

Reading Guide for *Civil Action* by Jonathan Harr

Boston: July 1986

Directed Reading Questions

1. Where was Jan Schlichtman going on that Monday morning before 8 A.M. in 1986?
2. What happened to him two days before? What was “easy come, easy go”?
3. Why was he afraid?
4. Who was Walter Skinner? Anne Anderson?

Vocabulary

arrears deposition
civil action paralegals
deliberations

Critical Thinking Questions

1. Why does Harr choose to begin the story in medias res?
 2. What do we already know about Schlichtmann and what can we predict for the rest of the novel?
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Woburn: Summer 1966

Part 1:

Directed Reading Questions

5. Where is Woburn?
6. What was the role of the leather trade and tanning in the history of Woburn? What remained of this trade in 1966? Who was J.J. Riley?
7. What are blue vitriol, Glauber’s salt, and sulfuric acid?
8. Why did Bruce Young’s ministry change in January of 1972?

Vocabulary

tannery blue vitriol
Glauber’s salt sulfuric acid

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Part 2:

Directed Reading Questions

9. Describe Jimmy Anderson's symptoms before he was diagnosed with leukemia? How old was he?
10. What are petechiae and what might they signal? What does "spleen not palpable" mean? What is generalized lymphadenopathy?
11. What are blast cells? A bone marrow aspiration which was a "difficult pull with scant return"?
12. What was the St. Jude protocol?
13. What is the difference between acute lymphocytic leukemia and chronic myelocytic leukemia? What is benzene? Ionizing radiation? How are these related (at least according to the medical knowledge of that time) to the two above two types of leukemia?
14. What was the significance of the Zonas and the Nagles? What did Anne Anderson ask Dr. Truman? What was Dr. Truman's response?
15. Who was Kevin Kane? Did this change Dr. Truman's mind?
16. What was the one thing linking all these childhood leukemias that obsessed Anne Anderson?
17. What is a deposition? What anecdotal information did Anne Andersen state (in a deposition taken during later court proceedings) about her experiences with the drinking water shared by all these children?

Vocabulary

anemic	pallor
lethargy	leukemia
St. Jude Protocol	mediastinum
petechiae	"spleen not palpable"
remission	lymphadenopathy
chemotherapy	hematology
lympho sarcoma	benzene
bone marrow aspiration	blasts
Adriamycin	ionizing radiation

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Part 3:

Directed Reading Questions

18. What change came in November of 1964?
19. What did this have to do with Well G? Well H? Where were these wells located?

20. What did the Massachusetts Department of health find in the summer of 1967? What did the city of Woburn have to do in order to keep Wells G and H open? Why and how did residents complain?
21. In the spring of 1969 residents organized to force the Mayor to close Wells G and H? Were they successful? When?
22. Describe the cycle of openings and closings of Wells G and H. Why did this happen? What was the role of the City Engineer/
23. What happened to Jimmy Anderson in September of 1975? What did the name Lilley mean to Anne Anderson? Why?

Vocabulary

aquifer platelets

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Part 4:

Directed Reading Questions

24. Describe Robbie Carner's health from when he was born until he was diagnosed with acute lymphocytic leukemia. Did Donna Carner know that her drinking water was bad? What did she do in order to use the water?
25. Who was Joseph Mulligan? Why did Donna Carner seek him out?
26. What is a relapse? How many times did Robbie Carner have relapses until he finally died?
27. What is the final, fulminate stage of a disease? What other symptoms did Robbie Carner develop just before his death?
28. Who was Jarrod Aufiero? What is the significance of the Somerville exit?

Vocabulary

juvenile rheumatoid arthritis septic
atrophy orthopedist
Morphine neurologist
sciatic nerve medical malpractice
relapse

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Part 5:

Directed Reading Questions

- 29. What circumstance led to the testing of Wells G and H? What is a midnight dumper?
- 30. What were the results of these tests? What are TCE and perc?
- 31. Did the contamination come from the midnight dumper and his barrels of waste?
- 32. What happened to Wells G and H?
- 33. What happened to Patrick Toomey a month after the wells were finally closed?
- 34. Who was Thomas Mernin? What was his relationship to the Toomeys?

Vocabulary

“midnight dumper”	trichloroethylene (TCE)
tetrachloroethylene (perc)	chlorine
eczema	carcinogen

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Part 6:

Directed Reading Questions

- 35. How did Anne Anderson learn about TCE in Wells G and H?
- 36. What did Reverend Young do?
- 37. What were the results of the meeting at Trinity Church?
- 38. What is a “striking cluster”?
- 39. What was Dr. Truman’s next step?
- 40. What is the CDC? What had Dr. Clark Heath learned about leukemia clusters? What is the “Texas sharpshooter effect”?

Vocabulary

arsenic	lagoon
“rheumatic-like” illness	cancer epidemiologist

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Part 7:

Directed Reading Questions

- 41. What was the role of Charles Ryan?
- 42. What did the CDC and the Mass. Dept. of health decide to do?

