



**LEGAL MALPRACTICE--IMMIGRANT WRONGFULLY INCARCERATED FOR TWO YEARS**

(ZZ 42/1) *Yongping Zhou v John Z. Huang P.C., John Z. Huang, Christopher Zervic* 03L-5438 Tried May 20-Jun. 4, 2008 (13A)

**Verdict:** \$4,000,000 v John Z. Huang P.C. and John Z. Huang (\$600,000 past and future loss of normal life; \$2,900,000 past and future emotional distress; \$300,000 past and future psychological damage; \$200,000 past and future medical expenses for psychological care); Not Guilty v Christopher Zervic; Not Guilty to John Z. Huang P.C. v Yongping Zhou on counterclaim for breach of contract (unpaid legal bills).

**Judge:** Donald J. Suriano (IL Cook-Law)

**Pltf Attys:** William G. Stone, Richard M. Johnson, Jr. and Andrea M. Ross of *Stone & Johnson* Demand: \$3,000,000 Asked: \$8,000,000

**Deft Atty:** Ian Brenson (LaGrange) for all defts (Lloyd's of London)

**Pltf Experts:** Terry Yale Feiertag, 203 N. LaSalle St., #2210, Chicago, IL (312-236-7080) (Attorney), Dr. Lola Vollen (Public Health) and Dr. Paul Pasulka, Ph.D. (Psychologist)

**Deft Experts:** Mary L. Sfasciotti, 79 W. Monroe St., #1215, Chicago, IL (312-726-3278) (Attorney), Dr. David W. Carrington, Cavanaugh & Associates, 1725 W. Harrison St., #110, Chicago, IL (312-942-4046) (Psychiatrist) and Orest Eugene Wasyliw, Ph.D. (Psychologist) for all defts

Pltf M-42 is a mechanical engineer from China who entered the United States in May 1997 on a K-1 fiancee visa upon his engagement to an American law school student. The marriage ended badly in 1999 as the ex-wife claimed domestic violence for which the pltf was prosecuted and initially convicted, but the conviction was later overturned. Three years after the initial conviction, INS incarcerated the pltf and began proceedings to deport him as a convicted felon. While in jail on the INS charges on Feb. 3, 2001, pltf retained John Z. Huang P.C. as a law firm which purportedly specialized in immigration matters to obtain bond for him so he could fight the deportation charges. Pltf contended defts failed to seek the proper relief before the INS, failed to advise the INS judge of the proper facts and law, and failed to timely file a proper appeal or motion for reconsideration, resulting in the pltf remaining incarcerated for 25 months. Eventually, proper relief was obtained by other lawyers and bond was obtained; pltf's immigration status is still pending. As a result of the wrongful incarceration, pltf claimed he suffered loss of a normal life, emotional distress, and psychological damage including depression, anxiety, adjustment disorder, and post-traumatic stress disorder. He described the conditions of the jail, the fear he experienced in being subjected to gang threats and intimidation, problems with detention staff, and the effects on his life. Pltf's expert Dr. Lola Vollen, an internationally recognized authority on the effects of wrongful incarceration and subsequent exoneration, testified that the pltf's psychological conditions were typical of persons who have been wrongfully incarcerated and later exonerated, particularly when they feel they were treated unfairly by people they relied upon such as their attorneys. Defts claimed they brought the necessary issues to the attention of the INS judge, argued that if the judge relied on incorrect facts or law the lawyers did not have a duty to point out the incorrect information to the judge but instead could merely seek an appeal, and maintained that bond probably would not have been granted regardless. Defense psychiatrist and psychologist experts acknowledged that pltf had depression, anxiety and an adjustment disorder, but denied he had post-traumatic stress disorder and opined he was exaggerating his symptoms.

Whether or not your client prevails, we appreciate receiving your completed case report of the jury trial. This helps ensure that we present an accurate, balanced summary of the case while you are building a track record of litigation for yourself and your firm and assisting other litigators with the evaluation of their similar cases. Easy-to-use email case report forms are available at [www.lawbulletin.com](http://www.lawbulletin.com) in the Jury Verdict section.