



### **Public Justice 40<sup>th</sup> Anniversary video**

Speaker: The killing of Viola Liuzzo back in the 19...Comanche Peak nuclear power licensing.... We sued the NCAA... mountain chop mining coal industry....We represented five Jewish students...for-profit prison... unequal treatment...experienced sexual violence....We've got to keep suing the bastards.

**Paul Bland (Public Justice Executive Director 200 – 2024):** In 1982, several dozen trial lawyers got together and created an organization, Trial Lawyers for Public Justice. And the idea was that they were going to take on cases that were in the public interest that were really important that could make a change and impact society, but that were the type of cases that private law firms wouldn't be able to afford to take on.

I think the organization was created in some ways in response to the Reagan administration, which really spurred an enormous growth in corporate power. And so you had more and more very large corporations that were just being allowed to operate in a completely lawless way, and the government was stopping a lot of its regulation of behaviors that were harming the environment, of things that were making products unsafe, of big corporations ripping people off. And I think what TLPJ was originally formed to do was to attempt to provide a counterweight for that, for it to come up with ways to protect the environment, to fight against corporate cheating.

**Neville Johnson (Emeritus Board Member):** Why and how did Public Justice come into being?

**Arthur Bryant (Public Justice Executive Director 1987-2019):** Public Justice opened its doors on January 31st, 1982. The plaintiff's bar needed to combine its skills and resources with the goals and information and movement of the public interest community to make the world a better place. Its name was Trial Lawyers for Public Justice. I was joining it as the sole staff attorney.

**Sandy Dumain (Chair, Emeritus Board):** And were you there from the beginning of the formation of the organization?

**Joe Cotchett (Past President 1986-1987):** I was not only there from the beginning -- I remember the first year in operation. We had some disagreements - as you would with any young trial lawyers - as to what direction to go. There was a very heated, argumentative, but always coming together in the end of decisions as to where and what cases we should take on.

**Arthur Bryant:** Before Public Justice was created, there were other public interest law firms. For example, the ACLU did civil liberties. The NAACP did civil rights. But what most people didn't realize is both of those organizations were enforcing the Constitution and the Constitution only applies to the government.

And what people also didn't realize is that the way the ACLU and NAACP Legal Defense Fund were doing their litigation was they had some in-house counsel, but almost all the rest was being done by corporate law firms taking on those cases pro bono. And the problem was that when you were talking about suing big corporations for cheating or killing or discriminating against people, corporate law firms were not going to take those cases on. The only people who were going to take those cases on were trial lawyers. If a public interest law firm was going to focus not just on holding the government accountable, but also on holding corporations accountable for injuring people, it had to be the plaintiff's trial bar that got involved and that's why Trial Lawyers for Public Justice - now Public Justice - was so essential.

**Paul Bland:** From the very beginning, we focused on cases that we thought would lead to systemic changes -- to try not just to win for a particular client, but to try and find

cases that would change the way large corporations, governmental entities would operate and trying to have really significant systemic change.

**Esther E. Berezofsky (2014-2015):** It's always been more about causes and leveling the playing field, holding people or companies that harm individuals and communities accountable.

**Sandra H. Robinson (2007-2008):** It's always been a dynamic organization. It's always been a courageous organization. It's always been a fighting organization. But I see now that it's also a creative organization.

**Michael E. Withey (1995-1996):** We're trying to create a body of law through other cases that we brought that would bring relief to the consumers. This was in the era of Reagan!

**Bill Rossbach (Emeritus Board Member):** Something that we always laughed about was, yeah, it must be a good case for Public Justice because we're not going to make any money. We're taking only the losers.

**Jeffrey P. Foote (1992-1993):** But back then that was the case. That was the case back then. And some of the major early cases we were involved in, we lost. But we went out and fought the good fight and tried to do things that people had not done with the law before.

**Joe Cotchett:** In the early eighties, I received a call from Ted Kennedy and the issue was the killing of Viola Liuzzo in 1965 in the Selma march. And what was so interesting about the case is that it turned out the testimony before the Kennedy Committee in the Senate was that [an FBI informant had actually killed Viola Liuzzo](#). We lost the case, but it changed the whole way the FBI operated their informants procedures. And I think that's the case, along with a couple of others that came later, that really put Trial Lawyers for Public Justice on the map.

**Paul Bland:** If we were going to really try and bring about change, we just had to get bigger. When I joined the organization in 1997, I was the fifth lawyer and it was a very, very small staff and we just couldn't get involved in that many cases and we couldn't have nearly the kind of impact that we wanted to have in some important areas of law.

**Arthur Bryant:** And that all came down to getting individual trial lawyers and law firms all around the country involved in the organization.

**Mary A. Parker (1994-1995):** I was the first woman president at TLPJ and I might add, the youngest. When I took my turn, we went from one staff lawyer to two around 1994, and our organization was growing. We got a little bit bigger office.

