



# TRIAL LAWYERS FOR PUBLIC JUSTICE NEWS RELEASE

National Headquarters 1825 K Street NW Suite 200 Washington, DC 20006 (202) 797-8600  
West Coast Office 555 12<sup>th</sup> Street Suite 1620 Oakland, CA 94607 (510) 622-8150

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**CONTACT:**  
In Washington, D.C: Deborah Mathis, 202-861-5246  
In Seattle: India Simmons, 206-229-2501

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## **JURY FINDS CITY OF SEATTLE VIOLATED CONSTITUTIONAL RIGHTS OF WTO PROTESTERS** *TLPJ Case Scores Triumph for Fourth Amendment*

**SEATTLE** – In a sobering decision for law enforcement officials, a Seattle civil court jury found Tuesday that the City acted unconstitutionally in arresting scores of **peaceful demonstrators** during the 1999 World Trade Organization Ministerial Conference in Seattle, but did not violate the protesters' free speech rights.

More than 175 peaceful demonstrators were arrested in downtown Seattle's Westlake Park, part of a "no protest zone" hastily designated by city officials as the WTO meetings got underway. The conference drew about 50,000 protestors to the city, a few of whom were violent, triggering what observers say was an overreaction by police and the abrupt zoning order that incorporated much of the downtown district.

Brought by **Trial Lawyers for Public Justice (TLPJ)**, a Washington, D.C.-based public interest law firm, the lawsuit charged that the demonstrators were unconstitutionally arrested, rounded up because of their anti-WTO sentiments. **U.S. District Judge Marsha Pechman** earlier ruled that the city had violated the demonstrators' Fourth Amendment rights, finding police had no probable cause for the arrests and that the demonstrators were engaging in constitutionally protected speech when they were arrested.

"I am happy that a jury looked at all the evidence of what happened," said **Ken Hankin**, 42, a Seattle fuel systems engineer and lead plaintiff in the TLPJ class action suit, which was filed in 2000. Hankin and other protestors in the Westlake Park area were arrested and jailed for up to four days. All charges were later dropped.

"I sincerely hope that what happened to us in Seattle does not happen to peaceful protestors again, whether in this city or anywhere else in our country," Hankin added.

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**Michael Withey, TLPJ's lead trial counsel in the class action,** said the jury "has vindicated the important constitutional principles which we have fought for over the last seven years" and praised his clients for seeing the case through in the name of First Amendment protections.

"Our clients showed great courage and determination in standing up for these principles," said Withey, a prominent Seattle lawyer. "While I am disappointed that the jury did not rule for our clients on all their claims, we salute the courage of the Westlake protestors for their determination to see that justice be done."

**Tyler Weaver of the Hagens, Berman, Sobol, Shapiro** law firm in Seattle joined Withey on the trial team, which also included **Seattle attorney Fred Diamondstone** and **Leslie A. Bailey, an attorney and Brayton-Baron Fellow at TLPJ.**

"The jury rightly found that the City broke the law when police policymakers were willing to accept the violation of our clients' civil rights," said Diamondstone. "We hope that our clients' stories will encourage city governments to be better prepared to handle situations like this in the future without illegally arresting peaceful protesters."

Bailey said the 11-and-one-half-day trial was "a reminder" that plaintiffs from all walks must have access to the judicial system. "We are happy that our very worthy clients had an opportunity to redress their grievances," she said. "Not everyone does."

The City had invited and encouraged the WTO to hold its ministerial conference in Seattle. By the time the conference began in late November, thousands of individuals and organizations with a range of concerns from globalization and labor to endangered species and human rights converged on the city to protest WTO policies. After one day of widespread but largely peaceful protest, then-Mayor Paul Schell declared a swath of the downtown business core off-limits to all but certain citizens. Although the order did not specifically prohibit protests within the area, city officials and Seattle police called it a "no protest zone."

In 2004, the City agreed to pay \$250,000 to a group of demonstrators who were outside the designated "no protest zone" but were arrested nonetheless. As TLPJ lawyers showed in that case, those 155 demonstrators had not been given an opportunity to disperse before they were arrested and were booked using a single, photocopied arrest warrant.

"The clients in this case and Trial Lawyers for Public Justice urge Americans to remember that the constitutional rights they cherish must not be suspended or diminished or neglected for political or social convenience," said Hankin.

In addition to the trial team, the plaintiffs were represented by **TLPJ staff attorney Vicky Ni; Steve Berman of the Hagens, Berman, Sobol, Shapiro firm;** and **TLPJ Executive Director Arthur Bryant.**

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