

Attorneys Remember Largest Legal Pro Bono Project Launched After 9/11

By Annie Mayne

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There was no money, no office, no staff and no precedent for the work they had volunteered to do.

But 25 years after the Sept. 11 attacks, retired attorney Larry Stewart told Law.com he knew trial lawyers had a role to play in the tragedy as he was watching it unfold on a television in his Miami office of Stewart Tilghman Fox Bianchi & Cain.

"Everybody wanted to do something. The entire nation wanted to do something about it," Stewart said. "Well, what could trial lawyers do? Trial lawyers could step up to help these victims get some sort of justice for what had happened to them, what had happened to their families."

Within days, Stewart and others began to form Trial Lawyers Care out of the American Association for Justice (then the Association of Trial Lawyers of America).

The attorneys would go on to represent more than 1,700 claimants of the September 11 Victim's Compensation Fund—federal dollars allocated for 9/11 victims and their families to stave off mass litigation against the airlines, which received a \$15 billion bailout from the U.S. government after the attacks.

Special master Kenneth Feinberg administered the fund's awards, which could not be appealed. And though the government had set a schedule



Larry Stewart, left, and Leo Boyle, right.

Courtesy photos

on damages that Stewart said initially discouraged victims and families from seeking compensation, he and Feinberg worked to "fast track" the first 20 cases, which saw "generous" awards, Stewart said.

"When that became known, the cases started flooding in," Stewart said.

Plus, according to Leo Boyle, co-founder of Boston's Meehan, Boyle, Black & Bogdanow and one of the early presidents of Trial Lawyers Care, Stewart found a way to "bust the tables" set by the government to limit damages.

"You could have a 35-year-old stockbroker who was making X amount of money and the table would say, well that life, an unmarried person, is worth X dollars. And Larry taught everybody: you've got to talk to the manager ... and find out, was he or she going to be promoted? Was she a superstar within the ranks?" Boyle said. "Try

Credit: Carl Murray/Seattle Photography, Inc.



Kenneth Feinberg, Special Master of Sept. 11 Victims Compensation Fund, stands second from left with Trial Lawyers Care Presidents Richard Bieder, left, Larry Stewart, second from right, and Leo Boyle, right.

to make that person an individual, and not a line item on a spreadsheet. ... He taught us there is no set number for every person."

Getting that information wasn't always easy, Stewart said. Physical employment records had largely been lost in the destruction, and in some cases, Boyle said, the managers or executives with the answers were also killed.

There were also the practical issues of setting up what was essentially a specialized Big Law firm "from nothing and overnight," and, as Boyle pointed out, "nobody's getting paid."

That included finding office space, training their army of attorneys, and fundraising to bank-roll several years of complex, pro bono work.

Then there was the added pressure to "not have a mistake in a single case," Stewart said.

"What we built was the essentials of a very large, for those days, ... law firm that employed 1,100 lawyers," Stewart said. "The size of this was beyond anything that anybody had dealt with. I don't know that there were a lot of law firms, back in those days, that had 1,100 lawyers. We had 1,100 lawyers and we had to handle all

of these lawyers and make sure that they were moving their cases as quick as possible."

Stewart said the organization also fought to the government's attempt to place an overall cap on damages, and managed to get a restriction on unmarried claimants removed.

"When we pointed out that victim number one was a chaplain of the New York Fire Department who was killed running into the building, and he was gay, that was the end of that discussion," Stewart said.

After more than a decade of work, Trial Lawyers Care attorneys pulled off the largest pro bono legal effort in U.S. history, securing more than \$2.2 billion for 1,700 victims and families through an estimated \$300 million in donated legal services.

The Victims Compensation Fund reported last month it has paid out more than \$18.5 billion to some 77,000 claimants.

Boyle said it's often he and Stewart hear from attorneys who say participating in Trial Lawyers Care is among the most meaningful work of their career.

At the most recent convention of the American Association for Justice in Chicago, Boyle said he was approached by a lawyer who appeared to be in his mid-50s.

"He said, 'Twenty-five years ago, when I was a pretty new lawyer, I was wondering if I had picked the right profession. I was doing unmeaningful things for people who didn't seem particularly happy with my work, or grateful for what I was doing, and I was feeling really unfulfilled. And then this horrible thing happened on 9/11 and I saw this program where I could volunteer to represent somebody. And I did. And it was one of the most meaningful things I ever did as a lawyer,'" Boyle recalled. "What a jewel that is."