

TITLE: Airline Lawsuit Grounded / But issue could go to Supreme Court
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On crowded flights, he's The Drunk Guy. Sometimes he's so loud and abusive, you feel like suing the airline for letting him on the plane and serving him cocktails.

Well, you can't, not even if it's 20 drunk guys shouting racial slurs at you and your two young children. Just ask Oakland's Shirley Gee.

Two weeks ago, U.S. District Judge Claudia Wilken tossed out Gee's suit against Southwest Airlines for allegedly permitting 20 drunken members of a wedding party to board a flight in Los Angeles and continue the bash all the way to Oakland.

Gee, who was on the flight with her sister and their children, claims the party boys called them gooks and whores and threatened to "teach them respect." The flight attendants did little, she says, except serve the group more beer.

Gee's \$5 million negligence suit against Southwest was moved from state court to federal court -- and then out the door. The reason: The Airline Deregulation Act bars lawsuits against airlines for mistreating their passengers.

At least that's what the U.S. Court of Appeals in San Francisco ruled earlier this year in a decision that Wilken was bound to follow. But federal appeals courts in other parts of the country -- New Orleans, for example -- disagree. That means the issue is probably headed to the U.S. Supreme Court.

Southwest's lawyer, Robert Gebhard of San Francisco, says Gee can still sue the unruly passengers.

But Cornish Hitchcock, who is handling Gee's appeal, says that thinking leads to absurd results.

"Suppose a flight attendant dumps a pot of coffee in your lap or the pilot has an accident and you are injured," he said. "If something goes wrong, people ought to have a remedy against the airline. Injecting competition into the industry (through deregulation) is a great idea, but taking rights away from passengers was never part of that."

BUMPY RIDE

MUNI riders have been doing most of the complaining, but drivers say they're hurting, too.

MUNI drivers say violence against them has gotten so bad that they will file a class-action lawsuit this week seeking millions of dollars in damages from the transit agency and the city. Their objective: to force San Francisco to quadruple the number of police officers on buses, trains and streetcars.

MUNI says it already spends a little over \$1 million a year on the 50 officers now patrolling the lines, and more money is not in the cards. But the drivers argue that hiring cops is a lot cheaper than losing a lawsuit -- and dealing with dozens of injured drivers every month.

Among the recent attacks:

-- While driving the 9 Express down Mission Street, Nashid Ahmad asked a passenger to put away a strawberry pastry. The man and his friend slapped Ahmad on the head, pulled him off the bus and beat him with a skateboard. Ahmad is recovering from injuries to his shoulder, back, neck and knees.

-- George Bouie was driving a cable car on the Mason and Powell line when a man jumped aboard, demanded to know Bouie's name and started poking him under the eye with a pencil. Bouie says he grabbed the man's hand, "wrapped him up like a package" and fell hard on the floor, severely injuring his knee.

-- A bus driver who asked that his name not be used had just finished his last run down Market Street when he woke a passenger who passed out in the back. Just before leaving the bus, the passenger said, "I kill nigger drivers like you" and attacked the driver with a knife. The driver sustained injuries to his hands and shoulders before the passenger ran away.

San Francisco lawyer Kathryn Ringgold, who represents each of these men, says they are just a few of the many assaulted drivers who visit her every month. "And I'm just one attorney," she says.

J. Patrick Heron, one of the lawyers planning the class-action suit, blames the assaults on MUNI: "We have made every effort to force management to protect its drivers, but so far nothing has worked. So the only thing left are lawsuits."

NEW WORLD JUSTICE

Think juries are biased and incompetent? Do judges annoy you with their imperious nonsense about procedure and decorum? Researchers at New York University Law School have a solution: Get rid of them.

For seven years, lawyers and computer scientists have been working on the **Solomon Project** -- a computer program that can review a case, apply the law and spit out a decision. Now they believe it's ready for a national test, and they are planning a 15-city tour in January to show it off to judges and lawyers.

Here's how it works:

-- Attorneys enter all admissible evidence into Solomon under the supervision of a judge. All the lawyers, clients and witnesses take lie-detector tests to make sure they're telling the truth.

-- When the facts are in dispute, Solomon participates in depositions, listening to witnesses and judging their credibility with -- yikes -- "voice stress analysis and the inputs from polygraph telemetry."

-- After asking a few questions, Solomon searches through its massive library of laws, ethical rules and factual precedents. Then it makes a decision and, if necessary, issues an opinion and sentence.

Oh, and the decision can't be appealed.

"Due process and equal justice are served immediately based on unbiased evaluation of facts and law," says a letter from the project's director, Joseph Bonuso. "Justice is swift and blind, with minimum cost."

And how do jury experts feel about taking the judicial process from fallible -- but human -- hands?

"It's pretty scary," says Oakland trial consultant Karen Koonan.

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Erratum

A November 13, 1995 item about replacing judges and juries with computers mentioned a computer program called the Solomon Project. An organization called the NYULAW Artificial Intelligence Research Group says it is working on the project, but the group is not connected with New York University Law School.

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