

Navigating the World of Personal Injury from a Fourth Generation Perspective

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Believe in me because of who I am, not the generations that have gone before me. Allow me to introduce myself: I am Leah Edelstein, Esquire—a fourth generation, Philadelphia-born trial attorney. For some of the readership, you may recognize the name depending on how long you have been practicing. Before I tell you more about myself, join me in looking back at the Edelstein history, rich with culture, family values, advocacy, and the type of stuff that builds firms—*chutzpah*.

Let me begin by saying that my great grandfather, Nathan L. Edelstein, Esquire, actively practiced law in Philadelphia for 70 years from the time he was admitted to the bar in 1928. Nathan, a graduate of Penn Law, specialized in real estate and corporate law at a time before personal injury truly emerged. In other words, Nathan never had the opportunity to practice personal injury and lived to see his 99th year on this Earth—perhaps there is a correlation. Nathan was just getting started in the very same year that May Donoghue found a decomposing snail in her ginger beer. *Donoghue v. Stevenson* [1932] AC 562 (26 May 1932). Although *Donoghue* regrettably brings us all back to law school, it is arguably the most pivotal personal injury case in history, establishing the concept of the duty of care owed to plaintiffs and negligence as a tort with remedies under the law. In addition, *Donoghue* first recognized that the principle of negligence extends beyond just the immediate parties involved—an acknowledgement that not only paved the way for a much broader range of recovery but also a recovery against *all* responsible parties. While these concepts may not have directly affected Nathan’s practice, he was for the people, evident by a career fighting

discrimination in hiring and housing while also serving as Chair of the Philadelphia Commission on Human Relations from 1956 to 1962.

Now, my grandfather, Edward L. Edelstein, Esquire, was a firm-builder by day and the human personification of Mickey Mouse by night. Ed, also a Penn Law graduate, followed in Nathan's footsteps and began practicing in 1955. He went on to serve as a principal at Goodis Greenfield Henry & Edelstein before ultimately establishing Margolis Edelstein in Philadelphia over 50 years ago. Still, while the area of personal injury was expanding at the height of my grandfather's career, personal injury lawyers were not quite there, which planted him in the defense bar with more foundation to represent defendants with deep pockets capable of affording an attorney.

Although *Donoghue* welcomed a wider array of personal injury litigation, limitations on advertising legal services were stifling to what accessible counsel could mean for the injured, most prevalent among the middle class: "ineligible for public assistance and unable or unwilling to pay for exorbitant lawyer's fees, they are left out in the cold to fend for themselves." George C. Harris and Derek F. Foran, *The Ethics of Middle-Class Access to Legal Services and What We Can Learn from the Medical Profession's Shift to a Corporate Paradigm*, 70 *Fordham L. Rev.* 775 (2001). The first major legal needs study by the American Bar Foundation in 1974 analyzed the discrepancy between two-thirds of the adult population requiring legal services and the minuscule amount of people that sought out those services. Not surprisingly, the study revealed significant barriers to retaining counsel, such as not knowing how to find a lawyer and not believing one can afford a lawyer. If you have ever come across a billboard while battling off Philadelphia traffic—and I know you have—you probably know what happened next. In 1977, the Supreme Court of the United States upheld the right of lawyers to advertise their services, challenging the American

Bar Association's ("ABA") total ban on the advertisement and solicitation of legal services in 1908. *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

To that I say, "Nobody likes a lawyer until they need one." This is where I thank the ABA for giving all of us lawyers a chance at being liked by responding to the demonstrable need for making legal services accessible to the ordinary plaintiff. Eventually, the ABA's Model Rules of Professional Conduct in 1983 permitted attorneys to advertise services and address the needs of the catastrophically injured within the largest sector of the population. This new development, along with the rise of the Internet during the 1990s, exemplified what I call "the cause"—the commitment to help those who are harmed and cannot help themselves.

Boom. That is the sound of personal injury litigation exploding, and you may be thinking, "Where does Ed Edelstein fit into all of this?" Well, I will start by saying that my grandfather, albeit his role within Margolis Edelstein, was not a defense attorney per se. Rather, Ed was an entrepreneur and key player to civil litigation in Philadelphia, and if you had the pleasure of knowing my grandfather, you know that this is where he was his happiest. Known as a longtime mediator and judge pro tem, Ed was the guy you went to when you needed someone to do the right thing, and any time you hear of the Day Forward Program, which significantly reduced Philadelphia's civil backlog ripe with personal injury lawsuits, know that Ed was responsible. Just like his father, Ed was for the people, and if you knew him, I am sure you agree.

Cue the third generation and my father, Jay L. Edelstein, Esquire, founding partner of Edelstein Law, LLP. My dad began practicing at Margolis Edelstein in 1979 after graduating from Widener, despite Ed's pleas for him to pursue plaintiffs' work—I told you Ed was not a *true* defense attorney, although a very good one if I do say so myself. Since my dad defied his father's advice, now is as good of a time as ever to tell you that this is where I got my hard head, but my

dad is not a true defense attorney, either. He may not have listened to his father, but he listened to his wife. Smart man.

My mom, Maria Guidotti Edelstein, is a South-Philadelphian with big values and an even bigger heart, and the story of my father's career—and mine—is wholly incomplete without her. Maria Guidotti was, and is, for the little people, so it was no surprise when she introduced my dad to plaintiffs' personal injury work, singlehandedly building and dedicating *half* of his practice at Edelstein Law to the catastrophically injured through new means of technology and rise of social media. I spent a good portion of my childhood inside the walls of a law firm mimicking my mom's every move and following her around with my Toys R Us briefcase, fake cell phone, and legal pad for all that important work I had at age 7. My mom may not have been in the courtroom, but she instilled in me that which cannot be taught through law school or the bar exam—empathy, courtesy, and the importance of not just hearing but *listening*.

Now I know you are probably asking yourself, “A millennial who knows how to listen?” I am aware of what is said about my generation and cannot completely disagree, but being an Edelstein now when personal injury litigation has finally found its place among a sea of complex rules and regulations sets me apart from what you think you may know. I want to make people feel like I can change their lives, and I am here to remind all, new *and* seasoned members of the bar, to listen. Personal injury has presently evolved into something beautiful where we, as attorneys, get to be more than just an ear; we are advocates. Clients come to us at the lowest point in their lives, and it is never about compensation or recognition. Rather, it is about the metamorphosis from the time you first meet your client until you find them on the other side of trial—changed for the better when they initially believed they were changed for the worse. I cannot stop anyone from

seeing me as a young, millennial attorney, but I will spend every day of my career hungry to prove otherwise and touch many, many lives while I am at it.

So you see, I got my work ethic from Nathan. I got my entrepreneurialism from Ed. And well, I am a fighter, just like my dad. I also got the highest degree of ethics from all three, but I am really an attorney because of my mom. They say it is in the blood, and these roots ground me into breaking the mold because I believe in the cause of personal injury and catastrophic loss. I have moxie. I am also humble and eager to learn. Yes, I am an Edelstein, but most people when they meet me will agree there is no one else like me. I know I have big shoes to fill, but I intend to fill them.

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