

# PUBLIC CITIZEN HONORS ALAN MORRISON

June 3, 2004  
Washington, DC



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# MESSAGE FROM JOAN CLAYBROOK

## PRESIDENT OF PUBLIC CITIZEN

Thirty-two years ago, Ralph Nader and Alan Morrison started a new law firm in Washington. It was a different kind of firm — one that focused not on representing clients in routine civil and criminal matters, but rather on affecting public policy, changing the law when it was unjust or unconstitutional, and pursuing justice for those who lacked political or economic power. Thus, the Public Citizen Litigation Group was born. Though the pay was low and the odds were often great, the Group attracted some of the best and brightest lawyers that our law schools turned out. These legal gladiators challenged power at the highest levels and proceeded to rack up groundbreaking court victories to overturn anti-consumer decisions by government agencies, defend constitutional principles, and gain access for the public to the inner workings of government. Since then, they have argued 47 cases in the U.S. Supreme Court and assisted private lawyers with hundreds of others. They have argued hundreds of cases in the U. S. Courts of Appeal. They have litigated more than 300 Freedom of Information Act cases. They have never stopped pursuing cutting-edge legal battles on behalf of citizens.

Justice Ruth Bader Ginsburg said recently that Alan “is the very model of what a great advocate should be. ... He represents the best of the legal profession, the most dedicated, the least selfish.” Public Citizen has been fortunate to have Alan to serve as a guiding light for the lawyers of the Litigation Group. We honor that contribution today.

## ABOUT PUBLIC CITIZEN

Public Citizen Foundation is a 501(c)3 organization that supports the education, litigation, research and public information activities of Public Citizen, Inc.—an advocacy organization established in 1971 by Ralph Nader. Public Citizen’s efforts have improved government and corporate accountability, consumer rights in the marketplace, product safety, environmental protection, fair trade, access to health care, and the availability of cleaner and safer energy sources. Through research and dissemination of vital information to the public, media and legislators, Public Citizen and Public Citizen Foundation ensure that the public’s voice and needs are heard and accounted for in the halls of power.

Additional contributions to the Alan Morrison Supreme Court Assistance Project or to Public Citizen may be made by sending a check to Public Citizen Foundation, 1600 20th Street NW, Washington, DC 20009 or online at [www.citizen.org](http://www.citizen.org).

# ABOUT ALAN MORRISON



Alan B. Morrison joined with Ralph Nader in 1972 to found the Public Citizen Litigation Group and directed the Group for almost 25 years since then. He has personally argued 17 cases before the U.S. Supreme Court — most recently *Sierra Club v. Cheney* — and has served as co-counsel at the Court in more than 100 others. His cases have included some of the most significant separation of powers cases heard by the Supreme Court, including *Bowsher v. Synar*, which resulted in the overturning of the

Gramm-Rudman-Hollings balanced budget act, and *INS v. Chadha*, in which the Court ruled the legislative veto unconstitutional. In 1990, he created the Supreme Court Assistance Project, which was recently renamed in his honor and which will be supported by tonight's event.

Mr. Morrison also has taught law students every year since he began teaching at Harvard in 1978. This year (2003-2004), he is the Peter P. Mullen Professor of Law in the Department of Government at Georgetown University and was the Irvine Visiting Fellow at Stanford Law School in 2001-2002. In addition to Harvard, Georgetown and Stanford, he has taught law at New York University, Tulane University and the University of Hawaii.

After his graduation from Yale College in 1959, Mr. Morrison served for four years as an officer in the U.S. Navy. He then graduated from Harvard Law School, was an associate at Cleary, Gottlieb, Steen and Hamilton in New York for two years and an Assistant U.S. Attorney in the Southern District of New York for four years. He served as president of the American Academy of Appellate Lawyers in 1999-2000. He currently serves as a member of the panel of Science, Technology and Law of the National Academy of Sciences and is on the boards of two philanthropic foundations.

