



## Q&A With Adams And Reese's Glen Pilie

Law360, New York (March 25, 2013, 5:44 PM ET) -- Glen M. Pilie is a partner in Adams and Reese LLP's New Orleans office. He practices in the firm's environmental and toxic tort litigation practice with emphasis on mass torts. Prior to his legal career, he was an environmental/regulatory engineer for an oil company. He serves on the board of directors of the New Orleans Sewerage and Water Board.

**Q: What is the most challenging case you have worked on and what made it challenging?**

A: In the summer of 1998 I was involved in a five-week trial that pitted a small Louisiana community of Native American residents against a major oil company and a waste disposal company that had an oilfield waste disposal facility within 300 yards of the community. My client sent oilfield waste to the facility for disposal and the community claimed that benzene and hydrogen sulfide emissions from the waste made residents sick and put them at risk for cancer. The community sought a medical monitoring program for the community and punitive damages. The case developed into a David vs. Goliath story that caught the attention of the 60 Minutes News Magazine on CBS, as well as *People Magazine*. At the heart of the controversy was a statutory exception that Congress granted to the oil industry in 1980 that allowed oilfield waste to escape the definition of hazardous waste and escape the disposal requirements associated with that classification. Without that exception, the disposal facility could not have accepted the waste. Because of the attention of the national media, the Governor's Office also became involved in the issue. In the summer of 1998 we tried the claims of the first 11 plaintiffs from the community population that numbered around 300. Virtually every day of trial, news cameras were positioned outside the courtroom. On the last day of trial, the waste disposal company settled with the plaintiffs for a high, seven figure amount, leaving my client as the sole defendant before the jury. After three days of deliberation, the jury returned a defense verdict for seven of the plaintiffs and granted the remaining four plaintiffs a total of \$35,000 and denied the claims for medical monitoring and punitive damages. The significant challenge in the case was the very effective job done by plaintiffs' counsel in building a very strong David vs. Goliath theme that dominated their case and convinced 60 Minutes to air an hour-long special about the community and its suffering at the hands of the oil industry. We had no idea how this would impact the jury.

**Q: What aspects of your practice area are in need of reform and why?**

A: The lack of judicial control of discovery early on in a case is a significant problem. Discovery has developed into a sword used to set up sanctions instead of a tool to discover information pertinent to the case. I believe Courts should get involved early

on in the discovery phase to help shape the effort into one that is focused on the underlying purpose of the rules, i.e. to gather the information pertinent to the case, both substantively and temporally.

**Q: What is an important issue or case relevant to your practice area and why?**

A: The reliability and integrity of expert opinion is very important to my practice area. Consequently, Daubert challenges should and need to be taken seriously by the Courts. My practice focuses on toxic exposure cases and more recently on radiation exposure cases. The latter is exponentially more difficult to communicate to a jury and is much more susceptible to the sway of junk science. Courts need to give the attention that the case law requires as gate keepers to prevent junk science from entering the courtroom.

**Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.**

The lead trial lawyer in the 1998 oilfield waste case was Louis Woolf. Mr. Woolf retired at the beginning of 2012 at the age of 76. He was born in Brooklyn N.Y. and somehow ended up practicing law in Knoxville, Tennessee. His trial skills are unmatched by any lawyer I have come across in my 29 years of practice. His ability to connect with the jury for five weeks in a rural Louisiana courthouse was simply amazing.

**A: What is a mistake you made early in your career and what did you learn from it?**

I made the mistake during trial of being visibly displeased with an evidentiary ruling from the bench and the Judge called me out. It was a very good lesson in professionalism or more correctly the lack thereof on my part.