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Part 8:

Directed Reading Questions

43. When did the CDC study begin? What was the CDC trying to find out?
44. Why did Donna Robbins contact Joe Mulligan again?
45. What did Joe Mulligan mean when he said “almost *res ipsa loquitur*”? What was the main problem according to Mulligan?
46. Who decided to have Mulligan represent them? What is a contingency fee contract?

Vocabulary

res ipsa loquitur

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Part 9:

Directed Reading Questions

47. How did Anne Anderson meet John Lilley? How had their paths crossed in the past? Who was Michael Lilley?
48. What were Jimmy Anderson’s symptoms during his final relapse?
49. What happened five days after Jimmy died? What did this report show? What questions still remained unanswered according to the report?

Vocabulary

bone marrow biopsy	lymphoblastic leukemia
aplastic anemia	nadir
leukemia cluster	contingency fee contract

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Critical Thinking Questions

1. What is the connection between the history of Woburn and the stories of disease?
 2. Why does Anne Anderson see an epidemic and a cause where others do not?
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The Lawyer

Part 1:

Directed Reading Questions

- 50. What type of lawyer was Jan Schlichtman? What is an ambulance chaser?
- 51. What type of lawsuit was the Lowell Eaton case?
- 52. What is a tort?

Vocabulary

chaser”	continuance
settle	lawyer
claim	wrongful death
torts	cross-examine
opening argument	“ambulance closing argument
<i>pro bono</i>	lack of foundation
trial	retain
hearsay	

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Part 2:

Directed Reading Questions

- 53. What was the result of the Eaton case? How did this affect Schlichtman’s career?
- 54. How did Schlichtman become involved with the Piper Arrow case and the firm of Reed and Mulligan?
- 55. Why did Reed say that “this kid is like a bulldog!”
- 56. What type of lawyer had Schlichtman become?

Vocabulary

affidavit

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Part 3:

Directed Reading Questions

- 57. What are “gold mines”?
- 58. How did Schlichtman become involved with the Woburn case?
- 59. What problems did Schlichtman immediately see with the Woburn case?
- 60. What did Schlichtman say to his new clients?
- 61. When did this first meeting occur? Was Robbie Andersen still alive?

Vocabulary

“nuisance value”
EPA

leukemogenic
tumor

Part 4:

Directed Reading Questions

62. Compare and contrast Jan Schlichtman with Kevin Conway.
63. What did Conway think about the Woburn Case? What is a “black hole”?

Vocabulary

indigent

fulminant meningitis

Part 5:

Directed Reading Questions

64. What is the statute of limitations? For personal injury?
65. How did Anne Anderson embarrass Schlichtman?
66. Why couldn't Schlichtman say “no”?
67. How did Reverend Young save the day? Who were Roisman and the Trial Lawyers for Public Justice?

Vocabulary

pragmatist

statute of limitations

Part 6:

Directed Reading Questions

68. How did Roisman obtain the EPA's preliminary report on the Woburn wells?
69. What did the report say? What is the National Priorities List?
70. What did the Princeton Professor say about the sources of TCE contamination?
71. What companies were apparently involved in producing the contaminant plume?
72. What are “deep pockets”? Why did this interest Schlichtman?

73. What did the EPA have to do in order to obtain this information? What are test wells groundwater contours, well logs, a plume, and an aquifer?
74. What did the W. R. Grace plant manufacture in Woburn? Did Schlichtman know for sure that the Grace plant used TCE?
75. What did Schlichtman know about the use of TCE that seemed to fit with the manufacturing process at the Grace plant?
76. What else was on Beatrice's 15 acres? What was Whitney Barrel and Aberjona Auto Parts?
77. What did the complaint assert? Where was the complaint filed? What is compensation? Punitive damages?

Vocabulary

Freedom of Information Act	lexicon
periphery	nervous system depressant
plume	punitive damages
conglomerate	compensation

Critical Thinking Questions

1. How does Conway compliment Schlichtmann and how does Conway make the story more interesting?
2. What motivates Schlichtmann as a lawyer? What are his goals and his strengths and weaknesses?



Rule 11

Part 1:

Directed Reading Questions

78. For what firm did Jerome Facher work? Where did he teach? What did he teach? What are mock examinations?
79. Explain the meaning of "little bricks build big walls." What are the "tools of the trade"? What is "bare-knuckle" litigation?
80. When did Facher receive the Woburn case? Who sent it to him?
81. Why did Neil Jacobs have to interview J.J. Riley? Why did Riley sell his tannery? To whom? What are the "15 acres"?
82. What did Paragraph 53 of the complaint assert? Did Neil Jacobs actually see evidence of this assertion? What did Neil Jacobs write in his response to the complaint? Were Facher and Jacobs interested in the facts (the truth) about the 15 acres? Why?

