WORKING TOGETHER FOR PUBLIC JUSTICE

Advancing the Issues You Care Most About Through

TRIAL LAWYERS FOR PUBLIC JUSTICE

A guide for:

- public interest organizations,
- trial lawyers, and
- the general public seeking justice through the courts.
OUR MISSION

Trial Lawyers for Public Justice is a national public interest law firm that marshals the skills and resources of trial lawyers to create a more just society. Through creative litigation and innovative work with the broader public interest community, we:

- protect people and the environment;
- hold accountable those who abuse power;
- challenge governmental, corporate, and individual wrongdoing;
- increase access to the courts;
- combat threats to our justice system; and
- inspire lawyers and others to serve the public interest.
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TLPJ CAN HELP YOU FIGHT FOR SOCIAL JUSTICE

In your work as an advocate for public justice, you are already making a difference in the world.

Trial Lawyers for Public Justice (TLPJ) can help you use the legal system to **further advance the issues you care most about**. This guide was prepared as a resource to help you understand how we can work together for public justice.

TLPJ is the largest public interest trial law firm in the country. It can pursue cases that no small or even medium-sized law firm could handle. Primarily operating through a nationwide volunteer network of over 2,500 top-notch trial lawyers, **TLPJ offers the public interest community three things:**

* TLPJ is unique in that we handle a broad range of precedent-setting, socially significant civil litigation requiring trial attorney skills (see the next page for details). Many public interest law firms either cannot or do not handle the types of cases we litigate.

* TLPJ effectively serves as the trial law firm for the public interest community. Most public interest organizations do not have ready access to lawyers who have tried hundreds of cases and are experts at discovering, preparing, and presenting facts to judges and juries. We were founded, in part, to make trial lawyers more available to the public interest community.

* TLPJ has a wealth of resources available. When the novelty of the issues or demands of the litigation make a case inappropriate for a small private practice, TLPJ brings together teams of trial lawyers from a variety of firms to handle complex or far-reaching cases.

"TLPJ played a pivotal role to ensure that these farmworkers, who for so long have been denied access to justice, recovered the damages to which they were entitled."

Paul Stritmatter, Lead Counsel in Buenrostro v. Washington State Apple Advertising Commission
“Our Environmental Enforcement Project is designed to make polluters pay and comply with the law. We also demonstrate to state agencies that they must vigorously prosecute polluters or else citizens will fill the gap.”

Susan Saladoff, The TLPJ Foundation President, 2001-2002

TLPJ handles a wide range of cases, fighting for consumer rights, civil rights and civil liberties, environmental protection and safety, workers’ rights, the preservation of the civil justice system, and the protection of the poor and powerless.

Often, TLPJ sues corporations or governments for injuring people or the environment through negligent or intentional misconduct. In many cases, we seek compensatory damages to pay for harm done. In some cases, we also seek punitive damages to financially punish a corporation and discourage subsequent abuse. In other cases, TLPJ seeks injunctive relief to require wrongdoers to take specific actions to correct an injustice.

We handle “tort” cases for monetary damages, statutory cases based on state or federal legislation, such as the Clean Air and Water Acts, Title IX, and Titles VI and VII of the Civil Rights Act of 1964, and constitutional cases addressing civil rights and other issues. TLPJ handles appeals and, in nationally significant cases, files amicus (friend of the court) briefs in both state and federal appellate courts, including the U.S. Supreme Court.

In addition, TLPJ has developed four special projects to ensure equal access to justice:

Project ACCESS, our nationwide campaign against unnecessary secrecy in the courts, fights corporate and government efforts to keep documents about threats to the public health and safety secret.

Our Mandatory Arbitration Abuse Prevention Project battles companies’ growing attempts to deprive consumers and employees of the right to their day in court by slipping mandatory arbitration clauses into their form agreements.

Our Federal Preemption Project challenges the efforts of manufacturers of dangerous autos, medical devices, pesticides, and other products to avoid accountability for their misconduct by hiding behind inadequate federal regulations.

