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Two women walk through nearly empty and ash-covered streets shortly after the World Trade Center towers collapsed in New York, Sept. 11, 2001.

Real estate lawyer recalls race to keep Sidley running after 9/11 attacks

By Laurinda Keys
Daily Journal Associate Editor

Alan S. Weil now goes to work on the 60th floor of 1 World Trade Center — in the rebuilt complex where, 25 years ago this week, his former law firm's New York offices were destroyed in the Sept. 11 terrorist attacks.

Weil, now a partner and head of real estate at Al-native Norm Law LLP, was head of Sidley & Austin's New York real estate practice on Sept. 11, 2001. Sidley had merged with New York securities firm Brown & Wood four months earlier and was preparing to move its remaining Midtown lawyers into Brown & Wood's offices in the World Trade Center's North Tower.

On that morning, Weil was at 875 Third Avenue — the firm's Midtown Manhattan office.

A colleague came into his office to tell him a plane had just hit one of the towers. What followed turned personal almost immediately.

Weil and other attorneys and staff gathered in a conference room to watch the disaster unfold on television.

"One woman who worked in our accounting group — her husband worked for Cantor Fitzgerald, which was

on like a 100-something floor of one of the towers — and when the second plane hit, she was in the conference room at the time and she was very, very upset, obviously. She saw her husband killed. She was taken care of by other Sidley people, but that was a very sad moment obviously."

Cantor Fitzgerald, the bond brokerage whose offices sat atop the North Tower, lost more employees that day than any other single company in the attacks — 658 of its 960 New York employees.

As the towers fell on live television, Weil said, the scale of what the firm faced became clear. Sidley had planned after the merger to consolidate its New York operations at the World Trade Center and had recently arranged for additional floors there.

"Once I saw the towers go down, I mean, I knew immediately that we would have to find a way," Weil said.

The lease at 875 Third Avenue was due to expire because the firm had planned to leave the building within weeks, if not days, of Sept. 11. By chance, the Midtown office that would become its emergency headquarters had not yet been vacated.

"We needed to find someplace for people to be, to

See Page 3 — AFTER

Trial lawyers united after 9/11 to help victims obtain compensation

By Laurinda Keys
Daily Journal Associate Editor

Two days after the Sept. 11 attacks, with commercial airplanes grounded and Americans still trying to comprehend what had happened, leaders of the nation's trial bar took an extraordinary step for an organization of litigators: They asked lawyers not to sue.

David S. Casey Jr., then vice president of the Association of Trial Lawyers of America, remembers the emergency conference call that led to the appeal.

"We were in uncharted territory, and the purpose of our call was to ask what we could do," said Casey, a partner at CaseyGerry in San Diego. "We made a decision two days out to issue a press release asking no lawyers to file any litigation arising from this in the country."

"It was a terrorist attack," he said, "and it would be improper, at that point, before more information was known to have any lawsuits filed."

The appeal was reported across the nation and read on the floors of the House and Senate, Casey recalled.

Within days, the trial lawyers' response would become much more ambitious. Casey and other leaders helped support legislation creating a federal compensation system for those killed or physically injured in the attacks, then organized a nationwide pro bono effort that eventually enlisted more than 1,092 lawyers to represent victims and their families for free.

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DAVID S. CASEY, JR.

'Our No. 1, 2, and 3 concerns were helping those families. They lost their loved ones as a result of a terrorist act.'

9th Circuit asks state Supreme Court to resolve major Prop. 103 insurance dispute

By Craig Anderson

The federal appeals court cer-

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PERSPECTIVE | GUEST COLUMN

Justice Cruz Reynoso . . . You're in the Army now

More than 1,000 lawyers joined unprecedented pro bono compensation effort

Continued from page 1

The September 11th Victim Compensation Fund was created as part of the Air Transportation Safety and System Stabilization Act, which President George W. Bush signed Sept. 22, 2001. The fund provided a no-fault alternative to litigation, administered by a special master, for those killed or physically injured in the attacks and their immediate aftermath.

Casey said the effort was driven by two urgent and intertwined problems: compensating victims and stabilizing an airline industry whose insurers faced potentially enormous liability.

The day after the trial lawyers issued their appeal against lawsuits, Casey said, association leaders learned that American Airlines and United Airlines had limited insurance coverage available for claims arising from the attacks and that uncertainty over liability was preventing reinsurers from returning to the market. Airplanes were not going to be able to resume flying.

"We had to move quickly," Casey said.

The trial lawyers agreed to support limited liability protections for the airlines if Congress created a fund to compensate victims, he said.

