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## soaring to new HEIGHTS

American Association for Justice President and  
Aviation Expert Anthony Tarricone BA '75, JD '77






As the president of the American Association for Justice—the first Suffolk Law alumnus to hold the position—  
Anthony Tarricone BA '75, JD '77  
has cut a high-profile figure spearheading the AAJ charge against tort reform. Making complex arguments in high-stakes cases is second nature for the Cambridge, Massachusetts, native, who has spent more than 30 years investigating baffling disasters as one of the nation's leading aviation law experts.

# soaring to new heights

BY JANE WHITEHEAD | PHOTOGRAPHY BY MARK OSTOW





n the evening of President Barack Obama's bipartisan health care summit in February 2010, Anthony Tarricone, president of the American Association for Justice (formerly the Association of Trial Lawyers of America, or ATLA), was scheduled to travel from Washington, D.C., to Nashville, Tennessee.

A cancelled flight, however, freed him up to accept a last-minute invitation to appear on CNN's *Anderson Cooper 360°* show. Tarricone seized his prime-time moment to reinforce the message he had promoted tirelessly for seven months: that the Republican-led demand for tort reform was a red herring in the health care debate, and that measures such as limiting liability in medical malpractice lawsuits would do little to bring down healthcare costs but would curtail patients' rights.

Tarricone's months of back-to-back radio and TV talk-show appearances, blogging, and lobbying paid off: the health care reform bill that the president signed into law on March 23, 2010, contained no provision that would "limit the rights of patients injured by medical malpractice," as Tarricone informed the AAJ membership in a message on the organization's website.

"We're actually thrilled by the way it came out," says Tarricone, speaking by phone from San Francisco, where he spent the Easter weekend with his daughter. "We worked very hard to not have significant restrictions on patients' rights, and this is a victory for consumers and injured patients."

Health care reform has dominated the AAJ agenda since Tarricone assumed leadership of the trial lawyers' organization in July 2009. "He took on this job in a very challenging

era," says Vice President for Development and Political Outreach Lindsay Roitman, who credits Tarricone's energy, stamina, and vision for much of the AAJ's recent success in getting its message across during the reform process.

A week before the historic passage of the health care bill, Tarricone was feeling a little stiff after a weekend yoga master class. On a Monday morning in March, he drove through torrential rain from his home in Hamilton, Massachusetts, to meet a reporter at the Back Bay offices of Kreindler & Kreindler LLP, where he is a partner, before flying to Washington, D.C., for a final round of meetings with key lawmakers. People who know him are often surprised to learn of his passion for yoga, says Tarricone, 56, a compact, youthful figure who radiates pent-up energy even when sitting down for an interview. "I'm not a desk sitter. I'm always on the move, and I like that," he says. Roitman freely admits that matching Tarricone's pace can be tough. "He'd work 24 hours a day if not for yoga," she says, adding that they often find their way to the same yoga class while on the road.

The pristine office, with Victorian fireplace, sleek contemporary furniture, and tall bay window, shows little sign of recent occupation, as Tarricone has been either at AAJ headquarters in Washington or on the road since last July. Photographs on a marble mantel and sideboard

show Tarricone and family members with the late Senator Edward Kennedy and with then-Illinois state senator and U.S. Senate candidate Barack Obama at the 2004 Democratic Convention in Boston. Framed posters from the New Orleans Jazz & Heritage Festival attest to Tarricone's passion for music, a passion shared by members of his family: his younger son is a jazz musician in New Orleans. "Music's a big part of my life, and to have a son doing music has just been fantastic," says Tarricone, whose pride in the achievements of his three children, ages 24 to 33, is manifest. "If there's one thing I could change," he says, "I wouldn't have worked as much as I did when the kids were young."

## An Appetite for Knowledge

As a humanities major minoring in English at Suffolk University, Tarricone spent hours across the river visiting Harvard University's Fogg Art Museum. Even after shifting his focus to law, Tarricone found his humanities background invaluable. "There's nothing more analytical than studying architecture and art and literature and how it speaks about the times," he says. "And it teaches one to write and analyze, so for me it was great preparation."





The AAJ's Union Station subway ad campaign, which Tarricone oversaw, used an aviation analogy in its argument against tort reform.

By his third year at Suffolk Law, Tarricone was serving as note editor for the *Suffolk University Law Review* while also working part time as a law clerk at the Boston-based personal injury firm Sisson & Sarrouf. In addition to the “huge time commitment” required by his editorial duties, his first son, now a lawyer in Oakland, California, was born in December of that final year. He and his wife Wendy were “just flat broke,” says Tarricone, who praises his wife, then and now, for being “an amazing support system” for his hard-charging career. Despite the myriad pressures, Tarricone still managed to graduate first in his class.

“Anthony was an outstanding law student, academically distinguished as well as respected by the law faculty,” says Interim Dean Bernard

Keenan. “His success following graduation is extremely noteworthy, but not unanticipated.”