This summer, he is joining the faculty of Stanford Law School, where he will also continue to litigate and speak out on public policy issues.

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# THE EVENING'S PROGRAM

TO BENEFIT THE  
ALAN MORRISON SUPREME COURT ASSISTANCE PROJECT

JUNE 3, 2004

**Joan Claybrook**  
President, Public Citizen

## *Welcome*

**John Sexton**  
President of New York University  
*Master of Ceremonies*

## SPEAKERS

**Laurence Tribe**  
Professor, Harvard Law School

**Fred Fielding**  
Former Counsel to President Ronald Reagan

**Sidney Wolfe**  
Director, Public Citizen's Health Research Group

**Judge Patricia Wald**  
Former Chief Judge, D.C. Circuit

**David Vladeck**  
Associate Professor, Georgetown Law School

**Nina Morrison**  
Staff Attorney, The Innocence Project

**Alan Morrison**

# ABOUT THE SPEAKERS

## JOAN CLAYBROOK



Joan B. Claybrook has been the president of Public Citizen since 1982 and is a nationally known consumer advocate — lobbying Congress and working to educate the public on a variety of issues, including consumer access to the courts, corporate accountability, automobile and truck safety, campaign finance reform, federal regulatory safeguards and open government.

In the mid-1960s, Ms. Claybrook helped draft the nation's first auto safety laws while working for former U.S. Rep. Jim Mackay (D-Ga.) and Senator Walter Mondale (D-Minn.). With Ralph Nader, she founded Public Citizen's Congress Watch in 1973. Four years later, President Carter appointed her to head the National Highway Traffic Safety Administration in the U.S. Department of Transportation, where she served until 1981. She has also worked at the original Public Interest Research Group and the Social Security Administration in the Department of Health, Education and Welfare.

Ms. Claybrook received a law degree from Georgetown University in 1973 and is a 1959 graduate of Goucher College. She is the co-author of *Retreat from Safety: Reagan's Attack on America's Health and Freedom from Harm: The Civilizing Influence of Health, Safety and Environmental Regulation*. She has received numerous awards and honorary degrees for her consumer advocacy and sits on the Board of Directors of Consumers Union, Georgetown University Law Center, Advocates for Highway and Auto Safety, and Citizens for Tax Justice.

## JOHN EDWARD SEXTON



John Edward Sexton, the fifteenth President of New York University, also is the Benjamin Butler Professor of Law and NYU Law School's Dean Emeritus, having served as Dean for 14 years. He joined the Law School's faculty in 1981, was named the School's Dean in 1988, and was designated the University's President in 2001.

President Sexton is a fellow of the American Academy of Arts and Sciences and a member of both the Association of American University Presidents and the Council on Foreign Relations. He presently is the Chairman of the Board of the Federal Reserve Bank of New York. While Dean of the Law School he was President of the Association of American Law Schools, and he was the founding Chairman of the Board of NASD Dispute Resolution.

President Sexton received a B.A. in History (1963) from Fordham College; an M.A. in Comparative Religion (1965) and a Ph.D. in History of American Religion (1978), Fordham University; and a J.D. magna cum laude (1979) from Harvard Law School.

He is an author of the most widely used legal textbook on any subject, a text on Civil Procedure. He also is the author of *Redefining the Supreme Court's Role: A Theory of Managing the Federal Court System* (a treatment of the Supreme Court's case selection process) in addition to several other books, numerous chapters, articles and Supreme Court briefs.

Before coming to NYU, President Sexton served as Law Clerk to Chief Justice Warren

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Burger of the United States Supreme Court (1980-1981), and to Judges David Bazelon and Harold Leventhal of the United States Court of Appeals (1979-1980). For 10 years (1983-1993), he served as Special Master Supervising Pretrial Proceedings in the Love Canal Litigation. From 1966-1973, he was a Professor of Religion at Saint Francis College in Brooklyn, where he was Department Chair from 1970-1975.

