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Family Wins \$2 Million in Hit-Run

Lawyer Struck Teenage Girl on Shoulder of Route 7

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A Loudoun County Circuit Court jury yesterday ordered a former Sterling lawyer who struck and killed a 15-year-old girl with her Mercedes on a Fairfax County highway to pay more than \$2 million in damages to the victim's family.

The jury ordered Jane Wagner, 33, to compensate the parents, two brothers and sister of Naeun Yoon for the death of the teenager, who had emigrated from South Korea four months before she was killed in March 2000. Wagner pleaded guilty in Fairfax County to hit-and-run and served one year in jail.

Since the March 2000 accident, Jane Wagner has lost her job and law license, served a year in jail and filed for bankruptcy. (Cooley.com)

The verdict came a day after Circuit Court Judge Burke F. McCahill found Wagner liable for Yoon's death. McCahill also said punitive damages were not warranted, leaving the jury to decide only the amount of compensatory damages.

"By awarding this amount, I think that the jury clearly understood the permanent and lifelong emotional impact this has had on the Yoons," said Peter Grenier, attorney for Young-ki Yoon, Naeun Yoon's father, who filed the suit.

The lawsuit also named as a defendant the law firm of Cooley Godward LLP, Wagner's employer at the time of the crash, because Wagner was making a business call from her cell phone when her car struck Yoon. The firm settled last month for an undisclosed amount, Grenier said.

The case was one of several recent suits nationwide against employers whose workers are involved in vehicle crashes while making business calls. Several companies across the country have made payouts in similar cases. The suits have spurred some companies to prohibit employees from using cell phones while driving.

August Steinhilber III, Wagner's attorney, could not be reached for comment after the verdict. But earlier yesterday, he said he disagreed with McCahill's ruling Wednesday that Steinhilber's argument -- that Naeun Yoon was partly responsible for the accident -- was not proved. Wagner did not appear in court during the trial, which began Monday.

Wagner was fired from her law firm in 2000 and automatically forfeited her Virginia law license as a result of her felony conviction. She began serving her sentence in March

2001, two months after giving birth to her first child. She now lives near Champaign, Ill., Steinhilber said.

Wagner filed for bankruptcy last year. Grenier said that she has insurance that may cover part of the award but that the Yoons are unlikely to collect the full amount.

On the way to their Great Falls home about 10:30 p.m. March 8, 2000, Yoon, a Langley High School student, and her brother Yi Han, 14, got out of their family's minivan after an argument. Naeun Yoon began walking west on the shoulder of Route 7, as her brother walked in the other direction.

Sung Hee Yoon, Naeun Yoon's mother, later testified that she could still see her daughter from the minivan when a silver Mercedes swerved onto the shoulder, and then her daughter vanished. She thought Yoon might have been abducted, she said.

Yoon had been hit by Wagner's Mercedes, thrown over a guardrail and tossed 70 feet down an embankment. She was found by Sung Hee Yoon and a police officer 20 minutes later, and she died shortly after midnight.

Wagner did not stop; her attorney later said she thought she had hit a deer. After pleading guilty in November 2000, Wagner maintained that she did not know "a person was involved in this accident or that a life was taken."

Grenier argued that the Yoon family's anguish over Naeun Yoon's death has "in no way diminished." During the trial, Dana G. Cable, a Frederick psychologist, testified that the loss of the girl had caused Sung Hee Yoon to suffer from a depressive disorder and Yi Han Yoon from post-traumatic stress disorder.

"After Naeun's death, I can say that my whole family got really broken," Young-ki Yoon, wiping away tears, testified Wednesday through an interpreter. "We are suffering, every one of us, the burden and guilt."