

# Wendell Gauthier — For the Plaintiff



If you've never heard of Iota, Louisiana, you are not alone. Reportedly, it's a "speck on the map near Crowley," and if that doesn't help, here's another clue. It's also the birthplace of one Wendell Gauthier (HN, Southwestern Louisiana), one of the most prominent plaintiff attorneys in the United States regarding disaster-related litigations.

Although Brother Gauthier now sports a Rolls-Royce, lives in a mansion in New Orleans' exclusive River Ridge, and is a part-owner of the Saints, he makes no bones about his humble beginnings. "I'm really from the sticks," he says with a chuckle. "Half the time, we went to school with no shoes."

He's still the down-home boy from bayou country with a Cajun accent so thick that he's often ribbed by his colleagues. They even printed a book entitled "Gauthierisms," which gives an English translation for many of Gauthier's words and phrases. Once, as a prank, a fellow lawyer enrolled him in an English course at a university, but as usual Gauthier took it all for good-natured joshing. He even finds a chance to get back once in a while.

Keeping a sense of humor is one of Gauthier's strongest defenses against stress, which reaches high levels in his work. At 43, he has accumulated not only a fortune, but a wealth of knowledge and experience in successfully effecting large settlements, many exceeding a million dollars, for his clients who are victims of mass disasters. He has had the opportunity to work with some the country's top lawyers and has earned the respect of such heavyweights as Melvin Belli.

Gauthier was 19 before he had seen a town the size of

Lafayette, where he enrolled at the University of Southwestern Louisiana and met his wife Ann. They were married after they graduated in education, Wendell with a 2.1 grade point average and Anne with a 3.9. When they moved to New Orleans and were looking for jobs in the school system, Gauthier resorted to some of the fast thinking that has proven his genius in the courtroom.

Recognizing that the interview was going well for his wife and not for him, he issued his ultimatum: "Look," he said, "we come as a package. It's both or neither. Hire us both and you'll have a combined 3.0."

They hired them both.

In 1965 Gauthier entered Loyola Law School, taking night classes while he taught driver education at a high school during the day. Soon he started his own driver education program, which he still operates at about 15 private schools in the New Orleans area.

It was no overnight success story for the Cajun boy. He struggled during the first year of law practice and lost \$32 the first six months. Compensation for his services ranged from vegetables and other farm crops from his country clients to absolutely nothing from college students on marijuana charges. "With me it was pay me what you can and it usually amounted to charity work," says Gauthier.

But there was a limit to how far he could go with charity work. In the early 1970s he defended a man acquitted of a violent crime and worried afterward that his client might have been guilty. Anxiety forced him out of criminal law.

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He found he was much better suited for, and happier at, helping innocent people, and the chance came in 1974 when a faulty gas line exploded and destroyed the Martinez residence in Jefferson Parish. After leading that case to a successful settlement, Gauthier represented several other residents whose homes blew up in gas explosions, including the Reggios, for whom Gauthier won a \$1 million award. Then followed the Tenneco Oil Refinery, the Continental Grain elevator and other explosions that resulted in a total of \$10.5 million settlements in compensation for personal injuries or death for Gauthier's clients. Most of these were settled out of court.

Out of these many litigations emerged Gauthier as an expert in representing explosion victims and instigating procedural changes within the gas company. The now-famous attorney, often referred to as "Mr. Gas Explosion," found himself in demand for more and more mass disaster cases, including the Pan Am Flight 759

crash that destroyed the home of Christopher and Barbara Schultz, killed one daughter and severely injured another. In the largest aviation-related award in U. S. history, Gauthier obtained a judgment of \$10.9 million in the trial court. Similarly, he won \$1.5 million for a motorcycle accident victim in Louisiana's largest award in a single-product liability case.

Another record-breaker was the MGM Hotel fire in Las Vegas. In that case Gauthier headed the settlement committee representing the families of 85 people killed and more than 1,000 injured. The total settlement — the largest in history — exceeded \$210 million in suits against 112 defendants.

