

# Lawyer extracts silver lining from air disasters

By ANNE VEIGLE  
Staff writer

Between 6:05 and 6:08 p.m. on Aug. 2, Delta Air Lines Flight 191 crashed and exploded at Dallas-Fort Worth International Airport.

At 7:12 p.m., Wendell Gauthier grabbed his telephone, phoned his law partners and started discussing strategies for lawsuits he hoped to win against the airline.

Gauthier laughs good-naturedly when he is described as a money-hungry lawyer who chases plane crashes in pursuit of big court settlements.

"I don't need to chase clients," Gauthier said, "they come to me."

Four of them, as a matter of fact, came from the Delta crash and more may come, he said.

Gauthier said he mobilized quickly after the crash when it appeared from early reports that a downburst of air, or windshear, was a likely cause of the accident. Windshear, an abrupt change in wind speed and direction, was blamed for the crash of Pan Am Flight 759 into a Kenner subdivision in July 1982.

Gauthier represented 62 claimants from the Pan Am crash, which killed 146 passengers and eight people on the ground. Gauthier won \$10.1 million for one of those claimants — the largest aviation-related award ever granted by a jury. It later was overturned, and the parties settled out of court. Gauthier wouldn't reveal the exact amount of the settlement, but said it was close to the original amount.

The Delta jet crashed during a heavy thunderstorm on its final

approach to the airport. The plane bounced across a highway leading to the airport, hit a car on the road and decapitated its driver, clipped one or two water tanks on the airport's grounds, and exploded in a muddy, grassy field. The crash killed 132 people, including the driver of the car.

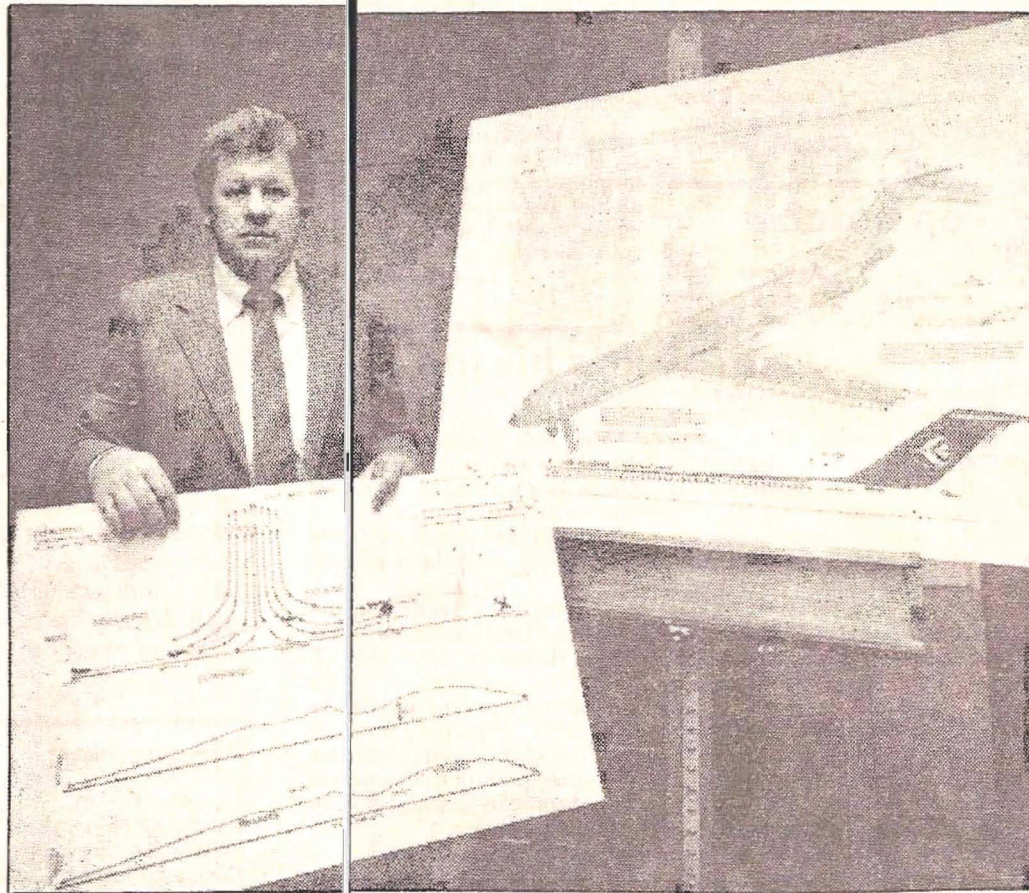
Hours after the Delta jet crashed, Gauthier started preparing lists of expert witnesses who testified in the Pan Am cases. He sent two of his partners to Dallas two days later to attend briefings by the Federal Aviation Administration.

"We nail them with everything that should be investigated," Gauthier said. Plaintiff lawyers such as Gauthier are not permitted to examine the crash site until the government finishes its investigation, so the only means of obtaining facts initially is through news conferences, he said.

Gauthier got his first four clients within a week after the crash through a reference from Melvin Belli, another lawyer who handles high-stakes personal-injury lawsuits. A Louisiana law prohibits lawyers from directly soliciting clients.

"I would like to contact them (families of accident victims) to send them information on my accomplishments in the field, but only when it's appropriate," Gauthier said. A recent U.S. Supreme Court decision suggests that lawyers may solicit as long as it is done tastefully, but until interpretations of the ruling make this clear, Gauthier won't solicit, he said.

Gauthier complained, however, that if it is legal for insurance



Lawyer Wendell Gauthier with diagrams detailing crash of Pan Am Flight 759 in Kenner.

STAFF PHOTO

agents to immediately approach families after a crash. "The insurance company is adverse to the interest of the victims," because they try to encourage people to settle claims for less than they should, he said.

"My job is to get the most for my clients," although no amount

of money can truly compensate them, Gauthier said.

Once a case nears a trial date, Gauthier hires 18 people to participate in "shadow juries," before which he and his associates practice the case. "We pay them \$50 to spend an evening here acting as jurors," he said, and the case is

presented just as it would be in court.

One of Gauthier's lawyers dons a judge's robes and another acts as defense attorney. After arguments are finished the jurors are sequestered in conference rooms at Gauthier's office in Metairie. Unknown to them, Gauthier and

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his partners are watching the proceedings on a hidden camera to evaluate the jurors' candid reactions to what they witnessed.

"It's just like walking into a courtroom," Gauthier said, describing the appearance of the office specially designed for the mock jury presentations. "They (jurors) really get into it," he said. "They've even called us shysters on the hidden camera."

The jurors, when hired, don't know whether they are working for the plaintiff or defendant, Gauthier said. "We use fake names for the mock trials," and afterward the jurors are told that the plaintiff hired them, he said. The anonymity ensures the objectivity of the proceedings, he said.

At stake is how much money a victim should be awarded, Gauthier said. For each case, Gauthier conducts three mock trials, and

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he divides the 18-member juries into three groups so each can deliver a separate judgment. The judgments help him decide whether he will be able to convince a real jury to award the amount of money he wants, Gauthier says.

"In a plane crash there is no defense, the only thing they can do is mitigate the damages," he said.

Out of these awards, Gauthier's firm typically takes about 30 percent. Gauthier said that last year his take-home pay was about \$400,000. "Make no mistake," he said, "money is a motivating factor."