Vocabulary

Rule 11	[sic]
<i>modus operandi</i>	environmentalist
objection	waste-treatment facility
evidence	mock examination
foliage	brief
corrugated	motion
malodorous	civil case
acumen	plaintiff

Part 2:

Directed Reading Questions

83. Who represented W.R. Grace? What were Cheeseman’s strengths and weaknesses as a lawyer?
84. When was the Grace plant built in Woburn? What did they make there? What did Cheeseman learn about the use of TCE at Grace’s Woburn plant?
85. What did Cheeseman think about “Schlichtman’s performance”? What are the Canons of Professional Ethics?
86. What were the interrogatories that Schlichtman sent to Cheeseman? Did Cheeseman intend to respond to these interrogatories?
87. What is Rule 11? What was the basis of Cheesman’s Rule 11 motion?

Vocabulary

defendant	motions of demurrer
summary judgment	Canons of Professional Ethics



Part 3:

Directed Reading Questions

88. Were children the only leukemia victims in Woburn?
89. How did the need for two hockey tickets teach Roland Gamache who the defendants were in the lawsuit in which he was a plaintiff. Why did he join the lawsuit in the first place?
90. What did Facher think of Cheeseman’s Rule 11 motion? What was Facher’s rule of thumb with regard to these types of gambits?
91. What is barratry?
92. What is an *in camera* affidavit? Why did Cheeseman need one?

Vocabulary

in camera

Board of Bar Overseers

barratry

Part 4:

Directed Reading Questions

93. The original complaint had been filed in the Massachusetts State court system. Where did the case end up? Who was the judge?
94. What did Judge Skinner think of the Rule 11 Motion? What is an “evidentiary hearing with oral arguments and witnesses?”

Vocabulary

trial judges

First Circuit

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Part 5:

Directed Reading Questions

95. What did Schlichtman say he would refuse to do at his pending Rule 11 hearing? What was Schlichtman’s plan?

Vocabulary

contempt

advocate

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Part 6:

Directed Reading Questions

96. Did Schlichtman’s plan work? How were Cheeseman’s weaknesses as an attorney revealed? What was Facher’s role?
97. What was Judge Skinner’s final ruling on the Rule 11 motion?

Vocabulary

disciplinary hearings
disbarment

public censure
ex parte

catechism

Critical Thinking Questions

1. Briefly discuss the three lawyers in the case, paying attention to each one’s strengths, weaknesses, and essential characteristics. Make predictions on the trial based on the answers.

2. Based on the Rule 11 motion, what has Harr shown about pre-trial procedures, techniques of lawyers, and the judicial system in general?
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Orphans and Dogs

Part 1:

Directed Reading Questions

98. When was the hearing on the Rule 11 motion? For how long after this did the Woburn case “languish” in Schlichtman’s files?
99. What are “orphans and dogs”?
100. Why did Schlichtman form his own law firm? What was Schlichtman’s “new way of doing business”?
101. What feeling did the outcome of the Carney case give Schlichtman that influenced the Woburn case?

Vocabulary

malpractice claims	bone matrix
“orphans”	catheter
“dogs”	necrosis
prosthetic joints	cardiac events
collateral	whiplash
negligence	steroids

Part 2:

102. What were the main results of the Harvard health Study of leukemia in Woburn? Did these results show that TCE caused leukemia?

Vocabulary

chronic bronchitis	asthma
pneumonia	ruptured aneurysms
congenital defects	cleft palate
spina bifida	Down’s syndrome
chromosomal aberrations	

Part 3:

Directed Reading Questions

- 103. Why did Cheeseman have some hope that the Woburn case had become an orphan?
- 104. What is a motion for summary judgment? What was the basis for Cheeseman’s summary judgment motion in the Woburn case?
- 105. What affidavit did the two doctors sign for Cheeseman? How did Cheeseman hope that this affidavit would affect Schlichtman’s “*prima facie* case on causation”?
- 106. What was Schlichtman’s response?
- 107. What was Dr. Alan Levin’s theory? What was his working hypothesis?
- 108. What types of tests did the Dr. Colvin perform on the Zonas? What were the results?
- 109. How did the results for the lab employee who had skin cancer compare to the results for the Zonas?
- 110. What other studies on TCE did Levin find?
- 111. What were the main arguments of Schlichtman’s brief?
- 112. Did Judge Skinner entertain oral argument? Why? What was his ruling on the motion for summary judgment?

Vocabulary

hematology	malignant cells	lymphocytosis
<i>prima facie</i>	immunopathologist	bone marrow
immunologist	lymphocyte count	immune dysfunction
aberrant cells	assays	carbon tetrachloride

Part 4:

Directed Reading Questions

- 113. What happened to Roisman and the Trial Lawyers for Public Justice? Why?

