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Q&A With Hogan & Hartson's Thad Dameris

Law360, New York (June 17, 2009) -- Thad Dameris is a partner in the Houston office of Hogan & Hartson LLP and a leader in the firm's litigation practice group. He concentrates his practice in complex commercial disputes and multiparty litigation.

Dameris has tried jury and nonjury case in courts across the U.S., including matters relating to aviation, shareholder disputes, and oil and gas disputes. He regularly represents leading U.S. and international aviation and energy companies, and has significant experience in dealing with issues that involve foreign parties.

Q: What is the most challenging case you've worked on, and why?

A: In re Air Disaster near Belle Harbor, N.Y. This multidistrict litigation arose from the Nov. 12, 2001, crash of an American Airlines A300, which was the second worst aviation disaster in U.S. history. Two hundred and sixty five persons died in the accident and over 300 cases were filed all over the U.S.

During the course of the litigation, over 100 depositions were taken in the U.S. and Europe. Complex choice of law and punitive damages questions were raised and resolved in favor of defendants. Factually, the case raised complex aeronautical engineering issues relating to aircraft design and performance.

Despite the MDL consolidation into the SDNY, aspects of the case were pending in French and German courts and before the National Transportation Safety Board. I am proud that the cases were resolved in favor of my client and having made new law in many important areas.

Q: What accomplishment as an attorney are you most proud of?

A: Being successful in high-stakes litigation without having to compromise my ethics.

In one recent case, attorneys representing another party took incorrect and incomplete information to an Assistant United States Attorney and incited a grand jury investigation against my client.

During the course of the investigation we established a relationship of trust and respect with the AUSA and were able to prove that our client had not committed any crimes and that the information he had been provided was unreliable.

No indictments were sought and the investigation was closed. Clearly, the AUSA saw through what the other party was trying to do and also respected the way we responded.

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

A: Forum shopping and solicitation of foreign plaintiffs from foreign accidents. Today, more cases than ever are being filed in the U.S. on behalf of foreign plaintiffs injured in foreign accidents.

The multiparty multiform jurisdiction act has made it easier to get these cases into federal court, but there needs to be new rules that provide manufacturers and operators protection from lawsuits filed in state courts that have no relation to the plaintiffs, defendants, products or the accident.

There also has to be more zealous policing of U.S. plaintiffs lawyers that fly to the scene of a foreign accident and hold "informational" seminars for relatives of victims and promise them millions of dollars of compensation if they sign up with them and allow the suits to be brought in the U.S.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Foreign accidents involving foreign-built products. In the not too distant future we will have cars and aircraft that are built in China, India and Brazil operated on U.S. and foreign roads and airways.

Inevitably, those cases will get filed in the U.S. by U.S. plaintiffs lawyers representing foreign plaintiffs.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Jim Campbell of Campbell, Campbell, Edwards & Conroy in Boston. He is an outstanding trial lawyer with a busy docket of cases all over the U.S.

Despite trying several large cases a year, he always has time for family and bar activities. He has a quiet and calm demeanor that hides a very competitive and aggressive spirit. In a word, he is masterful.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: To be an effective trial lawyer you need to develop good trial skills and judgment. To do so requires experience in the courtroom, but the number of opportunities to try cases has become extremely limited.

Thus, look for other ways to hone trial skills. Go to the courthouse and watch experienced trial lawyers at work. Attend a trial advocacy workshop. Volunteer with your local bar association to try pro bono cases. Volunteer within your firm to try small temporary injunction cases.

There is no substitute for being on your feet in the well of the courtroom. I still enjoy watching other lawyers try cases and find myself considering what worked well for them before a jury and what could have been done better.