

TRIAL LAWYERS FOR PUBLIC JUSTICE PRESS RELEASE

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COLORADO ATTORNEYS WIN 2004 TRIAL LAWYER OF THE YEAR AWARD FOR 23-YEAR BATTLE RESTORING RIGHTS TO LA SIERRA

Historic Pro Bono Battle Vindicated Hispanic Ranchers' Rights in Lobato v. Taylor

Nine Colorado lawyers received the 2004 Trial Lawyer of the Year Award from The Trial Lawyers for Public Justice (TLPJ) Foundation last night for winning an epic 23-year pro bono legal battle in Lobato v. Taylor on behalf of thousands of Hispanic ranchers seeking to restore their right to use La Sierra, an historic 80,000 acre tract of mountain land in southern Colorado. The award - the nation's single most prestigious honor for trial lawyers - is bestowed annually upon the lawyers who made the greatest contribution to the public interest by trying or settling a precedent-setting case.

The award was presented at The TLPJ Foundation's 22nd Annual Gala & Awards Dinner in Boston to Denver attorneys Jeffrey A. Goldstein, of counsel to Brauer, Buescher, Goldhammer, Kelman & Dodge, P.C., William Schoeberlein of Littler Mendelson, P.C., Watson Galleher of Don, Hiller & Galleher, P.C., solo practitioners Robert Maes and David A. Martinez, Julia T. Waggener of Walters & Joyce, P.C., Rebecca Fischer of Sherman & Howard L.L.C., Norman Haglund of Kelley Haglund Garnsey & Kahn LLC, and Elizabeth Arenales of the Center for Law and Policy.

"These outstanding attorneys exemplify trial lawyers' commitment to fighting injustice and improving our nation," said outgoing Foundation President Gary Gwilliam of Gwilliam, Ivory, Chiosso, Cavalli & Brewer in Oakland, California. "We laud these exceptional attorneys for their incredible dedication and accomplishments."

The attorneys' victory against lumber baron Jack T. Taylor in Lobato v. Taylor - which included three appeals to the Colorado Supreme Court and two appeals to the U.S. Supreme Court - won descendants of Colorado's first Mexican settlers the right to use La Sierra again, which had been used by the plaintiffs and their ancestors for more than 100 years to graze sheep and cattle, gather wood and timber, hunt, and fish. La Sierra first came under U.S. jurisdiction after the Mexican-American War with the signing of the 1848 treaty of Guadalupe Hidalgo. That treaty promised to respect the land use rights of Mexican citizens who stayed on La Sierra.

The class action arose out of Taylor's initially successful efforts to shut the plaintiffs out of La Sierra. In 1960, Taylor had filed a title registration action in a federal district court, purposely failing to name and serve 92% of the identifiable property owners and choosing instead to serve allegedly unknown parties by publication. The district court granted Taylor a land decree in 1964, which was upheld by a federal appeals court in 1967. Lead counsel Goldstein filed a class action in state court in 1981, collaterally attacking Taylor's federal judgment on the grounds that it had denied the plaintiffs' due process rights to notice under the 4th and 14th

Amendments to the U.S. Constitution and had misinterpreted Colorado law involving the application of an 1863 document executed by the original landowner for the benefit of the original Mexican settlers.

The plaintiffs' case was initially dismissed on summary judgment. Goldstein prosecuted the case on his own for about 10 years. After winning reversal of summary judgment from the Colorado Supreme Court in 1994, Goldstein put together an outstanding group of attorneys who provided pro bono assistance through multiple appeals and remands to the trial court. In April 2003, the Colorado Supreme Court vindicated the plaintiffs' due process rights, recognized their right to use the land on La Sierra, and sent the case back to the Costilla County District Court to determine which of the more than 41,000 property owners in the county have land use rights on La Sierra. The U.S. Supreme Court denied review in December 2003.

This case represents a major victory for a legally disenfranchised and disillusioned population over a wealthy individual with virtually unlimited resources, and has galvanized land grant heirs throughout the Southwest to fight for their rights.

The 2004 Public Justice Achievement Award also was presented at The TLPJ Foundation's Annual Gala & Awards Dinner to Trial Lawyers Care, New York State Trial Lawyers Association, Association of Trial Lawyers of America - New Jersey, and Connecticut Trial Lawyers Association for organizing the largest pro bono legal assistance project in the history of American jurisprudence, encompassing the efforts of 1,180 lawyers who donated a total of more than 100 years worth of free time to hundreds upon hundreds of 9/11 victims from 35 states and 11 countries.

