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From Courtroom to Campaign Trail Huge Corporate Settlements Provide Fuel for Trial Lawyers Running as Democrats

ST. PAUL, Minn.—Minnesotans who knew Michael V. Ciresi as the trial lawyer who squeezed a \$6.1 billion settlement out of the tobacco industry in 1998 did a double take last winter when ads featuring him appeared on television.

The commercials showed Ciresi tearing around the northern Minnesota tundra on a snowmobile, buttonholing ice fishermen and touting his infant campaign for the Democratic nomination to the Senate. Ciresi wanted to "hear from every Minnesotan," said an announcer. Then Ciresi sped off into the sunset over a frozen lake.

Ciresi's transformation from dogged courtroom questioner to peripatetic candidate is emblematic of the growing role of trial lawyers in the Democratic Party, especially during the high-stakes 2000 campaign. With Texas Gov. George W. Bush (R) vowing to press for federal legislation that would curb what he terms "junk lawsuits," personal injury lawyers--one of the country's richest and most politically savvy constituencies--see the race in intensely personal terms, and have mobilized accordingly.

This growing role has made the lawyers a magnet for GOP attacks. "Democrats use liberal, ambulance-chasing trial lawyers as a virtual ATM machine for campaign dough," according to Republican National Committee spokesman Mark Pfeifle. A 1998 memo written by a GOP pollster called lawyers "a ready-made villain," adding that it was "almost impossible to go too far when it comes to demonizing" them. The pitch has been used by the party as a tool to raise funds from corporations, the insurance industry and medical groups that favor curbing malpractice and product safety lawsuits.

But Democrats see trial lawyers as a natural source of candidates whose experience suing big corporations on behalf of injured parties is a plus in the eyes of voters.

And Ciresi, whose law firm will collect a \$427 million fee in the tobacco case, is one of several trial lawyer candidates this election recruited by Democratic leaders also because their riches from the tobacco, asbestos and other mass-injury lawsuits enable them to be largely self-funded. Ciresi has reported receiving more than \$14 million from his law firm in 1999 and 2000 as a "preliminary" share of tobacco and other settlements.

Nevada Senate candidate Edward Bernstein, a personal injury lawyer who is well-known from his local TV show and billboards advertising his law practice ("Bernstein Cares"), lent his

campaign \$505,000 in March. Bernstein kicked off his run for office at the mobile home of a client in a workers' compensation case. West Virginia lawyer Jim Humphreys last month won the Democratic primary for a House seat after pumping in \$3 million of his own money, mainly from asbestos litigation.

Each hopes to follow in the footsteps of Sen. John Edwards (D-N.C.), who used \$6 million of personal funds earned from injury lawsuits against corporations to win in 1998.

While trial lawyers have long been a reliable source of Democratic Party cash, the money rolling in this year from an elite group of these attorneys is bigger than ever, thanks in large part to the bounties reaped in recent settlements.

Since January 1999, plaintiffs' attorneys have contributed more than \$4 million to the Democratic Party, nearly triple the amount four years earlier, according to the Campaign Study Group. Four of the top 25 donors of unrestricted "soft money" to the party were trial lawyers' firms.

The Association of Trial Lawyers of America (ATLA), the attorneys' Washington arm, serves as a kind of rapid financial response team for Democratic candidates in need. The group not only dispenses about \$5 million a year, but also can alert a nationwide network of lawyers when it is time to get out their checkbooks.

Florida personal injury attorney Willie E. Gary and his firm alone have given \$225,000 to the party since January 1999, and a fundraiser he hosted in March 1999 was attended by President Clinton and raised an estimated \$500,000.

Although ATLA regularly supports the campaigns of such trial lawyer-Republicans as Sens. Richard C. Shelby (Ala.) and Fred D. Thompson (Tenn.), the bulk goes to Democrats: \$1.3 million out of \$1.6 million distributed so far in this election cycle.

The group has established ATLA's List, a network that communicates with 3,000 members, identifying candidates, causes and organizations sympathetic to ATLA's views.

State trial lawyer groups, meanwhile, have raised up to \$1 million to lobby against "tort reform" legislation and support the election of circuit or appeals court judges sympathetic to plaintiffs. Earlier this year they helped finance TV ads in Montana and Washington attacking legislation setting limits on damages paid to injured asbestos workers.

"The trial lawyers are a terrifically important Democratic constituency," said Jim Jordan, political director of the Democratic Senate Campaign Committee. "They can do more than just write checks" because their training and background make them persuasive spokesmen for Democratic causes. Ciresi and Bernstein "are comfortable in using populist rhetoric," Jordan said.

Victor E. Schwartz, general counsel of the American Tort Reform Association, which backs legislation to curb lawsuits, calls trial lawyer fees one of the "greatest fuel supplies" of the

Democratic Party. "They have a huge infusion of money from tobacco suits and some left over from asbestos, and there are only so many yachts you can buy, so they're investing in politics," he said.

In Minnesota, Sen. Rod Grams (R) is widely considered to be vulnerable because of his low visibility in the Senate, but the GOP is standing by to spend freely to keep him in Washington.

