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## Popcorn, a movie and some CLE on the side

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Unlike what Robert Duvall's character says in "A Civil Action," Anton R. Valukas said a court case and its proceedings are a place to discover the truth.

When an attorney uncovers new evidence, Valukas said, it is that lawyer's responsibility to disclose that information.

"You have an obligation to do something about it, which supersedes your obligations to your client," said Valukas, a partner at Jenner & Block LLP. "You then have to fulfill your obligations to the court."

Valukas, U.S. District Judge Virginia M. Kendall, and Corboy & Demetrio partner Thomas A. Demetrio served as panelists Friday at an event that Schopf & Weiss LLP hosted at the Music Box Theatre as part of the firm's Movies on Trial series.

The panel discussed the trial techniques, ethics and professional responsibility issues raised in "A Civil Action."

The movie is based on a true story of a Woburn, Mass., court case from the 1980s. Some residents sued companies that caused toxins to contaminate the city's water supply, which led to fatal cases of leukemia and cancer for some.

The movie follows the challenges a small personal-injury firm faces to try to win the case for its clients.

Bradley P. Nelson, a partner at Schopf & Weiss who moderated the discussion, said the case "raises many of the difficult ethical and trial strategy questions that lawyers face every day in complex litigation."

When asked by Nelson about some of the film's ethical issues, Demetrio said the lead plaintiff

attorney — John Travolta's character, Jan Schlichtmann — should have informed his clients of all the settlement offers.

"On three separate occasions, he failed to convey an offer to his clients and that is absolutely a violation of several different provisions of our code of responsibility here in Illinois," Demetrio said.

The movie also shows Schlichtmann's firm not returning phone calls to one of its clients. That's the top complaint received by the Attorney Registration & Disciplinary Commission, Demetrio said.

The proper way to combat this problem, Demetrio said, is to hire attorneys who keep clients informed.

"The best we can do as lawyers when we retain a client is to reassure them we will notify them of anything we know they want to know," Demetrio said. "And to encourage them to contact us at any time, for any reason. As the case progresses, we should honor that commitment."

Valukas agreed. "A practice that is not keeping a client informed of a case is a dumb practice; it's a bad practice and maybe even an unethical practice," Valukas said. "That is a critical aspect because this may be the only time they interact with the justice system."

Valukas said a scene in which the judge and the defense attorney speak in private in the judicial chambers qualified as "an ethical problem of no small magnitude."

Kendall said she found the judge's demeanor, toward the plaintiff attorney following that interaction, unethical.

"His personality was this explosive personality where he



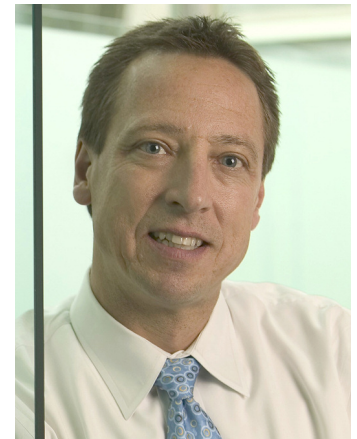
Anton R. Valukas



Virginia M. Kendall



Thomas A. Demetrio



Bradley P. Nelson

would say, 'My way or the highway' and put the lawyer down," she said. "That is something we try very hard to screen for when you get to the bench to say, 'This is not appropriate behavior.'"

In the movie, Schlichtmann and his partners receive testimonies from employees of the corporations. Valukas said before taking that type of testimony, he refers to the Illinois Rules of

Professional Conduct.

"Even if a witness is prepared to speak to you — I've had that experience — I won't talk to them unless certain steps are taken," he said. "Under the circumstances, I think that John Travolta's character Jan Schlichtmann was under ethical violations under Illinois law."

About 200 people attended the event. They received 1.5 hours of continuing legal education credit.