As note editor, Tarricone “was very intense, very focused, and set the highest standards,” adds former classmate and *Law Review* colleague John Loftus JD '77, author and former U.S. government prosecutor, “but at the same time, he was always pleasant, always gracious.”

One class Tarricone never missed was the late Professor Tom Lambert's course on product liability. Lambert, recalls Tarricone, was “a brilliant speaker and lecturer, and a tour de force in the law and in the use of the law as an agent or tool of social change.” A peerlessly eloquent defender of the civil justice system and the right to a jury trial, Lambert was also editor of the *Law Reporter*, the ATLA

magazine. As Lambert brought to life the profound changes in tort law “that enabled individuals to have at least the prospect of a fair shot at taking on a major corporation or powerful government interest,” Tarricone was hooked. “I saw that this was something I could do in my life, that I could have a passion for,” he says.

## Master of Disaster

After graduation, Tarricone spent a year gaining trial experience as clerk to the justices of the Massachusetts Superior Court before joining forces with Camille F. Sarrouf Sr. and John B. Flemming JD '78 to found the Boston-based personal injury firm Sarrouf Tarricone & Flemming. Sarrouf, says Tarricone, was his “principal mentor and teacher for many, many years,” and entrusted the investigation and preparation of major cases to his rookie junior associate at a very early stage in the younger man's career.

Speaking from his Boston office at Sarrouf Corso, Sarrouf, now 77, speaks warmly of Tarricone in those days as “a fantastic young associate,” who had already proved his worth as a part-time law clerk. A quick study with a “great work ethic,” Tarricone absorbed and applied Sarrouf's mantra: “You know all the law. Now you have to know the facts better than anyone else. Then you apply the law.”

Early on, Tarricone found his calling as an aviation disaster expert when a twin-engine Beechcraft Baron company plane crashed and burned in Enfield, Connecticut, on December 7, 1978, killing the pilot and two passengers. “I knew nothing about airplanes at that point,” recalls Tarricone, but that was about to change. After the firm was retained to represent the families of the passengers in a case against Beech Aircraft Corporation of Wichita, Kansas, Tarricone was assigned to the case.

The Connecticut plane crash brought Tarricone into the orbit of the late Jack



**Tarricone:** “My proudest moments as a lawyer have been solving the case, and I’ve had many of them like that.”

Kennedy, an expert investigator who had recently retired from the Major Accident Division of the National Transportation Safety Board (NTSB) in Washington, D.C. “He took me under his wing and taught me a lot,” says Tarricone, who now serves as a member of the NTSB Bar Association. “I went onsite with him, and he taught me to do forensic analysis as if I were an engineer.” Tarricone eventually proved to a jury that an in-flight fire caused the plane to crash. The case, he says, was “a phenomenal learning experience.”

On January 23, 1982, while the Connecticut case was pending, a World Airways DC-10 overshot the runway at Logan Airport in icy conditions and crashed into Boston Harbor. Sarrouf was retained to represent the family of the two people killed and around 30 other passengers with minor injuries. “The case was all over the news, because for two or three days the airline claimed these two guys were not on the plane,” Tarricone recalls. After handling the depositions and preparatory work in the case, Tarricone found himself developing a taste and a reputation for

aviation investigations. He was on the road to becoming, as long-term professional colleague Bob Casby JD ’82, principal at Boston-based law firm Sugarman, puts it, “an outstanding trial lawyer, completely and totally fluent in aviation.”

Those skills were perhaps never used to greater effect than in the case of Michael Pickney, whose twin-engine turboprop plane crashed on January 24, 2001, after leaving Nashville International Airport, bound for Wisconsin on a business trip, with three executives of his family’s electrical engineering firm on board.

Shortly after take-off, Pickney, a highly experienced pilot, reported one of his engines out. He tried to gain altitude but, seconds later, radioed that he was losing altitude, turned the plane back towards the airport, clipped the tops of some trees on the approach, and crash-landed on the edge of the airstrip. The plane, intact but with a full payload of fuel, was engulfed in a fireball that killed the three passengers. Pickney survived the initial impact but died a short time later after being airlifted to Vanderbilt University Medical Center.

The official NTSB report of the crash faulted Pickney for not “feathering” the propeller on the dead engine, a standard safety procedure that means changing the pitch of the propeller to allow air to pass through unimpeded. “I believed instinctively that there was a mechanical reason why the pilot didn’t feather the propeller, even though the NTSB found nothing wrong with any of the systems on the airplane,” says Tarricone.

