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Attorney relives Poppel v. Metra on 1-year anniversary

When standing in the courtroom on Feb. 27, 2009 as the jury came into the room, I had that feeling that is known only by trial lawyers waiting to receive a jury verdict. Maybe it was best summarized by my co-counsel at a trial in St. Louis a couple of years ago. As jurors filed into their seats in the jury box, he leaned to me and whispered, "It's a rush, isn't it?"

I've never really known what to do when the jury walks in. They have reached their decision, so there is no more influence that can be imparted on the jury. Should I try to make contact with a couple of jurors to get a sense of the result? In the past, I have done so and learned that it is probably more misleading than helpful.

The foreperson is instructed to sit in the first seat in the front row and the verdict form will be the only piece of paper in his or her hand. If it is a verdict for the plaintiff -- my client -- then it will have many lines of writing on it with specific dollar amounts awarded for the different elements of damages (medical bills, lost earnings, pain and suffering, etc.). If it is a verdict for my opponent, then it is usually a form with just one sentence: "We, the jury, find in favor of the defendant and against the plaintiff."

I have often tried to peer across the courtroom and see how much ink is on the piece of paper held by the foreperson. If there is a lot of writing, then I breathe a sigh of relief. The only remaining question is how much money was awarded. If it is the one sentence verdict form, that means we have lost. My next task is to maintain my composure, accept the unfavorable result in a professional manner, congratulate my opponent, and thank the judge and jury members for their service.

But everything about the case of Poppel v. Metra had been different than any other case I had been involved in. Why shouldn't receiving the jury verdict be different as well? Renea Poppel was a 25-year-old single mother, 13 weeks pregnant with her second child, when she boarded a Metra train near Midlothian to ride to downtown Chicago to go to work early one Saturday morning in September 2005.

As the train approached the city, it encountered a track crossover, designed to move the train from one track to another. The speed limit for going through such a crossover is 10 mph. This Metra train was traveling 69 mph. As a result of hitting the crossover at such an excessive speed, the train violently derailed, and Renea Poppel was catastrophically injured. She suffered lacerations to her hand and arm which almost amputated them, several broken bones in the pelvis, spine and face, and most importantly, a severe traumatic brain injury.

Through heroic rescue efforts and top-notch medical care, Renea's life was saved. Perhaps more incredible, her unborn child also survived. For more than three months, Renea remained in a coma as her unborn child continued to grow inside her.

Then, in January 2006, Renea's second child, a daughter, was born by caesarian section. Weeks later, Renea awoke from her coma, and for the first time, met her daughter. In keeping with a birth which can only be described as a miracle, Renea Poppel's daughter was named Faith.

Months of hospitalizations, surgeries and rehabilitation followed. Renea was eventually discharged to her parent's home, where she still lives and continues to receive regular physical therapy and occupational therapy. Renea has been declared disabled. Because of her brain injury, she suffers from a condition known as ataxia which causes weakness and incoordination of her muscles. Accordingly, most of her time is spent in a wheelchair.

Her eyesight is so poor that she has been called legally blind. Her vocal cords have been damaged to the point that her speech is difficult to understand. And maybe most significantly, the brain damage has resulted in a condition called executive dysfunction, which deprives Renea of the ability to adequately and safely make the ordinary daily decisions of life.