

Contact: Fichera & Miller, P.C.
415 N. LaSalle St., Suite 301
Chicago, IL 60654
312-673-2222
alex.hattimer@ficheramiller.com

CHICAGO LAWYERS FIGHT FOR THE LEGAL RIGHTS OF MILITARY SERVICEMEN AND WOMEN

January 23, 2012, Chicago, IL: *Chicago personal injury attorneys, Fichera & Miller, call upon the United States Supreme Court to overturn the 60-year-old Feres Doctrine and preserve the rights of servicemembers and veterans*

Today, Fichera & Miller petitioned the United States Supreme Court to preserve the rights of military servicemembers by correcting an earlier decision that barred servicemembers from collecting damages from the United States Government for personal injuries that occur while on active duty but not engaged in combat.

Over the last 60 years the *Feres* doctrine – a judicial interpretation of the Federal Tort Claims Act - has been progressively more broadly interpreted. *Feres* has been expanded to bar claims of servicemembers injured in the course activities that have nothing to do with their military services. The overly broad interpretation of *Feres* has dismissed the claim of a servicemember injured when he fell out of defective dormitory window, a servicemember who was exposed to toxic chemicals in his base apartment, or a young soldier who died as a result of medical malpractice at a VA hospital. “Now is the time, when thousands of troops are returning from Iraq and Afghanistan, for the Court to correct this horrible injustice,” said Alexander Hattimer, an attorney petitioning the United States Supreme Court to hear this case.

Fichera & Miller represents the family of Navy Corpsman Christopher Purcell, who in 2008, at age 21, while stationed at Brunswick Naval Air Station, committed suicide. Base security was called to Purcell’s apartment in time to save him but breached their own procedures and removed his restraints allowing him to pull a gun from his waistband and kill himself. The Navy’s internal investigation and a subsequent congressional investigation both found the Navy was negligent in responding to Purcell’s suicide attempt. The responding officers were punished but the Navy was not required to compensate the Purcell family. Despite the clearly negligent acts and omissions leading to Purcell’s death, the Northern District of Illinois and 7th Circuit Court of Appeals dismissed this case in accordance the ever-expanding *Feres* doctrine.

“This case presents the Court with an opportunity to either craft a clear definition of incident to service that can be evenly applied by the circuits or overturn the *Feres* doctrine entirely and follow the Federal Tort Claims Act drafted by Congress” Hattimer argues, “The *Feres* doctrine violates servicemembers’ constitutional right to equal protection under the law and must be overturned.”

Fichera & Miller is standing up for the rights of our soldiers, sailors, and veterans. “The *Feres* doctrine must be overturned in order to preserve the rights of servicemembers in the courts. The Supreme Court cannot continue to ignore the *Feres* doctrine as it endures withering criticism from federal Appeals Court Justices, Supreme Court Justices, and scholars,” says Howard Miller, managing partner at Fichera & Miller.

Fichera & Miller is a renowned Chicago personal injury law firm representing clients in all types of personal injury, medical malpractice, and wrongful death litigation. The trial lawyers at Fichera & Miller have over 100 years combined experience in personal injury litigation and have tried over 200 cases to verdict. Please contact the firm at (312) 673-2222 or visit www.ficheramiller.com for more information.