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SUPREME COURT DENIES LEGAL RIGHTS OF MILITARY SERVICEMEN AND WOMEN

March 19, 2012, Washington, DC: *United States Supreme Court denies petition by Chicago personal injury attorneys, Fichera & Miller, seeking to overturn the 60-year-old Feres Doctrine and preserve the rights of servicemembers and veterans.*

Today, the United States Supreme Court denied our Petition for Certiorari seeking to refine or overturn the *Feres* doctrine. The Court affirmed that soldiers and sailors are barred from filing suits that civilians can in exactly the same circumstances. Over the last 60 years the *Feres* doctrine – a judicial interpretation of the Federal Tort Claims Act - has been progressively more broadly interpreted to deprive servicemembers of their legal rights. *Feres* bars claims of servicemembers arising from “activities incident to service.” The overly broad interpretation of *Feres* has dismissed the claims of a servicemember injured when he fell out of defective dormitory window, a servicemember who was exposed to toxic chemicals in his base apartment, and a young soldier who died as a result of medical malpractice at a VA hospital. The Supreme Court refuses to correct this wrong at a time when thousands of soldiers are returning from Iraq and Afghanistan.

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 United States Supreme Court refused to hear his case and denied his claim.

Today the United States Supreme Court upheld a judge-made law that treats those who serve as second class citizens. This Court missed its best opportunity to refine the *Feres* doctrine in a way that is supported by public policy. As a result of this decision many more servicemembers injured in situations completely analogous to civilian life will be unable to achieve justice in the courts. The United States military can continue mistreat soldiers and sailors with almost complete immunity from civil suits.

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.