## LAURENCE TRIBE



Laurence H. Tribe, Tyler Professor of Constitutional Law at Harvard, has taught there since 1968, and was recently voted best professor by the graduating class, and was ranked the most admired law professor still living in a 2003 survey of 13,000 Harvard Law School alumni.

Born in China to Russian Jewish parents, Professor Tribe lived in California from age 6, entered Harvard at 16, graduated *summa cum laude* in Mathematics (1962) and *magna cum laude* from Harvard Law School (1966), and clerked for Justice Tobriner (California Supreme Court, 1966-67) and Justice Stewart (U.S. Supreme Court, 1967-68). Tenured at 28, Professor Tribe was elected a Fellow of the prestigious American Academy of Arts and Sciences at just 38.

Recipient of many honorary degrees, author of 115 books and articles, and a leading appellate advocate who has prevailed in three-fifths of the many U.S. Circuit Court cases and the 35 U.S. Supreme Court cases he has argued orally, Professor Tribe also helped draft the Constitutions of South Africa, Russia, the Czech Republic and the Marshall Islands. His treatise, *American Constitutional Law*, was named the most outstanding legal scholarship in the nation (Coif Award) and has been cited more often than any other legal text since 1950. Former Solicitor General Erwin Griswold wrote: "[N]o book, and no lawyer not on the [Supreme] Court, has ever had a greater influence on the development of American constitutional law," and the *Northwestern Law Review* opined that no one else "in American history has ... simultaneously achieved Tribe's preeminence ... as a practitioner and ... scholar of constitutional law."

Married 40 years this month, Professor Tribe and his wife Carolyn have two adult children and a granddaughter, born this past April.

## FRED FIELDING



Fred F. Fielding is a senior partner at Wiley Rein & Fielding, LLP, a Washington, D.C., and Virginia law firm of more than 250 attorneys. Mr. Fielding leads the firm's practice in the area of Corporate Services, Government Affairs, and Crisis Management/White Collar litigation, as well as providing general counseling to corporate and individual clients on a broad array of legal and policy issues. A trial lawyer by training and experience, he also has extensive experience serving as an arbitrator in international and domestic disputes.

From 1981-86, Mr. Fielding served as Counsel to the President of the United States under Ronald Reagan. He also served in the Nixon Administration as Deputy Counsel to the President from 1972 to 1974, and as Assistant Counsel to the President from 1970 to 1972.

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# ABOUT THE SPEAKERS

Continued

*His other public service has included the following:*

Commissioner, National Commission on Terrorist Attacks Against the United States (9-11 Commission) (2002-present); U.S. Designated Arbitrator, Tribunal on U.S.-U.K. Air Treaty Dispute (1989-1994); Member, Panel of Arbitrators of the International Centre for Settlement of Investment Disputes ("ICSID") (1987-97 and 2002-present); National Panel of Arbitrators, CPR Institute for Dispute Resolution (1999-present); Member, Secretary of Transportation Task Force on Air Disasters (1997-present); Member, President's Commission on Federal Ethics Law Reform (1989); Member, Committee on Long Range Planning, Judicial Conference of the United States; Chairman, Special Committee on Ethics in Government, ACUS (1988-1992); Member, U.S. Official Party - Summit of Industrialized Nations: 1985 (Bonn), 1984 (London), 1983 (Williamsburg); Member, United States Presidential Delegation to the 1986 Philippine Special Presidential Election; Presidential Envoy to Australian-American Friendship Week (Coral Sea Celebration): 1986; Commissioner, President's Commission on White House Fellowships (1981-86); Member, ABA Standing Committee on the Federal Judiciary (1995-02); Director, Bar Association of D.C. (1995-98); Chairman, Center for Democracy (1997-98); Trustee, Gettysburg College (1998-present).