**Adele P. Kimmel (Director, Students' Civil Rights Project):** When I came to Public Justice in 1994, it was very different than it is today. It was quite small.

**Mary Parker:** At first, we had basically a janitor's closet.

**Adele Kimmel:** I was one of two staff attorneys. We now have over 20 attorneys. There was the attorney meetings were the executive director and myself and Leslie Bruckner. And that was it.

**Paul Bland:** For a long time, we only had a few lawyers and the few lawyers sort of worked on a wide variety of cases. And so it meant that we were involved in a lot of different fights, but not nearly as intensive a way as we want it to be. So part of the growth has enabled us to specialize more.

**Mona Lisa Wallace (2009-2010):** It's the best lawyers literally in the country and those with the best intentions.

**Dan Bryson (2021-2022):** The organization has gone from a small organization and just a handful attorneys to where I think there's 22 lawyers today that are really divided into certain program areas. The Food Project, the For-Profit Prisons, the environmental,

Access to Justice, civil rights, and the organization has become more organized into these different program areas.

**Paul Bland:** So we're looking for cases where we can have a significant impact, where we can change systems that we think are operating badly. And then we look for cases that concentrate in one of three areas. So one is something that threatens the sustainability of the earth like climate change so we get involved in cases involving coal polluters and factory farm polluters.

We focus on cases that involve corporate cheating that makes the country less fair. So we focus on cases involving predatory lenders and we focus on cases involving wage theft. And then the third is we focus on cases involving civil rights, gender violence on campuses and other types of sexism that's harmful. Systemic racism. We focus on attacks on LGBTQ rights.

So those are our three areas of concentration.

**Neville Johnson:** How do you see the way this country's been going vis-a-vis class actions? Is it getting tougher to bring them?

**Leslie A. Brueckner (Senior Attorney):** Absolutely. Absolutely. I mean, class actions have been under attack by corporate America for the last two decades and Public Justice has been at the forefront of fighting back to protect class actions -- because if you can't bring a case on behalf of a class, then that becomes a green light for corporations to do all kinds of bad things to people and get away scott free.

**Steven E. Fineman 2011-2012):** With some others, we created [CAP for the purpose of promoting and supporting class action practice](#) and serve the interests of consumers, investors, victims of civil rights abuses and so on.

**Gerson H. Smoger (2008-2009):** If you take what's happening West Virginia, we've single handedly stopped more pollution and more mountaintops from being taken off than anybody else in the country in Jim Hecker's mountaintop renewable litigation.

**Jim Hecker (Environmental Enforcement Director):** And we brought the [first federal citizen suit against a Appalachian coal mine](#). It was the largest ever proposed in the state, and it was start of a 20-year odyssey that I've continued to this day. It's a constantly changing mix of regulatory requirements that I have to find new theories to challenge because they constantly undermine the legal theories that I've been winning in the courts.

**Arthur Bryant:** Another line of cases at Public Justice that we started in the very beginning that I'm enormously proud of is our [Title IX litigation](#).

**Mary Parker:** There was no appellate law whatsoever in the Title IX arena when we took the first case and we started making law.

**Paul Bland:** So originally the Title IX work was entirely focused on sports, so some university that had tons and tons of money going into men's sports and was really starving women's sports would eliminate a women's sports team and we would get involved and challenge that and get the women's sports team reinstated.

And over time what's happened is Adele Kimmel, who has really been a visionary in shaping the law in this area, has started to focus on the [use of Title IX to go after gender violence on campus](#). Title IX provides some really powerful protections against colleges that are going to betray their students that way. And Adele has really been a national pioneer in bringing those types of cases. And so our work in Title IX has evolved in a really significant way over time.

**Adele Kimmel:** We've had a lot of success in this area. We've represented many students who have experienced sexual violence by another student or by an employee of the school. And one way that we have made significant change is not only changing the law to make it easier for students to get justice in this area, but also by changing the culture of the school or the school district that we have sued.

Earlier I had been focusing on Title IX in the athletics arena, and I had been representing women intercollegiate athletes whose teams had been eliminated from their universities, as well as coaches who had been retaliated against for complaining about gender inequities in their athletics program.

**Gerson H. Smoger:** We're the first, as far as I know. [We took a case against Brown](#) where there was unequal treatment between men's athletics and women's athletics was substantially unequal. And we took that all the way and set precedence on how treatment between men and women would be dealt with.

**Adele Kimmel:** One case that stands out for me, in particular, is a case that I worked on with board member Linda Correia, and it's called [Flood versus Florida Gulf Coast University](#). But this case involved a really successful volleyball coach Jaye Flood, who spoke up about gender inequities in her school sports program. And when she did so the school retaliated against her and fired her.

And during the course of the mediation, this was in Fort Myers, Florida, the mediator pulled Linda and me out into the hallway out of earshot of our clients because he thought that our settlement demand was too high and he thought we were being unreasonable. And at one point he said to us, "Do you understand what part of the world you're in? Here, we get a million dollars in a dead baby case." And Linda, without batting an eye, calmly responded and said, "We are here to change your world."

