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Jonathan Harr: A Civil Action Study Guide

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JONATHAN HARR: A CIVIL ACTION STUDY GUIDE, 1997 Steven Alan Samson

Boston: July 1986

1. Jan Schlichtmann and the woman juror
2. Baybank South Shore
3. James Gordon, accountant
4. Anne Anderson
5. Heller Financial
6. Judge Walter J. Skinner

Woburn: Summer 1966

1. Rev. Mr. Bruce Young, Woburn Trinity Episcopal Church [11]
2. Description of Woburn, the Tanneries [12]
3. Industrial Parks: Monsanto, W. R. Grace [13]
4. Jimmy Anderson, January 1972. Dr. Donald McLean suspects leukemia [14]
5. Dr. John Truman, Boston, and St. Jude protocol [15]
6. Anne and Charles Anderson [17]
7. Michael Zona and Kevin Kane, Jr. [18-20]
8. Concern about the water [21]
9. Wells G and H: sporadic closure, 1969-1971
10. More Families (Robbins) [28]
11. Joe Mulligan [33]
12. Aufiero Family [35]
13. Midnight Dumper, 184 barrels., Spring 1979 [36]
14. Gerald McCall: TCE, perc [36]
15. Thomas Mernin, city engineer [37]
16. Toomey Family [37]
17. "Lagoon of Arsenic" headline, September 10, 1979 [38]
18. Meeting of Victim's Families, October 4, 1979 [40]
19. Visit with Dr. Truman [41]
20. Dr. Clark Heath, Centers for Disease Control [41] -- Niles, IL; Orange, TX; Douglas, GA; Rutherford, NJ; Almond, NY (leukemia clusters)
21. Mulligan retained; the Andersons separate [47-48]
22. Michael Lilley; Jimmy Dies; Public Health Report [49]

The Lawyer

1. Teresa Padro; Jan Schlichtmann; Kathy Boyer [53-55]
2. History of lawyers in America [56]
3. Biographical sketch of Schlichtmann [56] -- UMass, philosophy; first marriage;

Rhode Island branch of the ACLU; Cornell law school; DC law firm -- objects to *pro bono publico* work; House Select Committee on Assassinations; Newburyport.

4. Lowell Eaton [60] -- wrongful death case. Describe Jan's *modus operandi* during the discovery and trial phases [61-62]. How does he respond to the defense lawyer's repeated continuances? To a request to reach a settlement? To the judge's offer? How do his choices anticipate his later career? What is the author's assessment?
5. What did Schlichtmann do with the award? [63]
6. What was involved in his next case? How did Reed & Mulligan come into the picture? What more do we learn about his *modus operandi*? [65]
7. Why was Mulligan reluctant to work on the Woburn case? Who kept it alive in his mind? How was Schlichtmann drawn into it? [66-67] What was his reaction after studying the file? [68-69]
8. What difference did his visit with the families make? [69-70]
9. Kevin Conway, Peggy Vecchione [70-74] -- attitude toward case.
10. What was the turning point for Schlichtmann? What made up his mind? Trinity meeting, Trial Lawyers for Public Justice, and Anthony Roisman. [74-77]
11. Roisman's contribution. [77-79] EPA Report, east Woburn aquifer added to Superfund list. Two potential polluters identified. Significance of "deep pockets."
12. Schlichtmann's initial visits to the plant sites. [79-81]
13. Statute of limitations. What was Conway's attitude toward the case? [81-82]

Rule 11

1. Jerome Facher [85-88]
2. Hale and Dorr [88-90]
3. How did Facher get involved on behalf of Beatrice Foods? His attitude toward environmental cases? [90-91]
4. How would you characterize John J. Riley? Neil Jacobs? What was Jacobs's attitude toward his role as an attorney? [91-94]
5. What William Cheeseman's attitude about the lawsuit? How did he handle the Acton case? What was his defining experience with personal injury cases? What legal turn of mind had he cultivated? How does the author characterize Cheeseman? [95-97]
6. What attitude did Cheeseman take toward Schlichtmann? Why? How did he plan to dispose of the case? Why did he pursue a change of venue? [98-99]
7. What was the purpose of Rule 11? On what grounds did Cheeseman plan to invoke it? Where did he turn to enlist support? [99-101]
8. Describe the encounter between Roland Gamache and John J. Riley. How did the barratry charge come up? [101-05]
9. How was the Woburn case assigned? Characterize Judge Walter Skinner. What was his first encounter with Schlichtmann? His attitude toward him? [105-07]

10. What was unusual about the Rule 11 procedure? What did the judge overlook? What is an *in camera* affidavit? What is Schlichtmann's strategy? [107-10]
11. How does Schlichtmann address the barratry charge and the privileged communication it is based upon? What is Facher's attitude? The judge's attitude as he tries to untangle this Gordian's knot? Schlichtmann's dilemma? In the head-to-head confrontation between Cheeseman and Schlichtmann, who is left twisting in the wind? [110-19]

Orphans & Dogs

1. What new way of business did Schlichtmann invent in the negotiation and settlement with the Ritz? [123-25] How do medical malpractice cases differ from other personal injury cases? What was Schlichtmann's vision? What are "dogs" and "orphans?" [125-27]
2. How did Schlichtmann prepare the Carney case, "a classic orphan?" Why did he turn down such a large settlement? What does Schlichtmann's relationship with Rikki Klieman reveal about him? How did the outcome influence his handling of the Woburn case? [126-131]
3. What were the findings of the Harvard Health Study? What was Marvin Zelen's contribution? What were some of the reactions to his use of statistical data? Why did Cheeseman move for summary judgment? How did he plan to succeed? [132-36]
4. What was Dr. Alan Levin's theory about the Woburn case? What contribution was made by Dr. Robert Colvin? What picture was painted by existing studies of TCE? What happened to Cheeseman's motion? [136-41]
5. How much time did Judge Skinner give to complete discovery? Who was paying the bills and doing most of the work on the Woburn case? Why did Trial Lawyers bow out? What would be their take from any settlement? [141-43]
6. What was Cheeseman's great fear? Why would Cheeseman seek to make Unifirst a joint "tortfeasor" along with Grace and Beatrice? Why was Cheeseman's failure to consult Facher a costly mistake? What did Schlichtmann gain from settling with Unifirst? [143-46]

Discovery

1. What potential risks were posed by the Richard Aufiero deposition for Schlichtmann? For Facher? What did he conclude? [149-55]
2. What did Schlichtmann conclude about Paul Shalline's testimony? Thomas Barbas's? [155-60]

- 3 How did Al Love react to the proceedings? What did he conclude after talking with Cheeseman? Why did he contact Anne Anderson? Why did he go to Schlichtmann? What leads did he supply? How did Robert Pasqueriella help? What conclusions did Schlichtmann draw? [160-69]