

## 1997 Trial Lawyer of the Year Finalists

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### Paul R. Cox

*Irving v. United States*

**Paul R. Cox** of Burns, Bryant, Hinchey, Cox & Rockefeller in Dover, New Hampshire, fought for 15 years to win the first-ever judgment against the United States for a negligent Occupational Safety and Health Administration (OSHA) inspection.

*Irving v. United States* alleged that Cox's client, a factory worker, sustained severe injuries when her hair was caught in machinery that lacked proper guards — a serious OSHA violation that had been missed in two previous inspections. The suit, filed under the Federal Tort Claims Act (FTCA), was dismissed twice by the district court, which ruled that OSHA was immune from suit under the FTCA's discretionary function exception. Following the two dismissals and subsequent reversals, the judge finally considered the merits of the suit and ruled in favor of the government. The appellate court reversed the decision yet again and granted the plaintiffs' request to have the case retried before a different judge. This time, Cox persevered and won a million dollar judgment for his client.

Cox's tenacious pursuit of justice from the federal government in the face of a hostile district court judge is truly worthy of celebration. The case is now on appeal for the fourth time, as the government is challenging the judgment against it.



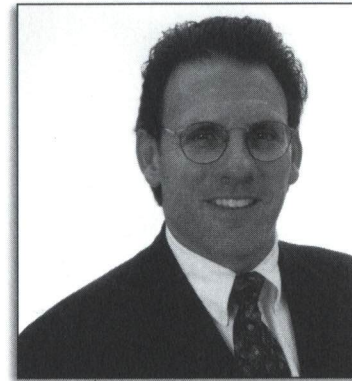
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### James L. Ferraro

*Castillo v. E.I. du Pont de Nemours and Company and Pine Island Farms*

In the first case ever successfully prosecuted against a chemical company for causing a birth defect, **James Ferraro** of Miami's Ferraro & Associates proved that a pregnant woman's exposure to the fungicide Benlate caused her child to be born without eyes — and held DuPont accountable in *Castillo v. E.I. du Pont de Nemours and Company and Pine Island Farms*.



Ferraro endured three years of discovery, which included 63 depositions in four countries and review of tens of thousands of documents, as well as battling over 60 pretrial motions. Ferraro also had the onerous task of ruling out all other potential causes for the birth defect. In addition, the trial included complex hearings on highly technical scientific issues that involved rat and human studies on the potential effects of Benlate exposure. After a six-week trial, the jury returned a \$4 million verdict against DuPont.

The successful outcome on behalf of the plaintiff has opened the courthouse doors to many children born without eyes because of DuPont's wrongful conduct. Ferraro currently represents approximately 50 other children in similar situations.