



Suing Wal-Mart: Personal Injury and Medical Malpractice Attorney Scott Schlesinger

[By Mary Waldron]

With a family of attorneys and a father who made his mark as one of the country's most successful personal injury and medical malpractice attorneys, it's no surprise that Scott Schlesinger became an attorney. Carrying on the legacy, Schlesinger has also built a meaningful reputation in the business through his aggressive and persistent work on cases.

An interest in the law was embedded in Schlesinger when he was very young. Even at the age of five, he was already immersed in the inner workings of his father's Florida-based firm, the Law Offices of Sheldon J. Schlesinger, P.A. He would continue to expand his experience and knowledge throughout the years.

"I clerked in the summers, saw trials, photographed scenes...I just learned it because I was so active," he says.

Because his father specialized in injury and medical-related cases, Schlesinger developed an interest in that area. This encouraged him to study biopsychology at Brown University. Once he finished his undergraduate education, Schlesinger went to the University of Florida, where he earned his law degree in 1984.

You could say that Schlesinger had a pretty smooth transition into his legal career. He started at his father's firm immediately after graduating and passing the bar exam. And after more than 20 years at his father's firm, Schlesinger is on his father's trail, quickly becoming a sought-after personal injury and medical malpractice attorney.

With a selective standard for choosing cases, Schlesinger thrives on "picking the right one at the right time." One "right" case came

last August when the parents of 15-year-old Samantha Safranek approached Schlesinger about their daughter contracting a dangerous strain of *E. coli* from a hamburger patty manufactured by Topps Meat Company and sold at Wal-Mart.

According to Schlesinger, the U.S. Department of Agriculture tested the remaining patties in the box and discovered the same strain of *E. coli* that had been found in tests on Safranek.

"We treated it like a five-alarm fire," says Schlesinger.

Q. What do you like to do in your spare time?

A. I race cars, and I also ski.

Q. Throughout your lifetime, what movie have you watched the most?

A. *The Godfather*.

Q. What CD is in your CD player right now?

A. The Red Hot Chili Peppers' *Stadium Arcadium*.

Q. What is your favorite flavor of ice cream?

A. Ben & Jerry's Chocolate Chip Cookie Dough.

Q. If you had an extra hour in the day, what would you spend it doing?

A. Hanging out with my kids.

Safranek's parents were very concerned about the public's safety and health after their daughter nearly died from the bacterial infection and wanted to get the word out and responsible party held accountable.

"They were bright, articulate, and collaborative," Schlesinger says of the Safranek family's involvement in the case.

The same day the family came to him, Schlesinger sent out certified letters to both Topps and Wal-Mart, warning them of a potential *E. coli* outbreak linked to their contaminated meat. Neither company responded to the letter or issued a recall immediately.

"We discovered it. We reported it. They gave us no information, but we kept pushing," Schlesinger says of his quest to alert the public.

"If you call in an *E. coli* case from a hospital, that still isn't enough to discuss a recall. The FDA has no authority to order a recall. The meat company has to agree with the FDA to issue a recall. The companies in this country look at people as expendable," adds Schlesinger, who admits he eats little red meat after his work on *E. coli* cases.

Finally, on September 26, 2007, about a month after Schlesinger started his work



on the case, what the Safranek family and Schlesinger had tried to prevent happened.

"People got sick. Three hundred thousand pounds of meat were recalled, and the number grew. We told them all along," he says.

Soon after, Schlesinger's case was catapulted into the media spotlight. With at least 40 cases arising from the bad meat that was sold, along with the widespread media coverage, Wal-Mart and Topps were in trouble.

Schlesinger went up against Wal-Mart in the case since the company sold the bad meat. Shortly after, the Topps Meat Company filed for bankruptcy and went out of business.

As a result of the case, the USDA has updated its usual practices for handling

initial *E. coli* cases. President Bush also recently expanded the authority of the FDA to issue recalls without the consent of manufacturers.

Looking back on his legal career, Schlesinger only has one real mentor who has helped mold him: his father, Sheldon Schlesinger.

"He's smart, hardworking, dedicated, and widely admired. I was just lucky to be nearby," he says. "I get to walk in the footsteps of someone who is a giant in the field. Every day, there's something he says that I haven't thought of — he knows the best ways."

With this, Schlesinger encourages young attorneys and law students not to be "wage slaves."

"You have to be independently motivated. Don't give me an excuse why you will fail," he says.

"Being a lawyer is about being creative. Law is a lump of clay; you can do as much as you want."

ON THE NET

The Law Offices of Sheldon J. Schlesinger, P.A.

www.schlesingerlaw.com

Wal-Mart Statement on Topps Meat Recall

www.walmartfacts.com/articles/5323.aspx

U.S. Department of Agriculture

www.usda.gov/wps/portal/usdahome