

Guest Editorial: Litigators and Experts: Ignore GIS Technology at Your Peril

By Christopher N. Thatch, Esq.

GIS database technology played a pivotal role in the winning defense of a company facing potential multi-billion dollar liability in Hurricane Katrina litigation.

In 2012, our client Washington Group International (WGI) faced billions of dollars in claims for allegedly causing the floodwall failures at the east bank of the Inner Harbor Navigation Canal that decimated the Lower Ninth Ward during Hurricane Katrina. The trial was long and complicated, with testimony from 14 expert witnesses, several hundred exhibits, and more details about dirt than some engineers learn in a lifetime. Ultimately, the court sided with our client and concluded that WGI's environmental and site clearing project at the east bank in no way contributed to the floodwall failures or the resulting damage to the Lower Nine. Using Geographic Information System (GIS) technology to develop a proper understanding of the geography of New Orleans was critical to WGI's victory.

The value of our GIS-driven analysis cannot be overstated.

GIS databases are valuable tools for processing and organizing large quantities of spatial or geographic data. Once placed into a GIS database, a wide variety of data types from numerous sources and time periods can be aligned, cataloged, and analyzed together to facilitate a more complete understanding of the information. GIS databases also help minimize errors in an expert's analysis and equip attorneys and experts to explain complicated facts to a jury or judge.

This was particularly true in our case. Confronted with decades of information about the geological conditions and flood protection structures in New Orleans, our experts relied on several sources to better understand the pre-storm conditions at the east bank of the Canal, including historical maps from the U.S. Army Corps of Engineers and local levee boards, geological reports from the U.S. Geological Survey, and aerial images

obtained from years of survey work in the region. Using GIS technology, data from these sources was extracted, digitized, and overlaid with the results of a contemporaneous on-site soil investigation to paint a complete picture of the geography at the east bank.

The value of our GIS-driven analysis cannot be overstated. Not only did GIS technology make it possible for us to organize and examine thousands upon thousands of electronic files, images, and other materials, but it also allowed us to describe with precision how Hurricane Katrina impacted the subsurface conditions at the east bank – an exercise that even the Army Corps' foremost geotechnical engineers found challenging in the wake of the storm. Armed with this information, we were able to accurately portray the relevant facts, discredit the opposing experts' science, and present an engaging and persuasive narrative that, in the end, the court agreed with.

In this ever changing and increasingly complex world, GIS technology will continue to be a necessary tool for collecting and examining data in litigation.

Christopher N. Thatch is a trial attorney at the law firm Jones Day in Washington, D.C., and a member of the firm's Business & Tort Litigation Practice. The case that is the subject of this editorial is In re Katrina Canal Breaches Consolidated Litigation, No. 05-4182 (E.D. La.). The views expressed in this editorial are the personal views of the author and do not necessarily reflect those of Jones Day. The author can be reached at cthatch@jonesday.com.

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