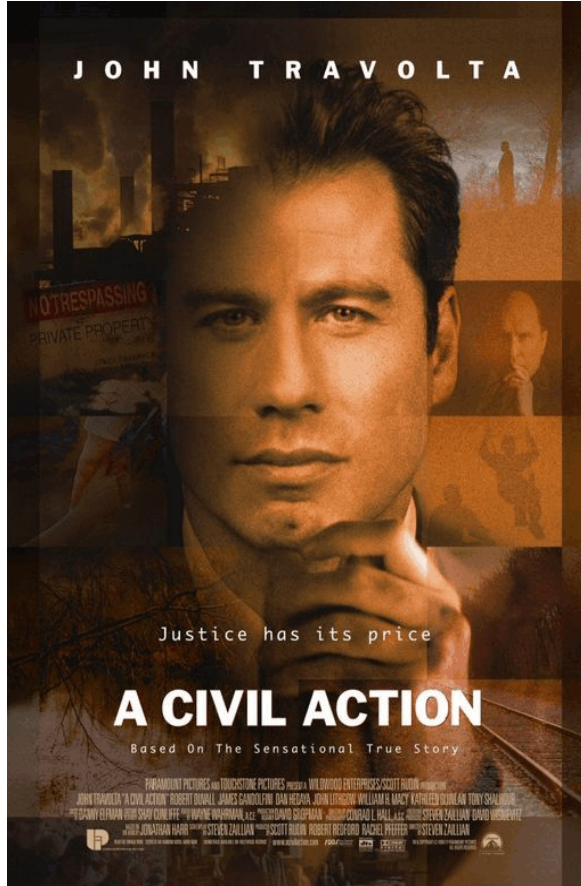


Policy, Law and Investigation!

A CIVIL ACTION - Justice Has its Price



Synopsis: In the early 1980s, a leukemia cluster was identified in the Massachusetts town of Woburn. Three companies, including W. R. Grace & Co., were accused of contaminating drinking water and causing illnesses. There is no question that this tragedy had a profound impact on everyone it touched, particularly the families of Woburn.

The movie¹ “A Civil Action” (1998) (as well as Jonathan Harr’s book of same title, 1995) is based on an actual account of the 1986 trial incriminating W.R.Grace & Co. as responsible for the leukemia causing contamination.

Jan Schlichtmann, a tenacious lawyer, is addressed by a group of families. When investigating the seemingly non-profitting case, he finds it to be a major environmental issue that has a lot of impact potential. A leather production company could be responsible for several deadly cases of leukemia, but also is the main employer for the area. Schlichtmann and his three colleagues set out to have the company forced to decontaminate the affected areas, and of course to sue for a major sum of compensation. But the lawyers of the leather industry’s mother company are not easy to get to, and soon Schlichtmann and his friends find themselves in a battle of mere survival.

Powerful movie quotes:

Jan Schlichtmann: *It’s like this. A dead plaintiff is rarely worth more than a living severely-maimed plaintiff. However, if it’s a long slow agonizing death as opposed to a quick drowning or car wreck, the value can rise considerably. A dead adult in his 20s is generally worth less than one who is middle aged. A dead woman less than a dead man. A single adult less than one who’s married. Black less than white. Poor less than rich. The perfect victim is a white male professional, 40 years old, at the height of his earning power, struck down at his prime. And the most imperfect, well in the calculus of personal injury law, a dead child is worth the least of all.*

Jan Schlichtmann: *The odds of a plaintiff’s lawyer winning in civil court are two to one against. Think about that for a second. Your odds of surviving a game of Russian roulette are better than winning a case at trial. 12 times better. So why does anyone do it? They don’t. They settle. Out of the 780,000, only 12,000 or 11/2 percent ever reach a verdict. The whole idea of lawsuits is to settle, to compel the other side to settle. And you do that by spending more money than you should, which forces them to spend more money than they should, and whoever comes to their senses first loses. Trials are a corruption of the entire process and only fools who have something to prove end up ensnared in them. Now when I say prove, I don’t mean about the case, I mean about themselves.*

STUDY QUESTIONS:

1. What was the initial or actual reason for filing the lawsuit?
2. What contaminants portrayed in the movie were related to what type of health problems?
3. On a more philosophical note: At the end, were there any true winners in this lawsuit? Why or why not?
4. How could you be sure about who caused the contamination?
5. What could industries that caused the contamination have done to prevent this disaster from happening?
6. On a more philosophical note: What would you do if you were the lawyer in the case — take the case or not? Why or why not? What factors would you use to help you make your decision?
7. On a more philosophical note: What about the afflicted families? Did they gain anything from the case as victims? What about victims of environmental abuse in general?

¹ A side note: Movies shown in my class were carefully selected for a very specific educational purpose. The idea is to literally let you take part in the old native American saying :” Do not criticize me without walking first a mile in my moccasins!” These movies are intended to do just that, let you “walk a mile in someone else’s shoes”, short of making you live in such situations under the peril of your life. Once you have had even a glimpse of such an experience , classroom discussions and lectures will be ultimately more meaningful If you watch the movie “just for fun”, you will miss more than just a valuable lesson of great importance.