

# Personal Injury Law Podcast

by Rosenfeld Injury Lawyers

## Robert Anderson Abuse

Jonathan Rosenfeld:

Hi. My name's Jonathan Rosenfeld. I am an attorney, and I am here today with my good friend, colleague, and what else? Respected co-counsel on a lot of these cases, Marty Gould. And today we are going to talk a little bit about a really disturbing news story that's come up involving sexual abuse claims involving the University of Michigan and a doctor who is employed at the University of Michigan for decades, Robert Anderson MD. And these are news stories which really have been making the tabloids in the Michigan area, but they really can translate to other jurisdictions as well. And Marty handles a lot of different sexual abuse cases across the country in different contexts, but today I want to sort of get an update from Marty as to the status of these cases. And before we even get to that, I'm going to let Marty introduce himself and give a little bit of background about these particular cases, because whether you've heard about this or not, I think Marty does a great job giving the relevant background, because these are really, really disturbing situations.

Jonathan Rosenfeld:

And when we look at them in the context that they are in, this went on for decades just right under the university's nose. So Marty, could you just share with us a little bit about the Robert Anderson situation and really help the audience get some grasp as to what happened in the situation?

Marty Gould:

Well, I'm of counsel at Rosenfeld Injury Lawyers. We handle sexual abuse cases all across the country. We represent many, many survivors of physician abuse. And this one is particularly disturbing. The case involves Dr. Robert Anderson. For nearly 50 years, Dr. Anderson was in charge of the medical care for the University of Michigan college athletes. He also was in charge of medical care for many of the University of Michigan other students at the Student Health Center. He retired in 2003, and he passed away in 2008. Recently, there's been a number of lawsuits filed in state and federal court in Michigan alleging abuse by this physician for decades. He was performing unnecessary medical exams, hernia exams, prostate exams, and groping, fondling, and grabbing student's genitals, penetrating students, forcing students to touch his genitals. And there's a whole litany of other allegations made against him.

Marty Gould:

Hundreds of people have come forward. The University of Michigan set up a hotline for survivors to file complaints, and they had over 250 complaints against Dr. Anderson. This was so

well-known for so long that Michigan athletes actually had a nickname for him called Dr. Drop Your Drawers and Dr. Glove. There's reports that other administrators or supervisors knew about it. So it's just a very, very traumatic, unfortunate situation. And because he wasn't stopped earlier, hundreds of other student athletes and students were abused by this person and have all sorts of psychological injuries as a result.

Jonathan Rosenfeld:

Now, one of the situations that comes up in a lot of childhood sexual abuse cases is what happens in a situation such as this where, Dr. Anderson died I believe in 2008 or so, but how do I bring a case against an individual who may be deceased? A lot of times, childhood sexual abuse survivors may be hesitant to bring a case, because the perpetrator may be serving time in jail or they may be deceased. Can you explain a little bit about how that works in a situation such as this where Dr. Anderson is no longer with us, what that involves in terms of a victim pursuing a claim?

Marty Gould:

In many of our cases, the offender is deceased, and we're still able to pursue cases and receive substantial compensation for clients. And there's various ways you can go about proving your case. For one, the testimony of your client is evidence. But in those cases that we do pursue, it's difficult to pursue a case against the offender. You have to sue the estate for the offender. In many cases, they don't have substantial assets. But you can still sue the institution for their own failures and for their own culpability in failing to prevent the abuse, failing to investigate it, failing to take necessary precautions to make sure students and children are protected. In those cases, any evidence regarding reports made to the institution is evidence in the case. So if we're able to find out if there was other reports from other students. In this circumstance, Dr. Anderson, Roger Stone actually stated that he had made reports and he was aware of supervisors that were aware of Dr. Anderson decades ago. Okay, that's evidence in a case like this, that's evidence against the university where we would argue that.

Marty Gould:

Well, at that point in time where reports were made, more should have been done to supervise Dr. Anderson and to make sure students were being treated in a safe environment. So the ways in which you go about the evidence is through testimony of other witnesses and any documentation that you can find, emails, letters, and that's typically primarily how you go about establishing these cases.

Jonathan Rosenfeld:

In a situation like this, where this took place at the University of Michigan, a very, very well-respected institution, the cases are now actually, as you mentioned, they're now actually proceeding against the University of Michigan. As a victim, what type of damages can a victim pursue in a sexual abuse claim against the university? In other types of personal injury cases that we handle, we talk about specials. We look at their medical bills, we look at the amount of time that they may have lost from work. We look at a lot of hard economic damages in a childhood sexual abuse situation. We may not have those tangible economic damages and the case may be primarily composed of non-economic damages, pain, and suffering, loss of normal life, disability

even. I want to talk with you a little bit about how the damages in these cases may play out for a potential victim. Can you talk a little bit about that?

Marty Gould:

In the Dr. Anderson cases, the University of Michigan has filed motions to dismiss the claims, but with those, they've also acknowledged the abuse that has occurred. They're not disputing really that Dr. Anderson was abusing students and children, and they're working to set up a claims process. So in the claims process, how would we go about establishing somebody's injuries from these such situations. There's acknowledgement through research, through state governments, even the federal government, of the fact that sexual abuse causes serious psychological traumas, it causes all sorts of injuries, such as a post-traumatic stress disorder symptoms, anxiety, inability to sleep, inability to eat, trust problems, inability to be in it in some circumstances. We go about establishing how it's impacted somebody through the testimony of the survivor, through testimony from their loved ones, family members, significant others, spouses, even friends, some cases, employers, it's totally up to the survivor regarding who they think will assist in providing that testimony, medical records.

