

A civil action by jonathan harr essay



**ASSIGN
BUSTER**

A Civil Action, by Jonathan Harr, tells the complex story of a civil case in Woburn, Massachusetts.

The events of the Woburn case touch on many problems in the tort law system. The author really brings the reader into the story...

. you feel that you are there experiencing everything. And my personal favorite aspect is that it is a true story! I read the book long before the movie came out, but I have seen the movie as well. The book was much more intriguing and sentimental than the movie. The lawyers and families put their lives on hold and sacrifice everything to fight for this case in hopes of proving that two companies caused the pollution in question. The case in Woburn, Massachusetts began with one woman's suspicions.

Anne Anderson discovered her son, Jimmy, had leukemia in the summer of 1966. During the time Jimmy was being treated for leukemia, Anne began to talk to people in her neighborhood. She soon heard of two other cases of childhood leukemia only a street away from her. Anne began talking with one of the mothers, Joan Zona, because her son had leukemia as well and the two women became friends.

They discussed the incidences of leukemia in their neighborhood and both agreed that it was a strange coincidence, but Anne became obsessed with the idea.

She discovered several other cases of leukemia and began to analyze why this was happening. Anne started worrying about the water in Woburn, which had not tasted good since two wells, called G and H, were drilled and began

pumping water into eastern Woburn in 1965. Complaints began pouring in to the city of Woburn regarding the quality of the water and the rusting of pipes, thus causing wells G and H to be shut down several times. However, the wells were not shut down for good until much later. Anne expressed her worries to her family doctor, her church minister, and her husband.

Anne's husband and doctor listened to her suspicions, but did not believe they had any validity. The situation began to heat up in 1979, when an inspector tested the water and reported the results to the environmental department in Woburn. The department ordered wells G and H to be shut down immediately.

On September 10, 1979 the headlines came out revealing the discovery of arsenic in a lagoon in north Woburn.

By this date, there were eight known cases of leukemia in Woburn, most being acute lymphocytic leukemia. Once four more cases were discovered, some of the Woburn families decided to seek legal action. Joe Mulligan took on the Woburn case, which included the Zona's, the Kane's, the Robbins', the Anderson's, and the Toomey's. Mulligan did not work much on the case and eventually he turned the case over to Jan Schlichtmann. Schlichtmann was a young, enthusiastic lawyer who had only recently begun practicing.

Jan was determined, stubborn, and self-destructive. He enjoyed living lavishly, and he loved the law. When he was given the Woburn case, he did not begin working on it right away because his partner, Conway, among others were trying to convince him not to take the case.

The Woburn case was referred to as “ a black hole” because it appeared to be a very complicated case to win, but Jan decided to pursue it anyway. He met the families, and then began to investigate W. R.

Grace’s land and Beatrice’s land for contaminants. Trichloroethylene, or TCE, was found on the land, and the case set into motion. W. R. Grace’s lawyer was named Cheeseman, and Beatrice was represented by Jerome Facher. Schlichtmann discovered barrels of chemicals on Beatrice’s land, and reports of trucks hauling away barrels were revealed.

Schlichtmann then began the process of discovery, which is the questioning of witnesses, family members, and employees at Grace and Beatrice. The family depositions were heartbreaking and touching – dealing with their childrens sicknesses and/or death. The depositions were recorded for later use in the trial. All of the families were deposed, along with J. J.

Riley of Riley Tannery. J. J. Riley denied any knowledge of chemicals or dumping throughout the case. He also testified that all the records during that time had been destroyed.

One Grace employee revealed the dumping he had seen at Grace and named the people who did it.

Once the depositions were all complete, Schlichtmann began searching for experts. He hired dozens of experts to research every aspect of the case, and spent a tremendous amount of money paying them. Experts examined the land, the medical histories of the Woburn families, and the idea that TCE can cause leukemia. Jan’s plan for the trial could not be carried out the way

he hoped it would because Judge Skinner would not allow him to call any of the family members to testify. Jan called all of his experts to the stand and continued to encounter one problem after another.

When the long trial finally ended, the jury found Beatrice not guilty and W. R. Grace guilty of contaminating the water with trichloroethylene, but they did not find Grace guilty of all accusations. Because Grace was not found guilty on all counts, the case had to continue later.

Jan was devastated by the decision and his firm was deeply in debt.

Feeling desperate, Jan decided to try to reach a settlement with Eustis, vice president of Grace. Conway, Gordon, and Schlichtmann devised a complicated settlement decision that amounted to twenty-five million dollars. The proposal was turned down and they were offered only six point six million dollars. Schlichtmann would not accept this offer despite his partners' advice. The trial continued in September, but it did not last long.

Judge Skinner closed the case before any decision could be made and Grace settled with Schlichtmann for eight million dollars.

Some of the Woburn families were content with this settlement, but others felt that a settlement was not what they were looking for. Jan felt hopeless and decided that he would never practice law again after devoting nine years to the Woburn case. In the conclusion of the book, Schlichtmann left for Hawaii to get away from his problems. Eventually, the Environmental Protection Agency took on the case and settled with Beatrice and Grace for sixty nine point four million dollars, which was the estimated cost of the

cleanup of their contaminated land. Harr's A Civil Action tells the story of one particular case, and by doing so he shows the reader every step behind the process of a civil trial; from deposition to trial.

Harr describes the judicial proceedings of the Woburn trial in exquisite detail while making the legal terms and actions clear to the average reader.

Although A Civil Action is a true story, it also serves as a legal learning tool for many. Harr enlightens the reader by showing that a case is not always as it appears to the public eye.