

Lawyer: Representing the frail and infirm is a passion and honor

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Staff photo by Tanner Spendley

Texarkana attorney Chad Trammell was recently appointed as chairman of the American Association for Justice Nursing Home Litigation Group.

A local attorney whose practice consists solely of cases alleging nursing home abuse and neglect has turned his career into a cause.

Chad Trammell's expertise and dedication have led to his recent appointment as chairman of the American Association for Justice Nursing Home Litigation Group.

"Representing the frail and infirm ... is a passion and I consider it a great honor to fight for our parents and our grandparents throughout the country," Trammell said.

He said it is difficult for an individual lawyer or single law firm to take on the nursing home industry, but "the AAJ Nursing Home Litigation Group enables advocates for better nursing home care to come together and pool our resources, talent and knowledge to successfully fight for justice."

Trammell travels all over the country in this quest. He first began using the civil justice system to hold negligent long term care facilities accountable in 1999. In 2003, Trammell joined the Texarkana firm Nix, Patterson & Roach, and in 2006 was made a partner of the firm.

Trammell, who oversees the firm's nursing home litigation department, said he is a crusader against corporations that purchase nursing homes with an eye on profit and a disregard for quality of care.

He says some companies focus on their bottom lines to the detriment of patient care.

"In doing so, they victimize not only their residents but the dedicated and hard-working CNAs and nurses who don't have the most important thing they need to take care of their residents—manpower."

Although Trammell would like to see families care for their elderly at home, he knows that option isn't always a practical one for working couples or for an elderly person who requires round the clock care.

Trammell offered some advice for families with a loved in need of long-term residential care.

"Don't be afraid to be the squeaky wheel. Before placing someone in a nursing home, find out who owns it, find out if it's owned by a problem company and ask to see the latest state survey," Trammell said. "Once you choose a nursing home the most important thing to do is visit. Don't go at scheduled times."

Trammell encourages all family members of nursing home residents to attend quarterly "care plan" meetings. The meetings are supposed to include members of the staff that deal with all aspects of a resident's care to develop a plan Trammell refers to as a "road map" for the resident that encourages physical and social well-being.

Signs that something isn't right include dehydration, bed sores and weight loss, he said.

Trammell prefers nursing homes that are locally owned or run by a church.

"You hardly ever hear of this type of abuse and neglect taking place in a nonprofit county home or church-run home," Trammell said. "The small locally owned nursing homes, often run by families for generations, tend to do a much better job. That's not a coincidence in my mind."

In September, Trammell litigated a suit against a Beverly Healthcare nursing home in Ouachita County that resulted in the county's largest civil judgment to date.

Trammell said big corporations go to great lengths to hide ownership and assets.

"Their latest trick is for a billionaire group of investors to buy a big chain, slap a different name on the front door, and then incorporate themselves into multiple, sometimes hundreds of limited liability companies, splitting and shifting the real estate and the assets into different corporate entities, in an effort to shield and hide their assets so they cannot be held accountable for wrongdoing," lamented Trammell.

Two pieces of legislation Trammell hopes will garner Senate approval might help.

The Nursing Home Arbitration Act would make mandatory arbitration clauses in long-term care facility contracts invalid. Mandatory arbitration clauses prevent families or residents with complaints from taking them to court without first sitting down with the nursing home's lawyers. Such clauses discourage individuals from taking cases to court, Trammell said.

The Nursing Home Transparency and Improvement Act would eliminate the "LLC shell game used by nursing home mega-corporations" to avoid liability for neglect and abuse, Trammell said.

Trammell, who grew up in a working class family in Ashdown, Ark., speaks of his clients as one might a beloved aunt, uncle or grandparent. Their pictures fill the memory on his cell phone.

"The elderly are to be revered and valued—just sit down and talk to them," Trammell said. "The elderly are one of our nation's most precious resources, and their lives should not be devalued just because they're in the twilight of their journey."