

Mini trial



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Incredibly, there are currently over " 3, 000 asses of Mesopotamia annually' in the US and more than " 1 0, 000 cases" globally (" The Mesopotamia Center", 2014). Asbestos lawsuits are continuously prevalent and can be identified by simply turning on a television set any given time of the day. More than likely there will be an asbestos lawsuit commercial on several channels. Since the sass's, Maryland has had its fair share of these lawsuits because of its asbestos production and inherent health risk posed to the surrounding communities.

In 1 993, Baltimore had more than " 200, 000 cases" pending against the state of Maryland and the courts had become inundated with an insurmountable mountain of lawsuits (Ogden, 1 993, pig. 38). Attempting to manage all of these cases put a serious strain on the court systems and jeopardized the overall efficiency and effectiveness of the state's judicial infrastructure. The question for legal professionals was how to handle such a large surge in caseloads. The answer came in the form of an Alternate Dispute Resolution (TAR) known as a Mini-Trial.

This TAR process created a means for legal professionals to process large groups of disputants through a dispute resolution process in minimal time. Asbestos mini-trial proceedings in Baltimore were conducted in ropes and series so that the most severe cases could be handled first. The unprecedented decision to utilize mini; trials in this capacity yielded quicker results than normal bench-trial cases could and paved the way for the continued use of this form of 3 TAR. The unique style in how the mini-trials were applied to the Baltimore asbestos cases is what really stood out.

Case Study As the amount of plaintiffs grew against multiple companies involved in asbestos manufacturing, Judge Marshall A. Levin of Baltimore's Circuit Court, ordered the majority of the cases to be performed as mini-trials (Person, 1993). This process would alleviate some of the limiting factors being experienced in regards to litigation saturation. With literally thousands of affected citizens, Judge Levin felt that a series of mini-trials would clear up a large portion of the individual claims bogging down Baltimore's court system.

The first thing he ordered was for the trials to be conducted in groups. Within these groups, legal professionals to include the judge; would select the most important cases first. His first grouped involved over 600 cases in which patients were already sick or dying from asbestos related illnesses (Person, 1993). It was important to process these cases quickly so that any damages awarded could be used for healthcare immediately. Another group involved a series of plaintiffs that were seeking damages from either being exposed to asbestos or not being properly informed of the dangers of asbestos.

Even though these were of lesser importance, the process of the mini-trial still afforded the plaintiffs quick resolution. Because there were so many people involved in all of these cases, the judge would also only allow a select few to present testimony. By doing this, Levin prevented the same testimony from being heard by thousands of plaintiffs with the same argument. This "abbreviated version" of a full court trial proved his theory that mini-trials were beneficial in lieu of (Colors, 2009, p. 203). Time was not the only thing gained by these trials however.

Judge Eleven's first mini-trial only took four weeks and caught the attention of several other judges. During the second set of 4 trial series, three judges from Baltimore joined him in hearing six more major asbestos cases. Those mini-trials yielded more than \$1 million in restitution for three out of the six cases (Person, 1993). Knowing that the number of asbestos cases would increasingly rise, Judge Levin created the "New Discovery Rule" that would supersede any statute of limitation Maryland had in regards to asbestos related lawsuits (Ogden, 1993).

Applying additional gateways offset the non-binding agreement mini-trials and other forms of TAR normally have. Discussion The overall goal in hearing asbestos cases quickly and clearing the courts of hemorrhaging lawsuits was ultimately a success. Eleven's progressive approach to dispute resolution proved that alternate methods can be fair and equal. Properly categorizing claims that were more severe against claims that were to was paramount in choosing first to appear cases. The quick action of the mini-trial afforded victims in need compensation necessary to the treatment of their illnesses.

By grouping the trials into series, the mini-trials also protected the asbestos manufactures of frivolous law suits and false claims of lung cancer due to smoking and not asbestos exposure. One of the biggest conclusions that can be drawn from this case is that the mini-trial is adoptable and long lasting. As recently as 2013, exactly 20 years after Baltimore's first asbestos mini-trial, Maryland is still using the TAR practice ND is a "major forum for asbestos litigation" (Richard, 2014). Baltimore's use of the mini-trial not only relieved the strain of over tasked court system, it proved that different forms of TAR could save time.