



Bill Trine (1988-1989)

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(PLEASE NOTE: The lens on Bill Trine's computer camera was unfortunately glazed over.)

**Bill Trine:** My name is Bill Trine.

**Public Justice:** Could you tell us how you got to Trial Lawyers for Public Justice?

**Bill:** Well, I attended an ATLA (Association of Trial Lawyers of America) convention in Montreal and there was a bulletin posted on a bulletin board there just announcing that lawyers were trying to get organized to form a public interest- type organization that would primarily involve trial lawyers working on behalf of the public against corporate and governmental abuse. And that immediately struck me as something that I would be interested in.

And the announcement said that there was going to be an organizational meeting or further information at the ATLA convention that next year in San Francisco and if I was interested in attending, I could just sign the bulletin, which I did. And I went to that convention and attended that meeting.

**Public Justice:** What kind of law did you practice that drew your interest to the Public Justice concept?

**Bill:** I clerked on the Colorado Supreme Court for one year. It was the first year they had clerks. And when I finished, I began practicing civil law and I began taking cases that I felt I could win on appeal because I had that appellate experience. So I began filing cases that no one else would file because there is no law to support them. And we would take them up on appeal and began making new law in Colorado in that fashion.

So the idea of a national organization perhaps doing the same sort of thing nationally intrigued me. So I decided to go to the meeting in San Francisco.

**Public Justice:** What kind of cases are you talking about -- corporate corruption, environmental, prison reform? What kind of cases?

**Bill:** The kind of cases that I had been handling since 1960-61 were cases involving people coming to me with ~~was~~ no redress because the law wouldn't support the kind of law, of a kind of case I would file. And yet they were being taken advantage of. So when I filed the cases, I assumed that the trial court would throw them out because there was no law to support them.

But because of the type of case involved, I felt I can maybe make new law on appeal. And it didn't matter what kind of case. I had a product liability case against an auto company and Colorado had not yet adopted strict liability. So I figured they probably would adopt that if I filed the appeal and then people would be able to sue other auto companies. And I did. And I appealed it, and they adopt a new law.

And I had a woman come to me who was being sued for a large amount that she owed – for not attending some kind of exercise ceremonies. They were going after her employer and she'd lost her job and there was no law really to support her. So I filed a lawsuit under the [Restatement for Civil Invasion of Privacy and Outrageous Conduct](#).

Well, I knew the trial court would throw it out. There's not a lot of support. And I won on appeal. And so Colorado adopted a new torts -- outrageous conduct, civil invasion of privacy.

And I had a case against a doctor where I made some new law and so forth.

I had done all of this before I went to Montreal. And the idea of a national organization with groups of lawyers helping out, making new law nationally, appealed to me.

**Public Justice:** Did the fact that Ronald Reagan had become president in 1980 and the so-called "Reagan Revolution" -- which was all about deregulation -- did that impact you in any way, shape or form?

**Bill:** No, I didn't. I don't even remember thinking about that. And the ["Tort Reform Revolution"](#) hadn't yet started -- it didn't start till 1984-85. So none of that had even started yet. Ralph Nader's suggestion that lawyers take a year of absence and come to Washington DC was what I used in trying to get founders from Colorado to pay a \$1,000 apiece.

And, of course, we realized that that wasn't going to happen. And so, no, there was no particular motivation at that time, other than my wanting laws to change favorable to the public and maybe as an organization could do that, I wanted to join them.

**Public Justice:** Tell us a little bit about some of the people you met.

**Bill:** Well, when I went to San Francisco, I met some of the people who were obviously already becoming active and trying to get something going and they became good friends. Dean Robb was one of my closest friends. Joe Cotchett was very close and Sal Liccardo. But the people in that meeting, the ones that influenced me the most were probably Dean Robb, Joe Cotchett, Joan, of course, Claybrook.

And oh, gosh, there were there were several others there. And in that meeting, it was decided that people could sign up to go back to their state and try to try to get contributions from new founders, a \$1,000 apiece. And Dean Robb approached me and said, "Bill, I'm going to challenge you to see if I can get more founders from Michigan than you can in Colorado. And we'll stay in touch to see how we're doing during this next year."

**Public Justice:** The organization struggled to find an identity -- what cases to take, what cases not to take and why. One that you were involved with in 1987 regarded [the Iran-Contra issue with the Christie Institute](#).

