

FINALIST

PUBLIC JUSTICE 2010 ANNUAL TRIAL LAWYER OF THE YEAR AWARD

Coleman v. Schwarzenegger and Plata v. Schwarzenegger

Decades-long cases that successfully challenged overcrowding and shoddy health care in California's prisons has won the notice of one of the country's most influential legal organizations and put the team in the running for the Public Justice 2010 Trial Lawyer of the Year Award.

Michael Bien of Rosen Bien & Galvan in San Francisco and **Donald Specter**, executive director of the Prison Law Office in San Quentin led the team of lawyers in *Coleman v. Schwarzenegger* and *Plata v. Schwarzenegger*. The team included **Jeffrey L. Bornstein**, **Fred Heather**, **Rachel Chatman**, and **Ed Sangster** of K&L Gates in San Francisco; **Raymond Loughrey** of San Francisco; **Paul D. Clement** of King & Spaulding in Washington, D.C.; **Ernest Galvan**, **Amy Whelan**, **Jane Kahn**, **Maria Morris**, **Lisa Ells**, **Mark Feeser** and **Tom Nolan** of Rosen Bien & Galvan; **Lori Rifkin** of the Legal Aid Society of San Francisco; and **Sara Norman**, **Rebekah Evenson**, **Alison Hardy** and **Steve Fama** of the Prison Law Office.

The *Coleman* case was filed as a class action lawsuit in 1990. *Plata* followed 11 years later and the cases were later consolidated. Over the course of litigation, federal district courts issued more than 70 orders, but none resolved the prison system's constitutional violations.

Following a two-month trial in 2009, a special federal three-judge panel found that reducing prison overcrowding in California was the only way to improve the state's unconstitutional prison health care system. In August 2009, the judges ordered the state to develop a plan to reduce the state prison population by more than 40,000 inmates within two years. Even with that reduction, the state prisons would still be at more than 137% capacity.

In January 2010, the three-judge panel approved the Schwarzenegger Administration's plan to get the prison population under control, but the court postponed implementation of the plan, pending an appeal to the U.S. Supreme Court.

The Bien/Specter team is one of five finalists for the award, bestowed annually upon plaintiffs' attorneys who won verdicts, judgments or settlements in cases that pitted them against powerful government agencies or well-heeled private corporations, requiring extraordinary work and dedication.