

2005 Trial Lawyer of the Year Award Finalists Announced

Finalists Represent 'Best and Brightest' Work of Trial Bar on Public Justice Cases

The TLPJ Foundation has named the attorneys who worked on four outstanding cases as finalists for its 2005 Trial Lawyer of the Year Award. The nationally prestigious award is bestowed annually upon the trial lawyer or lawyers who have made the greatest contribution to the public interest by trying or settling a precedent-setting case. The winner will be announced on July 26, 2005, at The TLPJ Foundation's Annual Gala and Awards Dinner at The Carlu, an historic art deco venue in Toronto.

"These stellar attorneys and cases demonstrate how the best and brightest of the trial bar bring their talents to winning justice for individuals and groups who otherwise would have no recourse," said TLPJ Foundation President Jeffrey M. Goldberg of The Jeffrey M. Goldberg Law Offices in Chicago.

The finalists – 31 lawyers in four cases – were nominated for their committed work in cases addressing a broad range of social issues, including exposing defense contractor fraud, protecting the public water supply, forcing Big Tobacco to help smokers quit, and addressing safety defects in police cars. This year's finalists are listed alphabetically below.

- Chicago-based lawyers **Michael I. Behn** of Futterman Howard, **Steven A. Miller** of Sachnoff & Weaver, **Bruce C. Howard** of Robert D. Allison & Associates, **Michael Jaskula** of Soule, Bradtke & Lambert, and **Thomas Asch**, then "of counsel" to Sachnoff & Weaver, won justice after a 16-year battle for two whistleblowers who were fired and blackballed by one of the nation's largest defense contractors for exposing massive fraud against the Pentagon in the mid-to-late 1980s. In *U.S. ex rel. Robinson v. Northrop Grumman Corporation*, a suit first filed in federal court in the Northern District of Illinois in 1989, the attorneys used the *qui tam* or "whistleblower" provisions of the federal False Claims Act to achieve a March 2005 settlement in which Northrop agreed to pay a total of \$133 million, including \$12.4 million to the whistleblowers as well as a confidential amount in compensation for Northrop's retaliation against them. The case was noteworthy for damning, "smoking gun" evidence uncovered by the plaintiffs' legal team showing that Northrop officials concealed major accounting irregularities and misled Pentagon auditors. This evidence finally persuaded the Justice Department to reverse its 1992 decision to stay out of the case (the first such reversal ever in a whistleblower case). *Robinson* demonstrates that, when the federal government refuses to hold corporations accountable for fraudulently misusing taxpayer dollars, the trial bar's dedication and determination fills the void.
- Charleston, West Virginia attorneys **Harry G. Deitzler** of Hill, Peterson, Carper, Bee & Deitzler, PLLC (Hill, Peterson), **Larry A. Winter** of Winter Johnson & Hill PLLC, **Robert A. Bilott** and **Gerald J. Rapien** of Cincinnati's Taft, Stettinius & Hollister LLP, and **R. Edison Hill** and **James C. Peterson** of Hill, Peterson sued corporate giant DuPont for damages and medical monitoring stemming from DuPont's leaking of perfluorooctanoic acid or "C8" – a chemical used in producing nonstick cookware – into the drinking water of Mid-Ohio Valley residents living near DuPont's Washington Works plant in Parkersburg, West Virginia. (Initial studies have linked C8 to heart attacks, breast cancer, and testicular cancer in humans.) After a grueling, three-and-a-half-year class action battle in a West Virginia county court, during which the attorneys uncovered evidence revealing that DuPont was aware of C8's potential toxicity as far back as 1961, the legal team achieved an unprecedented \$107.6 million settlement. Not only does the settlement require DuPont to pay to determine whether the C8 it leaked into the public water supply

will harm human health and the environment, but the bulk of the settlement will go toward creating the largest community health study ever, covering some 80,000 people living along the Ohio River. If the study links health effects to C8, DuPont must spend up to another \$235 million to monitor the health of residents exposed to C8. *Leach v. E.I. DuPont de Nemours* forces corporate polluters, for the first time, to pay to discover the health consequences of their actions. The evidence uncovered by the attorneys in this case also helped spur the U.S. Environmental Protection Agency to reclassify C8 from a "suggested" to a "likely" carcinogen on June 27, 2005.

