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NEWS RELEASE

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PUBLIC JUSTICE ANNOUNCES 2007 TRIAL LAWYER OF THE YEAR AWARD FINALISTS

Group Represents Wide Range of Public Interest Cases

The Public Justice Foundation has named the attorneys who worked on eight outstanding cases as finalists for its 2007 Trial Lawyer of the Year Award. The nationally-prestigious award is bestowed annually on the trial lawyer or legal team who made the greatest contribution to the public interest by trying or settling a precedent-setting case. The winner will be announced on July 17, 2007, at the Public Justice Foundation's 25th Anniversary Awards Dinner and Gala in Chicago.

"The variety of cases and the scope of settlements and verdicts prove, once again, that trial lawyers are vital to the protection of citizen rights and in securing justice for the poor, the wronged and the powerless," said Public Justice Foundation President Alan Brayton of Brayton♦Purcell, LLP, in Novato, Calif.

The finalists - 37 lawyers among the eight cases - were nominated for their committed work in cases addressing a broad range of social issues, including workers' rights, environmental protection, juvenile justice reform, and the rights of Hurricane Katrina and Hurricane Rita victims. Detailed summaries of each case are accessible on the Public Justice website at www.publicjustice.net.

This year's finalists and synopses of their cases are listed alphabetically below:

- **W. Craig Bashein** of Cleveland's Bashein & Bashein Co., L.P.A., along with his co-counsel, **Paul W. Flowers** of Cleveland's Paul Flowers Co., L.P.A., **John Smalley** of Dayton's Dyer, Garofalo, Mann & Schultz, and **Patrick J. Perotti** and **Patrick T. Murphy** of Painesville, Ohio's Dworken & Bernstein Co, LPA, spearheaded a victory for stamp-press machine operator Angel Santos and over 8,000 injured workers in *Santos v. Ohio Bureau of Workers' Compensation*. The Santos team recovered \$52 million in a class action on behalf of injured Ohio workers who were required to reimburse the Ohio Bureau of Workers' Compensation for funds they collected from insurance companies or third parties in connection with their injuries - a practice known as subrogation." The

state statute governing those demands was deemed unconstitutional and, after seven years of litigation, the Ohio BWC was ordered to return the wrongfully held funds to all the injured workers.

- Taking up a whistleblower's cause in *United States ex rel. Tyson v. Amerigroup Corporation*, **Frederick H. Cohen**, **David J. Chizewer**, **Chad A. Blumenfield** and **Ann H. Chen** of Chicago's Goldberg Kohn Bell Black Rosenbloom & Moritz, Ltd.; **Samuel B. Cole** and **Michele M. Fox** of the U.S. Attorney's Office in Chicago; and **Paul Gaynor**, **David J. Adams** and **Anne R.K. Reader** of the Illinois Attorney General's Office won a record-breaking jury verdict - the largest in the 150-year history of the federal False Claims Act - holding Amerigroup Corporation accountable for bilking the government and depriving Illinois' poorest citizens of health care. The jury awarded \$48 million in damages and found that Amerigroup had submitted 18,130 false claims to the federal and state governments. When the jury's award was trebled and penalties were added by the court, the total judgment against Amerigroup was \$334,365,000. The U.S. Attorney and Illinois Attorney General had initially declined to intervene in the case, but changed their minds based on evidence that the trial lawyers uncovered.
- One of the worst refinery disasters in U.S. history, a March 23, 2005, an explosion and fire in Texas City, Tex., claimed 15 lives and injured hundreds more. Most of the victims were employees of the J.E. Merit Constructors, a contractor with the BP Amoco Chemical Company. BP had placed the workers in trailers that were too close to the refinery tower, violating both industry and BP's own safety standards. On November 9, 2006, **Brent W. Coon** of Beaumont, Texas's Brent Coon & Associates achieved a groundbreaking settlement in *Rowe v. BP Amoco Chemical Company* that recovered damages for lead plaintiff Eva Rowe, who lost both of her parents in the blast, and required BP to make charitable donations of at least \$32 million to help improve worker safety and health care and release seven million pages of sealed corporate documents exposing BP's misconduct.
- After an uninsured waitress received inadequate care for a foot injury from a private hospital in Glendale, Calif., then was told to go to a public hospital and later received a large bill for the shoddy care, **Kelly M. Dermody** of Lieff, Cabraser, Heimann & Bernstein LLP in San Francisco, **Sidney A. Backstrom** of the Scruggs Law Firm in Oxford, Mississippi, and **Edward D. "Chip" Robertson, Jr.** of Bartimus, Frickleton, Robertson & Gorny in Jefferson City, Missouri, took on Catholic Healthcare West (CHW), which owns the Glendale hospital and dozens more in Nevada, Arizona and California. Dermody and her legal team negotiated with CHW for 15 months before filing *Dancer v. Catholic Healthcare West* in October 2005. The class action lawsuit alleged that the hospital system charged excessive and unfair prices and had engaged in aggressive and unfair collections practices against uninsured patients. On January 11, 2007, Dermody and her team won final court approval of a class action settlement providing refunds and discounts worth \$423 million to more than 780,000 uninsured patients who had been bilked by the hospital chain.
- In *Hummel v. Wal-Mart Stores, Inc.*, **Michael D. Donovan** of Philadelphia's Donovan Searles, LLC, and co-counsel **Judith L. Spanier** of New York's Abbey Spanier Rodd Abrams & Paradis, LLP, and **Rodney P. Bridgers, Jr.** of Denver's Franklin D. Azar & Associates, P.C., won overtime pay for 186,000 current and former Wal-Mart and Sam's Club employees in Pennsylvania who had been wrongfully denied pay for extra hours

