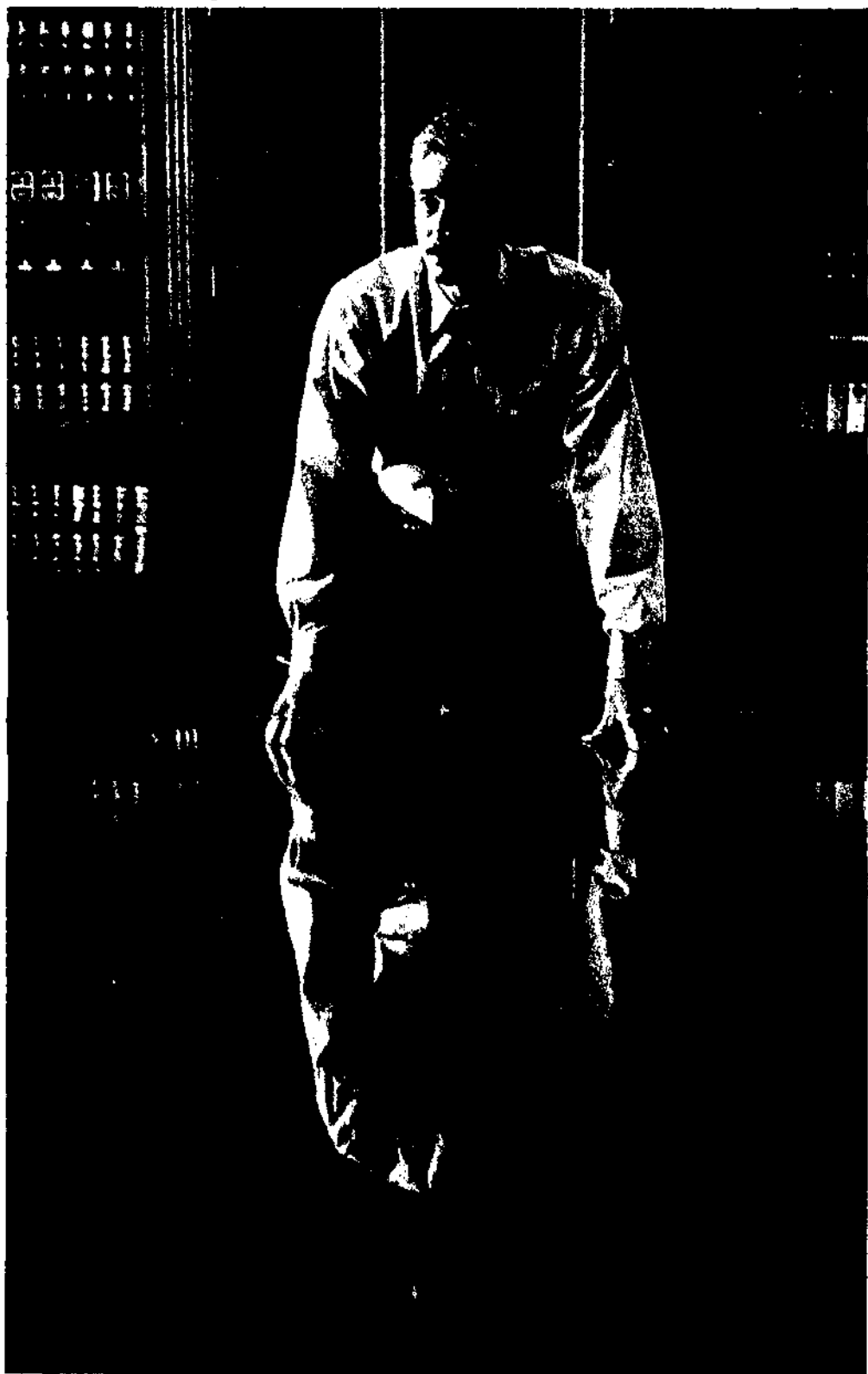


After Woburn: a lawyer's odyssey

The combative high roller of 'A Civil Action' rises from ashes, remaking himself as a family man and peacemaker



GLOBE STAFF PHOTO / PAT GREENHOUSE

He's older now, and wiser, says the protagonist of "A Civil Action."

By Dick Lehr
GLOBE STAFF

ANDOVER — The lawyer Jan Schlichtmann is back in Massachusetts — back from the dead, in a sense, for when he staggered out of town he was battered and bankrupt, broken by the mega-case that consumed nine years and is now known widely as “Woburn.”

Indeed, this attorney’s lavish and flashy lifestyle is chronicled in “A Civil Action,” which last fall became a nationwide paperback best-seller. It is a story that closes with a gutted Schlichtmann having to tap an old friend for the plane fare so he can fly off to Hawaii to chill out.

The case of a lifetime may be over but the story is not. Today, says Schlichtmann, he’s much changed. “Older and wiser,” he mentions repeatedly at lunch, like a mantra.

But do some things never change?