Our Class Action Abuse Prevention Project is dedicated to monitoring, exposing, and fighting corporate efforts to use class actions to cap their liability and limit their victims’ rights.
LET US KNOW ABOUT POTENTIAL CASES

If you know about a case that might be appropriate for TLPJ, please do not hesitate to contact us. We are eager to get involved in important social justice cases.

To submit a case to TLPJ for consideration, please send a brief letter stating your name, address, and telephone number, outlining the nature of the potential case and how it serves the public good. Feel free to include any other information you think is relevant and, if possible, identify any imminent deadlines.

Send this letter to our State Coordinator in your state (see insert) and/or TLPJ Case Intake at:

Trial Lawyers for Public Justice
1717 Massachusetts Avenue, NW
Suite 800
Washington, DC 20036-2001
Fax: (202) 232-7203

If you have questions about a potential case, please contact our national legal staff or the State Coordinator in your state. They will help you review the potential public interest importance of the case and determine what assistance TLPJ may be able to offer.

We will let you know whether the case meets our initial criteria (see page 4) and, if so, will contact you to conduct a preliminary case screening. We then try to assemble a team of experienced and able lawyers available to serve as cooperating attorneys in the case. Once a team is assembled, we submit a proposal to The TLPJ Foundation’s Case Evaluation Committee, which will make a final decision on whether the case will be accepted. If it is, we can truly begin working together for public justice.

If you know of a potential case, please submit a brief letter stating:

- Your name, address, and telephone number;
- who you want to sue;
- why you want to sue them;
- what you want to sue them for;
- when the key events happened; and
- why you think the case will serve the public good.
AN IDEAL TLPJ CASE

“TLPJ’s suit sends a powerful message that state hospitals cannot just house patients, but have a responsibility to provide proper medical and psychological treatment.”

Thomas Popejoy, Lead Counsel in Botello v. Las Vegas Medical Center

TLPJ’s cases typically involve suits against irresponsible corporations, the government, or powerful individuals for outrageous conduct that has resulted in injury.

For example, TLPJ successfully sued the Boeing Corporation for treating its employees as human research subjects, Brown University for discriminating against its female athletes, the Washington State Apple Advertising Commission for defrauding migrant farm workers, and several major corporations for violating the Clean Water Act.

TLPJ does not generally handle administrative law cases, criminal defense or other defensive litigation, or cases that private trial lawyers would routinely pursue. We do not want to compete with the private bar, so if a client is already represented by an attorney in a case, TLPJ will not talk with that client about representation unless the attorney consents.

In determining whether to become involved in a potential case, TLPJ weighs a variety of factors. Our primary consideration is the potential public interest impact of the case.

In addition, the “ideal” TLPJ case would:

- involve socially significant, precedent-setting issues;
- require the skills of a trial lawyer;
- be economically and logistically manageable; and
- have a reasonable prospect of success.

TLPJ uses these factors to determine if and how our involvement in the case will further the achievement of TLPJ’s Mission.
SAMPLES OF TLPJ’S PUBLIC INTEREST CASES

Here’s a sample of TLPJ’s successful legal work with the public interest community:

- TLPJ worked with Evergreen Legal Services (now Columbia Legal Services) in Buenrostro v. Washington State Apple Advertising Commission to win justice for migrant farmworkers victimized by false advertising. More than 800 poor Hispanic workers, lured by the false promises of plentiful work and immigration assistance, traveled to Washington State, finding neither. Working together, TLPJ and Evergreen won the largest recovery for a class of migrant farmworkers in the state’s history.

- In another successful partnership, Tidewater Legal Aid Society and TLPJ reached an extremely favorable settlement in Chisolm v. Charlie Falk’s Auto Wholesale, Inc. This Virginia class action suit was filed on behalf of victims of a fraudulent used car sale and repossession scheme. Under the terms of the settlement with the used car dealer, the dealership agreed to forgive over $10.5 million in defaulted loans and abide by default procedures much more favorable to consumers.

