

Bar Groups

Take on ambulance

chaser screens, which work better than previous laptop screens, which look like white sheets of paper with black characters on them, often contrast many times sharper than those generally available on

In addition, Prairietek, Long-Colo., has announced a hard-disk drive, and other models are likely to follow with their own versions. The latest is just 2.5 inches in diameter, compared with the normal 3.5-inch size. It weighs less and uses less power than current versions. Market-research firms say the laptop market is already growing 50% a year, but Gordon Bell, chief executive of Digital Equipment Technologies, says, "The technology for laptops is just starting to come together." As he knows of at least one manufacturer that will introduce at the end of the year a fully portable laptop that is less than an inch thick and weighs less than 10 pounds.

Activity-Carrying Ink in Circuit Boards

ELECTRONIC circuit boards, currently made through a messy and expensive process, may eventually be made as simply as silk-screen

Tron Inc., of Mountain-N.J., says it has developed a process that can be laid down in thin lines with great precision on a circuit board. When the boards are irradiated and cured, the ink conducts electricity as well as copper wires do.

The company says the process is much faster and cheaper than the current procedure, which involves using toxic chemicals to etch the wires on the boards. By avoiding those chemicals, the process would also reduce the production of toxic waste, which has been a headache for the electronics industry and for people

Tactics Include Tough Talk, Victim Hot Line

By WAYNE E. GREEN

Staff Reporter of THE WALL STREET JOURNAL
Officials from the State Bar of Texas didn't waste any time.

Within hours after a Delta Air Lines plane crashed in Dallas on Aug. 31, they had flown to the site, determined to stop personal-injury lawyers from soliciting victims as clients. They advised victims to go slow in hiring legal counsel. They announced they were "monitoring" early-arriving lawyers. And they vowed to crack down on unethical behavior.

"We're here to take names," declared Larry Fitzgerald, a spokesman for the state bar, the agency responsible for disciplining lawyers in Texas.

Bravado perhaps, but such show-of-strength tactics are a sign of the times in the legal profession. Solicitation of victims at disaster sites is a growing embarrassment, and conventional bar association strategy—waiting for someone to complain—isn't working. So a number of bar groups are seizing the initiative. Some are racing ambulance-chasers to the scenes. Some are enlisting Red Cross workers and sheriff's deputies to watch for lawyers lurking near an accident site. The Florida and Hawaii bar associations have bought newspaper ads asking citizens to report attorneys soliciting victims of disasters.

Keeping the Lid On

"We're just trying to keep the lid on," says James Sales, president of the Texas bar, who led the contingent into Dallas. "I think an aggressive, preemptive approach is the only way."

More may be coming. The American Bar Association is working with various groups to try to standardize procedures for moving quickly to reduce the legal pressure on disaster victims and their families. Among the possibilities: furnishing bar associations with brochures, television and radio scripts for public-service announcements, and canned videos that would explain legal options to victims. An emergency hot line that people could call for ad-

vice. Not everybody likes the strategy. Some lawyers believe such actions may dissuade victims from retaining lawyers at all, even though they have legitimate claims against an airline or others connected with a tragedy. Others contend that, by discouraging early attorney contact with victims, they are giving an advantage to defendants and their insurance companies, which sometimes move quickly to persuade victims to relinquish their right to sue and settle claims cheaply.

"It's one-sided," says Wendell Gauthier, a New Orleans plaintiffs' attorney. "All of the people with interests adverse to yours are out there investigating and the victim has no representation." The Texas Trial Lawyers Association says the Texas bar's effort was well-meaning but "at best ineffective and at worst harmful to the victims and their families."

Plaintiffs' lawyers also question the motives of some bar leaders. They note, for example, that Mr. Sales heads the litigation department at Fulbright & Jaworski, a prominent Houston firm that often defends major companies and counts among its clients U.S. Aviation Underwriters Inc., Delta's insurance carrier. Mr. Sales dismisses that complaint, saying he acted without even knowing the identity of Delta's carrier; he also notes that he has publicly warned victims against insurance adjusters as well as lawyers.

