

**Nicole Leah Judge**  
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Education:

**Grissom High School**, Huntsville, Alabama. Advanced Degree, 1989

**Birmingham-Southern College**, Birmingham, Alabama. Bachelor of Arts Degree,  
Economics/International Business, 1993

**Universita D'Urbino**, Urbino, Italy. International Degree in Italian Language and Culture,  
1992

**Cumberland School of Law of Samford University**, Birmingham, Alabama. Juris  
Doctorate Degree, 2000

Professional  
Experience:

**Emond & Vines**, Birmingham, Alabama. Legal Assistant/Paralegal, 1993-1995  
Responsibilities included researching standards and literature related to product liability claims; locating expert witnesses; meeting with clients; preparing animated computer presentations for purposes of mediations and trials; obtaining corporate profile reports; drafting pleadings and discovery documents in personal injury cases; and performing general case preparation as needed.

**Hogan, Smith & Alspaugh, P.C.**, Birmingham, Alabama. Law Clerk, 1997-2000  
Tasks included full time work during law school completing summary judgment and appellate briefs in state and federal venues; preparing files on every level from an initial evaluation to trial; attending and taking depositions; arguing motions in state and federal courts; preparing and attending mediations; and assisting in trials. As a clerk, involvement primarily focused on personal injury, premises liability, tractor-trailer and automobile collision cases with some medical malpractice and product liability experience.

**Pittman, Hooks, Dutton & Hollis**, Birmingham, Alabama. Law Clerk, [1998 (3-5 months)]  
Responsibilities mainly included summarizing depositions and performing research in a large medical device product liability suit.

**Smith & Alspaugh, P.C.**, Birmingham, Alabama. Lawyer, 2000 - Present  
In addition to the areas in which are mentioned above, the areas of specialty during this time frame, included, but are not limited to the following:

### Tractor-trailers, etc.

Obtained one of the largest single wrongful death settlements upheld in the State of Alabama, which was tried to closing arguments in the Southern District Federal Court in Alabama. The settlement was \$7.5 million, with the trucking company, trailer owner and compliance inspection entity all contributing to the settlement.

Participated in attaching ICC statutory liability on tractor-trailer owners that attempted to escape liability when the operator was not acting in the line and scope of duty.

Reached a successful settlement in holding a manufacturer of a tractor liable for not including a spot mirror on the right front quarter panel or a side window in the passenger side door of the tractor so as to avoid collisions with vehicles traveling in a known blind spot for the operator of the tractor. Both safety devices were offered as optional equipment to the consumer, but not required by regulations or law.

Most all of the numerous tractor-trailer cases, primarily involving negligent and/or wanton conduct resulting in wrongful death, settled at or before trial.

Participated in preparing and developing school bus case where driver, allegedly incompetent to operate a commercial vehicle due to age and health history, caused the bus to overturn on field trip from Jefferson County to Chattanooga, Tennessee. Our client was pinned underneath bus resulting in severe crushing of her pelvis, legs, tissue and genitals. The work generated in the case resulted in a substantial settlement for the young lady, who recovered remarkably well.

### Product Liability

Participated in the settlement of automobile crashworthiness cases involving roof crush; handling and stability; seat back failures; lack of adequate side beam protection; air bag defects; sudden acceleration; lack of electronic stability control and anti-lock braking systems; lack of adequate protection in the occupant areas of vehicles; improper placement of fuel lines; among many other motor vehicle defects. The main defendants in these cases are Ford, General Motors, Chrysler, Toyota and Honda.

Other product defect cases have included bicycle component parts; chairs; farm equipment and lawnmowers.

### Medical Malpractice

Prepared medical malpractice case involving the failure to diagnose fetal distress and the improper treatment of meconium in the infant's airway resulting in meconium aspiration syndrome and ultimately, cerebral palsy. The case settled prior to trial against Jackson Hospital in Montgomery and the treating physician.

A medical malpractice case settled prior to trial in Jefferson County for allegations

of improperly performing a LASIK procedure on a local attorney resulting in permanent loss of control of movement and vision of the eye.

Reviewed, prepared and participated in *numerous* medical malpractice cases that were pending; voluntarily dismissed or resulted in settlements or defense verdicts.

#### Appellate Work

Successful in overturning current Alabama law related to a workers' compensation carrier's right to receive subrogation for medical benefits paid on behalf of an employee as a result of an employment-related collision prior to death. The Supreme Court of Alabama, on a certified question from the district court, reversed prior precedent and held that the carrier, as an intervenor and third party plaintiff, had no greater rights than the plaintiff's estate, who was not allowed to recover medical benefits in a wrongful death case. The case immediately settled upon receipt of the Court's decision.

In interpreting the then-new venue statute, the Supreme Court of Alabama, reversing the lower court's determination, found that the place where the accident occurred constituted a substantial part of the events to subject a defendant to stand trial there, even though no other contacts with the venue existed. The case, pending in a venue favorable to the plaintiff, settled shortly thereafter.

After a 9-0 ruling dismissing a medical malpractice case for failure to prosecute by the parties, the Supreme Court of Alabama reversed itself 9-0 on a motion for rehearing by the plaintiff and reinstated the case, resulting in settlement.

A house fire case resulting in the death of a child, originally handled by another law firm, was dismissed on summary judgment on eight separate counts against three defendants, including the manufacturer, power company and contractor. The appeal was successfully reinstated and created a new cause of action for negligence in failing to perform a proper inspection when undertaking to perform one.

Another case on appeal involves federal preemption in a product liability case regarding with automobile safety restraint systems, namely protection of an occupant in a front center seat position, but extends to the entire realm of this issue in product liability cases.

#### Other Areas of Practice

In preparation and resolution of cases, other areas of the practice of law are routinely involved, including workers' compensation, probate, social security and subrogation issues. Assisted with medical device and pharmaceutical litigation, asbestos and nuisance class actions.

#### Memberships:

Alabama State Bar Association; Alabama Trial Lawyers Association; American Bar

Association; American Association for Justice; Attorney Information Exchange Group; Birmingham Bar Association; Supreme Court of Alabama; Alabama Civil Court of Appeals; United States District Court for the Northern, Middle and Southern Districts of Alabama; and the United States District Court for the Sixth and Eleventh Circuits

Personal:

I am dedicated to continue to represent clients in a professional and productive environment which will benefit both the client and the firm. I have skills and experience that will allow me to learn and practice different areas and aspects of the law and welcome any new challenges.