Running late for the lunch date, he appears in the lobby of his new law office. He heads toward the door, halts, turns on his heels. Be right back, he says.

Thinking he’s out of view, Schlichtmann hits up partner Thomas M. Kiley. Kiley is the past and present go-to guy, for plane fare back then and now for cash to cover lunch.

Same old, same old, Jan?

‘I made enough mistakes to fill a 500-page book, and I did just that.’

JAN SCHLICHTMANN

Schlichtmann laughs.

“Oh, that sounds terrible.” This, he says later at lunch, was a matter of convenience. “Rather than go to the bank machine, it was easier to go to him.” He pokes at the stir fry on his plate and smiles. “Yeah. Right. Well . . .”

. . .

Really, much has changed — Kiley’s advance for lunch money notwithstanding. Since his return from Hawaii in 1993, Schlichtmann has gradually reassembled his life. He and Kiley are about to announce their new law partnership. He’s been married two years now to Claudia Barragan, and the couple’s second son was born this fall. His home base has shifted from downtown to the North Shore; the law firm is based in Andover, and the couple live on Beverly’s “Gold Coast” in a four-bedroom home set on a ledge with a stunning water view.

He drives a Volvo. “Yeah, from Porsche to Volvo,” he jokes, standing in his yard in Beverly. “With car seats in the back.”

But the story has legs, breaking out of the confines of a nondescript courtroom in the federal courthouse in Boston and continuing to play to new audiences. Production is expected to begin later this year on a movie adaptation of “A

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Lawyer trades the high life for the good life

■ SCHLICHTMANN

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Civil Action." John Travolta has agreed to play Schlichtmann, and the director, Steven Zaillian, who wrote the scripts for "Schindler's List" and "Awakenings," has already written a screenplay.

In the book, author Jonathan Harr employs Schlichtmann as the protagonist, the attorney for eight Woburn families waging war against two firms they accuse of killing their kids by poisoning well water with toxins. It's a deeply drawn portrait capturing the good, bad and ugly. In this way, Schlichtmann's own life is an open book—years when he was a high roller in life and in the law. His entry in the personals might have read: "SWM, tall, 30-ish, drives Porsche, Beacon Hill condo, lives large."

He was "unabashedly egotistical," writes Harr. He held case conferences at the Ritz-Carlton hotel, burned through cash and decorated his rangy frame in hand-tailored Dimitri suits and silk Hermes ties. He was the object of desire of Boston lawyer Rikki Kileman, now of Court TV fame, who, according to the book, finally got her man in a New York City hotel the night before he was scheduled to appear on ABC's "Good Morning America."

Framingham-born, a graduate of Cornell Law School and the son of a salesman, Schlichtmann was hell-bent on fighting the good fight, at once achieving justice and getting rich. Except the uphill court battle against W. R. Grace and Beatrice Foods went on and on, and, by 1986, five years into litigation, Schlichtmann's accountant told him he was "living on vapors."

The case had consumed him. "My life was destroyed," Schlichtmann recalls.

It's all there in the critically acclaimed book, a drama spun around the wreckage of Schlicht-

mann's life. In 1986, W. R. Grace settled for \$8 million, although never admitting wrongdoing; a jury found Beatrice Foods not liable, and he spent four more years appealing that ruling, unsuccessfully. The firecracker Schlichtmann fizzled out; Harr's book ends with the despondent lawyer heading out of town on Kiley's plane ticket.

Schlichtmann today professes not to have a problem with all of this. He does not wince, at least publicly, at the revisiting of a case in a popular book and motion picture that goes so far backstage into his life.

Instead, he sees the story's narrative renewal as fulfilling one of the goals of his clients. "The guiding principle the families had was a policy of openness," he says. "This is a credit to the families; the telling of the story was important, the best hope for the truth to come out, and you cannot have this as your fundamental principle and then balk if someone wants to come in and write about all of it."

"There was no fear of the story."

...

Always a risk taker

"He's largely bounced back," observes the writer Harr during a telephone interview. "But is he wiser?" Harr pauses. The two have become good friends, which you can detect as Harr answers playfully. "It's hard to tell."

"His circumstances have certainly changed," he continues. "He's married and has two kids. I do think you basically cannot change your spots. He would never take on another Woburn, but I think he'll always be a risk taker."

For his part, Schlichtmann would put it this way. "I enjoyed life then, and I enjoy life now. I just enjoyed life a little differently than I do now." For the 45-year-old, more mature version of the man, there's risk in settling down and making commitments. "I'd never thought of myself

"In Hawaii, not only did I not want to think about the case, I didn't want to think about my past, or who I was. I just wanted to think present tense."

He swam. He hiked. He dabbled in starting his own business promoting energy-efficient lighting. But he didn't cut ties entirely. He maintained the relatively new romance with Barragan, whom he'd met in the late '80s when he was well into his financial and emotional free fall. There was Kiley too, the old friend and his link to law. "I started going back and forth, dividing my time between Hawaii and Boston, because

'I'm just smarter, I think, about how to work with the other side. I've come to realize litigation should not be war. It's wasteful as a war. You achieve a true victory by harnessing power, not destroying it.'

