



Jeff Foote (1992-1993)

“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.”

Bill Rossbach: For the record, I'm Bill Rossbach. Jeff and I have been on the board. I've been on the board almost as long as Jeff. I joined Public Justice - Trial Lawyers for Public Justice when one of the founders [Bill Trine] recruited me at about the time of the Seattle, 1985 convention, I think it was. Got to go on some of our famous boat trips and then was chosen to be on the board as a part of what may have been a youth movement a little bit. When Jeff was added in '86, I think Withy was added in '87 and I was added in '88. Then I think Macon [Cowles] was added in 1990. We were the Young Turks for a while.

I'm from Missoula, Montana, and I am now a member of the Emeritus Board. I was on the board continuously for 30 years.

Jeff, why don't you tell us a little bit since you were there from the beginning - tell us a little bit about what you understood about the inspiration for the people that were the original founders and what you understood not just the inspiration, but what was the founding principles?

Jeff Foote: I'm Jeff Foote. Portland, Oregon. I'm now retired but I've been involved with Public Justice or then Trial Lawyers for Public Justice since the beginning or almost the beginning in 1982, and then on the board since 1986. I believe I was the 10th president in 1992-'93. I was one of three people that have chaired the Case Evaluation Committee in our 40-year history, and been active most of that time, a little less so the last few years. 4:55:47

I had joined at the ATLA convention in 1982. The organization had already started and people like Joe Cotchett and Dean Rob and JD Lee, Bob Cartwright, Bill Trine, and Leonard Ring. They had this organization up and running. As I understand it, they were at a meeting not too long before that where Ralph Nader gave a speech and essentially guilt-tripped a bunch of trial lawyers into forming an organization that would go out and do public justice.

I was personally recruited by Mark Twain. This white gentleman in a Mark Twain getup approached me. Somebody pointed me out to him. Mark Twain was [Dean Rob from Michigan](#) and he was doing a Mark Twain show. He recruited me at this convention.

[Bill: What was the basis for the recruitment?]

Jeff: I had been involved in national local environmental movements. But the case that he was talking to me about was a case that was active at the time called [Liuzzo versus United States](#) involving the murder of a white woman from Detroit who had driven down to Alabama to assist some of the civil rights workers with transportation and things like this. This was 1965. She was in a car with a Black civil rights worker driving down a road and they were stopped by a carload full of Klansmen and she was shot and killed.

The basis of the case was that one of the folks in the car was actually an FBI informer. The case was against the United States for failing to control this guy. It was dismissed but it was the first case that was starting to do this principle of getting a bunch of good trial lawyers together to pursue justice. Dean had the case and Bill Trine and some others got involved with some of the discovery, some of the motions, and that sort of thing.

It just impressed the hell out of me, particularly because in 1967, when I was a senior in high school, I was involved in speech and debate contests. One of the contests that I entered was oration and my oration was called Southern Justice and it focused on the Liuzzo case. Here's Dean Robb -- aka Mark Twain -- telling me about this case that he's

involved in that brought back all kinds of interesting memories. And I knew this was an organization I wanted to be part of it.

What the initial principle was - they were going to try to get 300 founders each to pony up \$1,000 and that \$300,000 would be the seed money and from then forward, we would never have to raise money because we would be earning legal fees.

It didn't work out quite that way. Joe Cotchett likes to say, "Well, we lied." In my case, I was working for a law firm and my boss did not particularly approve of my involvement, so he refused to pay the money.

So I got TLPJ to agree to let me pay it quarterly. I paid \$250 a quarter for that first year. Shortly thereafter, I went out on my own because that boss and I were not seeing eye to eye on a lot of things. Anyway, that's how I got involved.

[Bill: I remember when Bill Trine recruited me, he basically said that after the \$1,000, "we'll never have to raise money again from you." Then several years later, when we realized the reason we were taking cases that nobody else was taking was because they were very, very hard to get attorney's fees and it wasn't economic. Something we always laughed about was -- it must be a good case for Public Justice because we're not going to make-much. We're taking only the losers.]

Jeff: Back then, that was the case. 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.

[Bill: When you joined, the board was about 20 members or something like that? Fairly small. I remember my first board meeting in New Orleans where I met you. I think there were like 10 of us in a room that could have been the size of my office conference room. and we had this giant debate about [Comanche Peak](#).

