

Litigation Groups

AAJ approves groups on jury bias, appellate practice, class actions

Three new litigation groups that focus on overarching issues important to all AAJ members were approved by the Section and Litigation Group Coordination Committee during AAJ's Board of Governors fall meeting in Washington, D.C.

Litigation groups allow members to share research, case strategies, and other important information about their cases. The three new groups focus on jury bias, appellate practice, and class actions.

Jury bias. Too often, plaintiffs lose cases they should win because of jury bias, not because of the strength of the evidence. This new litigation group, cochaired by the creators of the Jury Bias Model, will educate members about how jury bias in tort cases affects jury verdict preferences.

The group will highlight cutting-edge research so attorneys can minimize the effects of jury bias and tort "reform" rhetoric at trial, and it will provide members with information and advice about focus groups, mock juries, and jury consultants. The group will also establish a document library, a list server, and education programs to be presented at upcoming AAJ conventions.

Cochairs are David Wenner of Phoenix; Gregory Cusimano of Gadsden, Alabama; and Jerome O'Neill of Burlington, Vermont.

Appellate practice. Large corporate defendants might boast that "while we often lose cases at trial, we almost always win them on appeal." The Appellate Practice Litigation Group will provide members with the tools, techniques, and information to reverse this trend and successfully pursue their cases through appeal.

The group will serve as a forum to discuss all issues related to appellate practice. To aid members, the group will create a document library containing appellate motions, oral

argument transcripts, and briefs. It also plans to offer AAJ Education programs.

Cochairs are Kenneth Suggs of Columbia, South Carolina; Collyn Peddie of Houston; and John Vail and Robert Peck of the Center for Constitutional Litigation in Washington, D.C.

Class actions. Class action lawsuits provide a way for injured consumers to marshal their resources against big corporations that cause harm to large numbers of people. The Class Action Litigation Group creates a forum for attorneys to share ideas, discovery, and litigation strategies and to network

and work collaboratively. The group will create a document library and list server and will present AAJ Education programs at upcoming conventions.

Cochairs are Joseph "Jay" Aughtman of Montgomery, Alabama; Frank Pitre of Burlingame, California; and San Francisco attorneys Elizabeth Cabraser, Ingrid Evans, and David Arbogast.

AAJ supports more than 85 litigation groups. For more information or to join, call (800) 424-2725 or (202) 965-9500, ext. 700; e-mail litgroups@justice.org; or visit www.justice.org/litgroups.

The Exchange

Save time with 24/7 online and other resources

AAJ members can save valuable time by tapping into colleagues' knowledge, insight, and experience housed in the AAJ Exchange.

One new time-saving litigation packet is the "ERISA Reimbursement Claims Survival Guide." The Employee Retirement Income Security Act (ERISA) governs retirement, health, life, and disability benefits for at least 50 million Americans.

Plaintiff attorneys practicing in all areas face ERISA plan reimbursement claims on their clients' tort recoveries. Attorneys must understand the effect that these liens have on a client's recovery and the possible defenses to and limitations on their enforcement. And failure to consider the lien can expose plaintiff attorneys to liability.

The time-saving tools in this litigation packet include pertinent statutes and regulations, case law and case summaries, court documents, sample letters, defenses to reimbursement claims, and AAJ Education speaker papers. The packet addresses attorney fees and the common fund rule, the make-whole doctrine, the

meaning of "appropriate equitable relief," anti-subrogation statutes, insured versus self-funded plans, ethical considerations, Social Security disability issues, and traditional equitable defenses.

Each Exchange litigation packet is tailored to its subject matter, providing sample complaints and written discovery, deposition summaries and transcripts, typical defenses and rebuttals, and checklists. The packets are linked and fully searchable.

The Exchange also lets AAJ plaintiff members search thousands of depositions, court documents, case abstracts, AAJ Education speaker papers, *Law Reporter* documents, expert witness information, and much more. Members add hundreds of new documents to the Exchange every month.

The Exchange also fulfills research requests for verdict and settlement information or product information specific to your case. Research in response to requests is conducted by AAJ staff attorneys.

For more information, visit www.justice.org/exchange.