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Front Page Stories

Micro-Managing The Mass Tort

How did 34 different law firms representing 102 plaintiffs in the Hamlet litigation manage to work together and forge a lump sum settlement within 15 months of the disaster?

Part of the answer lies in their effective use of the latest in litigation technology, including networked computers, batch faxes, client databases and electronic transmission of documents.

'It's the only way to compete,' says Raleigh lawyer Jay Trehy, chairman of the plaintiffs' litigation team. 'That's especially true in mass tort suits or in complex claims of product liability.'

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Interviewed by Lawyers Weekly, Trehy offered a glimpse at how this high-tech strategy was implemented:

Pooled resources. Early in the litigation, the plaintiffs' lawyers joined to create a litigation committee. 'Things were happening so fast there was no time to consult with everyone on every issue that cropped up,' said Trehy. 'Sometimes the defense strategy is to divide and conquer. So we decided there would be strength in

numbers.'

Communication hub. Trehy's firm of Blanchard, Twiggs, Abrams & Strickland became the communication center for the plaintiffs' team in part because it is high-tech, with networked computers and legal research capabilities. 'Many times it was just me getting on the phone and talking to a couple of people and then giving a response on behalf of all the plaintiffs,' Trehy said.

Client databases. The plaintiffs' attorneys prepared an extensive computer file for each of the 102 claimants. Pertinent data such as medical records, employment history and personal information on each client was entered. At the touch of a finger, team members could obtain information on particular claims and track their status.

Batch faxes. Fax transmissions have changed the way lawyers do business, according to Trehy. 'One thing we were able to do was batch fax,' he said. 'At night I could put together a report of the day's developments and send it to all the law firms. That way everyone was kept apprised on a daily basis. The left hand knew what the right hand was doing at all times.'

'As an example, we sometimes had to agree on specific language in an insurance policy,' Trehy said. 'By fax, we were able to communicate and give responses quickly. Even overnight mail would have been much more expensive and twice as long. Our decisions could be made on an hourly basis instead of a weekly basis.'

Litigation support groups. One trend in plaintiffs' advocacy is the formation of litigation support groups to press claims involving many parties or complex issues. Participants in the group share resources, information and material. 'Plaintiffs' law firms tend to be small,' Trehy said. 'We don't have a zillion associates, huge law libraries and huge expense accounts. So to the extent that we can combine efforts and never re-invent the same wheel, we're much more effective.'

'When you sue Ford over a Bronco II roll-over, the defense has national, regional and local counsel all sharing information, whatever they need,' Trehy said. 'Another example would be breast implant litigation, where you have these claims arising all over the nation. A plaintiffs' litigation group offers a tremendous support structure. I think it is the wave of the future.'

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