

Sound Judgment: 9/11 Responders are Lucky to have Judge Alvin Hellerstein

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## **DAILY NEWS**

Finally, after almost nine long, painful, shameful years, someone has stood up for the rights and the well-being of the Forgotten Victims of 9/11.

Manhattan Federal Judge Alvin Hellerstein courageously served justice by refusing to sanction the wholly inadequate settlement offered to 10,000 people who have claimed they were sickened at Ground Zero.

His decision was also a stunning rebuke to the attorneys who asked their clients to accept far less than they deserved while gouging them for outrageous legal fees.

Only last week, lead lawyer Marc Bern went ballistic at the mere suggestion that Hellerstein could trim his bonanza. Now, fury will likely target all the lawyers – from clients burning with a sense that their attorneys made a shambles of this mass litigation and tried to take an anticipated \$200 million and run.

After listening to a number of sick rescue and recovery workers, Hellerstein nailed three points:

First, that the \$657 million offered to the claimants if they unanimously accepted the deal, and the \$575 million they would split if 95% bit, fell far short of fairness.

Second, that lawyers grossly overreached by demanding one-third of all recoveries, plus costs.

Third, that the settlement proposal was a convoluted mishmash that gave claimants absolutely no way to figure out how much money any one individual stood to receive.

“I will not preside over a settlement that is based on fear or ignorance,” Hellerstein said.

One good measure of how lacking the proposed settlement was is the certainty that City Hall would have leaped at the deal had the plaintiffs’ lawyers offered it, oh, three years ago.

Another good measure is that the average payout would have been in the \$40,000-to-\$60,000 range – a piddling amount compared with the average injury award paid by the 9/11 victims’ compensation fund before it closed: \$392,000.

The long-term solution is that Congress must reopen the fund under legislation that is inching through the House. In the short term, Hellerstein must remain the fair guardian of

the interests of thousands of people who now have grounds to question whose side their attorneys are on.

As a first step, as we have urged, the judge should require Bern and partners Paul Napoli and David Worby to provide a full public reckoning as to the merits of those 10,000 cases. No one knows how many are legitimate and how many specious.

Hellerstein should insist that, after five years of litigation, the time has come for the lawyers to stop waging the fight based on the quantity of cases rather than on their quality.

Yesterday, he told them to start getting real. They have much further to go.