Vocabulary

pretrial maneuvers	discovery
cardiology	toxicology
exhumation	joint “tortfeasor”

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Part 5:

Directed Reading Questions

- 114. What did Cheeseman learn about Grace’s Woburn operation? What was the role of the *Woburn Daily Times*?

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Part 3:

Directed Reading Questions

125. How was the deposition of Al Love different from the other Grace employees?
126. With whom was Al Love upset after his deposition? What was his dilemma? Why did he visit Anne Anderson? What did Schlichtman learn as a result?
127. Why did Schlichtman want to get a U.S. attorney and the Justice department involved after these revelations? How did the U.S. attorney respond?
128. How did Tommy Barbas respond?

Vocabulary

seizure perjure

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Part 4:

Directed Reading Requirements

129. How much TCE had Grace’s plant in Woburn actually used? Describe how Tommy Barbas used TCE on a daily basis.
130. What was the “swimming pool”? How much TCE ended up in this pit?

Vocabulary

congealed

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Part 5:

Directed Reading Questions

131. What did the team of geologists hired by Schlichtman do in order to prove that the TCE dumped by W.R. Grace had actually gotten into the city wells?

Vocabulary

perjury

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Part 6:

Directed Reading Questions

132. What was J. J. Riley's attitude to Schlichtman's questions? What did Schlichtman feel about Riley's testimony?
133. What was the significance of the "killer document"?
134. What was Death Valley? What did the Fire Dept. find after the pond caught on fire?
135. How had the "15 acres" been used? Was Whitney Barrel to blame?
136. Could Schlichtman find hard evidence?

Vocabulary

silicone	butyl alcohol
chlorinated solvents	electromyography
degenerative muscle disease	gasification
corrosive	stenographic transcripts
xylene	<i>capias</i>
toluene	

Critical Thinking Questions

1. What did Schlichtmann achieve and what did he fail to do during discovery?
2. What has Harr shown about truth and honesty in regards to the legal system?

The Woodshed

Part 1:

Directed Reading Questions

137. How had the Woburn case become "Schlichtman's entire universe"?
138. What did Dr. Conibear and Dr. Cohen do and what did they find?
139. What research had Dr. Feldman done on TCE? Was this type of acute exposure the same as that of the leukemia victims in Woburn?
140. What type of tests did Dr. Feldman perform on the Woburn residents? Why was the "blink reflex" test so significant?
141. Schlichtman had always assumed that the only way Woburn residents had been exposed to TCE had been by drinking contaminated water? What other pathway did he discover? Why did Richard Toomey complain about burning eyes when bathing?

142. What was another “route of exposure” that was especially important during bathing?

143. Was Schlichtman now solely concerned with the leukemia cluster? Why?

Vocabulary

bookkeeper	ventricular fibrillation
nerve-conduction velocities	testimony
arrhythmia	neuropsychological
Agent Orange	electrocardiograms
olfaction	asbestos
cranial nerve	volatile
gastric	trigeminal nerve
part per million	upper respiratory tract
myelin sheath	chronic solvent poisoning
epigastric	“irregular globules”
skin eruptions	multiple sclerosis

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Part 2:

Directed Reading Questions

144. How much had Schlichtman spent on the Woburn case by the fall of 1985?

144. What did Schlichtman’s firm have to do to pay for the rest of the trial?

Vocabulary

seismic refraction	mock trial
unsecured loan	annuity

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Part 3:

Directed Reading Questions

145. How did the “rancorous dispute over discovery” express itself? What was the role of the magistrate?

146. Why were Facher and Cheeseman in no rush to finish discovery?

147. What happened during the depositions of Schlichtman’s expert witnesses that cause him to have “imagined the worst” and later to feel that he had “narrowly escaped disaster”?

Vocabulary

hypochondria	intemperance
censure	

Part 4:

Directed Reading Questions

148. What was the “Woodshed Conference”?
149. Why did Facher call Schlichtman to ask for a private meeting? What was Schlichtman’s response?
150. What did Facher say about “putting all those families on the witness stand”? Should Schlichtman have settled with Beatrice and gotten “rid of” Facher?

Critical Thinking Questions

1. Which goal, in your opinion, has taken precedence for Schlichtmann: truth, money, or remedy?
 2. “...a dead child is always worth less than a dead adult...” Discuss the irony of this statement as it compares to Schlichtmann’s plan that the parents’ stories of their children dying will be very compelling for the jury. Why are dead children worth the least, yet evoke the most emotion?
 3. What do Schlichtmann’s explosions during the “limited depositions” reveal about his condition regarding the Woburn case?
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Billion Dollar Charlie

Part 1:

Directed Reading Questions

151. Who was Charles Nesson?
152. What was the "Case of the Blue Bus"?
153. How did Judge Skinner bring the Blue Bus into the Woburn case? What did he ask Schlichtman?