Mr. Fielding is an honors graduate of Gettysburg College and the University of Virginia School of Law, where he was an Editor of the *Law Review*. He has been awarded honorary doctorates from Detroit College of Law and Pepperdine University School of Law. He and his wife, Maria, reside in Arlington, Virginia.

## SIDNEY M. WOLFE, M.D.



Dr. Sidney M. Wolfe has been the Director of Public Citizen's Health Research Group since 1971. Since 1995 he has been an Adjunct Professor of Internal Medicine at the Case Western Reserve University School of Medicine. He is currently a member of both the American Federation for Clinical Research and the Society for General Internal Medicine. His awards include receiving the MacArthur Foundation Fellowship in 1990.

He studied chemistry at Cornell University, Ithaca, New York.

His medical degree is from Case Western University in Cleveland, Ohio, and his internship and residency was in internal medicine. In 1966 he began working at the National Institutes of Health, where he did research on aspects of blood-clotting and on alcoholism.

Dr. Wolfe met Ralph Nader in Washington, D.C. at a meeting of the American Patients Association. He began advising Mr. Nader on health problems and helped in the recruitment of medical student volunteers who worked for Mr. Nader.

Dr. Wolfe then set up the Health Research Group in November 1971 and became a full-time Public Citizen employee in 1972. Some successes of the Group are:

- the banning of the drugs Ephedra, phenformin, Oraflex, Tandearil, Suprofen;
- the requirement that aspirin products have a label that warns that children and teenagers may develop Reye's Syndrome by using aspirin in treatment of the symptoms of colds and flu.



Other areas of the Health Research Group's focus include the researching and banning of dangerous medical devices such as the defective Bjork k-Shiley, 60-degree Convexo-Concave artificial heart valve; forcing a smokeless tobacco warning on labels and in advertisements; studies of medical malpractice and doctor discipline.

Major HRG publications include *Pills That Don't Work*; *Over the Counter Pills That Don't Work*; *Worst Pills/Best Pills*; *Care of the Seriously Mentally Ill: A Rating of State Programs*; *Medical Records: Getting Yours*; *Unnecessary Cesarean Sections: How To Cure A National Epidemic*; *Poor Health Care for Poor Americans: A Ranking of State Medicaid Programs*; *Women's Health Alert*, 20, 125 *Questionable Doctors* and monthly newsletters entitled *Health Letter* and *Worst Pills, Best Pills News*.

## PATRICIA WALD



Currently Judge Wald serves on the President's Commission on Intelligence Capabilities, an independent body that is examining U.S. intelligence gathering in light of the war in Iraq. Most recently she chaired the Open Society Justice Initiative.

From 1999-2001, Judge Wald served as a judge on the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, Netherlands. Prior to her tenure on the ICTY, Judge Wald was on the District of Columbia Circuit Court of Appeals from 1979-1999, and was Chief Judge from 1986-1991

where, as the first woman to ever serve on the appeals court, she was known for handling cases involving the rights of women, children and the poor. From 1977-1979, she was Assistant Attorney General, US Department of Justice, Office of Legislative Affairs. Before that she practiced public interest law as an associate of Arnold & Porter and was a member of national and local criminal policy commissions. She was a council member and Vice President of the American Law Institute from 1988-1998. She traveled and consulted with Eastern European judicial and legal organizations for the CEELI-American Bar Association. Judge Wald has authored extensive legal articles on judicial administration, women's rights, international and comparative law, legislative history, criminal procedure, juvenile law, administrative law (environmental review), judicial ethics and mental health law. Important decisions in which she has taken part include cases involving children's television programming and protest demonstrations at abortion clinics.

Judge Wald received her B.A. from Connecticut College for Women in 1948 and was a 1951 graduate of the Yale Law School. She is married to Robert L. Wald, Senior Counsel with Baach Robinson & Lewis PLLC in Washington, D.C. They have five children.

