

## ***IN THE NEWS.....***

- Dale Markland recently authored an article, *Consequences of Non-Compliance with Medicare Secondary Payer Acts*, warning corporate compliance officers, in house counsel, and outside counsel that, in handling personal injury claims and litigation involving Medicare eligible claimants, they must fully comply with the requirements of the Medicare Secondary Payer Acts – or face grave consequences. The article can be found on the Corporate Compliance Insights web site. [Read the article in its entirety.](#)
- Markland Hanley has a new suggested alternative fee arrangement that has generated significant interest among clients. If you are interested in learning more about this suggested alternative fee arrangement, please visit our [Innovative Fee Arrangements](#) webpage.
- Markland Hanley recently **obtained summary judgment** for its client on the eve of trial in a **multi-million dollar Texas products liability** case pending in state court in Harris County, Texas. The case involved an accident in which the left forward drive axle shaft and attached wheels and tires from a heavy truck came off the truck, bounced down a major highway in Houston and struck the deceased's windshield, fatally injuring him. The products liability claim was filed by counsel on behalf of the widow of the deceased, who was pregnant with their third child at the time of the accident, and his two young children and by separate counsel on behalf of the deceased's mother. The deceased man was a chemical engineer by profession and was 41 years old at the time of his death.

The owner/lessor/maintainer of the heavy truck filed a cross-claim against the truck manufacturer client of Markland Hanley for contribution and indemnity based on products liability claims. The user of the tractor and its driver also filed a cross claim against the truck manufacturer client of Markland Hanley for contribution based on products liability claims. Prior to trial both sets of plaintiffs and the owner/lessor/maintainer of the tractor dismissed their claims against Markland Hanley's client. After three years of litigation, on the Friday before the Monday trial was set, the District Court in Houston, Texas granted Markland Hanley's client's motion for summary judgment related to the contribution claims of the remaining cross-plaintiffs/co-defendant and subsequently also ordered the defeated cross-plaintiffs to pay a portion of Markland Hanley's client's taxable costs of court.

- Markland Hanley also recently obtained for its clients, in an unrelated products liability case, a settlement under which Markland Hanley's clients paid absolutely nothing in exchange for the clients' agreement that they would release the plaintiff and cross-defendant and pay for their own court costs. In exchange, the Markland Hanley clients

obtained a full release of liability from plaintiff and cross-defendant on all of their claims against those clients.

- **Dale Markland**, a partner in the firm, **was recently selected for inclusion in the *Texas Best Lawyers 2010* edition** in the field of Products Liability Litigation.
- **Dale Markland**, a partner in the firm, **has been selected by his peers for inclusion in the 2010 edition of *The Best Lawyers in America*** in the specialty of Product Liability Litigation
- In the fall of 2009, Markland Hanley **settled a daycare facility malpractice lawsuit for \$ 1,200,000.00**. The firm filed the suit on behalf of a mother and her toddler after the young child sustained a broken arm while under the care of the defendant daycare facility and subsequently failed to inform the mother of the accident. The case was settled on the eve of trial.
- Additionally, **two outstanding young associates, Adrienne Russell and Michael Wang, have joined the firm. Ms. Russell** graduated with honors from the University of Texas School of Law in 2007, where she was the recipient of a President's Endowed Scholarship in Law. Prior to joining the firm, Ms. Russell completed a two year judicial clerkship in the United States District Court for the Western District of Texas. Ms. Russell joined the firm in August of 2009. **Mr. Wang** graduated with honors from the University of Texas School of Law in 2009. He was the recipient of the Robert S. Strauss Endowed Scholarship in Law and served as Associate Editor of the Texas Review of Litigation. Mr. Wang joined the firm in January of 2010.
- A third future young associate, **Aaron Martinez**, has accepted the firm's offer to join the firm in 2010. **Mr. Martinez** received a Bachelor of Arts in Government with High Honors from the University of Texas at Austin in December of 2006. Before returning to complete his studies, he served his country as a member of the United States Army, 285th Engineering Company, on the ground in Iraq. He expects to receive his *Juris Doctor* from the Southern Methodist University, Dedman School of Law in May of 2010 and to begin the practice of law as soon as he passes the Bar examination.
- And, finally, Markland Hanley **was recently honored by its client, Navistar, Inc., with the company's *Law Department Diversity Recognition Award***. The award, given annually to only one firm with under 250 attorneys, recognizes law firms that have made a strong and successful commitment to promoting diversity in the workplace.

Thank you for taking the time to catch up on recent developments at Markland Hanley.

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