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SUPREME COURT REVIEW

The court caught up with a large portion of society that accepts, however reluctantly, affirmative action and gay rights. And it moved the debate on both issues to another level. **Pullout section.**

Illinois to tape police questioning

It gets mostly good reviews in 2 states.

By Leonard Post
STAFF REPORTER

ILLINOIS HAS BECOME the third state in the nation to require the police to tape interrogations.

Starting in two years under a new state law, officers must tape interrogations of murder suspects or risk not being able to use their statements as evidence.

Alaska and Minnesota already have court-imposed rules that cover all crimes, not just murder. Their requirements get mixed reviews from police officers and prosecutors in Alaska but seem uncontroversial in Minnesota.

The two states require the recording of *Miranda* warnings, interrogation and confessions at places of detention, such as

police stations and jails, and at other locations when feasible. The penalty for failure to record is that the statements cannot be used as evidence. Suspects do not always know they are being recorded.

The Illinois statute, signed into law by Governor Rod Blagojevich on July 17, takes into account several of 85 reforms recommended last year by then-Governor George Ryan's Commission on Capital Cases.

The panel's report prompted Ryan to grant clemency to all 156 inmates on the state's death row and to suspend the death penalty.

The commission was formed after 13 condemned men had been exonerated, some because of alleged police misconduct including coerced confessions.

Major players in limiting the Illinois statute to homicides and adding 10 exceptions were the

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VERDICTS & SETTLEMENTS

■ ANTITRUST

Firms who overpaid for additive get \$49 million

IN A CONSPIRACY lawsuit against four producers and traders of animal-feed additives, a class of companies that claimed that they paid too much for the additive choline chloride were awarded more than \$49 million by a federal jury on June 13. Lead plaintiff Animal Science Products Inc. of Nacogdoches, Texas, sued the additive manufacturer, DuCoa L.P.; DuCoa's general partner, DCV Inc.; the trading company, Mitsui & Co.; and Mitsui's American subsidiary, Mitsui & Co. The plaintiffs claimed that the defendants engaged in a worldwide conspiracy to deter competition by regulating supply and fixing prices. The defendants denied the allegations. *Animal Science Products v. DCV Inc.*, No. 99-197 (D.D.C.).

PLAINTIFFS' ATTORNEYS: Michael Hausfeld, Cohen, Milstein, Hausfeld & Toll, Washington; William Isaacson, Boies, Schiller & Flexner, Washington; James Southwick, Susman Godfrey, Houston

DEFENSE ATTORNEYS: Sutton Keany, Pillsbury Winthrop, New York; Kurt Odenwald, Guilfoil Petzall & Shoemaker, St. Louis

■ CONSTRUCTION

Concert set-up mishap yields \$1.3 million award

A LABORER WHO fell 30 feet while climbing a lighting tower to help set up spotlights for a Garth Brooks concert was awarded \$1.3 million in damages by a Texas jury. Rigel Piper, 19, sustained a fractured pelvis, a collapsed lung, a broken rib and a ruptured spleen in the fall. He sued Bandit Lites Inc., Steve Vernon Rigging a/k/a S.V.R., Garth Brooks, New Rose Inc., Glen Smith Production Ser-

vices, Pro West Production Services and Brown-United Inc., alleging that they were negligent for failing to provide adequate fall protection, training and instruction. He settled with New Rose, Glen Smith Production, Brown-United and Pro West for a total of \$303,000. Garth Brooks was nonsuited. On June 20, the jury found Bandit Lites 35% at fault, Steve Vernon Rigging 35% at fault and Piper himself 30% at fault, reducing his award accordingly. *Piper v. Bandit Lites Inc.*, No. 02CV0039 (Galveston Co., Texas, Dist. Ct.).

PLAINTIFF'S ATTORNEYS: Jason A. Gibson, Russell Endsley and David Mincec, Smith & Gibson Law Firm, Houston

DEFENSE ATTORNEYS: Joseph M. Heard and Bridget Rienstra Brinson, Heard & Medack, Houston; Nicolas E. Zito, Ramey, Chandler, McKinley & Zito, Houston; Teresa A. Carver, Lorance & Thompson, Houston; Steve C. Dollinger, Preston & Cowan, Houston; Mac Gann, Gann & Edwards, Houston; J. Preston Wrotenbery, Oppenheim & Associates, Houston

■ CONSUMER PROTECTION

Alleged check bouncer sues Wal-Mart and wins

A WOMAN WHO sued Wal-Mart after it wrongly reported her to a national database as having bounced a check was awarded \$130,000 by a federal jury on June 26. Mary Waddle, 48, wrote a check to the Somerset, Ky., Wal-Mart store where she worked, and the store's bank returned it with the incorrect indication that she had no account. The problem was resolved with the store but, about a year later, Waddle learned that her credit rating was still affected when another store refused to accept her check. Attempts to get Wal-Mart to correct the record were to no avail. She claimed that the resulting emotional distress caused

her to leave her job. The defense blamed its bank and the database company, and contested the extent of Waddle's injuries. *Waddle v. Wal-Mart Stores Inc.*, No. 6:02-CV-71-KKC (E.D. Ky.).

PLAINTIFF'S ATTORNEY: Thomas E. Carroll, Carroll Law Offices, Monticello, Ky.

DEFENSE ATTORNEY: J.L. Roark, Barret, Haynes, May, Carter & Roark, Hazard, Ky.

Weight-loss pill maker resolves false ads claim

A COMPANY ACCUSED of advertising and selling weight-loss products and erectile dysfunction supplements with false claims as to their efficacy and safety settled a suit brought by the Federal Trade Commission (FTC) for \$175,000 on July 1. USA Pharmacal Sales Inc. of Palm Harbor, Fla., and its co-owners, John Pence and Arthur Sussman, began marketing and selling the weight-loss products, "Meta-Biological," "Fat-Sponge In a Pill" and "Calotrol/MD," and the erectile dysfunction supplement, "Virile V." The FTC's complaint alleged that advertisements for the products falsely claimed that the weight-loss products cause rapid weight loss without the need to reduce caloric intake, and that the ephedra contained in the products posed no health risks. *FTC v. USA Pharmacal Sales Inc.*, No. 8-03 CIV 1366-P-23-EAJ (M.D. Fla.).

PLAINTIFF'S ATTORNEYS: Matthew Daynard and Thomas B. Pahl, Federal Trade Commission attorneys' office, Washington

DEFENSE ATTORNEY: Sheldon S. Lustigman, New York