Tarricone and his team of forensic experts painstakingly dissected the 18-month-old evidence from the crash. “We looked at everything,” he says. Pickney’s plane had been retrofitted with oversized engines, and Tarricone and his team tracked the propeller’s failure to feather to the use of the wrong propeller governor, improperly rigged. They hypothesized that a bolt connecting the linkage

from cockpit to governor caught on the engine housing and prevented the propeller from moving into the feather position. A score mark on the housing that exactly matched the bolt formed the forensic basis of the case. The only problem was that the bolt itself was missing, lost when the engine had been removed from the crash scene. Tarricone turned to the photographic evidence from first responders, and in one picture, under magnification, the bolt could be clearly seen in place. The defendants admitted ultimately that the airplane was not airworthy when released for service, and the case was settled before trial.

Building on his decades of aviation-related experience, Tarricone opened the Boston branch of New York-based Kreindler & Kreindler LLP in 2006 as managing partner. The firm has acted as lead attorneys in litigation arising from the destruction of Pan Am 103 over Lockerbie, Scotland, in 1988 and the attacks on the World Trade Center and the Pentagon on September 11, 2001. When not sidelined by AAJ business, Tarricone's regular practice with the firm comprises around 60 percent aviation cases, seasoned with 20 percent product liability and 20 percent medical malpractice.

"My proudest moments as a lawyer have been solving the case, cracking the case, and I've had many of them like that," says Tarricone. The Pickney case exemplifies the complexity of the issues involved, the thrill of the intellectual puzzle. "But more than that, it's establishing for the people involved what really happened, so they have answers, and restoring some sense of dignity to the families involved," he says. In more than 25 years of representing people harmed by airline disasters, medical mistakes, and defective products ranging from tainted turkey to exploding caps, he has never lost sight of the lesson he learned as a law student from Professor Lambert: that individuals have the right to legal remedies and access to justice in state and federal courts nationwide.

## "A Player, Not a Spectator"

Lambert was one of several professors at Suffolk Law in the 1970s with strong connections to ATLA, the American Association of Justice's predecessor organization. Suffolk University President David J. Sargent, then dean of the law school, also served as ATLA's national spokesman, and his recommendation helped Tarricone nab his first legal clerkship with Sisson & Sarrouf. Sargent recalls Tarricone as "an outstanding student" clearly destined "to become a trial lawyer, and a very good one at that."

In addition to sparking his interest in representing individuals and families against corporate interests, the ATLA link showed Tarricone the value of policy work on the state and national front. "Those years at Suffolk Law really did influence me to become an advocate for the people—not just privately representing them, but publicly advocating for access to justice for individuals," he says.

Fired by his desire to be "a player, not a spectator" in public and professional debates about civil justice issues, Tarricone joined the ATLA Board of Governors in 1988. He worked his way doggedly through the hierarchy to become vice president in 2007, a position that assured his assumption of the presidency in July 2009. (The ATLA became the AAJ in 2006.) In his view, the AAJ fulfills two crucial roles: first, as the equivalent of a union for trial lawyers, and second, as a bulwark of people's rights against powerful interests that may do them harm, including the manufacturers of defective motor vehicles, airlines that fail to properly train and monitor their pilots, and drug manufacturers that put profit ahead of safety.

Tarricone took the reins at a critical moment, says Marianne LeBlanc, a principal at Boston-based law firm Sugarman, chair-elect of the AAJ Women's Trial Lawyers Caucus, and member of the AAJ PAC Board of Trustees. Tarricone has done an outstanding job, she

says, not only as "the face and voice of AAJ" in a time of unprecedented media interest and as ambassador for the AAJ agenda to national politicians, but also as a "hands-on leader" willing to tackle the organization's fundamental challenges, including building membership and strengthening its financial integrity.

Now that Tarricone has met the primary goal for his presidency—to lead the AAJ charge against tort reform—he can turn to other parts of the AAJ agenda. These include an aggressive membership drive and lobbying for laws to prohibit clauses mandating arbitration in certain consumer and employment contracts. Another major AAJ policy drive is to require foreign manufacturers who sell products in the U.S. to have registered U.S. agents, and to submit to the jurisdiction of U.S. courts. "The Chinese drywall case is a really good example," says Tarricone, referring to Chinese-manufactured defective building materials used extensively in hurricane-damaged southern states and now the subject of consolidated cases in Louisiana.

For a man whose professional life is so often concerned with the causes of injury and death, Tarricone is strikingly upbeat. "I see hazards everywhere, I really do," he says, laughing. But though he avoids flying on third-world airlines and commuter flights that use prop planes, his passion for travel keeps him in the air. "I enjoy traveling just about anywhere," he says, adding that he feels equally at home in the great capitals of Europe or on a remote mountain trail or Caribbean beach.

Now that the end of his roller-coaster year as AAJ president is in view, he's eager to plunge back into the world of sudden death and unexpected disaster: "I'll get back to handling cases and representing clients, and I look forward to that," he says. Or as AAJ colleague Roitman puts it, he'll return to his main business and passion: "righting wrongs." ☞

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