

## RUNNERS-UP

# Wendell Gauthier: for turning a personal sorrow into a powerful, well-organized crusade.

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IN AMASSING AN ARMY of lawyers to launch the first broad-based, well-financed attack on the American tobacco industry, Wendell H. Gauthier admits, the effort is not just business, but personal—very personal.

The lead named plaintiff in what he and his comrades-in-arms hope will be a class action representing millions of allegedly addicted smokers is the widow of his best friend in law school. A chain smoker, Peter Castano sincerely quit smoking "every day of his life," until he died of cancer about two years ago, recalls Mr. Gauthier, of Gauthier & Murphy in Metairie, La., who is godfather to one of Mr. Castano's two children.

After his friend's death, his widow, Diane, asked Mr. Gauthier if there were any way to hold the tobacco industry liable, says the trial lawyer. She blamed her husband's death from cancer on nicotine addiction. Mr. Gauthier recalls repeating the mantra he had heard so many times: "They will bankrupt you. They will outmanpower you, outspend you and outlast you."

But he told his friend's widow that he would think about it. Mr. Gauthier, 51, says he actually had been wrestling with the issue for some time. His three daughters all became smokers as teenagers.

"What the tobacco industry wants you to believe is everyone has the willpower to quit, and they know that's wrong," he says. "They also know that if they can get

to young people before they're 24, they are more likely to become addicted, which is why they target young people. That's been festering with me for 10-12 years now."

The festering turned into a legal theory that turned into a putative class action last March. Mr. Gauthier, a veteran of massive tort actions such as the San Juan Dupont Plaza Hotel fire and silicone-gel breast implants, decided to assemble a team of attorneys who excel in tort and class action, to go after the industry with all the resources of a class action. The basis of the suit would be that nicotine is addictive.

The tobacco industry contends that cigarettes are not addictive and that smokers are free to quit anytime.

Mr. Gauthier's army now numbers 60 law firms and more than 100 attorneys, and it is growing. Each firm has promised an initial cash infusion of \$100,000.

The team includes such plaintiffs' lawyer heavyweights as Stanley M. Chesley of Cincinnati's Waite, Schneider, Bayless & Chesley Co. L.P.A.; Ronald L. Motley of Charleston, S.C.'s Ness Motley Loadholt Richardson & Poole; John P. Coale of Washington, D.C.'s Coale & Van Susteren; Elizabeth J. Cabraser of San Francisco's Lieff, Cabraser & Heimann; Turner W. Branch of the Branch Law Firm in Albuquerque, N.M.; and Russ M. Herman of New Orleans's Herman, Herman, Katz & Cotlar L.L.P.

Mr. Gauthier is the "Dwight Eisenhower who has brought together all these Pattons and Montgomerys," says Mr. Coale. "When Wendell speaks, everyone listens."

If a federal judge refuses to turn their suit into a national class action, Mr. Gauthier says, "we would simply file 60 individual suits around the country and move for multidistrict litigation status. We won't go away."