"We wanted it to be quickly done. We wanted it to make a difference for all the families," Casey said.

The proposal moved with a speed Casey said he has not seen since.

"We came up with the idea. It was drafted overnight into legislation, and it passed through the House and the Senate, and was signed by the president within ... days," he said. "I think it was the fastest legislation I've ever seen in my life."

But creating the fund was only part of the lawyers' response.

The association's board decided its members should represent claimants without collecting fees, Casey said, because lawyers should not profit from a national tragedy.

"I felt, as trial lawyers, we should be giving back," he said. "Firefighters put their lives at risk, and I thought, this should not be something we financially benefit from."

The result was Trial Lawyers Care, an organization that recruited 1,092 volunteer lawyers to represent 1,745 individuals pursuing compensation, according to figures Casey provided. Their clients received \$2.258 billion in awards, he said.

The undertaking proved far more complicated than Casey had anticipated.

Claimants came from approximately 40 countries and

35 states, he said, forcing lawyers to master differing laws governing inheritance and who could recover for a death.

"In certain countries, cousins have a right to be compensated for the death of the cousin," Casey said. "In certain states, at that time, gay couples had rights, and not in others."

Trial Lawyers Care compiled what Casey described as a sui generis reference book covering probate and inheritance laws across scores of jurisdictions.

The organization also raised millions of dollars to hire staff and build a system for tracking cases being handled by lawyers who still had their own practices.

"You can imagine having a team of 1,000 lawyers working for you," Casey said. "You want to make sure everything was handled at the highest standard, and nothing was missed."

Casey was particularly concerned about deadlines. Missing one could cost a family its right to compensation.

"I monitored that on a daily basis, and I'm happy to say all the claims were filed, and not one was missed," he said.

Lawyers were not the only professionals who volunteered. Economists and other experts donated their services, allowing awards to go entirely to families rather than professional fees, Casey said.

He remembers representing a widow with three children who received a substantial award.

"Not one cent went to attorney fees, not one cent went to experts. It all went to the family," he said.

See Page 6 — MORE

After 9/11 destroyed offices, real estate tie proved crucial

Continued from page 1

continue our business in New York, and it was hundreds of people, hundreds of lawyers," Weil said.

Weil's real estate contacts quickly became part of Sidley's emergency response. He called Robert Selsam, then a senior vice president at Boston Properties, the landlord at 875 Third Avenue.

"I had done other transactions with him — not representing them, but representing parties doing business with Boston Properties," Weil explained. "I had Robert's phone number, and I called him. After we talked about the attack, he expressed concern for our employees at the World Trade Center. I said, 'Robert, we need space, and we need a place to run our business. Do you have space in 875 that we could take on?'"

Selsam told Weil that Sidley could take additional space at 875 Third Avenue that another law firm had vacated, and that had not yet been leased. The space was already built out for legal use.

Hogan & Hartson also agreed to delay until early 2002 its move into the offices Sidley had been planning to vacate.

Now Hogan Lovells, the firm remains in that space today.

Contractors contacted by Sidley's administration were on-site within a day or two, running cable and setting up equipment, Weil said.

"It's true it wasn't comfortable. People were doubled up and tripled up in offices, but at least we could operate," Weil said. "It paid to be aware of the market. That was some of it, and it helped that — as years go by, being a real estate lawyer in New York, the world of real estate gets smaller and smaller,

even though New York is a big

The emergency rental and orally by both sides, Weil said.

Sidley's only employee killed Smith, a switchboard operator World Trade Center bombing; same offices despite her fears. (said in contemporary reports, s warding emergency calls as oth

Weil recalled that Brown & V John Connelly, "did a full sweep-out" and surmised that Smith m ting down the 57 flights.

Weil later became Sidley's gl

retired at the end of 2003. He jo

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years ago.

"I'm sitting on the 60th floor a

ried," he said. "If I thought, in m

a job and working on the 60th flo

created a significantly greater

place, I wouldn't have taken it."

He said Sept. 11 changed ho

less in his legal work than in his

evacuation procedures.

"Safety and risk ... instruct

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Weil also remembers Sept. 11

& Austin and Brown & Wood

months before the attacks.

"I have a distinct recollection

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laurinda_hey@dailyjournal.co



Firefighters on a street near the World Trade Center

New York Times News Service

The man who approved 9/11 victims' checks paid a price

By Ephrat Livni

New York Times News Service

The lawyer who became the public face of the Sept. 11 victims' compensation fund will not be attending any memorials on the 25th anniversary of the attacks. He has kept his calendar clear. Deliberately.