“Farmworkers often travel hundreds of miles for difficult and hazardous jobs that pay poverty wages. This settlement protects their rights by making recruiters more honest, and more cautious, in the methods they use to attract workers.”

Daniel Ford, Attorney from Evergreen Legal Services (now Columbia Legal Services) in Buenrostro v. Washington State Apple Advertising Commission
"TLPJ is many knights in shining armor. You don't have any idea how it feels to know that somebody believes in what you are doing and that it's right, and it's okay for you to fight back."

Patricia Bragg, West Virginia coalfield resident and lead plaintiff in Bragg v. Robertson

- In Bragg v. Robertson, TLPJ and Mountain State Justice joined forces on behalf of the West Virginia Highlands Conservancy and a group of coalfield residents to try to stop West Virginia’s extraordinarily destructive mountaintop removal mining practices. Our litigation team won settlements changing both the State’s and the U.S. Government’s entire regulatory approaches to enhance protection of the environment. It also won the nation’s first court order stopping a mountaintop removal mine.

- TLPJ worked in coalition with Texans United, the Lone Star Chapter of the Sierra Club, and the Natural Resources Defense Council to win the first citizen suit settlement ever against a corporate polluter in Texas under the federal Clean Air Act. The settlement in Texans United v. Crown Central Petroleum Corp. will require Crown to pay a total of $1.6 million in penalties to the government and even more if Crown’s continuous monitoring systems show that it has released excess air pollutants in the future.

- With the assistance of National Gay Rights Advocates, TLPJ brought Brogan v. Kimberly Services, a precedent-setting AIDS-testing case. This first damage case against a private AIDS-testing clinic for false positive results ensured that private testing clinics would follow stricter procedures.
In *Haffer v. Temple University*, TLPJ worked with the National Women's Law Center on the first case in the country to assert that, as a matter of federal constitutional law, state universities have to provide equal opportunities, treatment, and support to their male and female athletes. The settlement in *Haffer* led to TLPJ's groundbreaking sex discrimination lawsuits on behalf of female athletes under Title IX of the Education Amendments of 1972. These lawsuits include TLPJ's landmark victory in *Cohen v. Brown University*, which resulted in a settlement that requires Brown to provide women athletes with opportunities to participate in intercollegiate athletics at a rate tracking their undergraduate enrollment and to guarantee enhanced funding and treatment to four women's teams.

“We are deeply grateful for TLPJ's continuous years of dedication, invaluable support, and outstanding contributions in assisting us in our efforts to gain equality for women in athletics... Women across the country will be forever grateful.”

Rollin Haffer, female athlete and lead plaintiff in *Haffer v. Temple University*

Working with New Mexico Protection and Advocacy, a mental health legal services organization, TLPJ prosecuted and successfully settled a lawsuit against the New Mexico Department of Health for failing to properly evaluate and treat six patients who have both mental illness and developmental disabilities. The settlement in *Botello v. Las Vegas Medical Center* will ensure that these “dual diagnosis” patients are afforded the medical and psychological treatment they deserve.
"The settlement of this statewide class action will provide a model for other states to follow and will help to ensure that students with learning disabilities are included in the national policy debate over educational testing."

Sid Wolinsky, Litigation Director of Disability Rights Advocates in Advocates for Special Kids v. Oregon State Board of Education

- In another successful partnership, Disability Rights Advocates and TLPJ won a landmark settlement for children with learning disabilities in a class action challenging Oregon's statewide educational testing program as discriminatory. Under the settlement in Advocates for Special Kids v. Oregon State Board of Education, Oregon will take extensive steps to modify its testing system so that students with learning disabilities will be tested on their abilities, rather than their disabilities. In addition, Oregon will provide much broader accommodations to learning disabled students and will offer an alternative to the standard assessment tests for those learning disabled students who are disadvantaged by the regular assessment.

