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The Great Hartford Circus Fire: Creative Settlement Of Mass Disasters



Synopsis

On July 6, 1944, The Big Top suddenly caught fire at a Ringling Bros. and Barnum & Bailey circus performance in Hartford, Connecticut. The inferno killed 169 people, mostly women and children, and injured more than 550 others. Faced with hundreds of liability suits, the Greatest Show on Earth was headed for bankruptcy and liquidation, and tort claimants were likely to receive nothing. This dismal scenario was averted only when a small group of public-spirited Hartford attorneys fashioned a creative, successful solution to one of the nation's earliest mass torts. This nearly forgotten episode offers some valuable lessons for us today, when litigation involving asbestos, the Dalkon Shield and other mass torts is yielding a dubious brand of justice for all. In this book Henry S. Cohn and David Bollier tell the story of this catastrophic circus fire and its remarkable legal aftermath. They describe how, with little guidance from existing case law and many quarrels and uncertainties, three enterprising lawyers secured a court-supervised receivership that kept the circus in business, enabling it to generate profits that could pay off the claims brought against it. A novel arbitration plan then resolved the claims and avoided the expense, delays and uncertainties of conventional litigation. The authors argue that this innovative solution - the first modern example of alternative dispute resolution of a mass tort - could, with adaptations, be successfully applied to other mass torts today. Creative settlement techniques could improve our court system while dispensing an equivalent or superior form of justice.

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Customer Reviews

It should be noted from the outset that this book is not primarily on the Hartford fire itself, although it

is covered in the first chapter. It is on the legal and financial fallout from the disaster. The authors explain that an out of court agreement was reached whereby the circus would be kept running while its owners paid out claims. The receiver for the case refused payment until all claims had been handled. Litigation arose only when it came time to pay the receiver, and he asked for \$175,000. Had the circus declared bankruptcy as expected at first, claimants would have gotten next to nothing. The authors see this as a model settlement for mass disaster claims. When I first picked this book up, I expected it to be a legal bore and almost returned it. But it was actually quite good. It presented a perspective on the Hartford fire and on disasters in general one rarely gets from most books. It is especially recommended for trial lawyers and litigants. Still, those interested in more standard accounts are urged to look at other books on the fire. The authors are right to applaud the Hartford settlement and encourage alternative dispute resolution, but two questions are raised. First of all, as they admit, the fact that everyone was reasonable and efficient in 1944 during the war does not mean they will act that way today. Secondly, I fear that lawyers may use the threat of expensive litigation to coerce innocent defendants into paying up during mediation, sending us all back to square one.

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