- they worked. On October 13, 2006, after a five-week trial in the class action lawsuit, a Philadelphia jury awarded the hourly workers \$78 million, covering over eight years of documented off-the-clock work hours and rest break violations. Donovan and his team have asked the judge in the landmark case to order Wal-Mart to pay \$62 million more in statutorily designated damages under Pennsylvania's Wage Payment and Collection Law.
- As the result of settlements achieved in *John Doe 2 v. County of San Bernardino* by **Paula Pearlman, Shawna Parks, and Heather McGunigle** of the Disability Rights Legal Center; **Robert Mann and Donald Cook** of the Law Offices of Robert Mann and Donald Cook; **Cynthia Anderson-Barker** of the Law Office of Cynthia Anderson-Baker; and **Robert Lu, Maria P. Hoyer, Aaron G. Murphy and Jennifer K. Ing** of Latham & Watkins, all of Los Angeles, Calif., the San Bernardino Juvenile Hall and Juvenile Hall Schools will be transformed from a punitive to a therapeutic system, helping rather than hurting hundreds of young people a year. The case was brought in connection with abuse and neglect of a mentally challenged young man in the county's care. The unique settlement achieved in the four-year long class action serves as a model for juvenile detention reforms that can be replicated throughout the country. The three state agencies that are defendants in the case must completely overhaul how they work together to identify, treat, and educate youth with disabilities who are detained in juvenile halls. They must also modify their intake and assessment procedures to identify young people with physical and mental health issues, as well as contact other relevant agencies and collaborate in providing treatment and educational services.
 - Because of a model partnership between public interest attorneys and a private law firm, tens of thousands of Hurricane Katrina and Hurricane Rita evacuees avoided homelessness in the months following the disasters and the Federal Emergency Management Agency was forced to continue providing the victims with housing assistance. Fighting a complex crusade on behalf of approximately 42,000 evacuee families living in 4,000 hotels across the country, disaster relief expert **Stephen E. Ronfeldt** of The Public Interest Law Project in Oakland, California, New York lawyers **Howard O. Godnick, Jeffrey S. Sabin and Daniel L. Greenberg** of Schulte, Roth & Zabel, and **John Brittain** of the Lawyers Committee for Civil Rights Under the Law in Washington, D.C., won a precedent-setting ruling in *McWaters v. FEMA* that forced FEMA to continue to pay the hotel bills for hurricane evacuees until they are able to transition to permanent housing. It was the first time that a court had ordered FEMA to change the manner in which it administered disaster relief, including abolishing a requirement that evacuees apply for small business loans to remain eligible for housing aid. As a result, FEMA has to pay as much as \$500 million to \$1 billion more for desperately needed housing assistance.
 - After a five-year legal battle in *Marvin v. Pflueger*, a powerful developer in Kauai, Hawaii, was finally held accountable for destroying the area's coral reef and a local couple's home through illegal grading of land. In January 2007, **Teresa Tico**, a sole practitioner in Kauai, won a precedent-setting state court judgment on water and access rights that will help preserve marine resources for future generations, as well as a substantial (though confidential) settlement to compensate homeowners Amy and Richard Marvin for their property damage and emotional distress. As a result of Tico's dogged persistence, the U.S. Environmental Protection Agency (EPA), Hawaii's State Land Board, and the State Attorney General ultimately took action against James Pflueger, resulting in the largest EPA penalty against an individual polluter in U.S.

history (\$7.5 million), the largest state fine against an individual polluter in Hawaii's history (\$4 million), and the largest criminal conviction against an individual polluter in Hawaii's history (10 felony convictions). Tico, who is also a filmmaker, documented the damage to the coral reef with underwater photography.

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Public Justice is America's public interest law firm, dedicated to using trial lawyers and other attorneys' skills and resources to advance the public good. Founded in 1982 (as Trial Lawyers for Public Justice), Public Justice utilizes a nationwide network of more than 3,000 attorneys to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of civil rights and liberties, consumer rights, worker safety, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of the Public Justice Foundation, a not-for-profit membership organization. It has offices in Washington, D.C., and Oakland, California. The Public Justice website address is www.publicjustice.net