Spurring the bar groups' bolder action is the increasingly brazen hustling of disaster victims in recent years. When another Delta flight crashed in Dallas three years ago, lawyers allegedly harassed victims' families at the hotel where Delta was housing them. After a department-store roof collapsed in South Texas last summer, Mr. Sales says, some lawyers' representatives posed as Red Cross workers, helping dig out victims and signing them up at the same time. Victims of a plane crash in Detroit last year were allegedly solicited by a lawyer's agent disguised as a priest.

"It's become a terrible problem everywhere, and it just seems to be getting worse," says Patricia Allen, ethics counsel for the Florida bar.

Most state bars can suspend or disbar lawyers who solicit clients in person or over the phone—but such punishments rarely occur. In fact, many bar groups, including those in Texas, Florida and Cali-

SOME LAWYERS

complain that the bar groups may dissuade accident victims from retaining lawyers at all. Others contend that bar groups are giving an advantage to defendants and their insurers, which sometimes move quickly to persuade victims to relinquish their right to sue and settle claims cheaply.

fornia, have drawn criticism for being too soft on bad lawyers, and for keeping grievance proceedings secret. The Florida bar has recently taken steps toward opening up parts of its disciplinary process.

But making a case against lawyers who improperly solicit disaster victims or their families isn't easy. Already traumatized, victims often can't remember the names of lawyers who hassle them. Others, wanting to put the disaster behind them, decline to press charges. Complicating matters, many lawyers often are from out of state, limiting the state bar's authority to act against them. The American Bar Association is working with state groups to see if those limitations can be eased.

The Texas bar isn't the first to try an early deterrent strategy. Two years ago, the State Bar of California sent two investigators to the site of an AeroMexico DC9 crash in Cerritos, Calif., to help ward off ambulance-chasers. Last December, after an air crash at a more remote site in San Luis Obispo County, it issued a press release, pledging to "vigorously prosecute" lawyers who solicit clients.

"It's just a new approach that I don't think dawned on anybody until the last few years," says Terry Anderlini, president of the State Bar of California.

After the August 1987 Northwest Airlines crash in Detroit, Michael Alan Schwartz, grievance administrator of the Michigan Attorney Grievance Commission, didn't go to the accident site. But he did take to the airwaves, promising in news interviews that he'd try to disbar any attorney caught soliciting business. He also sought help from the county sheriff, who instructed "scores" of deputies patrolling the crash site to keep an eye out for lawyers soliciting victims. In Michigan, it's a crime for lawyers or their agents to personally solicit personal-injury or wrongful-death cases. It's a misdemeanor, punish-

able by up to six months in prison and a maximum \$500 fine.

"The airport was deluged with police officers," says Mr. Schwartz. "It was very effective." He says only three cases of misconduct were reported, including the man dressed as a priest. A warrant for his arrest is outstanding, and the other cases are being investigated.

Ironically, the bar groups' biggest obstacle may be the courts. The U.S. Supreme Court last June ruled that lawyers could mail solicitation letters to potential clients. Some lawyers feel permitting in-person solicitation is a logical next step.

Narrowing Limits

In a case pending before the Texas Supreme Court, a Houston trial lawyer is already trying to narrow Texas bar limits on solicitation. The attorney, John O'Quinn, has been accused by the bar of hiring "runners" to solicit personal-injury cases. Mr. O'Quinn contends the rules are an infringement on rights of commercial free speech.

Still, bar leaders are enthusiastic about their anti-solicitation efforts. Mr. Anderlini says no attorney misconduct was reported to the California bar after the air crashes in Cerritos and San Luis Obispo County, in contrast to the complaints that rolled in after previous incidents. And Mr. Sales believes the Texas bar's presence at Dallas-Fort Worth International Airport also discouraged unethical conduct, but he concedes the bar received some complaints.

Mr. Sales says the Texas bar now is studying ways to strengthen its watchdog team—for instance, by perhaps adding an insurance regulator to monitor high-pressure insurance adjusters.

"It's better than wringing your hands after the event and saying how terrible it was what these predators did," he says. "That does very little good for the victims."

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