Marty Gould:

Many of our clients have counseling that they've had to go through throughout their lives. Some of them had to be institutionalized, because of psychological breakdowns or suicide attempts. Some of them have never had counseling up until just now. They didn't want to tell anybody and they'd just started getting counseling. Those records can be introduced into the case and through all of that, we help build a picture for the claims handlers, the insurance companies, the defendants, to explain to them how this abuse has impacted our client. And it can impact them through financially, whether it's through psychological treatment that they have to pay for, medical bills, if they were admitted for suicide or other serious psychological injuries, financially, has it impacted their ability to work in any way? To respond to supervisors, to work on a team. And then non-economic ways, just the emotional trauma, the pain and suffering.

Marty Gould:

And in these cases, you can also get punitive damages. The courts can award you punitive damages, if there's evidence that meets that requirement, and that's additional compensation you can receive. And it's meant to deter future conduct. It's to send a message to the institution that they should have done things differently. Had they done things differently, students and children wouldn't have been abused. And this punitive damages is a message to them saying they got to change the way in which they do business.

Jonathan Rosenfeld:

Now, there's no way that you and I can sit here and predict how these cases will shake out. But I just want to point out that unfortunately, there have been some other situations similar to this involving colleges and universities. Obviously in the past couple of years, there's been a settlement involving Larry Nassar at Michigan State University. And that involved a \$500 million settlement for 332 people. There was a settlement involving the University of Southern California for 215 million people involving George Tyndall. That happened in 2020. Everyone knows about Jerry Sandusky at Penn State. And in that situation, the university paid out \$109

million. Ohio State has paid out \$45 million to 185 victims, involving Richard Strauss, another sports doctor. So, I think the bottom line is, these cases do have substantial value. Obviously, a lot of it's going to be dependent on the situation involving the individual and how their attorney relays that information and helps convey those damages to the decision-makers in the case, whether it's a judge or jury or a mediator.

Jonathan Rosenfeld:

But before you even get to the damages, can we talk a little bit about how the statute of limitations applies to a situation like this? And the statute of limitations is basically a time for bringing a legal claim that is set forth by the state legislature, which says, "Hey, you have X amount of time to file a lawsuit or resolve a case." Typically, if you fail to do so within that statute of limitations, you will be barred from collecting a penny. In this particular situation involving Robert Anderson, can you share with us a little bit about how a statute of limitations would apply? And I don't expect you to necessarily say with absolute specifics, but if you could generally lay forth how the statute of limitations would apply to this particular context, that'd be great.

Marty Gould:

Sure. Well earlier you mentioned all these other cases where they had physicians that abused many students, and you were talking about numbers like 332 survivors in the case against Larry Nassar at Michigan State. Hundreds, 185 at Ohio State University, hundreds of others and University of Southern California. When you have those type of numbers of students that were abused, there was red flag after red flag that was ignored or concealed. And that's why in these cases there ends up being settlements, because once you get down to the evidence, you don't have physicians or anybody, teachers or religious leaders that can abuse that many people without others seeing something. And that's why these cases are so significant. Now, in terms of the statute of limitations, there's a lot of variables involved, the age of the person when the abuse occurred.

Marty Gould:

So that's why it's very important for a survivor to immediately speak with a lawyer who can explain to them what the potential statute of limitations is. Many of these cases involving University of Michigan student athletes, there an argument by the university saying that the statute of limitations has expired. Depending on the time period in which the abuse occurred, it may actually be the case depending on the facts and time and the circumstances, but because of the outrage regarding what happened, there's bills that are being proposed in the state of Michigan seeking to change some of the laws seeking to create a window to which survivors can file claims against the University of Michigan and anybody else such as public officials that are responsible for what happened. So it's important to understand what those potential laws are. In the Larry Nassar situation. In many of those cases, the statute limitations had expired. And the state of Michigan did the same thing, they created a window for survivors to file claims.

Marty Gould:

So that's why it's important to speak with a lawyer to find out, even if perhaps somebody had told you the statute of limitations expired in your case, is there a chance that there may be a viable

case in the near future and to keep tabs on any legislation in Michigan or really any state in which you were abused. And there may be an issue with the statute of limitations.

Jonathan Rosenfeld:

So really these cases are very case-specific and situation-specific. I think the ultimate the message to people I guess, would be if you are sitting at home and sitting on the sidelines and watching this whole situation unravel, and you are a victim, I guess, the bottom line is now is the time to move forward and really, and contact an attorney and sort of get your claim on file while that window of opportunity may be open.

Marty Gould:

Correct. Now is the time, now is always the time to, at the very least, even if you don't want to pursue a case, speak with a lawyer to find out what your rights are, what deadlines are coming up, what your options are. You don't have to file a claim and while I would encourage everyone to do so, and you can do so confidentially, if you have concerns. Know your rights,

Jonathan Rosenfeld:

Marty, I really appreciate you explaining the situation with me today. As someone who has worked with you, I really admire your dedication to the clients. You certainly are someone who is really willing to roll up their sleeves and really be an advocate for clients. And I really appreciate your time today. And I look forward to speaking with you again about these cases as we watch them move forward in the claims process. Thank you.

Marty Gould:

Thanks, Jon.