**The Public Citizen Litigation Group is the nation’s premier public interest law firm. As the litigating arm of the non-profit consumer advocacy organization Public Citizen, the Litigation Group specializes in cases involving health and safety regulation, consumer rights, access to the courts, class actions, open government, and the First Amendment, including Internet free speech. Our lawyers testify before Congress and consult with public interest advocates on legislative and administrative matters. We litigate cases at all levels of the federal and state judiciaries, including the U.S. Supreme Court.**

**Fighting Ineffective or Unlawful Agency Action**

The Public Citizen Litigation Group brings many cases under the Administrative Procedure Act to challenge agency regulations or other actions that are arbitrary and capricious or unlawful. For example, when, after 11 years of delay, the Federal Motor Carrier Safety Administration (FMCSA) failed to issue important rules intended to enhance commercial truck safety, the Litigation Group successfully sued to force FMCSA to issue the rules promptly. Then, when two of the rules issued by the agency – concerning mandatory training for new drivers – miserably failed to force FMCSA to issue the rules promptly, we sued again and forced the agency to rewrite the rules (Public Citizen v. FMCSA and Advocates for Highway and Auto Safety v. FMCSA). And when the National Highway Traffic Safety Administration (NHTSA) issued a rule to implement a law that required a device in new vehicles to warn drivers when a tire was significantly underinflated, but allowed use of devices that would not indicate when two or more tires were underinflated, the Litigation Group successfully sued to force NHTSA to issue a rule that complied with this important safety measure (Public Citizen v. Mineta).

**Supreme Court Practice**

Since the Litigation Group was founded in 1972, its lawyers have argued 51 cases before the United States Supreme Court, including four cases during the Court’s 2005-2006 term. We’ve won a majority of our Supreme Court cases. Among the most prominent are:

- **Jones v. Flowers (2006),** a victory for due process rights, in which the court ruled in favor of an Arkansas man whose house was sold by the state after a mailed notice of the impending forfeiture was returned undelivered.
- **Richardson v. McKnight (1997),** which held that prison guards at for-profit prisons, under contract with the federal government, do not have qualified immunity in suits alleging violations of constitutional rights.
- **Medtronic v. Lohr (1996),** which rejected the medical device industry’s broad claims to immunity from product liability suits and held that the Food, Drug, and Cosmetic Act does not preempt such suits.
- **INS v. Chadha (1983),** the landmark case holding that a legislative veto violates the constitutional principle of separation of powers.
- **Virginia State Board of Pharmacy v. Virginia Citizens Consumers Council (1976),** which challenged a prohibition against price advertising by pharmacies and established that commercial speech is entitled to First Amendment protection.

The Litigation Group’s regular Supreme Court practice is supplemented by its Alan Morrison Supreme Court Assistance Project (SCAP). Named for the Litigation Group’s founder and longtime director, SCAP seeks to rectify what we perceive to be an imbalance in practice before the Supreme Court.

Typically, business clients are well-represented before the Court, often by experienced Supreme Court practitioners backed by the enormous resources that large corporations have at their disposal. Litigating against them are often small-firm practitioners or others with little or no Supreme Court experience and counsel. SCAP aims to help equalize this imbalance by lending its experience and expertise in Supreme Court practice to the underdog by assisting with writing briefs and conducting moot courts.

**Consumer Justice Project**

www.consumerjusticeproject.org

The Litigation Group’s Consumer Justice Project litigates individual and class action cases to establish important precedents on behalf of consumers. Working with private consumer attorneys and other non-profit organizations, the Litigation Group’s role may include representation on appeal, amicus support, briefing on important motions, or co-counseling from the inception of a case.

**Free Speech Online**

The Litigation Group has always litigated First Amendment cases. The rapid growth of the Internet provides a new means for citizens to voice their views on a wide variety of issues, including government and corporate misconduct. We represent ordinary citizens against entities that seek to curtail or suppress the exchange of ideas and criticism on the Internet. Our attorneys have successfully defended an individual’s right to speak anonymously on the Internet in cases such as In re Jimmie Cokinos, where a county commissioner sued in a Texas court to identify an anonymous constituent who sent several e-mails criticizing him and other commissioners for allegedly wasteful public expenditures. We have also defended individuals against efforts to shut down critical Web sites that use the name of the subject of the criticism in domain names (for example, Bosley v. Kremer and Lamparello v. Falwell) or in meta tags (ServiceMaster v. Virga).
**Open Government**

The Public Citizen Litigation Group devotes a significant portion of its efforts to fighting government secrecy. The Litigation Group works to enhance public access to government-held information under the Freedom of Information Act (FOIA) and other open government laws through litigation, congressional and administrative advocacy, and the distribution of information designed to educate and assist the public in obtaining information.

The Litigation Group has litigated more FOIA cases than any other organization. We have secured from government files information about health risks, safety issues, and financial problems on behalf of other divisions within Public Citizen, other public interest organizations, reporters, and academics. For example, on behalf of Public Citizen’s Health Research Group, we successfully challenged the government’s withholding of documents concerning hazards associated with various drugs and medical devices. Among other material of significant public interest obtained through our efforts are approximately 2,000 pages of Lt. Col. Oliver North’s notebooks (National Security Archive v. National Archives and Records Administration), the report relied on by the U.S. Attorney General to exclude Kurt Waldheim from the United States (Mapother v. Department of Justice), and all but one paragraph of the government’s secret brief filed before the Supreme Court in the “Pentagon Papers” case (Sims v. Department of Justice).

In recent years, Litigation Group lawyers have devoted significant resources to litigating issues surrounding preservation of and access to electronic records. In the path-breaking case Armstrong v. Executive Office of the President, Litigation Group lawyers succeeded in establishing that electronic records generated by the White House and the rest of the executive branch are subject to federal open records laws. As a result of our litigation, in which the court agreed that executive branch e-mails must be preserved, the government released more than 3,000 e-mail records from the White House and the National Security Council.

Currently, the Litigation Group, on behalf of a coalition of historians and journalists, is pursuing a critical challenge to a Bush Administration executive order that would allow former presidents and vice presidents to block disclosure of records that should be released under the Presidential Records Act (American Historical Association v. National Archives and Records Administration).

**Class Actions**

The Litigation Group has always supported class actions in consumer and civil rights cases because they enable poor and middle-income people to combine their small claims to challenge illegal corporate and government conduct. However, class action lawsuits can be abused and harm the very people they are intended to protect when settlements allow the corporate wrongdoers to walk away unscathed and the lawyers to be compensated generously, while the injured consumers receive little or nothing. The Litigation Group has become the national leader in opposing unlawful and unfair class action settlements. From our landmark Supreme Court victory for workers harmed by asbestos (Amchem v. Windsor), and our precedent-setting challenges to settlements involving patients killed and maimed by defective heart devices (In re Telectronics; Bowling v. Pfizer) and unsafe cars and trucks (In re General Motors; In re Bronco II), to our recent victories striking down sell-out settlements that would have harmed predatory lending victims (In re Community Bank; Lopez v. Delta Funding Corp.), we have stood up for the rights of class members in more than 30 important nationwide settlements. These victories have brought about major improvements in class action law.

In addition, Litigation Group lawyers testify before Congress and federal court rules committees and participate in key bar and academic committees considering class action reforms. In this regard, the Litigation Group has helped obtain rule changes that provided better notice for class members, expanded class members’ opt-out rights, and demanded increased monitoring and disclosure of lawyers’ fees.