And that to me is emblematic of what Public Justice does. We are here to change the world. We are here to bring more justice to the world.

**Paul Bland:** There are lots of times in which corporations break the law and really hurt people, and what they want to do is they don't want to talk about whether they broke the law or whether people were harmed. They want you to have to go to forced arbitration where it's going to be a secretive process, where the arbitrator is going to be someone who's picked by the corporation and it's a really rigged deal.

One of our biggest wins against forced arbitration was in 2019 in [New Prime versus Oliveira](#), and what we were able to win was that the truck drivers were exempt from the Federal Arbitration Act. So this took one and a half million people who previously had had all their significant rights taken away from them, were suddenly able to go to court and bring cases. It was huge victory. And there were a series of these barriers to justice that corporate America has come up with over a long period of time, and our organization's been the single most effective organization or law firm in the country and fighting against these.

**Tara D. Sutton (2017-2018):** Initially when I became involved in the organization, it was really at the forefront of fighting against mandatory arbitration, court secrecy, protecting

class action settlements, and it's become -- it still does all those things, but it's become so much more.

**Paul Bland:** A lot of the cases are literally lifesaving. So early in Covid, we got involved in this case in Missouri where people who worked in a meat packing plant were working shoulder to shoulder. They had no personal protective equipment. They had their leave system was set up where anybody who missed more than five days of work was fired and then they were given bonuses if they worked every single day of a month. And so they were exactly the type of place that was going to have a huge cluster of this then very, very deadly disease.

We brought a case in Missouri and [against the Smithfield Meat packing plant](#), and within a few days of the case, they suddenly started giving everybody masks. They started putting plastic barriers between people. They started having people spaced out in the line, coming in and out of the meatpacking facility, and it really made a difference. It saved people's lives.

**Adele Kimmel:** [Castaneda v. the United States](#) and [Castaneda v. the State of California](#), two companion cases that we filed, are probably the most memorable cases and the most significant cases in some ways that I've worked on since I've been in Public Justice. Because of the publicity on the case and a related case that was being litigated by the ACLU's National Prison Project, healthcare policies were changed so that detainees were no longer only entitled to emergency care, which meant you could only get care if you were about to drop dead right now, but they were entitled to get urgent care. So we helped to make policy change and got justice for the family after an eight year battle, watching a client die, going to trial and going up to the Supreme Court. It was quite something.

**Paul Bland:** Public Justice has done more to fight for access to justice than any other nonprofit group or law firm in the country. We've won a ton of really important victories, making it possible for people who've been hurt when a corporation breaks a law for them to be able to get into court and have a real remedy for what's happened to them. I'm very proud of that work.

**Sandy Dumain:** The people working at Public Justice are the most dedicated lawyers I've ever met because they're doing it not in question because they're doing it at such important work.

**Leslie A. Brueckner:**

Not only do we do great work, but it's just a great place to work.

**Esther E. Berezofsky:** Becoming part of a community of people who shared the values and the commitment to the same kinds of issues and justice was like finding an ideological home.

**Jim Hecker:** I'm very grateful to having been able to work at Public Justice. I think it's a wonderful organization. I've been given an enormous amount of responsibility, but also an enormous amount of freedom to find the cases that I think are the most important and that can be the most successful. And there are very few organizations that would've given me that opportunity.

**J. Gary Gwilliam (2003-2004):** What Public Justice meant to me was the development of so many important relationships in my life that happened through my years of working with Public Justice.

**Sandra Robinson:** I could just go on and name so many people who have impressed me, but who have also just become good friends. And I think that speaks to our organization, too.

**Tara D. Sutton:** I'm just so proud to be part of this organization. It has just - what I love most about it, it has continually expanded its reach.

**Jim Hecker:** There are more people doing public interest law now than there ever or have been. But the obstacles, I feel like, are getting greater and greater.

**Dan Bryson:** Even if you're not an attorney, this is an organization that you should support because here are attorneys that are going to battle to try to have a better society, a more just society.

**Adele Kimmel:** I think we're in another very challenging era because of the way our courts look. Our courts look very different than they did even four years ago.

**Esther E. Berezofsky:** In the face of the challenges that we have, you have to press forward.

**Mona Lisa Wallace:** If you need help, and it is a very big issue, and it is the right cause and a good cause -- defending the rights of others, getting access to the court, protecting the environment, gender inequality, all of the wonderful things we do -- there is an organization out there that you can go to that will help you, and they'll do it for the right reason.

**Dan Bryson:** Public Justice is fighting for you, and that's what people need to understand.

**Paul Bland:** Our cases are not about abstractions. These are cases that really affect people's lives. I think the organization's more effective now than it's ever been in its history. And the first 40 years were great. I'm really excited to see what Public Justice can do in the next 40 years.