David J. Schwartz

Attorney

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No one is prepared to deal with the sudden death of a spouse in the prime of his life. Yet, because of the negligence of a driver at the gas pumps of a truck stop, Dick's life had been taken abruptly. With two young children to care for, Phyllis needed the help of an attorney who had both the legal knowledge and the human compassion to obtain just compensation and secure the financial future for Dick's family that he was no longer here to provide. David, with his experience and competence in pursuing both personal injury and wrongful death legal claims, was able to obtain that just compensation and secure the future financial security for Dick's family.

With more than 30 years of personal injury practice experience, David is proud to have assisted his clients in a wide variety of injury claims. With empathy for individual client needs, David has successfully obtained recovery for his clients in truck, automobile and motorcycle collisions, bicycle and pedestrian injuries, professional negligence cases including medical, dental and chiropractic, premises injury claims, and many others.

David's civil litigation knowledge and experience extends to representing his clients in a variety of civil litigation disputes in addition to injury cases including real estate, contract and will and estate disputes.

Clients

David represents any individual faced with a personal injury or litigation matter that requires his guidance in order to achieve a successful outcome.

Notable Representations

David has obtained successful litigation results in a variety of injury cases. Some examples include:

• **Auto Collision**: Ralph P. and his wife, Marilyn, were enjoying their retirement years when a semi

driver abruptly turned in front of them to cross their right of way. Ralph had no opportunity to react as his car slid into the semi-trailer causing a horrific crash. The jaws of life were required to extract Ralph and Marilyn from their vehicle. Having suffered a multitude of broken bones, internal injuries and associated complications, nevertheless, Ralph and Marilyn, with their extremely positive attitudes, went about the process of healing from their physical injuries. Because of the injuries, Marilyn was unable to fully assist in the dressmaking for her daughter's wedding as she had intended and Ralph, for the remainder of his life, suffered a limp and pain in his leg. Full compensation in the litigation process was obtained on behalf of these clients to the fullest extent allowed by law.

- **Auto Pedestrian Collision:** Leland A. was a pedestrian walking across a crosswalk in a snowstorm when he was abruptly struck by a negligent inattentive driver, who, despite others slowing to stop for the crosswalk, did not stop himself and slid into and struck Leland. Leland suffered a multitude of injuries including a fractured pelvis, separated shoulder, skull fractures, facial orbital fractures, various lacerations, and other associated injuries. Rehabilitation was a long process but, with the positive will and spirit that Leland had, he was able within six months to regain most of his normal activities despite the fact that he is left with residual shoulder problems and eye problems. Given the nature of the injury, even though liability was disputed, David was able to obtain full recovery of the limits of liability of the defendant driver's substantial insurance policy within six months by effectively presenting the case and arguing its liability and damage merits, thereby obtaining a result for the client without undue delay.
- **Veteran's Administration Medical Malpractice:** Karl H. was caused to suffer injury during a medical procedure at the Veteran's Administration Hospital when a second surgery was required to remove a surgical sponge that had been negligently left in Karl and caused complications for his original medical procedure. David is experienced in the unique procedural requirements and process applicable to Veteran's Administration claims. We were able to pursue Karl's malpractice claim against the VA Hospital to a successful conclusion.
- **House Fire:** Diane H. was the mother of three young children serving as a single parent of those children. Living modestly, but with her dignity, she continued to work and raise her children. When a fire overtook her rented apartment, not only did she and her children suffer burn injuries but she suffered the tragic loss of life of her youngest child. This case was successfully litigated with the use of sophisticated fire causation experts as well as medical and damage experts resulting in a favorable legal result for this family's personal tragedy.
- **Hidden Walking Hazard:** Joseph W. was an over-the-road trucker hauling heavy loads in the northern tier states. While stopped at a truck stop/private weigh scale in a snow storm, Joe exited the cab of his semi and proceeded to walk towards the main building. Just then he stepped and fell into an open pit four feet deep, severely injuring his leg and lower back. Joe was rendered unable to continue to perform his occupation as a trucker and needed compensation for lost wages covering the remainder of his work life. Through investigation, we determined that the snow plow operator at the facility had negligently plowed the metal cover of the weigh scale pit off its normal

position, thereby leaving a gaping hole partially covered by snow and unexpected and unintended by someone in Joe's position. We were able to prove both liability and damages to obtain a significant recovery to assure Joe compensation for his pain and suffering and his lost lifetime of income.

Expertise

- Personal Injury
- Medical Negligence
- Worker's Compensation
- Litigation
- Real Estate, Land Use & Construction

Education

- J.D., University of South Dakota School of Law
- B.A., University of Denver

Admissions

- State Bar of Wisconsin
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Courts for the Eastern and Western Districts of Wisconsin
- U.S. Tax Court
- U.S. District Court for the Eastern District of Michigan

Affiliations

- American Association for Justice
- Dane County Bar Association
- Wisconsin Association of Justice
- Legal Advisor - National Ski Patrol - Central Division - South Central Region
- South Dakota Bar Association