"It was a singular moment in time," says Kenneth Feinberg, who is nearing the end of a half-century law career. "It was very debilitating and very difficult, and I'm simply not comfortable with any public demonstration. I would rather honor the memory privately. I would rather reflect."

Reflecting on the events of that day is what Feinberg has done pretty much every day for the past quarter-century. That can make talking to him somewhat akin to engaging with an ancient Stoic philosopher, albeit one prone to proclaiming about the vagaries of fate and fortune in a pronounced Massachusetts accent.

"I look in the mirror and I say, 'Bad things happen to good people every day,'" he says.

That is a common refrain now for Feinberg, who became intimately acquainted with death, disaster and loss in his role as special master of the federal fund set up to compensate victims of the 2001 terrorist attacks. He spent nearly three years talking to grieving family members, people whose lives had changed irrevocably in an instant.

It profoundly transformed his personal understanding of existence, he recounted over the course of several interviews in Washington and New York between December and August.

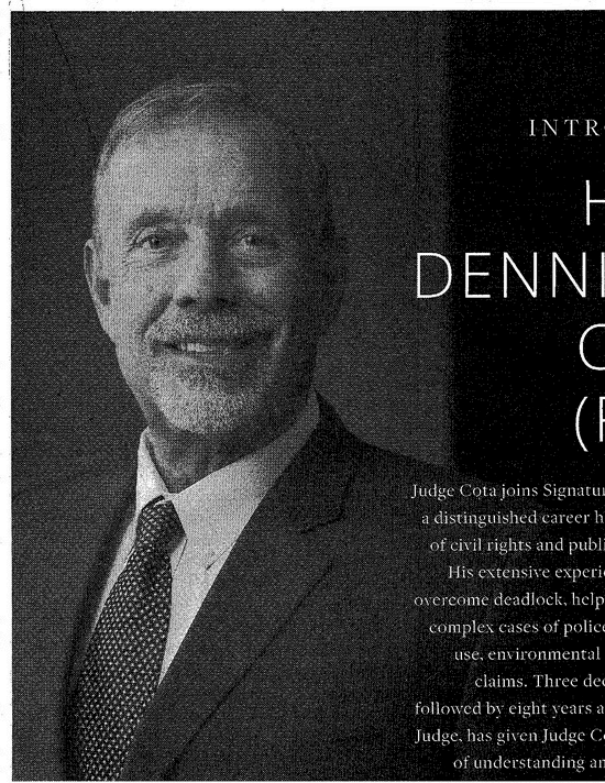
"You learn one very important lesson, at least: Time is the enemy," he says. "You cannot outfox time. And you better live every day like it may be your last."

Nearly 3,000 people were killed and about 2,400 others wounded on the day of the attack, when terrorists from al-Qaida hijacked four planes. They crashed two into the twin towers of the World Trade Center in New York and one into the Pentagon. The fourth crashed in rural Pennsylvania.

Like many people around the world, Feinberg had watched on television as the towers fell and the Pentagon burned, but his view from afar did not last long. Less than two weeks after the attacks, Congress approved a fund to compensate victims, and Feinberg was asked to oversee it.

He took on the job voluntarily, seeing it as an opportunity to be of service in a time of national need, he says.

The compensation fund was created to stave off lawsuits against the airlines whose planes had been hijacked. Litigation could have bankrupted them. If the airlines had



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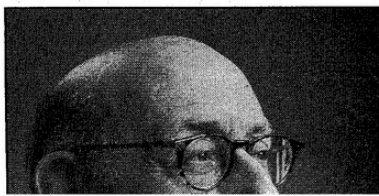
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More than 1,000 lawyers joined unprecedented pro bono compensation effort

Continued from page 3

The cases were decided individually by special master Kenneth R. Feinberg or his designees, who heard evidence about each victim and family.

By June 2004, the original compensation program had completed its work. Casey said the speed stood in stark contrast to mass tort litigation he had handled, including the Exxon Valdez litigation, which stretched for decades.

"In many of the cases we handle, you may go on five or 10 years," he said. "It was very gratifying for the families we represented in the healing process for them to get quickly compensated and to be able to move on in their lives."

For Casey, one of the most enduring memories is of recruiting lawyers for the effort.

At one meeting, he showed prospective volunteers a video of a woman whose two sons worked at Cantor Fitzgerald in the World Trade Center. Initially, she had hoped they had escaped.

"A few days afterwards, there was a big blowup of the photo of the tower in The New York Times, and she could actually see them sitting on a ledge, and then she knew they didn't make it," Casey said.