Here we are mid-30s and here we are with some of the most incredible trial lawyers, the senior members of the trial bar, arguing at the very highest level, [the pros and cons of litigation](#). To me, it was an incredible learning experience. Did you share that?]

Jeff: Absolutely. To be in a room and treated as an equal to people like Bob Cartwright and Joe Cotchett and Sal Liccardo and Leonard Ring. These guys were all leaders of the ATLA [[Association of Trial Lawyers of America](#)] and they were legends in some of the cases they all handled. In my mind, many of these guys were mentors for me as I became a sole practitioner after leaving that law firm and having guys like Trine to talk to about a case - that was really special for me. 50125

[Bill: [Bill \[Trine\]](#) recruited me. I remember after that, he mentored me and he and I did some Med-Mal [Medical Malpractice] cases together. It was great to have that kind of access. Do you remember -- how long did it take to get to 300 members?]

Jeff: It didn't take that long. Once word kind of spread around. There was the core of the more senior members who really got the thing started. Then they were out looking for guys like you and I that had an interest in these issues and might be willing to get involved.

[Bill: How did the organization ~~was~~ actually do the litigation back in the early days? Did they have staff lawyers? Who was actually doing the work?]

Jeff: We had an executive director, Tony Roisman, initially. And then, in fairly short order, Arthur Bryant replaced him and held that job for decades. Susan Saladoff, who was a past president of the organization [2001-2002], likes to say she was the first law clerk when she was in DC. I think it was Arthur and Susan at that time there. There wasn't much for staff, nothing like today.

The idea was that members of the organization would either handle the cases or get together in teams to handle the cases. That was the initial idea is that you get together with two or three lawyers around the country and take on a case. That didn't last forever. What we have now is a full-time staff of really, really good lawyers who are doing most of the work in two offices, DC and in Oakland.

[Bill: I'd like to talk to you about a few of the cases that occurred later on that may have been cases that were at a critical juncture for the organization. I think you and I were part of the first group that was involved in this. Do you remember how we got involved in the [Exxon Valdez](#) case?]

Jeff: Well, yes. I was board secretary or something and [Leonard Ring](#) was the president [1990-1991]. Shortly after the spill, there was a lot of discussion, I think a lot of it was promoted by Macon and yourself that we needed to figure out some way to get involved in this case --representing essentially the environment or the wildlife that were affected.

Immediately, there were two groups of lawyers that all showed up in Alaska trying to get involved in this litigation. There's the lawyers that actually had clients representing, I think, a cannery workers union or a fishermen's union, or some of the tribal interests. Then there were the "direct-action" lawyers. There were a bunch of them that were up there had filed class actions and were attempting to get those certified.

Nobody seemed to be representing the interest of the wildlife or the environment, which was seriously affected. We talked about it at a few board meetings. And I remember one of the first times it came up, Leonard Ring -- who was the president, a legendary trial lawyer from Chicago, but a city boy -- and he was talking about how you got all worked up about how we've got to go out and we've got to save the environment. We've got to protect the bunny rabbits. He was as sincere as yourself or Macon about it. 50452

[Bill: I remember it very directly because he said we were going to go up there and protect the animals. He paused because he couldn't really know what animals we were protecting. Bunny rabbits.]

Jeff: He and I went up there for the first hearing. I think this was before we had our team of lawyers that were going to get involved. We went up because of our role on the executive committee and I got to follow Leonard Ring around for a couple of days, which was a real pleasure.

We went to this hearing before this judge. Was it Judge Holland?

[Bill: Yes. Russell Holland.]

Jeff: We went to him and there were maybe 100 lawyers in the room. I'm not sure about the numbers but it was packed. And on one side of the courtroom were all the direct-action lawyers and the other side were all the class action lawyers. They were, of course, trying to organize the litigation and argue that their groups or their lawyers should have more major roles in the litigation, in terms of the briefing, discovery, and that sort of thing, and being the lead counsel, whatever.

Here we showed up in the middle of this negotiation like, "Hey, what about the environment? What about the bunny rabbits?" The whole thing blew apart. I recall later that evening -- we're having dinner, and boy, people were coming over wanting to buy us drinks and everything else because they wanted us to side with one side or the other in this fight.

We didn't side with either. We maintained our integrity and our own group. Folks like yourself, [Macon \[Cowles\], and a few others took on major roles](#) in the litigation, which went on for some time.

That [was our first major environmental case](#) that I'm aware of, unless [Jim Hecker](#) was already involved down in West Virginia at that time.