## DAVID VLADECK



David C. Vladeck joined the Georgetown University Law Center faculty in 2002. Professor Vladeck teaches courses in civil procedure, the First Amendment, federal courts and civil litigation, and co-directs the Institute for Public Representation, a clinical law program at the Law Center handling a broad array of civil rights, civil liberties, First Amendment, and open government litigation.

Before joining the Georgetown faculty, Professor Vladeck spent over 25 years with the Public Citizen Litigation Group, becoming

# ABOUT THE SPEAKERS

Continued

its Director in 1992. He has handled a broad range of litigation, including First Amendment, health and safety, civil rights, separation of powers, class actions and open government cases. Professor Vladeck has argued a number of cases before the United States Supreme Court, state courts of last resort, and over 45 cases before the federal courts of appeal. He also testifies before Congress, writes on administrative law and First Amendment issues, serves on the Council of the Administrative Law and Regulatory Practice Section of the ABA, and is Secretary/Treasurer of the Community Health Foundation of Washington, D.C. Professor Vladeck previously served as a public member of the Administrative Conference of the United States and a consultant in American law for the Institute for Liberty and Democracy in Lima, Peru.

Married over 20 years, Professor Vladeck and his wife, Mary K. Pendergast, have two sons — Joe, who just finished his sophomore year at Amherst College, and Thomas, who will attend Pomona College this Fall.

## NINA MORRISON

As a staff attorney at the Innocence Project, Nina Morrison litigates claims for access to post-conviction DNA evidence from around the nation, under both federal civil rights laws and state DNA testing statutes. She also supervises students in the Innocence Project clinic.

Ms. Morrison became a staff attorney at the Project in March 2004. From January 2002, she had served as the Project's Executive Director, supervising day-to-day management of the Project, while assisting with litigation and policy reform initiatives.

Before joining the Innocence Project, Ms. Morrison was an attorney with the firm of Emery Cuti Brinckerhoff & Abady PC, specializing in police misconduct and other civil rights litigation. From 1992 to 1995 she was an investigator with the California Appellate Project, which represented California's death row inmates in post-conviction proceedings.

Ms. Morrison is a 1992 graduate of Yale University and a 1998 graduate of New York University School of Law, where she was a Root-Tilden-Snow Public Service Scholar. In 1998-1999, she clerked for the Honorable Pierre Leval on the United States Court of Appeals for the Second Circuit.



Nina Morrison with Jagdish Chadha (left) and Alan Morrison (right) on steps of Supreme Court 1982. (Nina selected this picture herself.)

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**Spohrer Wilner**  
MAXWELL & MATTHEWS, P.A.  
ATTORNEYS AND COUNSELORS AT LAW

**Robert F. Spohrer**  
Board Certified:  
Civil Trial and Aviation Law  
Email: [rspohrer@spoernerlaw.com](mailto:rspohrer@spoernerlaw.com)

May 7, 2004

Public Citizen Litigation Group  
1600 20<sup>th</sup> Street, N.W.  
Washington, DC 20009-1001

Dear Friends:

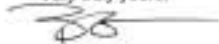
I regret that I cannot be with you on this occasion honoring Alan Morrison, but it is with great pleasure that I write to tell you of some of the successes of the Supreme Court Assistance Project (SCAP). Our small firm in Jacksonville, Florida has always felt it was part of our job to "comfort the afflicted, and afflict the comfortable". In taking on major corporations on behalf of individual victims, we often find ourselves outgunned by the defendants. On several occasions, the SCAP has partnered with us to the benefit of our clients.

In 1996, we were asked to represent Lara Lohr, a young homemaker, who was a victim of a defective cardiac pacemaker manufactured by the Medtronic Corporation. What we thought would be handled as a routine product liability case, ended up in the Eleventh Circuit and the United States Supreme Court on the constitutional issue of whether the Food and Drug Act preempted tort liability of medical device manufacturers. The SCAP, and Brian Wolfman, brilliantly handled the briefing and argument in the Eleventh Circuit and the U.S. Supreme Court, resulting in the landmark decision of *Lohr v. Medtronic*. Through SCAP's work, the courthouse doors remain open to victims of defective medical devices.