JAN SCHLICHTMANN, right



as a married man or having kids. This is a whole new life for me, and I cherish and relish it."

It's taken some time.

In 1991, he fled Boston, the case finally over. "There were no more doors to knock on and nobody wanted to listen to me any more and I'd gone to the end of the line, gotten as far as I could go, and there was nothing left, nothing."

"There was a long period when I didn't even want to hear my own name," he says about the time he has since labeled the Wilderness Years.

Tom was slowly seducing me back into the practice, getting me involved in some new cases."

For a while, he had considered settling in Hawaii. "I tried to figure out where I could live, where I could find my physical place, but I just couldn't find it." He returned to the Boston area in 1993. "I decided my heart was really here." Besides, there was Barragan, "who was there during the darkest period in my life," and here Schlichtmann laughs, "and who I couldn't seem to break up with, a woman who believed in me



GLOBE STAFF PHOTOS / PAT GREENHOUSE

Jan Schlichtmann (left) walks near his Beverly house with his law partner and close friend Thomas M. Kiley. Contact with Kiley was a primary reason Schlichtmann came back to Boston from Hawaii.

long after I'd stopped."

Today, Schlichtmann seems even to bask in the success of Harr's book and the nationwide attention drawn to the case and to him. "I made enough mistakes to fill a 500-page book," he jokes, "and I did just that." Since the book's publication last year, he's been asked regularly to speak about the case, and he's hit the circuit, appearing before readers, law students, law groups. Now with the movie, he seems pleased that Travolta, the actor at the top of his game, has been lined up to play him. Talk about the movie prompts another self-deprecating joke, about the fact that before Travolta can do him the actor has signed to portray the president in a movie adaptation of the novel "Primary Colors."

"Travolta's going to play a two-timing politician and then play me; that's good training, I guess."

There is, at the same time, a new guardedness about the "older and wiser" Schlichtmann, the high-flying attorney who was once so open. He's now a wary family man, asking where exactly this story is headed. It's all Papa Bear stuff; he's trying to draw the curtain a bit. "There are parts of my life I don't need to share with the public now."

In the book, and nearing the end of the case, Schlichtmann is asked if he wished he'd never taken it on. "Do I regret it?" he replies in Harr's narrative. "Does a paraplegic regret the moment he stepped off the curb and the bus ran him down? The case has ruined my life." But those words were spoken when he was coming apart.

Today, asked the same question, he says, "I have no regrets. I value the experience, and people now realize and appreciate the tremendous victory we obtained, and that is, the uncovering of the truth. The truth is an enlightening force that will benefit others. . . . I mean, the families' courage to see the case through; that was something."

Despite its toll, the Woburn case was "a war the community had to fight in order to command the respect of those who had been treating it like a toilet," he says. "So it's a war

that had to be fought, but like all wars, it was very costly and a tremendous waste of resources."

For Schlichtmann, the case sounds like a near-death experience and now, having survived, he talks as if he's seen the light, proselytizing a new legal gospel lawyers call ADR — alternative dispute resolution. Since the end of Woburn, he's not taken a case to trial, although two of his pending cases are scheduled for trial this year. But he hopes to work out a pretrial resolution in each. Having felt in Woburn's aftermath he might never practice again, Schlichtmann has found a way back in, not as war-monger but as peacemaker in disputes most familiar to him — environmental and chemical exposure cases.

"I'm just smarter, I think, about how to work with the other side. I've come to realize litigation should not be war. It's wasteful as a war." His old paradigm, he says, was "to tame the bully by being a bigger bully." Now, he says, "you achieve a true victory by harnessing power, not destroying it."

For the lawyer, this was the lesson of Woburn. He had to "go through the war" to get where he is today and, starting anew at work and at home, he concludes emphatically: "No case could become my entire life now."

This is not to say that backtracking through the case does not get Schlichtmann's juices going. He al-

lows that since Woburn he's not returned to federal court. "No, no, I don't go into federal court," he says, revealing that hard feelings have not abated. (In the book, an exasperated Schlichtmann at one point says of the presiding judge, Walter J. Skinner, "The man is demented!")

"I don't like being in federal court," continues Schlichtmann. "I don't consider federal court in this district to be a place which is either friendly or fair to plaintiffs. I do whatever I can to stay out of there."

Just last May came long-awaited news. In a state public health study, researchers found that industrially tainted well water in Woburn was responsible for a cluster of childhood leukemias in the 1970s and '80s. The families, Schlichtmann and the other attorneys assembled at the high school in Woburn to share an emotional high-five.

"The report said we were right, that the water in Woburn was responsible for the high rate of leukemia," says Schlichtmann, recalling the report and the reunion. Then with obvious relish, he adds, "You know, when the case began, the other side joked — we'd get the Nobel prize if we could ever prove the connection. Well, it came out last summer, and we're waiting for the Nobel check."