

01-23-2006

## Report Takes A Bite Out of Trial Lawyers

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A conservative group contends in a new report that Texas trial lawyers are sharks and that the state Republican Party is their prey.

Texans for Texas, a nonprofit organization, warns in the "shark watch" alert, e-mailed to grassroots conservatives on Jan. 16, that trial lawyers have infiltrated the Republican Party to thwart tort reforms.

In the 19-page report, illustrated throughout with pictures of sharks and brightly colored graphics, the group contends that personal-injury lawyers, including Fred Baron, John Eddie Williams and W. Mark Lanier, have quietly poured money into Republican campaigns and organizations in an attempt to drive a wedge through the Republican Party on civil justice issues.

"They [trial lawyers] covertly recruit and fund candidates for GOP primaries," the group contends in its report.

"We're just wanting conservatives to understand who's writing checks to what candidates," says Janelle Shepard, executive director of Texans for Texas and former Parker County Republican Party chairwoman.

Williams, a partner in Houston's Williams Bailey, says he has supported Republicans, Democrats and independents.

"I support people who support a system that allows trials by jury, as allowed in the Constitution, and holding wrongdoers accountable," Williams says.

But Williams says he's a little busy to be out recruiting candidates to run as Republicans, as contended in the report.

"It's mean-spirited, inappropriate and stupid," Marc Stanley, president of the Texas Trial Lawyers Association, says of the report.

"It's a moral outrage," says Wayne Reaud, a partner in Beaumont's Reaud, Morgan & Quinn. "They're trying to deny certain people the right to participate in the political process," says Reaud, identified in the report as one of the five lawyers who in 1998 represented Texas in its suit against tobacco companies, which resulted in a \$17.3 billion settlement for the state.

Eric Stratton, "Shark Watch" project director, says Texans for Texas doesn't have a

problem with all trial lawyers who contribute to Republicans, only with personal-injury plaintiffs attorneys who "promote the blame culture."

Baron, a partner in Dallas' Baron & Budd, is critical of those behind the report. "They have lowered the discourse to the gutter," he says. "That's unfortunate for everyone in Texas."

Stanley, a partner in Stanley, Mandel & Iola in Dallas, contends that insurance companies, chemical manufacturers, pharmaceutical companies and other businesses provided the funding for the report.

Shepard, a registered nurse in Fort Worth and a 25-year Republican activist, declines to identify those who paid for the report. "Nobody wants to be a target for trial lawyers," she says.

### Singled Out

Richard J. Trabulsi Jr., president of Texans for Lawsuit Reform (TLR), says his group contributes to Texans for Texas but did not participate in the "Shark Watch" project. Trabulsi praises the report, however.

"[W]e believe that the public is well served by knowing the extent to which the organized plaintiffs personal-injury bar seeks to influence public policy related to our state's civil justice system," Trabulsi says in a written statement issued in response to a *Texas Lawyer* inquiry.

Royal Masset, an Austin political consultant and former political director for the Republican Party of Texas, is critical of the report.

"In all my life in politics, I've never seen anything so destined to fail," Masset says. "We're going to have to bend over backward to apologize to trial lawyers."

Shepard downplays Masset's criticism. She notes that the report — found online at [txsharkwatch.org](http://txsharkwatch.org) — is critical of Masset's clients.

The report "exposes" Republicans who accepted campaign contributions from Baron, Lanier and Williams, contributors to big-name Democrats. According to the report, trial lawyers bankroll liberal Democrats "while dangling bait before select Texas Republicans" whom the lawyers believe will do their bidding to stop tort reforms.

State Rep. Toby Goodman is one of the Republican legislators identified as a recipient of contributions from Baron, who also contributed to Democratic presidential candidate John Kerry.

"I would like to think anybody who gives me money thinks I'm doing a pretty good job, regardless of whether they agree with me," says Goodman, a partner in Goodman, Clark & Beckman in Arlington.

"Just because trial lawyers are giving me money doesn't make me less of a Republican," Goodman says. "I think it's trash talking. They need to get a life."

In response, Shepard says of Goodman, "Here's a man who may not be thinking principles; he's thinking personalities."

The report criticizes state Sen. Jeff Wentworth, R-San Antonio, for accepting trial lawyers' contributions and opposing Proposition 12, the constitutional amendment that voters narrowly approved in 2003 to authorize caps on non-economic damages in medical-malpractice cases.

Wentworth, of counsel at San Antonio's Loeffler Tuggey Pauerstein Rosenthal, describes himself as a conservative Republican and says he still believes Proposition 12 was a mistake.

"It gives the Legislature in any future session the freedom to extend caps on liability on damages," he says. "The courts are no longer open to everybody."

The report also criticizes state Rep. Robert Talton, R-Pasadena, senior attorney at Houston's Woodfill & Pressler, for opposing tort reform legislation.

"Robert Talton won't let people in his office who want to talk to him about tort reform," Shepard maintains.

But Talton says, "I'm one of the top conservatives in the House."

In the 2005 session, Talton proposed legislation that would block gays and lesbians from becoming foster parents. Talton won House approval of the proposed ban as part of a bill overhauling the state's Child Protective Services, but the proposal died in a conference committee.

Texans for Texas is asking Republican candidates to take a pledge not to accept campaign contributions from trial lawyers. The group also is asking candidates to pledge that they won't work for trial lawyers' firms and that their family members won't work for such firms either. If a candidate's family member is employed by a trial lawyer, the group asks that the candidate pledge not to be influenced by the family member.

At least one GOP candidate has already disassociated himself from a political action committee that received contributions from trial lawyers. Rich Phillips of Austin, a candidate for the District 47 seat in the Texas House, announced on Jan. 17 that he had declined to accept an endorsement by the Texas Family Values PAC that Lanier created and funds. Plaintiffs attorney Walter Umphrey, a partner in Beaumont's Provost \* Umphrey, contributed \$12,500 to the Texas Family Values PAC in 2004, according to the Texans for Texas report.

Umphrey did not return a telephone call seeking comment before presstime on Jan. 19.

Lanier says the report mischaracterizes him.

"I was a Republican long before I was a trial lawyer," says Lanier, who founded the Christian Trial Lawyers Association in 2004 and teaches a Sunday school class.

Then he should stop giving money to U.S. Sen. Hillary Rodham Clinton, D-N.Y., Shepard says.

Lanier, founder of the Lanier Law Firm in Houston, says he gave \$1,000 to Clinton's campaign so he could have a face-to-face meeting in which he tried to persuade her to his way of thinking on issues.

The report includes a photo of Lanier with the caption, "How can I break Merck to enrich myself?" The text refers to the \$253.5 million verdict that an Angleton jury returned in August 2005 in Carol A. Ernst, et al. v. Merck & Co. Inc. The verdict, which favored Lanier's client, came in the first suit involving the painkiller Vioxx, manufactured by Merck & Co.

Lanier points out that Texas Attorney General Greg Abbott, a tort reform supporter, filed a suit against Merck. "Is he a shark?" Lanier asks.