We once again turned to the SCAP, when Woody Wilner and Greg Maxwell obtained an historic verdict for an individual smoker against Brown & Williamson Tobacco Company. The \$750,000 verdict for Grady Carter sent shockwaves through the tobacco industry, which vowed that the decision would be reversed. In 2001, we sought the assistance of the SCAP and Brian Wolfman to advise us on the appellate issues. SCAP's sage advice, recommendations and editing of our briefs resulted in ultimate victory for Mr. Carter and for individual victims of the tobacco company's outrageous misconduct.

Our law firm and our clients are grateful to Alan Morrison, Brian Wolfman, and the SCAP. By partnering with you we become better advocates enabling us to get full justice for our clients.

Very truly yours,



Robert F. Spohrer

FOR A COPY OF THE SCAP LITIGATION REPORT, VISIT US AT [www.scaplitigation.com](http://www.scaplitigation.com) OR CALL US AT 904.241.1111. WE ARE A 501(C)(3) NON-PROFIT ORGANIZATION.

## ALAN MORRISON SUPREME COURT ASSISTANCE FELLOWSHIP

In the mid-1980s, Public Citizen Litigation Group Director Alan Morrison received a request to file an amicus brief in a welfare case that was about to be argued in the U.S. Supreme Court. After reading the draft brief prepared by the legal services lawyers who had made the request, two things were clear. First, the lawyers were obviously knowledgeable about the substantive issues of the case but were not very familiar with the unique nature of Supreme Court litigation. Second, the request came too late for Public Citizen to be able to provide substantial help. Ideally, we would have argued against the Court taking the case at all, thereby preserving the clients' previous legal victory. We also concluded that Public Citizen needed to develop a new approach to helping lawyers with little or no Supreme Court experience when their public interest cases reached the High Court.

The Litigation Group had the expertise to deal with this problem. Although the group had a staff of no more than 10 attorneys, lawyers in the group had by that time argued more than two dozen cases in the High Court, winning almost 60 percent of them. (By the end of the current term, we will have argued 47 cases on the merits, with a similar winning percentage.) We developed the idea to become involved in public interest cases as early as possible and to be active in seeking them out, instead of waiting for requests to come to us. We also knew that the project could not succeed unless we were clear that we were not trying to take over the case from the lawyer who had it. We would not be paid for our services unless a court awarded fees or a lawyer decided to make a donation. Our plan was to identify cases in which we might offer help right after they were filed. To do that, we needed someone to read nearly 2,000 cert petitions filed each year, identify those cases in which we might be helpful and contact the counsel to offer our assistance. We concluded that a recent law school graduate could do the job, but it took several years before we were able to secure initial funding for the position (from the Public Welfare Foundation). The fellowship began in the fall of 1990, and since then, 15 lawyers have filled the position. In October 2003, the Board of Public Citizen decided to name the fellowship for Alan Morrison, who conceived the idea and who directed the project for much of its life.

The project has been an enormous success for all concerned: It has provided invaluable services to scores of lawyers and their clients every year and has provided an opportunity each year for a young lawyer to participate in and observe public interest advocacy at the highest levels. It has continued to hone the skills of Litigation Group lawyers who provide the assistance and who, in seven cases, were asked to take over the argument from the original counsel and, in two cases, were asked to take over from prisoners who had handled their own cases.

