



John Metz JD '77

Sole Practitioner
Cincinnati, OH



In July 1998, the late Dean Robert M. Viles, interviewed medical malpractice advocate John H. Metz JD '77 for his book that was to be entitled, *Making a Difference*.

Viles wrote, "Metz is a sole practitioner in Cincinnati, his hometown. He is a plaintiff's lawyer in medical malpractice cases, especially obstetrical and pediatric cases. His desk displays snapshots of injured and disabled children who have been his clients. John takes his practice seriously and expects others to do the same."

Viles would be pleased to know that over the last decade Metz has gone on to make a significant difference in the field of medical malpractice. While he handles a considerable number of cases involving epilepsy and orthopedic surgery, he has since gained the title of "dead body lawyer."

Metz won a \$4.25 million verdict against a neurosurgeon who took out the wrong part of a young man's brain in an attempt to cure the patient's epilepsy. In 2005, Metz brought a class action suit against the Hamilton County, OH, Coroner's Office for taking brains and hearts during an autopsy without notice, consent or permission. After obtaining a summary judgment in favor of the decedent's families, the county settled for \$6 million.

More recently, Metz is responsible for bringing national attention to the legal issues regarding the removal of body parts by medical examiners and coroners during an autopsy.

"My clients, Mark and Diane Albrecht, were informed that an autopsy would be done on their son, Christopher, after he drowned in Southern Ohio after suffering a seizure and losing control of his van that ran off the road, landing in a pond. Under Ohio law, the bodies of those who die in motor vehicle accidents must undergo an autopsy," says Metz. "However, five years later, the Albrechts saw, for the first time, a copy of the autopsy report and learned that the coroner had removed their son's brain. At the time he was buried, his brain was immersed in a fixing solution at the Hamilton County Coroner's Office."

"The couple was shocked and horrified to learn that that they had unknowingly buried their son without this vital organ," says Metz.

As reported in the *ABA Journal* (July 2007), in an article about the case, "If the plaintiffs prevail, the case (*Albrecht v. Treon*) could fundamentally change the way autopsies are conducted in this country.... It raises difficult, emotional issues regarding a coroner's legal authority to conduct autopsies as he or she sees fit, as well as over the family's desire to bury the body in as complete a state as circumstances will allow."

"The case was a class action suing all the other 87 coro-

ners' offices in Ohio for the same violation. This case caused national ripples since it was challenging the procedure many coroners use (i.e. just not telling the families)," Metz explains. "The defendants moved to have the case certified to the all Republican Ohio Supreme Court. Amicus briefs were filed by national organizations, including the National Association of Medical Examiners. Just recently the Ohio Supreme Court protected the coroners' offices and ruled in *Albrecht v. Treon, M.D., et al.* that the State of Ohio now recognizes no protectable right in one's deceased loved one's body. This decision will have to be addressed by the federal courts now."

Metz says his experience at Pierce Law prepared him well for the work he does.

"I am most grateful for Professor Richard Hesse's Constitutional Law course. In 1975, he assigned me the topic, 'Is there a constitutional right to obtain an organ transplant?' The issues in that research later became reality when I had the first case in American jurisprudence to hold that a person does have a constitutionally-protected right in their loved one's dead body parts."

Referred to as the Patrick Henry of the trial bar, Metz will fight for his clients to the furthest extent of the law. "Dean Viles took a chance on me when I could not afford law school. I am grateful for his faith and guidance. Pierce Law allowed me to use my English major education with 75 credits of sciences to the fullest. The school has attracted many free thinkers who are willing to go where others have yet with the law. It is not that we chase windmills...we build them with our imagination in full gear and unrestrained."

Metz lives in Cincinnati with his three children, Kaitlin, Michelle, and Eric, and their Sheltie dog, Laddie. He enjoys traveling with his children. He plays the guitar, piano and drums and hopes someday to return to his real love, music. His guitar collection now stands at over 20 and counting.