Ciresi faces a tough battle for the Democratic-Farmer-Labor Party nomination in a field that includes wealthy department store heir Mark Dayton and state Sen. Jerry Janezich. Janezich, a bar owner, was endorsed by the party's convention this month, but the nomination will not be decided until a September primary.

Ciresi's establishment legal and business ties do not appeal to all members of the DFL, a party that values ideological purity. In addition to his work for plaintiffs, he also represents a number of big firms, including Unocal Corp., Owens Corning Corp., Medtronic Inc., Honeywell Inc. and 3M Co.

From a headquarters sandwiched between a laundromat and an appliance store, one mile from the Capitol in St. Paul, Ciresi, 54, has been waging a campaign that plays on his humble background and reputation as a legal scrapper. A short, intense man, he lacks the easygoing charm of some better-known courtroom stars. A book about the tobacco case described his cross-examination technique as "relentless, forceful and often cynical questioning."

In the tobacco case, in which his law firm of Robins, Kaplan, Miller & Ciresi represented Minnesota, he took an enormous risk in advising the state to pass up an early settlement that would have paid about \$4 billion. Instead, he persuaded Attorney General Hubert H. Humphrey III to press for documents that would reveal a larger corporate conspiracy to cover up smoking health risks. The gamble not only paid off with a bigger recovery for the state but also produced a trove of 30 million documents that are still being used by other jurisdictions.

The Minnesota Republican Party has already given Ciresi a taste of what may be in store. In radio ads last December, it blasted his firm's fee in the tobacco case and compared Ciresi to Donald Trump and Oprah Winfrey. Ciresi responded that about half went to taxes, and noted that the firm was paid separately by the tobacco companies, rather than having the fee carved out of the state's share.

Ciresi professes to be mystified by GOP attacks on trial lawyers and says he would relish being attacked for his record of representing women with defective birth control devices, tobacco victims and U.S. companies whose patents have been stolen by Japanese competitors. "For some reason, Republicans believe that taking on those who have fought for injured people is the way to do it," he said.

Far from playing down his background, Ciresi boasts of having fought special interests to "level the playing field," a campaign message that worked well for Edwards when he ran in 1998. In a newspaper advertisement, a former client who says a defective birth control device prevented her from having children says: "Mike Ciresi was there for me. This year, I will be there for Mike Ciresi."

Ciresi's wealth has enabled him to jump-start his campaign. Through March 31, he had put up \$620,000 of his own money, almost half of the total raised. More than \$300,000 went to Northwoods Advertising, the media consulting firm that helped engineer the election of Gov. Jesse Ventura (I). But Ciresi is also tapping the trial lawyer network to provide additional cushion for a general election campaign that could cost \$8 million to \$10 million. "You start with the people you know the best. It's a terrific base to operate from," said campaign manager Robert Decheine.

Jan Hansley, former chief fundraiser and director of political outreach at ATLA, is directing his fundraising, and his list of contributors reads like a Who's Who of the nation's top personal injury lawyers.

Attorneys accounted for 247 of the 455 contributions he received in the first three months of 2000. More than 100 lawyers from Ciresi's firm have chipped in \$1,000 since he announced last fall. He also has turned to friends in the **Inner Circle of Advocates, a select group of 100 of the nation's most celebrated trial lawyers**. Large verdicts or settlements are one criterion for admission.

Along with Ciresi, the star-studded cast of Democratic members include Edwards (now on inactive status) and O.J. Simpson lawyer Johnnie Cochran, who chipped in \$5,000 to the Democratic National Committee last October. Washington malpractice attorney Jack H. Olender, another Inner Circle member, has held fundraisers for Ciresi and Bernstein.

"There may be a Republican in this group but I don't want to spend any time looking for him," cracked Chicago trial lawyer Philip H. Corboy, who sent Ciresi's campaign \$1,000 in December.

"My clients can't even pay for their prescription drugs, so it's the trial lawyers who have to pony up the money," said Inner Circle president Don C. Keenan, an Atlanta lawyer who specializes in representing families of deceased or catastrophically injured children.

Critics nonetheless flay the lawyers for their wealthy lifestyles and "windfalls" won in cases involving "tobacco, guns, breast implants and hot coffee from McDonald's." Bush has called for legislation to control "a litigation explosion" and protect against "unscrupulous lawyers" who pocket the lion's share of settlements.

But polling by ATLA suggests that the public strongly supports the public's right to sue. "Lawyers are not popular as a class, but if we help ease people's pain, we are," said Edward Lazarus, pollster for both ATLA and Bernstein. "Voters want to be for someone who fights for the little guy."

Oregon voters last month resoundingly defeated a ballot initiative--backed by doctors and business--that would have allowed the legislature to put a limit on civil damages. Trial lawyers helped finance the anti-initiative coalition, joined by lobbyists for labor, the elderly and consumer groups.

"The attempt to demonize the trial lawyers is pathetic and is not reflected in polls," said Democratic National Committee General Chairman Edward Rendell. "The public stands strongly on behalf of individuals' right to sue. Where this [tort reform issue] does resonate is with the business community."