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Assuming The Risk : The Mavericks, The Lawyers, And The Whistle-Blowers Who Beat Big Tobacco



Synopsis

A washed-up actor-turned-paralegal steals a cache of internal tobacco company documents. An unreconstructed Southerner, who once burned a cross in a neighbor's yard, takes a poor black man's case against a cigarette maker to court, prays at his bedside, and weeps at his grave. A navy pilot who was nearly ordered to drop nuclear weapons on Prague returns to become a millionaire asbestos attorney. A rock-and-roll-singing, twenty-seven-year-old district attorney brings down one of the most powerful political figures in Mississippi and goes on to become the state's attorney general.

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Customer Reviews

Mississippi is not widely known for being first in anything; in fact, Michael Orey notes in *Assuming the Risk*, the state ranks last or near last on an embarrassing array of scales. And yet, he writes, it was in the courtrooms of this disparaged Southern state that a pioneering team of lawyers led the way in a politically controversial crusade against the tobacco industry. Mississippi was the first state in the nation to sue cigarette manufacturers to recover smoking-related health care costs incurred by the state's Medicaid program. The fierce legal battle resulted in a multibillion-dollar settlement and eventually led to hundreds of billions of dollars in fines levied against the tobacco industry when other states followed suit. Though decidedly pro-plaintiff, *Assuming the Risk* is not another vituperative rant against the Evil Empire of Big Tobacco: Orey does not shout and stomp on his soapbox. Instead, the veteran legal journalist and Wall Street Journal editor coolly focuses on the objective facts, presenting the who, what, where, and when of a complex and contentious litigation.

His well-researched and detailed narrative spotlights the key figures in this real-life morality play--the mavericks, lawyers, and whistleblowers--including one particularly revealing chapter on Jeffrey Wigand, a former research scientist for the tobacco firm Brown & Williamson, whose decision to break a confidentiality agreement by speaking with 60 Minutes investigative reporter Mike Wallace became the subject of the 1999 film *The Insider*. --Tim Hogan

As the Marlboro Man descends from the nation's billboards, Orey's account of the first successful litigation targeting tobacco companies is well timed. For a book documenting litigation, it's a joy to read largely because of its colorful cast of characters: a Nazi apothecarist, Sylvester Stallone (accepting a cool half million to light up his favorite brand of smokes in five movies), a witness who wears a fresh clove of garlic as a tie tack to demonstrate his feelings toward lawyers, the lawyers for big tobacco whose victory celebrations are conducted in the presence of a skeleton with a cigarette jammed between its bony fingers. Orey, who covered tobacco cases for the *American Lawyer* and is now an editor at the *Wall Street Journal*, follows attorney Don Barrett as he tries three cases against the tobacco industry, losing all of them and not earning a penny, but persevering to help pilot Mississippi's Medicaid recovery suitAa landmark case in which the tobacco companies settled for \$3.6 billion. Like all noteworthy villains, Orey's tobacco companies make their own fatal errors. Hiring washed-up paralegals to index their most secret documents at \$9 an hour beggars the cloak-and-dagger antics that make this book such an enjoyable read, regardless of how many packs a day one smokes. U.K. and translation rights: Williams & Connolly. (Sept.) Copyright 1999 Reed Business Information, Inc.

It may seem paradoxical to most that for trial lawyers are not afraid to lose a case. Every trial is a learning experience. You learn about your opponent; you learn about yourself. You try a losing case over and over in your head at night. You learn from your mistakes. You learn from the opposing lawyer. You become obsessed and through it all you learn how to win. This is the true story of some country lawyers in Mississippi who launched a holy war against Big Tobacco. They were unlikely Davids battling a Goliath. The country lawyers looked like easy pickings to the big firm lawyers from the big cities. The silk stocking crowd would bury them in paper, bankrupt them in endless discovery, and outdazzle them in court, if the bumpkins ever got that far. These champions of nicotine had never lost a case. The clients had never paid one dime to any tobacco victim. They were the chosen ones, selected to keep the streak alive, to bring home the scalps of the piteous Mississippi lawyers. Trial lawyers know that a lawyer who has never lost a case has never tried a

case. Undeterred by the myth of invincibility of the tobacco industry these dreamers were able to use the industry's incredible arrogance on itself to bring it to its knees. In short, the truth got out, and the rest is history. If you are a law student or a young lawyer thinking about trying cases for a living, read this book. This is how it's done and how you can sleep at night.

Michael Orey begins his thorough examination of the courtroom battles against big tobacco by examining *Horton v. American Tobacco*, the Mississippi case that launched the mid-1980s barrage of legal attacks on big tobacco and led eventually to U.S. settlements of more than \$200 billion. As they read about the assault on Brown and Williamson, cinema buffs may feel they are revisiting *The Insider* with Al Pacino. The book combines a walk-through of the day-to-day legal procedures and motions with a look into the lives of the major players. This well-written volume presents the tobacco case like an engrossing true-crime story, although some readers may find it has too much detail to hold their interest. We [...] recommend this fascinating book to most general readers. But while executives searching for principles to apply to their own companies may find themselves captivated, they won't find much here that is generally applicable.

What an interesting recording how Lawyers violate their own standards of conduct just to win. The book shows how documents about Tobacco were stolen and then how the person who stole them was paid \$1.8 million by the very Lawyers he helped to win billions for in fees. Yet, I wondered what those same Lawyers would have the same tactics used against them, how they would feel. But the cause was to show that smoking Cigarettes is evil and not good for our health, yet we already knew this and making the companies admit it was a victory. So in the end whenever someone is being sued and if we applaud those breaking ethics and the laws in pursuit for justice, then we encourage bad behavior. In the end when we celebrate this kind of action how far can murder, threats of murder and destruction's of families will be justified in pursuit of justice? Billions have been made, billions have been won, but by whom and for whom? No one should be proud of their actions as described in the book and if they are they can wonder later what will happen when others use the same tactics as them. What is tragic is Society knew shortly after the Native Americans gave Tobacco to Columbus that it was deadly, but people wanted it, and used it, so the governments created Sin Taxes to help discourage it. It did not work back then and it will not work now. People will be free to do what they want and nothing will stop it. At the same time, no one should begin to smoke or smoke but how do you stop it. The book is a great read. I recommend it highly but read it without smoking if you can!

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