



## PRESS RELEASE

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### **New Report: Trial Lawyers, Inc. Turns to the Environment to Fleece Real Victims and Regulate Through Litigation**

**NEW YORK**—As cleanup for the BP oil spill continues, the plaintiffs' bar (which the Manhattan Institute calls Trial Lawyers, Inc.) is increasingly turning to the environmental sector to fill its coffers and regulate through litigation, according to a new report released today by the Manhattan Institute's Center for Legal Policy. The report, *Trial Lawyers, Inc. Update: Environment*, shows how plaintiffs' lawyers charge exorbitant contingency fees that consume as much as a third of proceeds, and bypass regulators and legislatures by using the courts to enforce policy goals.

Among the report's evidence:

- Texas asbestos lawyer Mark Lanier has announced his intention to file speculative class action lawsuits and litigation involving pension and securities investments related to the BP oil spill. Lanier won an asbestos ruling for \$115.7 million and a \$253.5 million jury verdict in a case involving the drug Vioxx (the verdict was later reversed on appeal).
- In *Massachusetts v. EPA*, a group of plaintiffs led by state and local governments sued the EPA to try to force the agency to regulate carbon dioxide and other greenhouse gases.
- North Carolina attorney general Roy Cooper, in *North Carolina v. Tennessee Valley Authority*, sued the federally owned Tennessee Valley Authority alleging that its energy plants in Alabama and Tennessee created a public nuisance harming North Carolina.
- Lawyers in *Connecticut v. American Electric Power* are seeking to regulate companies directly by forcing them "to cap and then reduce their carbon dioxide emissions" because of the possible effects on climate change.
- Trial Lawyers, Inc. has filed lawsuits in Madison County, Illinois alleging injury from the widely used pesticide atrazine, despite a 2006 EPA decision that the product posed no health hazard.
- Veteran asbestos lawyer F. Gerald Maples (*Comer v. Murphy Oil USA*) is alleging that oil and energy companies are responsible for property damage on the Gulf coast caused by Hurricane Katrina, under the theory that the hurricane's severity was attributable to global warming for which the companies are responsible.

While torts do serve a purpose in environmental litigation, prudential cases are increasingly giving way to speculative claims only related tangentially, if at all, to actual injury. Additionally, activist groups—or state attorneys general

seeking the support of such activist groups—are trying to circumvent the democratic process by pursuing policy goals through the courts instead of legislatures.

The report can be accessed online at

[http://www.triallawyersinc.com/updates/tli\\_update\\_environment\\_0810.html](http://www.triallawyersinc.com/updates/tli_update_environment_0810.html)

To schedule an interview with the report's author, James R. Copland, contact Kasia Zabawa at (646) 839-3342 or by e-mail at [kzabawa@manhattan-institute.org](mailto:kzabawa@manhattan-institute.org).

About the author:

**James R. Copland** is the director of the Manhattan Institute's Center for Legal Policy, which seeks to communicate thoughtful ideas on civil justice reform to real decision-makers. Mr. Copland also serves as managing editor of the Institute's PointOfLaw.com, a web magazine that brings together information and opinion on the U.S. litigation system.

Prior to joining the Manhattan Institute, Mr. Copland was a management consultant with McKinsey and Company in New York. He had earlier served as a law clerk for Hon. Ralph K. Winter on the United States Court of Appeals for the Second Circuit. He has been a director of two privately held manufacturing companies since 1997.

Mr. Copland received JD and MBA degrees from Yale, where he was an Olin Fellow in Law and Economics and an editor of the *Yale Journal on Regulation*. He also has an MSc in politics of the world economy from the London School of Economics and a BA in economics with highest distinction and highest honors from the University of North Carolina at Chapel Hill, where he was a Morehead Scholar.

*The Center for Legal Policy aims to communicate thoughtful ideas on civil justice reform to real decision-makers.*

<http://www.manhattan-institute.org/html/clp.htm>

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