[Bill: I don't think Jim got involved until later. The other case that I thought was a really important case for us at an early time was the Iran-Contra case. I was assigned a witness to depose. But again, we lost on summary judgment before we got to my deposition.]

Jeff: The case that you're referring to is called [Avirgan v. Hull](#). The people that originally [brought the case and got us involved was a group called the Christic Institute](#), which is a Catholic-inspired organization. The fellow that was running the case for [the Christics was a fellow named Daniel Sheehan](#), actually a Jesuit priest from Portland who was involved in a lot of discovery. -[The Christic Institute was co-founded by Sheehan, his wife Sara Nelson, and [a Jesuit priest named William J. Davis](#)]

[Bill: What were the facts of the case?]

Jeff: This is during the civil war down in Nicaragua. The Sandinistas were in control of the country at that point. Then there were the Contras, which were the more traditional, more conservative group. One of their leaders was a fellow named Eden Pastora. And he was holding a press conference [in 1984]. It was a very secret deal. I remember the people that went to it had to go up some river and boats for miles and miles.

Anyway, at the press conference, Pastora basically was going to announce that he was breaking with the Contras, throwing his troops in with the Sandinistas. [There was a bombing at the press conference and he was injured](#). Some of his equipment was damaged. There were five or six people killed -- some journalists and some members of his entourage.

The [hook was Tony Avirgan's injuries, which we thought would give the basis to bring a case](#). The people that they were suing were basically a lot of governmental and former governmental people, [General Singlaub and Secord and the whole Oliver North group](#), and some private citizens. They had a giant ranch in Costa Rica, just across the border from Nicaragua so they were running a lot of their activities out of that.

The [Christics approached then-TLPJ to help with the discovery](#). We put together a team -- a dozen or more of us agreed that we would take depositions because Danny Sheehan couldn't be everywhere.

It was a very exciting time. I remember going to a fundraiser in Portland where I lived. Danny was there. I got assigned a gentleman from Portland - his name was Renecky [\[Howard R. Teicher ?\]](#)- and I was going to take his deposition in Portland. The week before the deposition, he's on ABC TV, on the news behind the shadow curtain -- they couldn't see his face -- basically saying that he was on the plane with [\[Vice-President\] George \[H.W.\] Bush Sr.](#) that was taking the drugs for this....[on] this flight to Iran and bringing weapons back -- the whole Iran-Contra weapons and drugs deal. He was supposedly on this plane and was going to blow the whistle.

Well, immediately, he became the cause célèbre of the more conservative elements in our society and had these right-wing lawyers. They moved the deposition to Washington DC. I flew back to do the deposition and walked in the room and there were probably at least 20 news outlets there -- ABC, NBC, CBS, Knight Ridder Newspapers, New York Times, and the Rolling Stone.

This is my chance. The Rolling Stone started the deposition and he [took the Fifth](#) on everything, including his phone number. So it was very short deposition. I walked a couple of blocks away from where Mike Withey was taking the deposition of a guy named [Donald Greg who was Bush's National Security Advisor](#) when Bush was vice president. He was actually answering questions. I guess as a government official, you couldn't be taking the Fifth.

It was a very exciting time. Unfortunately, [we got thrown out on summary judgment](#) because the judge ruled that we didn't make the causal link between this conspiracy, I

should say -- and Tony Avirgan's injuries. So it ended again before you had your moment in the sun.

[Bill: How did you see the change in the handling of litigation by the organization?]

Jeff: Well, what started occurring is that some of the larger law firms in the country that were involved in class action, mass tort law firms were becoming more and more successful and having some incredible results on behalf of injured people. More and more, those started becoming the Public Justice or the TLPJ cases, with these law firms handling it.

The other thing that was going on is our in-house presence. We went from one lawyer and a law clerk to 20-some lawyers now. So most of the litigation is handled in-house.

Our board is still a mix of what I would say are like small firm lawyers, which is my situation and yours.

Most of the early founders of the organization, and lawyers from some of the larger firms have been extremely successful in bringing some of these giant cases and very generous to the organization, as well. That's been a big change.

[Bill: It's interesting. Even though the staff has done most of the work in the cases, I've been fortunate to be a local counsel on a court secrecy case and local counsel on one of the Food Project's safety cases. Board members still can get involved in cases if they see the opportunity.]