Vocabulary

criminal trial	liability
apropos	pretrial conference

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Part 2:

Directed Reading Questions

154. Why did Facher and Cheeseman spends hours questioning Schlichtman's clients about their use of more than 500 different household products?
155. Why did Schlichtman need an "eminence grise"? Who did this turn out to be?

Vocabulary

interrogatories	aflatoxin B1
dimethylnitrosamine	teflon
acrylonitrile	saccharin

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Part 3:

Directed Reading Questions

156. Was Nesson interested? Why?

Vocabulary

vinyl chloride	nitrosamines
aluminum chlorohydrate	asphyxiating
blood transfusion	eminence grise
paroxysm	

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Part 4:

Directed Reading Questions

- 157. What “alarm bells” did Nesson hope to ring?
 - 158. What were the net earnings of Grace and Beatrice?
 - 159. How did Nesson hope to get their attention?
 - 160. What was Nesson in this for? Who was “Billion-Dollar-Charlie”?
 - 161. How did Judge Skinner respond to Nesson’s “trumpets”?
 - 162. What was “astronomical” according to Judge Skinner?
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Part 5:

Directed Reading Questions

- 163. What is an expert witness?
- 164. Why did “virgins” make the best witnesses?
- 165. Why did Dr. Levin have such a difficult time during his deposition?

Vocabulary

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| gastrointestinal | chlordane |
| rhinitis | “clinical ecology” |
| expert witness | charlatan |

Part 6:

Directed Reading Questions

- 166. What is a toxicologist? A hematologist? An epidemiologist? A pathologist?
- 167. On what did almost all of the experts agree with regard to TCE? Where did they differ?

Vocabulary

- echocardiograms
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Part 7:

Directed Reading Questions

- 168. What was the purpose of the EPA “pump test”? Why were more than one hundred

monitoring wells required?

169. What did the test confirm?

170. How much did the pump test and groundwater consultants cost?

Vocabulary

geology
capacitator

hydrology

Critical Thinking Questions

1. What are the advantages and disadvantages of having Nesson on the team?
 2. What is Nesson's reasoning for his estimate of the value of the case? In your opinion, how valid is it?
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Facher's Plea

Part 1:

Directed Reading Questions

170. In what did Litigation Sciences specialize? What did they find out for Cheeseman and Facher?
171. What did the “mock jury panels” indicate?
172. What is a lawyer's affidavit? What was “Facher's plea”? Was it successful?

Vocabulary

“scientific” jury research	blastogenesis
Dim 8's	helper-suppressor cells
hydrogeology	parts per billion
plea	<i>pro forma</i>

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Part 2:

Directed Reading Questions

173. What was the settlement proposal that Schlichtman's firm and advisors finally decided upon?
174. Describe the Four Seasons “script”?

Vocabulary

environmental insurance policy	leveraged buyout
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Part 3:

Directed Reading Questions

175. Describe the settlement laid out by Gordon. How did Facher and Cheeseman respond? What was the “nice pen”?
176. What was “blood money” according to Anne Andersen? Did Schlichtman feel the same way?
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Part 4:

Directed Reading Questions

177. What example of the national publicity given to this case is described here?

178. What is a *voir dire*? A peremptory challenge? What did each side seek during jury selection?

179. How was Schlichtman “naked before the world”? Who saved him?

Vocabulary

venue
aplastic anemia

peremptory challenge
voir dire

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Part 5:

Directed Reading Questions

180. Why did the national press consider Woburn to be a “landmark case”?

181. What had Schlichtman “assumed all along”?

182. What does “trying the plaintiffs *seriatim*” mean?

183. What had Facher “been vowing to himself”?

184. What were the three stages of the plan for the trial decided upon by Judge Skinner?

185. Why was this plan advantageous to the defendants?

Vocabulary

“bellwether case”
seriatim

prerogative

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Part 6:

Directed Reading Questions

186. What figure did Schlichtman give Jacobs? Did Jacobs call back? Why?

Critical Thinking Questions

1. How important is jury selection? Which party is it more important to? How did the actual jury selection relate to the research done by Litigation Sciences?
 2. How fair was Judge Skinner’s structuring of the case?
 3. What does Schlichtman have to prove in each phase? What are his strongest points? His weakest points?
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The Trial

Part 1:

Directed Reading Questions

187. How many jurors and alternates were finally selected? How many spectators were allowed in the courtroom?
188. Did the Woburn families attend? Why?
189. What is an opening statement?
190. What did Jacobs say about Schlichtman’s “finest moment”?
191. Who was Michael Keating? Why were the opening statements of Beatrice and W.R. Grace “anticlimactic”?
192. Why did Facher have “no intention of letting it be brief”?

