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Beth Baldinger Sees \$10M Settlement Creating an Incentive to Reform Police Practices

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Special Sections



Charles Toutant

In the months after Beth Baldinger of Mazie Slater Katz & Freeman obtained a \$10 million settlement in a police excessive force suit, her client has been busy preparing to move out of the nursing home where he has lived for the past eight years. For Xavier Ingram, winning his suit against the Camden County Police Department means he can buy his own home, have it refurbished to meet his needs, and start a new life.

Baldinger's suit claimed Ingram, then 20, was rendered quadriplegic after a police officer stepped on his neck when he was arrested in a "sweep" of his Camden neighborhood. Along with co-counsel Trevor Dickson and Corey Rothbort of her firm, Baldinger obtained the settlement after a two-week trial in U.S. District Court ended in a mistrial.

Ingram "had very few options and choices, and now he has a whole spectrum in front of him. So it's very exciting to see how he continues to thrive as he goes forward. It's been an amazing journey," Baldinger said of the case.

During the trial, she ran up against a federal court rule requiring jury verdicts to be unanimous, and it appeared that one holdout on the nine-person panel resisted finding the police liable for Ingram's injury. Baldinger also had to contend with an alternate narrative about the incident constructed by the police department, the County of Camden and their attorneys in a bid to win jurors' sympathy. The police claimed Ingram was rendered quadriplegic because he tripped on the pavement and they tried to convince jurors that he was a gang member and was carrying a stolen gun and a quantity of illegal drugs, which Baldinger vigorously disputed. The department also issued commendations to the arresting officers for their handling of the incident.

The day after Ingram's injury, police officials in Camden issued a press release portraying Ingram in a "stereotypical manner" and effectively exonerating the officers at the scene, despite a lack of information at that early juncture, Baldinger said.

Baldinger was able to disprove the allegation about the drugs when the arresting officers gave widely conflicting sworn statements about where and how they were found. And after Baldinger served the police chief with an evidence preservation letter, the chief consulted county counsel, then arranged for testing of the gun that allegedly belonged to Ingram. The chief ordered the test for operability with the knowledge that testing the gun would wipe away any DNA or fingerprints, obliterating evidence that could exonerate Ingram, Baldinger said.

At trial, a police official admitted that his department and the Camden County Prosecutor's Office met on the morning after Ingram's injury, and that they "came up with this quote-unquote story and went with it without any medical information whatsoever and no internal affairs investigation," Baldinger said.

The defendants' characterization of the case appeared to be designed to exploit jurors' inclinations to trust the police and to be suspicious of a young, unemployed, Black man from Camden, Baldinger said.

“My job was to dispel that, and I used the defendants’ own testimony, their own documents, to create a very compelling picture that these officers were involved in a cover-up,” Baldinger said.

On one day of the trial, jurors met Ingram face-to-face when he testified from a hospital bed that was set up in the courtroom. Lawyers for the defendants opposed having Ingram testify in person, and pushed to have him testify remotely by video, but Baldinger insisted on having him appear in person. The defense also sought to have Ingram testify from a chair, Baldinger obtained a doctor’s letter attesting that the plaintiff was unable to do so.

Without drama or exaggeration, Ingram testified about how he was raised by his grandmother in low-income housing following the death of his mother, as well as the experience of waking up in a hospital and realizing he was paralyzed, Baldinger said. He also spoke about some everyday frustrations like having an itch that he can’t scratch because of his paralysis.

“There is a common thread of humanity that runs through all of our cases, and Mr. Ingram was able to present that with such integrity that it was so compelling. I think the jury was very moved and they understood the truth about his life,” Baldinger said.

After the mistrial, the parties consented to mediation, and the \$10 million settlement took shape.

Baldinger believes that civil rights suits over police practices create an incentive to change when others hear about cases like hers that end in big awards.

“That’s one of the most important goals for these cases, not just justice for your client, but making sure that improper practices that endanger citizens are brought to light and changed, and we’re seeing that in New Jersey,” she said.

The Ingram case was not the first time she faced off against a police department in court. In one of her first trials out of law school, she was co-counsel for the plaintiff in a suit against the New York Police Department that ended in a \$10 million verdict. The verdict was later reduced on appeal to \$2.5 million in the case, in which a boy, 2, was badly burned when a Molotov cocktail was thrown in the window of his family’s Bronx apartment. The suit claimed his mother had been experiencing harassment from a co-worker and was planning to move but decided to stay after police promised to watch the house, but failed to do so, according to press reports. Baldinger also won an \$800,000 settlement from the Raritan Police Department in 1995 in the the case of a man who died of asphyxiation after a struggle with officers.

Baldinger faced another police cover-up in the death of Adam Katz, 19, of South Orange, who was found lying in a roadway in a pool of blood after attending a Grateful Dead concert at the Brendan Byrne Arena in East Rutherford. His death remained a mystery for several years until Baldinger, representing the family, alleged that security at the arena struck him over the head in an overzealous response to a directive to target unauthorized sellers of Grateful Dead merchandise. She cracked the case after setting up a telephone hotline in her office to take tips from Deadheads about what happened to Katz. Multiple public entities participated in a settlement whose terms were confidential, Baldinger said.

Baldinger’s law partner, David Mazie, calls her “as good as they come. It’s very hard, even in this day and age, to be a female litigator and be as aggressive and successful as she is, and she’s able to do it.”

Baldinger, who is divorced, has two children, aged 30 and 25. She says establishing her legal career while raising her children was difficult at times.

“It wasn’t pretty and it wasn’t perfect. There were lots of mistakes along the way. It’s very hard to attend to everything you’re expected to do at home and raise a family and be there in the way you want to be there as a mother and a parent, and at the same time be a litigator,” she said.

Mazie said one thing that sets Baldinger apart from other litigators he knows is the especially close relationship she has with her clients, even after the litigation is over. She might send a birthday card or call someone on the anniversary of a loved one’s death, he said. But that’s not the same as being soft, he said.

“While she is extremely close to her clients—and extremely passionate—she is aggressive and a warrior in the courtroom,” Mazie said.

Baldinger concedes that with clients, “part of me is counselor, part of me is friend, part of me is lawyer,” although she does keep professional boundaries like no phone calls on weekends. Her clients who have suffered a major loss are typically surrounded by friends and family early on, but find themselves all alone when the well-wishers go back to their own lives.

“I can’t help but try to really understand what they’ve been through. I guess that’s where the bond forms,” she said. “About kindness, it should not be mistaken for weakness, I see it as a strength.”

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