- TLPJ is currently working in coalition with the ACLU of Michigan, the Michigan State Conference of the NAACP, and the Mexican American Legal Defense & Education Fund on a federal class action challenging a Michigan college scholarship program as discriminatory. The lawsuit, White v. Engler, charges that the state's reliance on the Michigan Educational Assessment Program (MEAP) test as the sole criterion for awarding scholarships discriminates against racial and ethnic minorities, as well as economically disadvantaged students. This case is important in the battle to ensure that standardized tests are used appropriately.
TLPJ has teamed up with Consumers for Auto Reliability and Safety (CARS) to battle court secrecy and obtain public access to key documents and testimony in Frankl v. Goodyear Tire and Rubber Co. Although counsel and the press uncovered a growing number of deaths and injuries involving Goodyear light truck tires, the documents and testimony remain under seal in a New Jersey case where three U.S. Air Force personnel were killed and three others were injured when the tread on a Goodyear tire separated and their vehicle rolled over. TLPJ and CARS have moved to unseal this information because of their concern for public safety. TLPJ’s work in Frankl is part of Project ACCESS, its national campaign against court secrecy.

"How many more drivers and passengers have to be maimed or die before Goodyear discloses its full knowledge of how and why these tires are failing?"

Rosemary Shahan, President of Consumers for Auto Reliability and Safety in Frankl v. Goodyear Tire and Rubber Co.

On behalf of Consumer Action, Insurance Company Accountability Network of Texas Watch, and United Policyholders, TLPJ is fighting to unseal court records in Foltz v. State Farm Mutual Automobile Insurance Co., a consumer fraud case involving phony medical reviews to deny insurance coverage. After the parties in the case reached a secret settlement, a federal district court in Oregon sealed the entire record, erasing the case from the court’s computer system and allowing State Farm to remove the case files from the courthouse. Though the case files have been returned to the courthouse due to TLPJ’s efforts, we continue to seek public access to the many documents that remain under seal.
As activists and attorneys, we would like to work with your organization to identify and litigate public justice cases. We have already worked with many other public interest organizations including:

American Association of Retired Persons  
American Civil Liberties Union  
Alliance for Justice  
Alliance for Native American Rights  
Arkansas Wildlife Federation  
Asbestos Victims of America  
Atlantic States Legal Foundation  
California Public Interest Research Group  
Center for Auto Reliability and Safety  
Center to Prevent Handgun Violence  
Colorado Wildlife Federation  
Columbia Legal Services (formerly Evergreen Legal Services)  
Consumer Action  
Consumers for Auto Reliability and Safety  
Defenders of Wildlife  
Disability Rights Advocates  
Don't Waste Arizona, Inc.  
Environmental Action  
Friends of the Earth  
Government Accountability Project  
Insurance Company Accountability Network, a project of Texas Watch  
Maryland Disability Law Center  
Mayaguezanos por la Salud y el Ambiente  
Mexican American Legal Defense & Education Fund  
Michigan Protection & Advocacy Service  
Michigan State Conference of the NAACP  
Mountain State Justice  
NAACP Legal Defense & Education Fund  
National Association of Consumer Advocates  
National Coalition Against the Misuse of Pesticides  
National Environmental Law Center  
National Gay Rights Advocates  
National Organization of Women Legal Defense Fund  
National Wildlife Federation  
National Women's Law Center  
Natural Resources Defense Council  
New Jersey Public Interest Research Group  
New Mexico Protection and Advocacy  
New York Public Interest Research Group  
Public Citizen  
Public Interest Research Group in Michigan  
Rutgers Environmental Law Clinic  
Sierra Club, Lone Star Chapter  
Southern Poverty Law Center  
Tennessee Environmental Council  
Texans United Education Fund  
Tidewater Legal Aid Society  
Union of Concerned Scientists  
United Policyholders  
U.S. Public Interest Research Group  
Washington Ceasefire  
Washington Public Interest Research Group  
West Virginia Highlands Conservancy

Please keep us in mind when you encounter a corporate or government outrage. If you believe “Someone should do something about this,” and you think we could help, contact us.

We look forward to hearing from you soon!