

R. FREDERICK (FRED) WALTERS: DEAN OF THE TRIAL BAR

We are proud to call Fred our partner and thank the KCMBA for naming him a Dean of the Trial Bar. Fred epitomizes what it means to be a true trial lawyer. He loves what he does and has used his talents and tenacious work ethic to passionately and persistently pursue and obtain justice for his clients.

When Fred began his practice, jury cases were tried with little or no discovery. You showed up at the courthouse door and tried your case, with no certainty of how the facts would play out. This method of practice made Fred fearless of the courtroom. While Fred has adapted to the change in the way cases are handled today, he also has been able to astutely blend the “old-school” methods with modern practice, and this sets Fred apart.

In many ways, Fred’s fighting spirit in the courtroom is reflective of his personal perseverance to become a trial lawyer. Fred was born and raised on a farm in Greenfield, Missouri. He is one of eight children. Although he came from a home of modest means, Fred worked hard to earn enough to put himself through college and then law school at MU, where he received his law degree in 1973.

After graduation, Fred clerked for two years at the Missouri Court of Appeals. In February 1976, he entered private practice at Linde Thompson law firm, where he was quickly able to demonstrate his trial advocacy skills and was soon made a partner. While Fred began with insurance defense work, he transitioned into what was then an anomaly for large firms in those days, doing plaintiffs’ work, particularly plaintiffs’ contingency fee work. By 1991, when Fred began his own firm, Walters, Bender, Strohbahn & Vaughan, P.C., Fred had taken 30-40 jury cases to verdict, many of which were several weeks in duration.

While there are many fine Missouri attorneys, Fred is among the

select few who have obtained total jury trial awards well in excess of nine figures. Fred is among an even smaller group who have obtained these results in a truly diverse set of cases. Fred has made a real difference in the lives of so many. Evidence of his talent, drive and relentless pursuit of justice can be gleaned from just a few of Fred’s cases.



In 1990, after almost two months of trial, a Clay County jury awarded Fred’s clients, Dave and Mary Pinkerton, a \$16 million verdict – a record high in Clay County at the time. The Pinkerton family had become ill after they moved into their family home. They attributed their repeated colds and flu-like symptoms to the formaldehyde in the particle board in the home. Many in the firm cautioned against taking the case because of the difficulty in proof, particularly given the fact none of the physicians treating the Pinkerton family believed formaldehyde was the root of their health problems. Fred nevertheless thoroughly investigated the link between formaldehyde and the health issues experienced by the Pinkertons and was able to

show the jury not only that the Pinkertons’ health issues were due to formaldehyde exposure, but also that the defendants were aware of the unsafe condition of their products, yet continued to sell them. The Pinkerton case received national attention and Fred was soon retained on formaldehyde cases across the nation. What is remarkable about the case is not just the local outcome, but the impact it had on the industry. As a result of the verdict, the manufacturers of particle board in the Pinkerton case re-evaluated their practices and began to take action to reduce the amount of formaldehyde used in their products. Fortunately, over time, there was a wide-spread change in the business practices of these manufacturers and formaldehyde poisoning from these materials rarely happens today.

Over the last 12 -15 years, Fred has devoted most of his time to protecting consumers from the predatory lending practices of large-scale financial institutions. As you know, most class action cases never see the courtroom. They are settled or dismissed rather than tried, making it rare for a jury to hear a class case. In the ending weeks of December of 2007, however, Fred was the lead attorney in an over three-week class action jury trial in Jackson County, Missouri. Fred represented Missouri borrowers who were charged unlawful fees on their second mortgage loans by various lenders in violation of the Missouri Second Mortgage Loan Act. The case was vigorously defended by many prominent firms and talented lawyers. Ultimately, the jury rendered a verdict in excess of \$104,000,000.00 for the Plaintiffs. The case was appealed and ultimately settled as were several other similar cases resulting in total settlements and claims on behalf of borrowers of over \$550 million.

The settlements are unique because of the amount of money that has and will be actually placed in the pockets of the class members. In one case, the average net recovery was in excess of \$140,000 per class member. Fred spearheaded the effort to make sure that the class members would file claims and receive their settlement payments which for many were life-changing. Because the life of the underlying loans often extended for substantial periods of time prior to the settlements, many of the borrowers in the interim had passed away, filed bankruptcy or were divorced. Fred worked hard

to put the settlement funds in the hands of the heirs of the deceased borrowers by sorting out many probate issues, and in the hands of class members who had previously declared bankruptcy by working with the bankruptcy trustees of their estates. In the case of divorce, many calls were made to assist the class members in signing claim forms with their ex-spouse.

Those who know Fred will understand when we say “There is only one Fred.” While his accomplishments as a trial attorney are stellar and he never forgets even the most minute fact of his cases, Fred in his “Columbo-like” manner consistently loses his car keys, spills salsa on his shirt and tie, runs his car on empty, and is unable to put a name with a face, often referring either to “what’s-her-name” or “what’s his name” (and scary enough we know who he means).

There truly is only one Fred, and with the support of his wife Kathy, Fred has and continues to work tirelessly in pursuit of his passion: the practice of law. ■

ABOUT THE AUTHORS:



Karen Renwick, a graduate of Washburn School of Law and Kip Richards, a graduate of Kansas University School of law, are shareholders at Walters, Bender, Strohbehn and Vaughn P.C. and have practiced with Fred for many years.

WALTERS BENDER STROHBEHN & VAUGHAN, P.C.

TRIAL ATTORNEYS



Walters Bender Strohbahn & Vaughan, P.C. would like to congratulate Fred Walters on being named a Dean of the Trial Bar by the Kansas City Metropolitan Bar Association.