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Insomnia ([@insomnia](#)) wrote,  
@ 2004-10-14 14:47:00



## On the fine art of settling a lawsuit.

As most of you probably know, only a small fraction of lawsuits ever make it to court. Infact, when lawsuits \*do\* make it to court, it is often seen by the judge as a failure of the parties in question to settle the dispute. Therefore, a \*BIG\* part of the job for lawyers is the art of settling -- getting your client the most money possible without going to court.

When I looked researched [Benedict Morelli](#), the attorney for the plaintiff in the O'Reilly trial, I discovered a really great law story. It's a bit long, but bear with me... it's worth it. Hell, If I were Hollywood, I'd write it into a screenplay starring Joe Pesci... or maybe Danny DiVito.

This article talks about one of [Benedict Morelli's](#) most famous cases, representing [Christian Curry](#) in a lawsuit against one of the world's financial powerhouses, [Morgan Stanley Dean Witter & Co.](#)

In June 1998, [Christian Curry](#), a black employee of [Morgan Stanley](#), posed for [Playguy](#), a gay adult magazine. Within days of the magazine's appearance, Curry was let go by [Morgan Stanley](#) on the grounds of extensive expense-account fraud. Indeed, the evidence suggested that this fraud did take place. To make matters worse, after Curry was fired, he was caught trying to get a co-worker to plant racist emails in [Morgan Stanley's](#) internal computer system, thereby strengthening his case. Curry's case looked very fragile indeed.



→ Soon afterwards, however, [Benedict Morelli](#) filed a \$1.35 Billion lawsuit on Curry's behalf against [Morgan Stanley](#). Morelli felt justified asking for the unbelievable amount of \$1.35 Billion, because it was "the only punishment [Morgan Stanley](#) would understand." This led to other employees at [Morgan Stanley](#) using internet sites, such as [vault.com](#), to discuss discrimination at [Morgan Stanley](#), thereby putting the company at further legal risk. [Morgan Stanley](#) monitored these conversations and blocked employee access to the sites.

Soon afterwards, a settlement was reached. A press conference was arranged, where [Donald G. Kempf, Jr.](#), Chief Legal Officer for [Morgan Stanley](#), said:

*"We believe this is a complete vindication . . . There was no discrimination or misconduct against Mr. Curry . . . (Our company) will now avoid the expense and distraction of that trial. We have decided to use some of the money that we would have spent at trial to underscore our strong commitment to furthering minority interests by making a \$1 million contribution to the National Urban League."*

In contrast, [Benedict Morelli](#), the lawyer for Curry, gave a speech that sounded conciliatory and apologetic:

*"Certain situations call for people to rise above the fray and attempt to resolve disputes out of court. This is one of those situations . . . While I initially thought Mr. Curry had a good case, we now understand that [Morgan Stanley Dean Witter](#) engaged in no discrimination or misconduct against Mr.*

Curry. In light of this, Mr. Curry no longer has any dispute with Morgan Stanley..."

Morgan Stanley sent a memo to all of their 63 thousand employees, saying that the lawsuit was dropped and that they didn't pay a "single cent" to Curry.

Nope, they didn't pay Curry a thing. That said, according to the Feb. '01 edition of Brill's Content, they paid several billion cents to Morelli's lawfirm, agreeing to compensate three of Morelli's other clients for completely unrelated cases. One can only imagine Morelli going to the bank after his speech, depositing a very large check, and splitting it as he wished amongst his clients, with the bulk of the money being divvied up between Curry and Morelli's firm. A nice day's work.

Soon afterwards, Christian Curry was seen flashing a lot of money around. He bought a lot of things... like a newspaper, for instance. Later on, Curry was reported as saying:

"This is Morgan's statement: 'We paid Curry nothing! Nothing!' And who am I to argue? . . . I'd never go through that again, whether they paid me zero dollars... or \$52 million."

Of course, it would be improper for Morelli or Christian Curry to disclose the exact nature of any confidential settlement, but if you visit Morelli's website, there's a wonderful line if you scroll down to the bottom of the page.

"Finally, one of our clients, a former employee of an investment bank was able to purchase a newspaper, Ferrari and open his own investment firm after his high profile case was resolved."

Gee... I wonder who he's talking about?!

If you ever needed a lawyer, wouldn't you want one who'd be willing to tell the public that your case was crap and who would work hard to hide the fact that there was even a settlement in the first place -- in order to get you the best settlement possible? I know I would.

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David [@d4b](#)

2004-10-15 05:15 am UTC (link)

I've been on jury duty a few times, oddly all for rather intense incidents (assault, sexual/racial attacks, and murder), but the relevant point here is the standard speech that they give in Orientation at the start of the day. There's a line or two about, "just the prospect of the jury making its way to the courtroom is often enough to convince the two parties to settle". Interestingly enough, one of my cases was precisely this; the settlement literally occurred between the phone call to have us walk down and the time that we got into the courtroom; that judge was very happy to inform us as soon as we got settled into the room that we should then get up and leave again.

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[benjybenjy](#)

2004-10-15 02:18 pm UTC (link)

WHOA! Whatta BABE! :drools:

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