As envisioned, much of the work of the project derives from the fellow's reading of cert petitions and in finding cases where our assistance can make a difference. Usually these cases are filed by the Solicitor General's Office, by a state attorney general, or by a major law firm with an established Supreme Court practice. There are, of course, no double-blind experiments in Supreme Court practice. But there are several cases each year in which High Court review seemed likely before our intervention, but which the Court declined to hear. As the fellows develop more experience, their roles move beyond identification of appropriate cases to researching, editing and drafting briefs in conjunction with other Litigation Group lawyers. When the Court agrees to hear cases, the fellow analyzes each one to see whether our assistance might be useful. Depending on circumstances, our help can range from participating in a moot court (we do about 15-20 a year out of about 75 cases heard), to reviewing a draft of a brief, to doing specialized research, to drafting all or part of a brief. The role of the fellow varies, but

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in every case there is a unique learning opportunity.

Salaries at Public Citizen are quite modest. Fellows who come directly from law school will be paid less than \$35,000, with small supplements for those who come from clerkships. With benefits of about 24 percent, that brings the total personnel costs per year to about \$44,000. Using a conservative 5 percent rate of return and planning to preserve principal, we will need almost \$900,000 to fund the fellowship on a sustaining basis.

Because of the number of cases in which we provide assistance every year, no sample of the cases on which we have worked could truly be representative of what we do. Nonetheless, the following will provide some insight into the kind of cases in which we have provided help.

**IOLTA Litigation** — We assisted counsel through two Supreme Court battles in upholding the validity of IOLTA programs, which provide funds for legal services programs in all 50 states against a Takings Clause challenge.

**Troxel v. Granville** — In this case, which established the right of a concededly fit mother to prevent the state from second-guessing her decision about the extent to which she wished her children to visit their grandparents, we helped write the mother's merits briefs and prepare the lawyer for oral argument.

**Connecticut v. Doebr** — We helped a New Haven solo practitioner sustain a ruling that a Connecticut statute, which permitted a pre-judgment lien on real property in collection cases before notice and an opportunity to be heard, violated her client's rights to due process.

**Devlin v. Scardelletti** — We acted as co-counsel and helped prepare lead counsel for argument, as the Court overruled most circuit courts and held that objecting class members have an absolute right to appellate review of a district court's approval of a class action settlement, a ruling that is critical to consumers wishing to challenge unfair, unlawful, or collusive class action settlements.

**Reeves v. Sanderson Plumbing** — We assisted in obtaining a reversal of an appeals court opinion that set aside a jury decision for the plaintiff in an age discrimination case. The Supreme Court ruling was a stern reminder to appellate judges of their limited roles in reviewing jury verdicts.

**Chicago v. Weinberg** — Our lawyer wrote a successful opposition to certiorari, thereby sustaining a 7th Circuit ruling that a ban on the sale of a book critical of a local sports franchise on the public sidewalks within 1,000 feet of a Chicago sports arena violated the author-seller's First Amendment rights.

## Valerie Nannery, Current Alan Morrison Supreme Court Assistance Fellow



Before I went to law school, I lived in Washington, D.C., and worked for the National Association for Public Interest Law, now known as Equal Justice Works. I passed the Public Citizen building many times on my way to and from work. I used to say to myself, "Someday, I'm going to work there." I've always thought of Public Citizen as this incredible organization that

fight for the underdog. I wanted to be a part of it.

I was extremely honored to be offered the Supreme Court Assistance Project Fellowship during my third year of law school. Even after working here for over nine months, I still can't believe how incredibly lucky I am to work here. Being the SCAP fellow has been an absolutely amazing experience.

I read the petitions in the most interesting cases in the country, many of which the Court reviews, but most of which it does not. Of course, I also read the less-refined petitions for certiorari, which are plentiful and often amusing. As the SCAP Fellow, I have been exposed to a wide variety of legal disciplines, including labor, administrative, civil rights and even tax law. My responsibilities include coordinating the assistance of the Litigation Group in some of the most important cases of this Supreme Court term. I have also had the opportunity to work on a case of my own. I have learned a great deal about the Court and Supreme Court practice. All in all, this has been an exciting and challenging experience.

