

A Woman of Accomplishment

It was a great delight to present Barbara Axelrod with the George F. Douglas, Jr. *Amicus Curiae* Award from the Pennsylvania Association for Justice. Both George Douglas and the award have always been special to me, because of my own history. I asked, at the meeting, how many people actually knew or had ever met George Douglas, and only one hand went up. That was even more of a surprise than I expected.

I met George Douglas not long after Joe Quinn appointed me to fill a Board vacancy. In those days, seating was actually arranged. Since I was from the Middle District, I sat next to a person from the Middle District and, in this case, it was George Douglas. George Douglas was a charming, honorable man and a well-known defense lawyer. His major client was State Farm Insurance, and we even had a few cases against him.

In the old days, when *Amicus Curiae* Award winners were selected, we would talk a little bit about George Douglas. In this case, there is great similarity between the integrity, deportment and skill of George Douglas and the current honoree.

The other reason why this award is so special to me is that, after the death of George, the trial lawyers were looking around for a way to honor this great intellect and marvelous personality. It was I who suggested we name the *Amicus Curiae* Award after him, which is something he would have appreciated tremendously. The rest is history.

George, like our honoree, knew how to get along with people. He had no trouble sitting on the Board as a defense lawyer. Likewise, our honoree has the same skillset and moral compass possessed by very few.

George, like our honoree, was discrete, thoughtful, kind, and intellectual.

Our honoree is someone I came to know very well by virtue of her work on the Pennsylvania Supreme Court's Standard Jury Instruction Committee. I first went on that Committee at the behest of Jim Beasley, Sr. Thereafter, I worked closely with our honoree. She is the kind of person who, when she speaks, "words come out", to quote an old saying from my mother, may her soul rest in peace.

All the CV stuff, our honoree was too modest to tell me about, but thanks to the internet I found out the obvious.

She is a member of the Beasley Law Firm, LLC. She is a Super Lawyer, a graduate of Villanova University School of Law. She lists herself as an appellate lawyer. After graduation from Villanova, she worked for the City of Philadelphia's Law Department from 1977 to 1989, rising to Divisional Deputy Solicitor. She was a participant in the Myrna M. Marshall Moot Court Competition. She has served as Chair

of Philadelphia Bar Association's Appellate Courts Committee. No doubt, there are many other items in her CV, which I just did not happen to put my hands on.

You are all aware of our honoree's work on various cases. She has been a member of PAJ's *Amicus Curiae* Committee since at least 2009.

Some of her work includes the following:

1. *Wert v. Manor Care of Carlisle*. She wrote the *amicus curiae* brief in this case at 124 A.2d 1248 (Pa. 2015). I talk about this case at every Annual Update and Medical Malpractice Update. Arbitration in that case was required to be performed before the National Arbitration Forum. The Supreme Court held this was not appropriate arbitration.
2. *Tayer v. Camelback Ski Corp.*, 8 A.3d 299 (Pa. 2010). This was a case for her own firm. She argued that it was unconscionable to enforce a waiver of liability in the face of reckless or gross negligence. The court agreed as to recklessness, but did not reach the issue of whether the waiver was enforceable in the face of gross negligence. However, nine years later, when this issue arose in *Feleccia v. Lackawanna College*, 215 A.3d (Pa. 2019), our honoree jumped at the chance to work on this. The court held that the release of liability as to gross negligence is unconscionable and will not be enforced.
3. *Lageman v. Zepp*, 266 A.2d 572 (Pa. 2021). This is one of the most important cases that I have seen in the Pennsylvania Supreme Court, especially for those who do medical malpractice. The question was whether the trial court erred in refusing to give a *res ipsa loquitur* charge where the plaintiff had pled both negligence and *res ipsa* and presented evidence on both. The Court concluded that so long as the elements on both direct and *res ipsa* are satisfied, both can go to the jury. The Court, in footnote 10, noted that it has long been the law in Pennsylvania that a plaintiff has no obligation to choose one theory of liability to the exclusion of another. The Court wrote in that footnote that this bedrock principle was largely unobserved by the parties, but thanks to our honoree, it was in the *amicus* brief and relied upon by the Court.

Our *Amicus* Committee does a lot of work where cases wind up being settled. There is a long list of cases where our honoree wrote briefs, but the parties had the indecency to settle. She is not only involved in reviewing *allocator* grants, but she gives substantive responses, usually citing cases and giving good reasons that show a deep commitment to the law and to her colleagues.

I have witnessed our honoree at many SJIC Committee meetings, where the atmosphere can get heated and sometimes the judges do not always treat each other

well. Nevertheless, I have never seen our honoree lose her cool, and she treats everyone with respect, regardless of their point of view. Sometimes she even disagrees with me.

Our honoree and I are both working on an important case that will be heard by the Supreme Court, the *Sullivan* case, involving introduction of industry, OSHA, and other standards into post-*Tincher* strict liability cases. Working with our honoree is a great honor, and requires one to be very prepared.

Being a decent, well-grounded person is just as important as being a great lawyer; most would say more important. There are few people who satisfy this construct, but our honoree is one of them.

I can tell just looking at her, that our honoree is nonplussed and maybe even embarrassed to receive such praise. That is another reason why she deserves it.

In Hebrew, we talk about an Eshet Chayil, which, translated, means *A Woman of Accomplishment*. Our honoree is, without question, that *Woman of Accomplishment* and has been a great credit to her profession.

Ladies and gentlemen, I give you, this afternoon, our honoree of the George F. Douglas, Jr. *Amicus Curiae* Award: Barbara Axelrod.

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