Vocabulary

recess susurrus

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Part 2:

Directed Reading Questions

193. What was the “waterworks phase” of the trial?
194. On what two expert witnesses did Schlichtman chiefly rely?
195. What tests were carried out by John Drobinski in the Aberjona marsh? What samples did he collect? What other evidence did he find? What important testimony would Drobinski provide for Schlichtman?
196. What was the “King Kong exhibit”? Why did Facher object and object?
197. On what was Nesson an expert? What was Nesson’s objection to Judge Skinner? How did Nesson save Drobinski’s testimony? How did this also save the case against Beatrice?
198. What did Facher do to Drobinski’s testimony? What is the meaning of Schlichtman’s concern over whether the jury could “reassemble the pieces”?

Vocabulary

percolate undue prejudice
circumstantial evidence Federal Rules of Evidence
authenticity Court of Appeals
best evidence arcane

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Part 3:

Directed Reading Questions

- 199. Who had “bilious hatred” for Schlichtman? Why did Schlichtman want Riley angry?
- 200. How did Riley reply to the “killer document”?
- 201. What was the meaning of “Skinner’s jumping all over him on relevance” and “you’re better off making your point and not getting the document in” mean?
- 202. Why was Facher “wrong”?
- 203. What was Riley referring to when he said, “I will go to my grave with that story!”
- 204. What error did Schlichtman force Riley to make concerning trichloroethylene when he asked, “Mr. Riley, when did you destroy those records?” Did the jury appreciate the subtlety of this error?

Vocabulary

petulant

conservation commission

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Part 4:

Directed Reading Questions

- 205. Describe the difference between the Woburn Daily Times and the transcripts.
- 206. What had become a “distant echo”?
- 207. What point had Nesson missed? Why was this important for the jury?
- 208. Why was there a “pool of blood on the floor”?
- 209. What is a “colloquy”? What problem did this cause for Schlichtman?
- 210. What is an “expedited transcript”? How much did they cost?
- 211. About what did “Facher always use to warn his students at Harvard?” Did he follow his own advice?

Vocabulary

trial transcript

mistrial

fulminant end-stage

dilation

“lymphoid blast crisis”

curettage

colloquy

incontinence

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Part 5:

Directed Reading Questions

212. Who was George Pinder? What was the first part of Pinder's opinion?
213. What was the second part of Pinder's opinion? Did TCE arrive at Wells G and H before the leukemias developed?
214. What problem did Pinder have with the second part of his testimony?
215. What was the advice of Pinder's wife? What was the consequence of not heeding this advice?
216. How did Schlichtman console himself after Facher had finished with his cross-examination of Pinder?
217. How was Facher going to use the Aberjona River to defend Beatrice?
218. What was the EPA "pump test"? What did it prove about the flow of groundwater from Beatrice to Wells G and H?
219. Did the Aberjona "feed" Wells G and H significantly? Was the river a "barrier"?
220. What happened to the level of the river during the pump test? Why was this a problem?
221. "Where had the water gone?"
222. Why did Schlichtman want to "kiss that little bald head"?
223. What was Pinder's error?
224. Why was Pinder "trapped"?
225. How long did Facher cross-examination last?
226. Why did Keating "not have much to work with"?
227. Was Pinder basically correct? Why was Pinder's vindication of no use to Schlichtman?
228. What according to Facher "is at the bottom of a bottomless pit"? According to John Wigmore how is this related to Facher's skill at cross-examination.

Vocabulary

saturated	porosity
unsaturated	permeable stratum
capillary fringes	impermeable
cones of depression	

Part 6:

Directed Reading Questions

229. What was the O’Connell settlement? How much went to Schlichtman’s firm? Where did this money go?

Vocabulary

anesthetic

Part 7:

Directed Reading Questions

230. Why did Facher call Thomas Mernin as a witness? How did Mernin’s testimony “come off”?

231. What was the tragic irony of Mernin’s death?

232. Why was it so “lucky that Facher happened to find Dr. Olin Braids”?

233. Did Braids meet the “minimum standards for an expert witness under the Rules of Evidence”?

Vocabulary

microorganisms
dichloroethylene
vinyl chloride
“biodegradation”

microbiology
degradation
Rules of Evidence

Part 8:

Directed Reading Questions

234. How much had the Woburn case cost Schlichtman’s firm by June of 1986?

235. How did Schlichtman’s firm pay for the Woburn case?

236. What collateral did the Bank of Boston have for its loans?

237. What did Weston Geophysical do for Schlichtman’s firm? How much did it cost?

238. Who was Uncle Pete? What was his final word?

239. Who was John Guswa? According to Guswa how did Wells G and H get their water?

240. What is ground moraine? What did his “stuffed pipe” have to do with W.R. Grace?

250. How did Judge Skinner limit the liability of Beatrice in his directed verdict ruling? How did Judge Skinner rule on Grace?

