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Lanier Seeks to Repeat Courtroom Success

By [DIONNE SEARCEY](#)

When Houston attorney Mark Lanier took on [Merck](#) in court over its painkiller Vioxx five years ago, he gathered three separate focus groups to offer advice on his opening remarks.

Later, he convened a shadow jury, paying citizens who matched the demographic profile of jurors \$125 a day to sit in the courtroom and offer feedback. A consultant was hired to monitor jurors' every flinch and a technology advisor helped with PowerPoint for courtroom presentations.

All the extras paid off. Mr. Lanier scored his first major victory in 2005 against Merck with a jury award of \$253 million. (The amount was later reduced to \$26 million and is currently on appeal.)

As one of dozens of attorneys to have filed separately more than 200 suits against [BP](#) and rig-owner [Transocean](#) in relation to the Gulf of Mexico oil disaster, he is now vying for a chance to do the same thing as part of the bar that is working on behalf of workers injured or killed as well as those in the seafood and tourism industries who say they've been harmed economically by the spill.

The decision to create a \$20 billion escrow fund to compensate victims could complicate matters. Plaintiffs may choose to pursue claims through the fund, rather than the courts, which could take years. But it's likely that some claimants will pursue dual tracks.

"Now is the time for the legal system, for government and for industry and business to step up, do right, fix the problem, find justice and work to ensure this never happens again," said Mr. Lanier, who is representing fisherman and shrimpers.

A panel of judges will decide whether to consolidate the cases filed in several Gulf states at a hearing in Idaho in July. If consolidated, a judge would appoint a handful of attorneys from the scrum to take the lead in the suits. Those attorneys would collect the bulk of millions of dollars in attorney's fees.

If Mr. Lanier ends up on the short list of attorneys and any of the cases go to trial, he would have another chance to display his courtroom skills.

Mr. Lanier himself owns a sprawling Texas ranch where he hosts a lavish annual Christmas party (last year's entertainer was Bon Jovi; the prior year Miley Cyrus) attended by lawyers and politicians. Mr. Lanier, who also teaches Sunday school class at a Baptist church, calls his style folksy; critics say he plays on people's fears with impassioned rhetoric.

But as much as he appeals to jurors, Mr. Lanier can also forge a truce with opponents, though settlements aren't

always in the best interest of plaintiffs, some legal experts say.

Walter Olson, a fellow at the Cato Institute pointed out that Mr. Lanier reached settlements on the rest of the Vioxx cases he represented. "BP or whoever gets sued, they want the prospect of buying peace," Mr. Olson said. In the Vioxx case, "when the door was closed he delivered Merck peace and they got out more cheaply than some expected them to get out." Mr Lanier said the settlements were fair.

But many of the attorneys in the running have a long history of engaging in the mass tort of the moment from lawsuits over asbestos exposure to tobacco claims to faulty drywall and breast implants.

Other attorneys who usually compete for lead spots include Gavleston lawyer Tony Buzbee, a former Recon Marine. Mr. Buzbee, who has suits on behalf of workers harmed in the rig blast and shrimpers suffering financially, went to law school after commanding an elite Recon Company of the First Marine Regiment. His practice has focused on maritime suits.

He says he will put forth witnesses who overheard the rig's installation manager Jimmy Harrell, a top employee of rig owner Transocean, screaming, "I told you this was going to happen" into a phone to someone in Houston moments after the fire. Mr. Buzbee declined to name the witnesses.

"I've been against a lot of truly sorry companies but they're just a sorry group of people," Mr. Buzbee said about BP and Transocean. The companies declined to comment.

Write to Dionne Searcey at dionne.searcey@wsj.com

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