



Jennifer Martin: A Hero's Trial Story

Fighting Discrimination at the State Highway Patrol Cadet School

by Susan Evans

Attorney **Robert Zaytoun** was nominated for the 2016 Kellie Crabtree award by the North Carolina Advocates for Justice, due to his outstanding representation of Jennifer Martin in a discrimination case against two trainers of the State Highway Patrol (SHP). In the case, Ms. Martin alleged that the conduct of the trainers caused a minor pre-existing hairline fracture, which could have healed with rest, to become a serious displaced hip fracture requiring emergency surgery or placement of hardware to stabilize the hip fracture. Despite complaining about her injury at the time it occurred, the trainers forced her to continue exercising and ridiculed her for being unable to complete a strenuous workout, being unable to walk after the workout and for expressing that she was in extreme pain. The injury rendered her unable to work for several months and prevented her from graduating from the SHP's basic training program. The SHP fought Ms. Martin's workers' compensation claim for three years, and in conducting an investigation, ignored taking statements from key eye witnesses to what had happened to her. Robert, together with co-counsel Leonard Jernigan (who handled her workers' compensation claim) and John Taylor (from the Zaytoun Law Firm) successfully represented her at trial in which a verdict of \$432,000 was rendered in Ms. Martin's favor. The verdict includes an award of punitive damages.

Robert, a plaintiff's lawyer and seasoned trial advocate, has spent most of his legal career championing similar cases. He

categorizes Ms. Martin's case as one of the more difficult ones he's tried, due to the state's relentless defense which brought the case to the Court of Appeals twice on public immunity issues before it finally landed in a six week trial. At the outset, Robert found the State Highway Patrol's bias toward female cadets appalling and desired to help Ms. Martin be compensated for what had been taken from her. Like many of Robert's difficult cases, it was a terrible injustice that needed to be righted. In doing this work, Robert is ultimately driven by the potential to effectuate change at a corporate level and prevent others from continued injustice. "The cases that are the longest and hardest have the highest calling and potential impact upon your client and others," says Robert. He adds that such cases are "not for the faint of heart." He commends Ms. Martin as the real hero who could have cowered in the face of intimidation and difficulty but instead chose to stand up for herself and others, for the better good of future cadets, particularly female ones.

Robert's interest in the law initially peaked as a young boy while watching his father serve on the North Carolina State Board of Elections. In particular, Robert tagged along with his father during the summer of 1962 when members of the Board of Elections conducted an investigation and hearing in which it ultimately overturned the State Senate election in an unprecedented ruling that resulted in removing a local and very powerful political boss from the seat. The hearings un-

covered rampant voter fraud that had become deeply rooted in Madison County. It was an intense and frightening experience, due to the investigators receiving threats and intimidation which necessitated the use of body guards. Through this experience, Robert saw the inner workings of a quasi-legal proceeding and, more importantly, saw justice rendered after a long and hard road of persistence despite daunting circumstances. This sparked Robert's passion for justice and further ignited his curiosities which the practice of law continues to satiate.

Robert is presently a principal of Zaytoun Law Firm in Raleigh, North Carolina, a civil litigation and trial advocacy firm where he represents plaintiffs in cases involving catastrophic personal injury, medical malpractice, wrongful death, business litigation, torts, health care fraud and abuse, product liability, managed care and Qui Tam "Whistle Blower" litigation. He received his law and undergraduate degrees from Chapel Hill and began his legal career in Tampa, Florida in 1975 working for a civil litigation firm. He then returned to his home state and the "four seasons in NC" in 1978 where he worked as a prosecutor in Wake County for 4 years. As an assistant prosecutor, he tried over 50 criminal jury trials in Superior Court and gained valuable trial experience. During his time as a young Wake prosecutor, he would "go up to the 10th floor" in his spare time to watch outstanding civil trial lawyers like Bill Thorp and Howard Twiggs try cases. Witnessing these giants in the plaintiff bar trying cases convinced him that representing plaintiffs was where his heart and passion for the courtroom would lead him. He entered private practice in Raleigh in 1984. Since then, he has never wavered from the life of a plaintiff attorney with, he says, "all the fear and fulfillment" that comes with private practice. He sees the mission of a plaintiff attorney as empowering ordinary people to level the playing field against wealthy corporations and their well-funded defense firms through the civil justice system. He has recovered multi-million dollar settlements or verdicts in various cases over the years against national corporations, state and private hospitals, managed care companies and state agencies such as the North Carolina Department of Transportation.

Robert's advice to other plaintiff's lawyers is for them to keep their balance and not let the practice of law take down their family, friends, hobbies and outside interests. Robert further advises that in order to keep heads up on the adversary, "nobody should have better trial skills than plaintiffs' lawyers." In his estimation, the trial bar should be kept and treated as a sacred trust, lest it wither away due to the amount of cases that now settle prior to trial.

Robert has long been providing valuable and varied service to communities beyond his trial advocacy. His service to North Carolina includes being appointed to the North Carolina Health and Wellness Trust Fund Commission for three

consecutive terms by Governor Mike Easley, to the Board of Trustees of the North Carolina Symphony by Governor Easley and then later by Governor Beverly Purdue, to the Judicial Nominating Commission by Governor Perdue, and to the North Carolina Film Council by Governor Perdue. Rob-



Robert Zaytoun is a principal of Zaytoun Law Firm in Raleigh, North Carolina.

ert has also served on the Board of Directors of Farm Pilot Project Coordination, a non-profit company based in Florida that is dedicated to the development of innovative technologies to protect ground water from animal waste pollution. Additionally, his position on the Board of Directors for New Vision Renewable Energy recently brought him to the Dominican Republic to help oversee the distribution of solar light kits to needy communities.

He has enjoyed mentoring two very fine young lawyers over the past 8 years in Matt Ballew and John Taylor who each have become formidable and well-respected trial lawyers in their own careers while they "keep Robert young" in his. He hopes the three musketeers at Zaytoun Law Firm will continue to find ways to make a difference in the lives of their clients, more broadly where possible in their community and always in their profession.

When not practicing law or serving the community, Robert enjoys spending time outdoors cycling, hiking backpacking and riding his Tennessee Walker named Grizzly. Grizzly recently won two blue ribbons at the North Carolina State Fair. Robert also has a keen interest in film history and produced a feature-length independent film that was released in 2007. ♦