

Lawyers Wrestle Over Driver's Seat in Litigation Against Toyota

In Their Own Defense, They Boast Freely to Federal Judge Who'll Pick the Leaders

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Daniel Becnel Jr.

Lawyer Daniel Becnel Jr. of Reserve, La., donated a kidney to his sick brother. Alexandria, La., attorney Richard Arsenault organized a symposium featuring a lawyer played by John Travolta in the movie "A Civil Action." New York lawyer Anita Jaskot's father is a doctor. She is also single and speaks Polish.

These are among the many personal morsels lawyers hope will help them win a lead spot in the litigation against Toyota Motor Corp., which has been consolidated in a Santa Ana, Calif., courtroom.

The first hearing is scheduled for May 13, and lawyers are on edge about whom U.S. District Judge James Selna will pick to run the plaintiffs' case. They're strutting their stuff in official applications filed with the judge.

For the Japanese auto maker, which declined to comment for this story, billions of dollars in legal liability could be at stake as it fights suits tied to its recalls of vehicles because of sudden-acceleration issues. The lawyers' quest is a pot of as much as \$500 million in fees. Only a few will share it.

More than 100 lawyers have filed more than 75 federal civil suits. Most of them aim to hold Toyota responsible for a drop in the resale value of its vehicles.

The judge asked the attorneys to show they can work cooperatively and have experience handling complex cases. He also wants to know whether they are willing to commit considerable time to the Toyota matter and have the resources to do so.

Some lawyers have done their bragging at length. One application is 114 pages long. Another arrived with 13 exhibits, including court filings the lawyer is proud of.

Ms. Jaskot said in an email interview that she stressed her marital status and Polish language skills because the case may well involve overseas travel. "Any foreign languages as well as availability due to not having family commitments are considerations that a judge weighs," she said.

Mr. Arsenault wrote in his application that he had organized a number of legal seminars across the nation. He drops the names of Bill Clinton, Arianna Huffington, Kenneth Starr and the late Gerald R. Ford—all of whom spoke at conferences he organized.

"Some of these things at first blush might seem inappropriate or of no particular moment, but it truly is a good faith effort on the part of the applicants," said Mr. Arsenault. "To me it's an extraordinarily serious process."

The application of Florida attorney Lewis S. "Mike" Eidson Jr. mentions that he once was given the key to the City of Miami Beach. "I almost left that out," Mr. Eidson said, adding that he decided to delete the bit about his wife being a pediatric endocrinologist. "But I thought it does show I'm committed to the community and can work with big organizations."

Judge Selna will have the final say on which lawyers will take the lead in the case. Judges usually allow lawyers to first duke it out among themselves, then rely on a slate presented to them. Judge Selna has appointed three interim lead attorneys who have put together a slate of lawyers to take the lead after a series of attorney meetings in a Newport Beach, Calif., restaurant, a Chicago hotel and a Las Vegas casino to fight for positions. Chicago attorney Ben Barnow's application mentions that he maintains a master list of all the other lawyers' email addresses, was the first to host a conference call of numerous attorneys and the first to host a meeting of them, where he even helped pick up the tab.

"Rather than detailing only what they have done in other cases," Mr. Barnow wrote, "we herein hope that the detail of what they have done in this case will present the court with a view into their dedication to this case." His filing then launches into several pages' worth of descriptions of his and his partners' involvement in other cases, including one involving stolen McDonald's sweepstakes game pieces.

"Judge Selna has a tough task ahead of him, I believe, because there is so much talent," said Mr. Barnow of the applications.

The attorneys involved in the Toyota litigation say they have to give it their all, even if that means boasting excessively.

"The attempts to be unique are seemingly endless," said one lawyer who is vying for a spot. The attorney didn't want to be named, because "I need to work with all the blowfish in this litigation and others. You are free to feel sorry for me."

Mr. Becnel's application, which was among the first to be filed, emphasizes that he spoke to a group of Japanese mechanical engineers 15 years ago.

"From this experience, as well as others, I was able to foster great relationships in Japan and throughout the world," Mr. Becnel wrote to the judge.

Besides noting the kidney donation, Mr. Becnel mentions that his ex-wife works at his firm. He says he put both in his application to show the judge that he's a cooperator.

He acknowledged some of his application was showmanship and said, "Every lawyer who's a good lawyer is very egotistical."

Houston attorney Mark Lanier's application is fairly straightforward, listing his past work while mentioning that he was named a Texas Super Lawyer for several years in a row by Texas Monthly magazine.

Mr. Lanier said that after reading some of the other applications, he was considering amending his own to add one of his most recent achievements: "I've invented a heart-healthy doughnut recipe that would put Krispy Kreme out of business."