But the most incredible part of this job is that I get to work with the smartest and most dedicated public interest lawyers in the country. Litigation Group attorneys argued several of the cases I read in law school. Litigation Group attorneys pulled everything they could together to make the case for not appointing Judge Bork to the Supreme Court. The attorneys in the Litigation Group continue to do some of the most important work to protect the rights of the underdog against the government and corporations at all stages of litigation. They are genuinely interested in procedural and substantive legal issues that affect the rights of the average person in this country, and they are driven to effect change for the better. Working with them is inspiring.

I started with a little story, so I will end with another one: I called an attorney in Georgia the other day to offer the assistance of the Litigation Group in helping him preserve his victory in the Eleventh Circuit against a corporation for whom his client used to work. He asked me, "Why are you interested in this case?" I told him that I thought the case presented issues that are important to workers across the country. He told me that in working on the case, he hadn't thought about how it would affect other people; he was focused on winning his case for his client. He told me that I was lucky to be able to focus on broad issues involving the public interest rather than on getting and keeping clients and fees. He asked me if he could have my job. I said, "Isn't it great? I love my job."

# LITIGATION GROUP 2004

Brian Wolfman, *Director*  
Amanda Frost  
Charlotte Garden  
Achamma Kallaraka  
Michael Kirkpatrick  
Paul Levy

Valerie Nannery  
Scott Nelson  
Brendan O'Dell  
Bonnie Robin-Vergeer  
Allison Zieve

## SCAP FELLOWS

2003-04	Valerie Nannery	1996-97	Claudia Polsky
2002-03	Michelle Host	1995-96	Karla Smith
2001-02	Bridgette Kaiser	1994-95	Alan Sun
2000-01	Tanya Bartucz	1993-94	Meredith Fuchs
1999-00	Mike Quirk	1992-93	Roger Reynolds
1998-99	Erica Craven	1991-92	Sonia Bacchus
1997-98	Tara Crean	1990-91	Lori Wallach, Rene Morgan

## A SPECIAL THANK YOU TO THOSE ATTENDING

Attendees will receive a complimentary copy of Wesleyan University Government Professor Barbara Craig's book, *Courting Change — The Story of the Public Citizen Litigation Group*.

## ABOUT THE BOOK

In the early 1990s, Wesleyan University Government Professor Barbara Craig began researching a book on what the Litigation Group had accomplished. The task proved much larger than she had imagined, but she persevered, and her book, *Courting Change — The Story of the Public Citizen Litigation Group*, will be unveiled at the dinner and a copy given to everyone in attendance. In addition to the telling of the victories (and defeats), the book is filled with personal recollections, has behind-the-scenes stories that never make the official reports and provides a real sense of what life was like at the Litigation Group, especially in the early days. The book was published by Public Citizen Press under the direction of Booth Gunter, who edited the text and oversaw production. Kristy Jackson designed the book and its cover.

## SPECIAL THANKS FOR THIS EVENT TO:

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“SOME MEN, MOSTLY WHIGS, WHO  
CONDEMN THE REPEAL OF THE MISSOURI  
COMPROMISE, NEVERTHELESS HESITATE TO  
GO FOR ITS RESTORATION, LEST THEY BE  
THROWN IN COMPANY WITH THE  
ABOLITIONIST. WILL THEY ALLOW ME AS  
AN OLD WHIG TO TELL THEM  
GOODHUMOREDLY, THAT I THINK THIS IS  
VERY SILLY? STAND WITH ANYBODY THAT  
STANDS RIGHT. STAND WITH HIM WHILE  
HE IS RIGHT AND PART WITH HIM WHEN  
HE GOES WRONG. TO DESERT SUCH  
GROUND, BECAUSE OF ANY COMPANY, IS  
TO BE LESS THAN A WHIG — LESS THAN  
A MAN — LESS THAN AN AMERICAN.”

**ABRAHAM LINCOLN**

SPEECH IN PEORIA (UNDATED)  
AS QUOTED BY CHARLES PETERS  
IN THE WASHINGTON MONTHLY, MAY, 1983



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