"I think after I played that video, we had 50 lawyers volunteer that day," he said. "These were very emotional cases to handle."

The original fund was aimed principally at those killed or physically injured in the attacks and their immediate aftermath. It closed before the long-term consequences of exposure to World Trade Center dust became fully apparent.

Congress reactivated the Victim Compensation Fund under the James Zadroga 9/11 Health and Compensation Act in 2011, expanding eligibility for people with 9/11-related illnesses. Congress permanently authorized the fund in 2019 and appropriated whatever money is necessary to pay eligible claims through

a filing deadline of Oct. 1, 2090. Today's program covers not only first responders, but people who lived, worked, attended school or visited in the New York City exposure zone and later developed qualifying physical illnesses.

The continuing health consequences received renewed attention this week. New York City on Tuesday released more than 170,000 pages of previously unavailable records concerning air quality, health concerns and the city's response following the attacks. The release includes records that had been sought for years by advocates for people suffering from 9/11-related illnesses.

Casey said he has not reviewed the newly released material and declined to offer an opinion about whether it could support additional legal claims.

"I want to be very careful that I don't give opinions beyond what I really do know," he said.

The long-term illness cases were outside the work Trial Lawyers Care undertook, Casey said. The lawyers focused on quickly compensating those killed or immediately injured while leaving avenues open for people whose illnesses emerged later.

The original fund also presented the trial lawyers with a philosophical problem.

Casey and his colleagues understood that they were helping establish a model that governments and defendants might seek to use in later mass torts — potentially replacing individual lawsuits with administrative compensation systems.

"We knew when we did this that it was going to set up a paradigm that might be adopted in later cases," Casey said.

For trial lawyers accustomed to insisting that injured people retain access to courts, that carried a risk.

"Traditionally, we're very much in favor of each individual being able to go forward and seek their day in court," Casey said. "And there's nothing wrong with compensation funds as long as you

still have access to justice through the regular court system."

But in September 2001, he said, the concern about precedent was secondary.

"Our No. 1, 2, and 3 concerns were helping those families. They lost their loved ones as a result of a terrorist act," Casey said. "And I know for a fact that everybody involved at the leadership level would do that instantly again."

Twenty-five years later, Casey still feels a connection to the people the volunteer lawyers represented.

"I've been back to the memorial, and I look at the names on there, and so many of them, we represented them," he said.

The work also changed the lawyers, he said. Over the years, Casey has spoken with many who volunteered for Trial Lawyers Care.

"Without exception, everyone says it was the most special experience in their legal career," he said.

Casey said the effort also had an effect that its organizers had never intended: It changed, at least for a time, the way the public viewed trial lawyers.

"When we set up this program, I started getting honored by all these different groups for what we did," he said. "It was not something I sought out. I wasn't the only one."

Lawyers across the country were recognized in their own communities for donating their time, he said, showing what the profession could accomplish when its members put aside competition and financial interests.

For Casey, that may be the most enduring lesson of the legal profession's response to Sept. 11.

"When they have an opportunity to give back in their practices on a pro bono basis, it's kind of a win, win, win," Casey said. "It was a win for the client. It was a win for them, personally, and it really can be a win for lawyers and how they're viewed by the public."

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The man victims'

Continued from page 3

At home, he noted, the offer of money incensed some people who seemed to believe that their government wanted to buy their silence or that it was dismissive of their pain.

Feinberg was chosen to administer the fund because he had become known as a mediator skilled at resolving complex disputes. In 1984, he handled the \$180 million settlement between Vietnam War veterans and manufacturers of the toxic herbicide Agent Orange.

But in a country so traumatized by the attacks, Feinberg was unprepared for what lay ahead.

Some of the tensions came within the territory. It was Feinberg's job to make decisions about how much people would be compensated. The amounts were based on how much they would have earned working in a lifetime.

But some families felt the message of that calculus was that some lives were worth more to society than others. And some found Feinberg unfeeling, even arrogant.

He now says that he made mistakes and that he has some regrets. He quickly discovered his own limitations, he says.

A spiritual leader might have been better equipped for the meetings with families, he says. They could have offered the kind of solace a lawyer could not. The survivors, he says, needed someone to urge them to stay strong. All he had to offer were dollars.

For the fund to succeed in preventing lawsuits, it had to persuade a majority of eligible claimants to accept compensation. To accomplish that, over time Feinberg says, he learned to stop talking as much and to start listening more.

Ultimately, about 97% of the relatives of the dead and many of those injured on Sept. 11, 2001, agreed to