, night auditor at a motel. Eventually he had five jobs and was clocking 96 hours a week.

“I was trying to get paid for every hour of the day,” he says. “I literally rode my bike to work uphill both ways, because there was a mountain valley between jobs, in rain, sleet and snow. That year in Helen, I transformed from being an irresponsible kid to a responsible adult.”

At John Marshall Law School in Atlanta, Malone worked a full-time job during the day and took classes at night. He was class valedictorian, graduating summa cum laude, and now chairs the school’s board of directors. While in school, he worked as a warrant officer and clerked with a Court of Appeals judge, “learning legal writing and research in ways that can’t be taught in a classroom.”

Before he took the Bar exam, he offered to work for free at the Clayton County District Attorney’s Office to gain trial experience (allowable under Georgia’s Third Year Practice Act). Before even passing the Bar, he was offered a chance to stay on as full-time as an assistant DA.

That’s when his father asked if he’d like to work with him. “I told him that had always been my dream. I just wasn’t sure if the timing was right,” Malone remembers. He went to a senior assistant DA for advice. “You can always prosecute criminal cases,” he was told. “You can’t always practice law with your father.”

Adam’s first case for the firm involved a 9-year-old girl who was hit by a truck and broke her leg. The only part of the trial Tommy witnessed was Adam’s closing. Adam thought it went well, his

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Malone once participated in MMA fights but lately he’s more interested in Ashtanga Vinyasa yoga.

father less so. But when the jury awarded Adam’s client \$760,000 he got his father’s seal of approval. “I won’t hesitate to turn him loose on anything now,” Tommy told the press.

As Adam kept accumulating seven- and eight-figure verdicts and settlements, he saw the larger issues, too. “Like my father, I’ve come to see this work as a calling, a way to make a difference, to bring about change,” says Malone.

Malone played a leading role in a landmark case that led to the elimination of a \$350,000 cap on noneconomic, pain and suffering damages in med-mal cases—part of a sweeping statewide tort reform law passed in 2005. Malone was representing a client who suffered injuries from a botched facelift. He argued that she deserved compensation beyond the imposed limits and a jury agreed with a \$1.265 million award. That sum was later upheld by the Georgia Supreme Court, which, in 2010, ruled unanimously that capping damages violated the constitutional right to a jury trial.

“This law had put a muzzle on the mouth of juries and allowed politicians to predetermine what the outcome of cases should be,” Malone says. “It had to be changed.”

Malone has often thought that case would make a good movie. He’s had the same thought about a \$24.5 million record verdict for a 14-year-old football player in Albany whose broken leg was unnecessarily amputated.

“Remember in *The Verdict*, there was the nurse who knew the truth of what had happened but disappeared?” says Malone, referring to nurse Kaitlin Costello, a key witness discovered midtrial in the 1982 Paul Newman film. “Well, in our case, there was a nursing student who had been present, but she’d left the hospital because she was no longer a student, and nobody had ever spoken to her.”

Malone found her in Columbus, Georgia, now a full-time nurse. She had a handwritten diary of what had happened in the Albany hospital, and her testimony contradicted what other nurses—witnesses for the defense—said.

“You could see the jury seething, because they knew they’d been lied to,” says Malone. “But we had our own Nurse Kaitlin, and we let the jury know it. ... We knew we had the truth on our side.”

IN THE LAST SEVEN YEARS, Adam Malone has recovered more than \$280 million for his clients. "The vast majority of that money has been used to supply essential medical services, medical supplies, therapies, and round-the-clock care for our clients in order to restore some measure of the quality of life taken from them by negligence,"

he says. He teaches legal seminars, mentors law students, and serves on the Foundation Board for the Shepherd Center, the nation's leading rehabilitation hospital for brain and spinal cord injury survivors.

The last case the two Malones tried together was in August 2011, shortly before Tommy was diagnosed with cancer.

The firm was seeking compensation in the tens of millions of dollars for the family of a neurologically impaired baby, claiming a brain injury was caused by a failure to perform a cesarean section. The defendants were the obstetrician, his practice group, and the hospital, and the trial ended in a hung jury, tending toward the defense.

Dan Huff, the defense attorney in the case, has known the Malones for more than 20 years. "Both were extremely client-focused, great advocates in the courtroom," Huff says of the Malones. "Tommy was more plainspoken, matter-of-fact, sometimes emotional, and could speak in generalities. Adam is much more of the detail-oriented advocate, focused on the facts, making very precise arguments. Very different, but equally effective."

After they reached a settlement agreement with the hospital for a large sum, they went to trial against the doctor, who had \$4 million in medical malpractice insurance, according to Adam. The litigants had a high-low agreement in place. The plaintiffs would collect \$1 million if they lost, \$4 million if they won.

They got another deadlocked jury. That's when Adam learned a lesson in restraint from his famously demonstrative father. Neither side wanted to try the case a third time, so Tommy had a suggestion in the event of another hung jury. "Dad told Dan Huff, 'If most of the jury is in your favor, you'll pay the low; if the majority is on our favor, you'll pay the high.' In short order, we had an agreement," Adam recalls.

He adds: "Many lawyers would have insisted that the judge order the jury to keep deliberating. Our discussions with the jurors afterward revealed they would have reached a verdict for some number between \$15 million and \$25 million. That kind of verdict would've been like a trophy, but it would've been meaningless since we could not have recovered more than the \$4 million insurance limit. Dad did the right thing and took care of our client."

Malone pauses. "He didn't realize this, but Dad taught me well when he didn't know he was teaching me." ^{SL}



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