The other finalists for the 2004 Trial Lawyer of the Year Award, also honored at the gala, were:

* Neil V. Getnick, Lesley Ann Skillen, and Margaret J. Finerty of Getnick & Getnick in New York City, and Michael E. Getnick of Getnick, Livingston, Atkinson, Gigliotte & Priore, LLP in Utica, New York forced drug giant Bayer Corporation to pay \$251 million - the nation's largest-ever Medicaid fraud settlement - to federal and state governments to settle a whistleblower action against Bayer for fraudulently overcharging the federal Medicaid program for prescription drugs. The attorneys' efforts in United States ex rel. Estate of George Couto v. Bayer Corporation also forced Bayer to plead guilty to violations of federal law and pay a criminal fine of \$5.6 million, and resulted in another Medicaid fraud settlement of \$88 million against Bayer competitor GlaxoSmithKline.

* Vanita Gupta of the NAACP Legal Defense & Educational Fund in New York, solo practitioner Jeff Blackburn of Amarillo, Texas, E. Desmond Hogan, Mitch E. Zamoff, Adam K. Levin, Jennifer Klar, Lori J. Searcy, Tara P. Hammons, and Kristin Krause Cohen of Hogan & Hartson L.L.P. in Washington, D.C., and Ted Killory, J. Winston King, William E. White, Mark M. Oh, and Anitra Cassas of Wilmer Cutler Pickering LLP in Washington, D.C. took on Texas law enforcement power, won the freedom of 35 innocent citizens of Tulia, Texas who had been arrested and jailed on fabricated drug charges, and negotiated a \$6 million settlement and the dismantling of a federally financed 20-county narcotics task force responsible for the false arrests. The White v. Coleman legal team also waged a national media campaign to expose the racist underpinnings of these arrests - approximately 10% of Tulia's African-American population had been rounded up and arrested in this "sting" operation.

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* Stuart T. Rossman of the National Consumer Law Center in Boston, Clint W. Watkins of the Law Office of Clint W. Watkins in Brentwood, Tennessee, Michael E. Terry of Terry & Gore, P.C. in Nashville, Tennessee, Wyman "Gil" Gilmore of Gilmore Law Office in Grove Hill, Alabama, Darnley D. Stewart of Bernstein Litowitz Berger & Grossmann LLP in New York, and Gary Klein of Grant Klein & Roddy in Boston battled against General Motors Acceptance Corporation - the nation's second largest auto lender - for over six years, winning a groundbreaking settlement in Coleman v. General Motors Acceptance Corporation, a nationwide class action that transformed the way in which car purchases are financed in this country and exposed discriminatory auto financing practices that had operated secretly for over 75 years and had resulted in higher-interest car loans for minority car buyers.

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* Solo practitioner Richard R. Ruggieri of San Rafael, California won one of the nation's first jury verdicts against a gun manufacturer for defective design, with the jury awarding a record \$50.9 million in compensatory damages to the family of a young boy left a quadriplegic after an accidental shooting. In May 2003, an Oakland, California jury found that the .38-caliber semiautomatic Bryco Arms pistol - commonly known as a "Saturday Night Special" - used in the shooting was defectively designed because the gun could be unloaded only when the safety was turned to the "off" position. The verdict in Maxfield v. Bryco Arms is especially noteworthy because, by employing creative "asset protection" strategies, this manufacturer of cheap, easily concealed Saturday Night Specials has historically evaded all trials. It has now filed for bankruptcy protection.

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* San Francisco attorneys James C. Sturdevant and Mark T. Johnson of The Sturdevant Law Firm and Thomas J. Brandi of The Law Office of Thomas J. Brandi won a groundbreaking jury verdict in excess of \$1 billion on behalf of a class of over one million Bank of America customers - mostly elderly or disabled - who accused the banking giant of mishandling their Social Security direct deposit funds. Miller v. Bank of America is the first case ever to challenge a bank for dipping into the checking and savings accounts of customers who have government benefits electronically deposited, claiming a right to collect fees, overdrafts, and other debts from exempt funds in those accounts.

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Trial Lawyers for Public Justice is the only national public interest law firm dedicated to using trial lawyers' skills and resources to advance the public good. Founded in 1982, TLPJ utilizes a nationwide network of more than 3,000 trial lawyers 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. TLPJ is the principal project of The TLPJ Foundation, a not-for-profit membership organization with offices in Washington, DC and Oakland, CA. The TLPJ web site address is www.tlpj.org.