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Gauthier's most recent assignment is the San Juan Dupont Plaza case, in which he serves as chairman of the steering committee. Settlements could more than double those of the MGM disaster, he says, if punitive damages become an issue.

Since multimillion dollar litigation in mass disasters is relatively a new phenomenon in the court system, Gauthier is a pioneer. He has been one of the chief advocates of the *Manual for Complex Litigation*, a bible for lawyers involved in mass disaster cases. The procedure entails the formation of lead counsel committees consisting of experts in various areas and the identification of second-tier defendants, such as sub-contractors, architects, and product manufacturers. Finally, according to Gauthier, it is necessary to appoint settlement subcommittees charged with the responsibility of arriving at a uniform formula "which will dispose of all cases." To ensure that the formula reached is fair to all parties, a carefully selected mediator may be desirable.

Gauthier attributes much of his success to an innovative tool called "jurymetrics." This practice involves mock trials — as many as three per case — during which hired jurists are not told whether they're working for the defendant or plaintiff. After a summary trial all jury deliberations are watched on a hidden camera. The procedure assures objectivity and gives lawyers a good perspective on how to prepare their cases. Gauthier claims that a complete change of presentation takes place from the first mock trial in his firm's office to the real trial in the courtroom.

Although the use of television in courtrooms is controversial, Gauthier and his colleagues at Gauthier, Murphy, Sherman, McCabe and Chehardy consider it useful

when it's confined to inhouse viewing primarily for trial practice. "The television is a great instrument," says Gauthier. "It shows us things we want to see and, more often than not, things we did not want to see but need to correct. I think we're using it wisely."

If Gauthier is criticized for his use of television, he is also accused of being an ambulance chaser who gets rich from the misfortunes of others. True, his firm retains 30 percent of the multi-million-dollar judgments it handles. On the other hand, mass disaster litigation demands many long hours of supervising exhaustive investigations, poring over literally millions of documents, and negotiating final settlements, preferably out of court, sometimes years after suits are filed. Only a few lawyers lay claim to Gauthier's brand of stamina, courage, know-how and experience. As a result, few have exerted more influence toward the improvement and enforcement of stringent safety standards for builders and manufacturers. Gauthier takes a tough line against those responsible for disasters and works hard to see that justice prevails.

"The need for plaintiff attorneys and the success they have is a direct result of the failure of insurance companies to properly respond to the needs of the claimants," he says. The burden is placed squarely on the shoulders of the lawyer; it is difficult "knowing the breadwinner of a family has been killed and suddenly his widow and children are depending on the outcome of my case for their livelihood," says Gauthier. When it's all over, he gets a "great deal of satisfaction knowing that my client has been awarded enough money. That's a feeling that money can't buy."

Yet national fame and big money haven't really changed the Cajun boy inside. "All round, I'm very average," he says. "If I have any outstanding talent it's my ability to surround myself with capable people."

Indeed, Wendell genuinely appreciates the help of those around him. In one instance, he explains how a judge was largely responsible for the upturn in his career:

"In 1973, while serving in the Constitutional Convention, I became involved in a dispute with Lawrence A. Chehardy, who was then assessor of Jefferson Parish. This dispute led Mr. Chehardy to oppose me in a very close election for the House of Representatives, which I lost by 103 out of 11,000 votes cast. Shortly afterwards, my father died and Judge Chehardy, who had opposed my candidacy, and I became very close friends.

"Until this day, I feel the most important occasion in my life was losing the election. Winning would have certainly been disastrous to my law career. Judge Chehardy is quick to agree with this assessment and has taken a personal sense of pride in my accomplishments in the law. In my estimation," sums up Gauthier, "Judge Chehardy's support has been a major factor in whatever success I have achieved."

Humility like that is innately characteristic of Wendell Gauthier, who, after all, is still "very country" and sees no reason to be anything else. Why should he? The answer hangs on the wall behind his desk — an inscription that reads "I done real good." ▲