**Bill:** The Christie Institute approached Public Justice asking if Public Justice would do all of the discovery and they would try the lawsuit. They didn't want co-counsel, they didn't want someone to try it for them. But they were inexperienced lawyers and they didn't have the money and wanted someone to just do all of all of the discovery.

And Public Justice didn't have much going at that time and decided if the lawyers who would help out in Public Justice would fund the costs of their own discovery -- we would organize and do all that discovery for them.

[At [an Oct. 14, 1987 news conference](#), Trine said, "45 of our best trial lawyers nationwide have been selected for this important task. And they've agreed to devote whatever time is necessary to take deposition testimony of over 300 witnesses in the months ahead. If only the tip of the iceberg of illegal and criminal activity has been revealed, we will do everything in our power to discover and uncover what remains. If we can accomplish that, the Christic Institute can then strike a blow for democracy and justice in the courtroom."]

And so I ended up taking [General Singlaub's deposition](#) for three days in Washington and [\[Nicaraguan Contra leader\] Adolfo Calero](#) and so forth.

But the Christics then used all that discovery and nevertheless, the case was thrown out and they [the Christic Institute] were unsuccessful.

But that was not -- the very first case [for Trial Lawyers for Public Justice] --we were willing to take anything that would get us going to start with.

So when we first got organized, Dean Robb and Joe Cotchett filed a lawsuit against the FBI on behalf of a client -- a woman's family from Michigan -- who went to the South to help sign up people and desegregate the South in the sixties. The FBI was aware that she was probably going to be killed --and when she was murdered, the FBI did nothing about it. We also lost that one.

And then we had a young lawyer who had just joined us, a founder, and he had discovered that there was a corporation that was polluting water that was killing people. And he wanted some help with the funding – the costs -- so we weren't making money on these early cases to survive. But we were willing to take anything that, in fact, would help the public out.

**Public Justice:** The water pollution case you're talking about -- wasn't that one of the first times that scientific experts were brought in to serve as witnesses in trial cases?

**Bill:** That's correct. Scientists had been used in cases prior to that, but not to try to convince a jury that what is happening and what is occurring is tortious and should be stopped. For example, the [asbestos industry](#) and the tobacco industry were not being sued yet because it would take a lot of scientific-type evidence to prove that asbestos causes mesothelioma or tobacco causes cancer and so forth.

Scientists weren't being used that way to show what the corporations were doing. And that required national attention. A single lawyer in a small town couldn't possibly round up the scientists and have the money to go after cases like that. Although JD Lee was one of the first lawyers – he spoke at a Public Justice meeting one year and said, “I filed a case against the tobacco industry. It wasn't successful. But it could be successful if a group of lawyers would get together and fund it and spend the time and get the scientists -- you could go after the tobacco industry.”

Well it fell on deaf ears.

And when it really became important was starting in 1984 and '85 when the Tort Reform Movement commenced with ALEC ([The American Legislative Exchange Council](#)) and ATRA ([The American Tort Reform Association](#)) and all of those corporations.

**Public Justice:** Why did this Tort Reform Movement start?

**Bill:** It started so they could influence legislation in every state and nationally to get rid of torts, basically. They started ALEC as a nonprofit corporation for that purpose and all of the major corporations were pouring money into ALEC secretly.

ALEC was drafting legislation and ALEC members in every state were using drafts of tort reform legislation and introducing that in the legislatures of every state and as a

nonprofit, they didn't have to disclose their membership and where the money was coming from.

I happened to be appointed by the Colorado governor to a 29-person committee to look at legislation being introduced by a couple of Colorado legislators. That's when I first began discovering what was starting. I didn't know until years later that ALEC had then started ATRA. And the corporation that formed the small corporations in every state to fight tort reform is the U.S. Chamber of Commerce organization.

**Public Justice:** When I hear tort *reform*, it sounds like a good thing.

**Bill:** Yeah. And that's what they wanted, I think. That's why so much of the publicity that went out by these corporations, these nonprofits, use that language frequently so but they explained it in more detail so that jurors would be influenced when they walked into the courtroom. They talked about lawyers getting ridiculous multimillion dollar verdicts so that they could make a big fee on cases that shouldn't be brought.

And they would pick particular cases that they would explain: "Look at this case. My gosh, the doctor" or the corporation or whoever it was "obviously isn't responsible for what happened. And yet this woman was able to collect \$1,000,000!" They made the whole tort system seem totally unfair and how it ultimately would cost them, in some fashion, out of pocket.

