A CIVIL ACTION FILM ANALYSIS

A Civil Action is a film in view of the genuine story of a group of families in a residential community found in the North of Boston who sued key US organizations in the mid-1980s for leukemia deaths as well as other health issues that resulted from the dumping of harmful chemicals that polluted the water supply of their community. This type of suit would fall under the Civil lawsuits category because the injured parties are seeking redress for the loss associated with the tort (Valbrune, 2019). Twelve people contracted leukemia in the town of 36,000 from the late 1960s to the mid '80s (Randall, 1999). Of these, eight lived inside of a half-mile range of one another and six lived in one east Woburn neighborhood of only 200 families. Due to the health problems caused by the companies; there was an increase in cancer deaths around the mid-1970s by 17 percent.

Although the movie and the actual case do share many common points and issues there are some that don't line up. In the actual case the reason Mr. Schlictmann's law firm ran out of money was not because of the geological tests but instead because he contributed all the money to cancer research to try and make the connection between the chemicals and leukemia. Also, in the actual case there are much more details about the different wells that were dug, checked, lied about, and then shutdown. The movie glances over the fact that the city inspectors were there to check the water supply and found pollution, but nothing happened. Instead they put all the blame on the businesses that polluted said wells and water.

ETHICAL ISSUES:

A number of ethical issues can be identified in the film “A civil Action”. Firstly, a water-well had been opened for the city in the 1960's where it was later found to be contaminated by the city inspectors. The city declined to close it down until 1979 (Randall, 1999). This was after many of the city’s residents had used said water well for years. Trichloroethylene (TCE) was later found in the well water. This was unethical of the city. Firstly, the opening of the well was done so without proper process to make sure the well was clean and healthy for the citizens of the area. Secondly there was little to no monitoring of said well and when a problem was discovered there was no issues or warnings given by the city to the community. Which in turn exposed the residents to diseases affecting their wellbeing.

Secondly, after the well was closed in 1979 a pond was discovered that had many dangerous chemicals in it; including arsenic, chromium, lead (Randall, 1999). A plant belonging to W.R. Beauty, a tannery belonging to Beatrice Foods and a processing plant owned by the UniFirst Company were later to be linked to the pollution by the Environmental Protection Agency. The companies were polluting the environment to make money at the expense of the resident’s wellbeing. This implies that, the companies should have taken the responsibility in managing their chemical wastes among other kind of wastes they produce in a manner that does not compromise the wellbeing of the community residing around them.

LEGAL ISSUES:

In the film a number of legal issues are shown. Firstly, there was a dispute on whether or not the water was even polluted in the first place. As shown in the movie there are multiple scenes where they are questioning witnesses about their own consumption habits. Whether or not they ate unhealthy food/drink, etc. seeming to imply that they were not certain that the deaths were caused by the water but instead by some bad health in the families. This matter was of course dismissed very quickly but it is still important to state.

Secondly the main legal issue in the film is how the water was contaminated and whether or not it had come from the suspected businesses. This was the defining question in the case because there was no "easy" to access evidence for the case that showed the pollution was a cause of the business. At first no one would claim that the businesses were dumping chemicals on the grounds of the business and no one knew how it had happened. Later it was revealed by evidence and witness accounts that the business was dumping their chemicals on the grounds of their land which would fall under an unintentional tort. This is because there was no evidence that the business wanted to cause harm to the families involved.

Thirdly the issue of whether or not the businesses were deliberately covering up their polluting acts, this being an intentional tort because negligence applies. Negligence being when an individual does not exercise duty of care, they knew the consequences of their actions and what could happen (Valbrune, 2019). This was brought up later in the case when the EPA filled suit and proposed that after the businesses polluted the water for several years they started to clean up their land in order to deceive the many tests that were taking place to find pollution on their land.

As shown in the movie a number of the problems with the case were to do with Mr. Schlictmann's law firm and their ideas of what "winning" was. At first, they were after a large amount of compensation from the businesses which caused them to go the cheap and easy route of just appealing to the jury. But as the case went on for several years it became more and more clear that they instead had to have much more evidence then they did. If I were to "start over" and change events I would have changed the progression of the case. Right away you should show the families that were forced to loose someone, this would grab the attention of the jury and keep the case relevant since they would want to know why the people died. Then I would bring in the more evidence, specifically the testimonies of the different workers that saw the illegal dumping take place. This would increase the likelihood that this "illegal polluting" did happen and cause the jury to again want more information. Then finally I would move onto the hard facts portion, which is what Mr.Schlictmann's law firm started with first. This would allow the jury to have background about what is thought to have happened from the witnesses but then the hard scientific facts from the data derived by the drilling that took place on the businesses land.

Reference:

Randall, K. (1999, Jan 21). A Civil Action: a compelling tale loses much of its impact. Retrieved Dec 3, 2015, from World Socialist Web Site: https://www.wsws.org/en/articles/1999/01/civ-j21.html

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