251. Why did Judge Skinner’s ruling seem “bizarre”?

252. What serious error did Nesson think Judge Skinner had made?

253. What were the four questions that Judge Skinner required the jury to answer?

254. Why were these questions impossible to answer?

Vocabulary

admonition

directed verdicts

Rules of Civil Procedure

transdichloroethylene

preponderance

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Part 12:

Directed Reading Questions

255. How had Judge Skinner fragmented the case? What was the consequence of this fragmentation?

256. Characterize Schlichtman’s summation? What is the significance of “nobody wants to be told they must”?

Critical Thinking Questions

1. What were Schlichtmann’s greatest success and biggest failures during the trial?
2. During discovery it appeared that Schlichtmann had a very strong case. Why did it not appear strong in the courtroom? What does that say about the legal system?
3. Discuss the quote by John Wigmore on page 340. What does it say about the legal system?
4. Why is “truth at the bottom of a bottomless pit? Why should it be? Why shouldn’t it be?

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The Vigil

Part 1:

Directed Reading Questions

257. What was Schlichtman’s vigil? Why was everything riding on the jury?

258. Explain why “the law is the religion of America”?

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Part 2:

Directed Reading Questions

259. What does “the preponderance of the evidence” mean?

260. Was there unanimity among the jurors? Enmity?

Vocabulary

preponderance

liable



Part 3:

Directed Reading Questions

261. What was the jury foremen's predicament?

Vocabulary

heart bypass

Part 4:

Directed Reading Questions

262. What broke the jury's deadlock?

263. What was the jury's verdict with respect to Beatrice?

264. How did the jury respond to each of the four questions with respect to Grace?

265. Why did the "September 1973" date raise special problems?

266. What happened to W.R. Grace stock as a result of the verdict? What was this worth to Grace stockholders?

267. Who thought that this was a "landmark decision"?

268. Describe Schlichtman's reaction to these events. What had happened to his "environmental crusade"?

Vocabulary

interrogatories

Critical Thinking Questions

1. Pretend that you are a juror. What do you think of the questions? What would your opinion be and how would you answer the questions?
 2. Should law be "the religion of America"?
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The Negotiation

Part 1:

Directed Reading Questions

269. What was Schlichtman's "only sane option"?
270. What was the "squeal point"?
271. Who was Albert Eustis?
272. What was the result of the first settlement meeting?
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Part 2:

Directed Reading Questions

273. Why was Dmitri a bad omen while the waiter was a good omen.
274. What was Grace's first offer?
275. Why did Schlichtman say that "it would have been better if they hadn't made us any offer"?

Vocabulary

concur	whoremongering
medical causation	cathartic

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Part 3:

Directed Reading Questions

276. What is the "shark effect"?
277. Why was Schlichtman opposed to accepting six point six million?
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Part 4:

Directed Reading Questions

278. Where is the Grace Building located?
279. Why did Schlichtman leave New York?

Vocabulary

propitious

Part 5:

Directed Reading Questions

280. Did Eustis finally call? Why did Schlichtman think he was headed to “phase two”?

Vocabulary

capitulation

salmonella

Part 6:

Directed Reading Questions

281. Why was it easier for Schlichtman to “risk everything”?

282. Why was Conway anxious about the September 5th hearing and Keating’s brief?

Vocabulary

penurious
forestall

accrued interest

Part 7:

Directed Reading Questions

283. What happened at the hearing? Why did Schlichtman say that he'll "never win in front of this judge"?
284. Why did Schlichtman meet with the families that he represented? What did the families decide?
285. How much was Eustis willing to offer? Was it "all over" in the "next few minutes"?

Vocabulary

self-immolation tantamount

Critical Thinking Questions

1. What realistic options did Schlichtmann have after the verdict? Which is his best option? Why?
 2. Schlichtmann based his business upon risks. What does that say about his character? Why is he willing to take more risks even after losing? Was he doomed to lose sometime?
 3. Describe the negotiation. Who is the best negotiator? How well of a job did Schlichtmann do in negotiating?
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Blindman's Buff

Directed Reading Questions

Part 1:

286. To what did Judge Skinner give his blessing on September 22, 1986?
287. Did Grace accept responsibility as a condition of the settlement?
288. What did Reverend Young think of the settlement?
289. What did each of the families receive? What were Schlichtman's expenses and fees?
290. What did Anne Anderson say? What did she and the Zonas dispute?
291. How much did Grace spend on its defense?
292. Why did Schlichtman have to pay Joe Mulligan and the Trial Lawyers for Public Justice?
293. With what was Schlichtman left when all the debts had been paid?
294. What was the "full extent of the disaster"?

Vocabulary

chronology

Part 2:

Directed Reading Questions

295. What did the final EPA report conclude? What finding was completely at variance with the Verdict in the Woburn case?
296. What was responsible for this miscarriage of justice?
297. What was the basis for the Beatrice appeal?
298. What did Gordon find in the EPA Regional Office?
299. What is the meaning of this chapter's title?
300. What do the Rules of Civil procedure require in a situation like this?

