



**BIG STAKES LITIGATION IN THE
21ST CENTURY: NOT JUST THE
COURTROOM ANYMORE**

**ASSOCIATION OF GENERAL COUNSEL
SPRING MEETING
SEA ISLAND, GEORGIA
MAY 11-13, 2000**

AGENDA



- I. Introduction
- II. The Media: Can it be Managed?
- III. Putting Together the Winning Team
- IV. Class Actions: Is Liability Open-Ended?
- V. Daubert Challenges: What is a Gatekeeper Anyway?

WHERE WAS THE MONEY?



- Personal injury
- Product liability
- Employment
- Consumer fraud
- Not antitrust

TOP AUTOMOTIVE PRODUCT LIABILITY VERDICTS OF THE 1990s

- \$4.93 billion, Anderson v. GM (1999)
- \$295.3 million, Romo v. Ford (1999)
- \$262.5 million, Jimenez v. Chrysler (1997)
- \$153.19 million, White v. Ford (1998)
- \$150 million, Hardy v. GM (1996)
- \$144.88 million, Robinson v. Ford (1998)

TOP AUTOMOTIVE PRODUCT LIABILITY VERDICTS OF THE 1990s

- \$105.24 million, Moseley v. GM (1993)
- \$90 million, Rodriguez v. Suzuki (1995)
- \$62 million, Ammerman v. Ford (1995)
- \$60 million, McGee v. GM (1998)
- \$57 million, Ortega v. GM (1996)
- \$39.34 million, Miles v. Ford (1995)

TOP AUTOMOTIVE PRODUCT LIABILITY VERDICTS OF THE 1990s


- \$36.9 million, Rodriguez v. Suzuki (1997)
- \$35 million, Barron v. Yamaha (1996)
- \$17.77 million, Green v. GM (1996)
- \$15 million, Ketchum v. Hyundai (1993)
- \$11.3 million, Baker v. GM (1993)
- \$9.6 million, LaPlante v. Honda (1993)

HOW ABOUT APPELLATE RELIEF?



On appeal, more verdicts were sustained at a fairly high level.

- Continued remittiturs
- But at lower levels
- And verdicts are surviving



“It's not proof the plaintiffs lawyers need, it's numbers. That's the cruel calculation behind a mass tort.”

Fortune, October 16, 1995

Dickie Scruggs Interview

60 Minutes II, 2/29/00

Rather: “Your firm took about \$900 million.”

Scruggs: “It has given us a means to level the playing field with corporate America. Up until now, we didn’t have a war chest that could stay with them.”

Dickie Scruggs Interview


60 Minutes II, 2/29/00

“Scruggs took on tobacco by putting together an armada of law firms and suing cigarette makers for the cost of smokers’ health care. He was joined in the suit by his longtime friend, Mississippi Attorney General, Mike Moore.”

-- Dan Rather

Dickie Scruggs Interview

60 Minutes II, 2/29/00



“That’s what we’ve set out to do...force this industry to change the way it does business or pay back its profits.”

-- Dickie Scruggs

The Democratic Party Top Fifty Patrons



18. Milberg, Weiss Bershad Hynes & Lerach, New York - \$1,337,500
29. Association of Trial Lawyers of America, Washington - \$1,149,250
37. Williams Bailey Law Firm, Houston \$954,600
44. Waite, Schneider, Bayless, and Chesley, Cincinnati - \$807,087