Jeff: Well, but that's true. One of the ways these cases get to us is through lawyers around the country that bring Public Justice into it. They remain involved as local counsels or as full-going partners, depending on the case.

We have also been getting cases from other public interest organizations. I was involved in one with a group called [Disability Rights Advocates](#), and myself and that organization challenged the Oregon school boards association or the superintendent of the public education over a test that they were giving the high school seniors that they had to pass to graduate. That's all well and good -- except it didn't accommodate kids with learning disabilities.

We [brought that case](#), and Sid Wolinsky was the fellow from Disability Rights Advocates - we walked into the first hearing and all of a sudden, they wanted to talk settlement. We spent a good part of the year putting together a settlement package that worked for our clients. That was an example of one where we did get attorney's fees. Those kinds of cases occur as well. **5:15:47**

[Bill: One other important thing is the critical timeframe when Arthur Bryant had his motor vehicle accident. I know you had a major role in helping both Arthur and Nancy

and Wally -- his family. Also, in terms of helping keep the organization running during that critical time period.]

Jeff: I believe it was in August of 2002. Arthur and Nancy and Wally were up in Oregon at a place called Sunriver Resort in Central Oregon, attending the Oregon Trial Lawyers convention where Arthur was one of the speakers. As they left to drive back home to Oakland, a Chevy pickup truck crossed the centerline and had a head-on collision with their Toyota Corolla. Arthur and Nancy were both pretty severely injured. And Wally was in the backseat and suffered a broken leg.

I was in Mississippi at the time taking depositions and I get a call from a chaplain at the local hospital asking, "Do you know Arthur Bryant?" I say, "Well, yes." He said, "He's been in a serious accident. We don't have any way to notify anybody. But your name and phone number were on a piece of paper in his pocket."

They called me. He had my number written down, so we could get be in touch during the convention.

I fly in and was there the next day and was very involved in helping first Nancy, because she was in an induced coma and they were bringing her out of it. Actually, Susan Saladoff and myself were at her bedside trying to talk her out of it.

What was amazing to me about this -- Arthur was severely injured. He had a brain injury and was probably six or eight weeks that he was in a coma, not making a lot of sense. Not knowing who we were, and that thing.

When I was still in Mississippi, I started making calls to get somebody over there. Arthur's parents were on the East Coast, and we didn't really know anything about Nancy's friends, or family, or anything else. I immediately called Susan Saladoff who was in Oregon, and she, and her husband, and her daughter came over. Her daughter had been Wally's babysitter during the convention. So she thankfully looked after Wally because both the parents were in comas.

And she stayed for a few days. And then different members of the board started showing up. Mike Withey came down with Paul Stritmatter, and everybody wanted to help in any ways they could. I think Joe Cotchett came up. Even though there wasn't much he could do because Arthur was laying in a coma, but he wanted to be there. He was there for many weeks before he was transferred down to the Bay Area.

It was interesting. We had this running joke we talked about at the convention about being "Larry-ed." We were the younger members of the TLPJ board, and some of the older guys didn't know our names. They just would call everybody "Larry." I think including yourself.

[Bill: I think I was the first Larry.]

Jeff: It became a running joke: I got "Larry-ed." Several weeks later, I'm visiting Arthur in the hospital. He's communicating; he's doing goofy stuff; he's holding meetings. He's, "We've got to get video tape. We've got to do this. We've got to do that." But he's not making any sense at all. Finally, I looked at him and said, "Arthur, do you know who I am?" He looks at me, he goes, "Yeah, you're Larry." 51941

There were so much interest, love, and support for Arthur and Nancy and Wally, we finally set up a phone deal using one of the phone lines at my office where every day I reported in about what was going on.

It was almost a full year before Arthur made his first appearance at an ATLA meeting in San Francisco. I remember walking with him into the Public Justice banquet and people were just on their feet. He gradually got back to work.

But the organization managed to stay together. Paul Stritmatter was the president that year and he obviously took a much more active role than maybe earlier presidents had to keep things going.

There were concerns about fundraising. But the staff was terrific in supporting Arthur and taking over his work. We managed to function for really a full year without Arthur who had been really the guy that made it happen for a number of years beforehand. 52149

[Bill: Do you have anything else you'd like to add?]

Jeff: This is a very different organization than it was 40 years ago. Making that switch from Trial Lawyers for Public Justice to Public Justice was traumatic. A number of the original founders were very upset about it.

But I think it's been a good thing, in retrospect. And we moved on.