- **Russ M. Herman** and **Stephen J. Herman** of Herman, Herman, Katz & Cotlar, L.L.P., in New Orleans, **Bruce C. Dean** of Bruce Dean, L.L.C. and **Deborah M. Sulzer** of Gauthier, Houghtaling, Williams, and Sulzer, both in Metairie, Louisiana, **Robert L. Redfearn** of New Orleans' Simon, Peragine, Smith & Redfearn, **Stephen B. Murray, Sr.**, and **Stephen B. Murray, Jr.** of New Orleans' Murray Law Firm, **Walter J. Leger** and **Christine L. DeSue** of New Orleans' Leger and Mestayer, **Joseph M. Bruno** and **David S. Scalia** of New Orleans' Bruno and Bruno, **Kenneth M. Carter** of New Orleans' Kenneth M. Carter, PLC, solo practitioner **W. James Singleton** of Shreveport, **Raul R. Bencomo** of New Orleans' Bencomo and Associates, **Meyer H. Gertler** and **Louis L. Gertler** of New Orleans' Gertler, Gertler, Vincent & Plotkin, **Daniel E. Becnel, Jr.**, of the Law Offices of Daniel E. Becnel, Jr., in Reserve, Louisiana, and **Jack M. Bailey, Jr.**, of Shreveport's Law Offices of Jack M. Bailey, Jr. won an unprecedented May 2004 jury verdict ordering the tobacco industry to pay \$590 million for a 10-year smoking cessation program to help Louisiana smokers kick the habit. *Scott v. American Tobacco Company*, a class action lawsuit against R.J. Reynolds, Philip Morris USA, Brown & Williamson, Lorillard, and The Tobacco Institute, covers hundreds of thousands of state residents who took up smoking between 1954, when the tobacco industry began its 50-year cover-up about nicotine addiction and smoking's connection to disease, and May 1996, when the suit was filed. Evidence uncovered by the plaintiffs' team over the course of the three-year trial led the *Scott* jury to find that the cigarette makers had engaged in fraud, conspired to distort information about the dangers of smoking, and targeted Louisiana children in their marketing. This landmark class-action verdict could ultimately save thousands of lives by helping Louisiana smokers quit on the dime of the companies that addicted them in the first place.
- **Patrick J. McGroder** of the Phoenix firm Gallagher & Kennedy, P.A., and **David L. Perry** of Perry & Haas in Corpus Christi, Texas, have made the country's most popular police car, Ford's Crown Victoria Police Interceptor, safer for officers across the nation. Through *Schechterle v. Ford Motor Company*, eight other Crown Vic cases, and a far-reaching public education campaign, McGroder and Perry forced Ford to spend \$350 million to retrofit approximately 350,000 police cruisers to correct a defective design that left the cruiser's fuel tank vulnerable to instant ignition in high-speed, rear-impact collisions – and led to the burning deaths of 18 officers. In *Schechterle*, an Arizona state court lawsuit settled in April 2004, the team demonstrated that Ford knew the vehicle was a fire risk, winning a confidential settlement for Phoenix police officer Jason Schechterle, who sustained disfiguring burns to 50 percent of his body when a speeding taxicab slammed into the back of his police cruiser on March 26, 2001. McGroder and Perry also commissioned the first-ever Crown Victoria Police Interceptor crash tests at speeds over 75 m.p.h. These tests proved that, with basic retrofits, the cruiser can withstand high-speed rear impacts *without* the tank igniting. The trial lawyers then invested hundreds of thousands of dollars to create retrofits, including bladder tank and fire suppression technology, which were adopted by several law enforcement agencies even prior to Ford's retrofits, and which have saved six officers' lives in crashes to date. McGroder's and Perry's creative lawyering not only held Ford publicly accountable for valuing profits over lives, but ultimately caused Ford to take corrective action that will save hundreds of police officers' lives.

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