That became a problem because jurors were influenced by that. And it took a good lawyer to find that out in a jury trial.

[President George W.] Bush began [vilifying trial lawyers](#), generally, and got national publicity by vilifying trial lawyers. It was because of Bush that [ATLA decided to take the words "Trial Lawyer" out of their name](#) and they encouraged all the states to do that -- 14 states took "trial lawyers" out of their name.

**Public Justice:** What do you remember specifically as being the most important thing that happened during your time as president [of Trial Lawyers for Public Justice 1988-1989]?

**Bill:** I think the most important thing that happened was -- we were at sort of a standstill. We didn't have money-producing cases; we weren't filing or joining in many lawsuits;

and we had an executive director who had only been with us, well, from the beginning who was leaving and we needed a new executive director.

So there are two things that happened. We had an executive committee meeting in Boulder in my office. Arthur Bryant had become our first paid trial lawyer and our only employee and we invited him to come to that meeting. We sent him out of the room so we could discuss him and decided that if he would do it, we wanted him to be our new executive director -- and he accepted. It also looked like we were going to run out of money and so we got three or four people, including me, to kick in \$5,000 apiece to keep our doors open.

Fortunately, Arthur Bryant took over and really began working and the fee came in and we began being successful. Finally.

**Public Justice:** Some of the work you have done in the past has kind of informed or is similar to what Public Justice is doing with Debtors' Prison Project. Can you speak a little bit to why that came to your attention, why that mattered to you?

**Bill:** I had a case in Colorado against a jail. I'm representing a mother whose brain-damaged son was killed in the jail. And I was shocked at what was happening in our prison system and in our jails, and particularly private prisons, which I didn't know anything about. I never even heard of a private prison.

So I gave a talk to the [Inner Circle of Advocates](#) on the [need for lawyers there to start getting involved in some prison cases](#). And two of those lawyers were Public Justice lawyers that I knew. And after my talk, they both came to me, **George (?)** and [Salvador Liccardo](#) said, "Bill why don't you try to get Public Justice involved in this? These are important issues." And I hadn't thought about that.

So I contacted Arthur Bryant and told him that I'd like to meet with the board to talk to the board about getting involved in prison cases. And I contacted someone I had gotten to know by then, [Dave Fathi, who is a director of the ACLU, National Prison Project](#), who knew everything about prisons. I contacted Dave and said, "Dave, will you join me in Washington, DC and help me explain the difference between the private prisons and public and everything that's going on because you're an expert?" And he said he would.

So I went to the board meeting and they were all perplexed and asked questions and one of them said, "My God, you're talking about something that would require a ton of money and new employees."

And Arthur Bryant agreed. He said, "We just can't do this." I said, "Well, maybe we could just limit it to work with private prisons and not everything." And Arthur said, "Well, we still have to get a new employee." And he said, "We would probably need at least \$65,000 to get it started." I said, "Why don't I try to raise \$65,000 and put a plan together for the next meeting?"

He reluctantly agreed. He assumed I couldn't do it. So, in a matter of two or three months, I raised the \$65,000 so they couldn't turn me down. Sure enough, they appointed Adele [Kimmel] but Adele said we need cases, though.

The [Crowley Prison Riot](#) had just happened. I got 240 prisoners to sign contracts who didn't participate in the riot that took place. I filed 240 cases, individual cases, and joined them. I had a [wonderful case against a jail](#) in Colorado - the [Moises Carranza-Reyes case](#) [regarded Immigration & Customs Enforcement (ICE)] who were rounding up people who had immigrated to the United States from Mexico and putting them in a cell for the government and were making a tremendous profit – sticking 60 people in a cell that was designed for ten and all of them getting sick.

And we got started.

**Public Justice:** What do you see for Public Justice going forward?

**Bill:** Well, I am hopeful that Public Justice will join lawyers who are starting cases that will, in fact, make a big difference -- if they prevail in those cases -- and change corporate systems and government systems, such as the reform of the prison systems. That they'll continue doing that, only broaden it. And one day, I hope Public Justice has a same kind of reputation and effect as the ACLU.

**Public Justice:** This is called the Emeritus Legacy Project. So what do you want your legacy to be?

**Bill:** I would love to have my legacy be instrumental in having changed the prison system and jails and the so-called criminal justice system. They're all interrelated and badly in need of help. And the movement has started nationwide, almost in every state.

But we need more and more people involved. I would like my legacy to be that down the road that's changed.