Committee of Council
11.6.86 NYC (PM)

LIG-0301571

LG 2001122

11.5.86 : Standing

Holtzman
Jerry KOETL (CTR: Behavior)
Todd Sollis
Bring
Blakeley
Temko
Strength
Walker
Newton
Cheney
Stevens
Nappler
Sachs
Schuster
Wells
Montague
Wall
Jim
Cohen
Kleman
Brown
Ehrenspeck
Donahue
Witt
Tuchetz
Martin London
Barnhill
Newman

LIG-0301572

Committee of Counsel

NYC Offices of Pm 9:30 11.6.86

Report of National Litigating Counsel

Texas: Report by Peter Blakely. Mock trial held in Texas; 3 juries (won 2 and lost 1).

① CABELLERO — DeKalb County, Texas, to be tried in January, 1987. (1.19.87). Ass'n Counsel: Watkins, Wilf. Judge: Ricardo Garcia.

② Calif: Report by Dan Donohue as to Sahli. Trial continued from 11/86 date; trial scheduled/anticipated for early 1987. Most troublesome interrogatories deal with ingredients.

Murray Bring: GAF, in Calif, becoming more of a problem. It would appear that GAF attempting to establish tobacco liability so as to ameliorate their position of jeopardy in asbestos.

③ Horton Case 3.10.87 Mississippi — American is the only Δ. Report by Janet Brown.

④ New Jersey: Report by Bob Weber. Dewey case scheduled for 2.87, but such a trial date probably will not hold.

(Dewey; Cipollone, Flynn: these 3 cases are the most likely cases to be next tried in N.J.)

⑤ CTR — report by John Koett. CTR was considering the Stanford Research Institute to give opinion on CTR research; SRI unavailable. Other candidates being considered.

LIG-0301573

Agenda of Com. of Counsel

(4)

1.) Additives Research

Report by Tenke. No communication received as yet from HHS. List submitted 4.2.86. New list due to HHS on 12.31.86. No leak as yet. Shopland is out, according to reports, as head of Office on Smoking & Health. The leading candidate is rumored to be an Ronald Davis, MD. The issue: does the industry take the initiative & begin now with company-controlled & sponsored additive research?, or do we await a HHS initiative to require such to be done?

Relevant considerations —

a) Possible Congressional Hearings
b) The PR implications
c) Product Liability implications
d) Timing (Replacement of Shopland)

About 10 → 20 ingredients are used in significant quantities (about 1000 ingredients in all, but most used in insignificant/trace quantities), and a number are w/o any supporting scientificant study.

The elementary tests would involve an (i) skin-painting test, & (ii) a short-term inhalation test.

Discuss w/ Day Glen Lebow

Issues:

[2] 1) W/i industry or o/s industry?
[1] 2) Should we test a mat?
[3] 3) What do you test?
[4] 4) What tests do you do?
[5] 5) Is each company willing to fund?

LIG-0301574

LG 2001125

2) Products Liability Legislation
Report by Richard Kingham of C&B.
Ancestors ok to have 11.4.86 elections will affect product liability legislation. Kingham thinks that enactment of such legislation in 1987 is problematic at best.
NJ: a bill is a distinct possibility in NJ, & tort reform more probable in NJ than in any other jurisdiction.

3) ETS Update: Report by Tenko.
2 reports due out in near future: (1) National Academy of Science 4.26.86 & (2) Surgeon General's Report - early 12.86. Essence of both will be negative, eg: that ETS causes cancer, & that neither segregation nor ventilation are acceptable as answers.

5) Local Developments - Report by Roger Mozingo.
See distributed material. Cover sheet is a box score.

4) Federal Developments: Report by Lewis of TI.
As to 99th Congress:
Excise taxes held at 16¢
No ad restrictions
No public disclosure of ingredients
No public facility smoking restrictions

6) FTC Testing Program/T.I.T.L.: report by Tenko.
Current understanding is that FTC will terminate its testing, but with industry continuing its testing. Open Q as to whether companies will be able to refer to "FTC Reports" or "FTC Method".

LIG-0301575

LG 2001126

Testing Ingredients

Against	For
1) If a bad result, product indictment	1) Evinces a ~~[illegible]~~ company responsibility to issue
2) Disparity from a "whole smoke" approach = fifty on 1000 fronts.	2) If outcome favorable, keeps in agreeing health sets
3) A bad result assured once levels escalated ad infinitum.	3) Avoids possible difference of ~~[illegible]~~ position w/ a company – i.e.: difference between company scientists & company attorneys.
4) Adverse results mandates a deletion, i.e.: product modification.	4) Avoids tainting CTR/ADL as paid for patina of social responsibility.
5) Costs involved.	

Against	For
PM	RTR
Amer	B&W
	Lor

LIG-0301576

LG 2001127

7) Other Business

Self-extinguishment study group: budget constraints solved to some extent. Next meeting of group: January, 1987.

0301577

LG 2001128