Vocabulary

landowner liability	duty to warn
subpoena	peat

Part 3:

Directed Reading Questions

301. Who was Mary Ryan?
302. Where was Schlichtman living at this time?
303. What was Judge Skinner's response to Nesson's brief and the Yankee report?
304. What "drove Schlichtman mad with fury"?
305. Where did Schlichtman appeal? When?

Vocabulary

appellate judge

Part 4:

Directed Reading Questions

306. What is a *capias*?

307. What did the Court of Appeals decide? Did the Woburn verdict remain intact?
308. What is *res judicata*?
309. Why did Schlichtman feel trapped?
310. What was the “conspiracy”?
311. Who was Butch Knox? How did Schlichtman find him? What did Butch Knox tell Schlichtman?
312. What did Schlichtman mean when he said that “we’ve opened the box and the worms are crawling out”?
313. Who was James Granger? How did Schlichtman find him? What information did Schlichtman obtain from Granger’s affidavit?
314. What was “Sample Z”? What did the information obtained from Knox and Granger have to do with Sample Z?
315. What was the legal significance of Granger’s affidavit for Riley’s testimony during trial?
316. Who was David Delaney? What did Schlichtman obtain from him? How did this confirm what he had learned from Knox and Granger?
317. What is an *in camera* affidavit? What did Schlichtman attempt to do with an *in camera* affidavit? What happened?
318. What was Schlichtman’s charge in his Notice to the Court? What was Judge Skinner response?
319. What did Schlichtman have to do in order to get Butch Knox to testify?

Vocabulary

jurisdiction	malfesance
<i>res judicata</i>	lymphoma
perjury	

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Part 5:

Directed Reading Questions

320. Why didn’t David Delaney testify? What information from Delaney was Schlichtman able to introduce as evidence? Did this seem to matter to Judge Skinner?
321. What did the “twenty dollar bill on the table” have to do with Facher?
322. What did Conway describe as “Dante’s ninth circle”?
323. What new information did Schlichtman obtain during Granger’s testimony?

324. What were the “formula books” and how did they reveal that Riley had lied?
325. What did Mary Ryan admit?
326. What was Judge Skinner’s response to Schlichtman’s request for the information withheld from him by Beatrice?
327. What lies did Riley tell during his testimony at trial? Did Facher think that this was a “matter of deliberate perjury”? Why not?
328. What did the MIT biochemist find in Sample Z? What did Olin Braids find?
329. What did Judge Skinner rule with regard to Riley, Ryan, and Facher? What did he rule with regard to the “removal activity” and Sample Z?
330. What had the judge done according to Conway?
331. What did Judge Skinner say was his reason for asking to see Schlichtman’s file on Beatrice’s tannery?
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Part 6:

Directed Reading Questions

332. What did Mary Ryan’s affidavit assert? What did Judge Ryan do?
333. For what reason had Judge Skinner really wanted Schlichtman’s file on the Beatrice tannery? How had the Woburn case come “full circle”?
334. How did the Court of Appeals end this “long safari” of a case?
335. Did this really end the legal maneuvers by Schlichtman? What is a petition for *certiorari*? What happened to Schlichtman’s petition?

Vocabulary

sanctions *certiori*

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Part 7:

Directed Reading Questions

336. What did “all this paper” represent to Schlichtman? Why did Schlichtman do it?
337. Why did Schlichtman file “Chapter 7 papers”?
338. Why did the EPA file suit against Grace and Beatrice? What was the response of Grace and Beatrice?

339. What did the EPA do with the Woburn verdict and Judge Skinner's rulings?

340. What was the nature and scope of the EPA reclamation project?

341. For what felonies was Grace indicted and convicted? What was the penalty?

342. Where did Schlichtman go? Why did he begin "swimming slowly back"?

Critical Thinking Questions

1. “Do I regret it?” exclaimed Schlichtmann with a harsh laugh. “Does a paraplegic regret the moment he stepped off the curb and the bus ran him down? The case has ruined my life.” What could Schlichtmann have done differently so that he would not regret taking the case? What other options did he have before he began working on the case? How else could the case have been tried? What was his downfall?
 2. Were Anne Anderson and Bruce Young justified in their feelings toward Schlichtmann after the settlement? Why or why not? Do you agree? Why or why not?
 3. How do you think the suppression and destruction of evidence affected the outcome of the trial? How much truth was obscured during the entire trial?
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Afterword:

Directed Reading Questions

343. What was Nesson’s “depressing dose”?
344. What progress had been made in the EPA clean-up of Wells G and H by 1996?

Vocabulary

ultraviolet radiation chemical oxidation

Critical Thinking Questions

1. Who is responsible for Nesson’s “depressing dose of reality”?
2. Had Schlichtmann mishandled the case? Had he bitten off more than he could chew? How many people can be blamed for the miscarriage of justice?
3. What is the moral of the story? Is it about the environment? the law? life? money?

