

VIRGINIA LAWYERS WEEKLY

SPECIAL FEATURES

Robert R. Hatten



In 2007, the Supreme Court of Virginia upheld a \$3.4 million award to the family of a Newport News shipyard worker who died from malignant mesothelioma, a disease caused by exposure to asbestos.

The Newport News lawyer who won the case is Bobby Hatten, who has been litigating asbestos cases for the past 30 years.

What makes *John Crane Inc. v. Jones* (VLW 007-6-113) noteworthy is that Virginia's highest court on Sept. 14 upheld the application of general maritime law to support one of the highest jury verdicts of last year. For that achievement, Virginia Lawyers Weekly has named Hatten a 2007 Leader in the Law.

Several years ago, Robert R. Hatten began filing cases in Newport News Circuit Court against a variety of manufacturers and distributors of asbestos-related products, seeking relief under maritime law.

As Hatten told Lawyers Weekly last year, maritime law offered several advantages over Virginia tort law, including the doctrine of strict liability in tort and a standard of care for a manufacturer based on what an expert in the field should have known. The maritime law of damages also is more favorable than Virginia law, because the decedent's estate can recover for his pain and suffering and a spouse can recover damages for loss of consortium.

In 2005 the Virginia high court first allowed application of federal maritime principles against a manufacturer of asbestos-related products used in submarine construction and repair, in another of Hatten's cases, *Garlock Sealing Technologies LLC v. Little, Executor* (VLW 005-6-101).

Hatten's client, Garland F. Jones Jr., worked as an outside machinist at the Newport News Shipbuilding & Dry Dock Co. from 1963 to 1967. Jones died of mesothelioma in July 2005. A Newport News jury awarded his estate \$10.4 million last year, which was reduced by the judge to \$10 million. The jury apportioned 34 percent of that figure against defendant John T. Crane Inc., who appealed to the Supreme Court of Virginia.

The damages in *Little*, the 2005 case, were much lower, with the named defendant responsible for only \$276,013 of the \$467,189 total award.

Before the \$3.4 million award in *Jones*, defendants "were laboring under the impression that they weren't in danger of big verdicts in Virginia," Hatten told Lawyers Weekly last year.

When the *Jones* case came before the Supreme Court of Virginia, the defendant again questioned application of general maritime law to the case.

The Supreme Court concluded that Garland Jones' inhalation of asbestos fibers while repairing and

building vessels on navigable waters “could potentially slow or frustrate the work being done on the vessel,” and disrupt maritime commerce.

Writing for a unanimous court, Senior Justice Elizabeth B. Lacy said that Crane’s marketing of gaskets and packing material for, and its advertising to, the maritime industry, bore a substantial relationship to traditional maritime activities, bringing the defendant under maritime law.

Biography

Education: J.D., Washington & Lee University law school, 1972

Practice Areas: Asbestos litigation for plaintiffs

Acheivement: Advancing development of law in Virginia to obtain remedies for asbestos victims

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