



## NEWS RELEASE

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### Public Interest Attorneys Tapped for National Honor

The Public Justice Foundation on Wednesday revealed the six finalists for its 2011 Trial Lawyer of the Year Award.

Fifteen teams of lawyers were nominated for this year's award. The nominated cases involved a range of issues—from marketing smokeless tobacco to children and predatory lending by mortgage brokers, to negligent care of nursing home residents and discrimination against Native American farmers.

The six 2011 TLOY finalists are (in alphabetical order according to lead counsel's last name):

1. More than 25 years after killing or injuring hundreds of babies, the manufacturer and distributor of E-Ferol—a drug designed to aid in preventing vision impairment in premature infants, but never approved by the FDA—are finally being held accountable thanks to Fort Worth, Texas, lawyers **Art Brender, Dwain Dent** and **Fred Streck**. In a class action settlement reached in *Klein v. O'Neal*, the insurers of the manufacturer and distributor of E-Ferol have to pay \$110 million to the 369 people who are either surviving recipients of E-Ferol or surviving family members of infants who died.
2. In *United States ex rel. Eckard v. GlaxoSmithKline*, New York City-based attorneys **Neil Getnick, Leslie Ann Skillen, Margaret Finerty**, and **Richard Dircks**, as well as **Michael Getnick** of Utica, N.Y., and **Scott Tucker** of Boston, Mass., brought a whistleblower lawsuit on behalf of Cheryl Eckard, a former GSK employee, and won a \$750-million-dollar settlement against British drug giant GlaxoSmithKline for defying manufacturing standards and selling contaminated drugs.
3. Kaiser Foundation Health Plan, which provides health insurance coverage for nearly 8.6 million families, sued the pharmaceutical company Pfizer for selling it a drug that was illegally marketed for off-label uses and then inappropriately prescribed to patients. In *Kaiser Foundation Health Plan v. Pfizer*, the health insurer was awarded \$142 million in restitution thanks to the work of lawyers **Tom Greene** of Boston, Mass., **Tom Sobol** of Cambridge, Mass., **Don Barrett** of Lexington, Miss., **Linda Nussbaum** of New York, N.Y., **Ilyas Rona** of Boston, and **Kristen Johnson Parker** of Cambridge.
4. In *Lee v. State of Minnesota*, trial lawyer **Robert Hilliard** of Corpus Christi, Texas, and local defense counsel **Brent Schafer** of Eagan, Minn., argued that Koua Fong Lee was wrongfully convicted of vehicular manslaughter for an accident that occurred on June 10, 2006, when Lee was driving his 1996 Toyota Camry. At his trial, Lee adamantly maintained that he pumped the brake, but the car wouldn't stop. Nonetheless, he was convicted and sentenced to eight years in jail. A few years into his sentence, when Toyota began recalling some its late-

model Camrys due to a problem with unintended acceleration, Hilliard and Schafer used evidence that was buried during Lee's original trial to win a new trial—and ultimately convinced the State to drop the charges and release Lee from prison.

5. After six years of litigation that included a seven-month trial in *Lavender v. Skilled Healthcare Group*, attorneys **Tim Needham** of Eureka, Calif., **Michael Thamer** of Callahan, Calif., **Chris Healey** of San Diego, and **Michael Crowley, Patrik Griego** and **Amelia Burroughs**, also of Eureka, won a \$677-million jury verdict against Skilled Healthcare Group, Inc.—a for-profit corporation that owns and operates nursing homes throughout the U.S.—for sub-par, negligent care it provided approximately 32,000 residents.
6. For decades, Native American farmers and ranchers weren't getting a fair shake from the U.S. Department of Agriculture. While white farmers typically got the low-interest government loans they requested, Native Americans regularly did not. In 2001, a group of attorneys asked **Joseph Sellers**, a lawyer in Washington, D.C., to lead a class action lawsuit they had recently filed against the USDA. After ten years of litigation in *Keepseagle v. Vilsack*, Sellers' twelve-attorney team—which included Washington, D.C., lawyers **Christine Webber, Peter Romer-Friedman, David Frantz, Paul Smith, Katherine Fallow, Michael Brody, Jessica Amunson, Carrie Apfel, Anurag Varma**, and **Phillip Fraas**, as well as **Sarah Vogel** of Bismarck, N.D.—convinced the USDA to agree to a \$760-million-dollar settlement with thousands of Native American farmers and ranchers around the country.

The winner of the nationally prestigious award will be announced on July 12 at the Public Justice Foundation Annual Gala and Awards Dinner in New York City.

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