

PRO BONO

TLC AFTER 9/11

BENJAMIN BUNN, KEN TUREK, AND THE SAN DIEGO LAWYERS WHO HELPED THE FAMILIES OF 9/11 VICTIMS BY NYSSA GESCH

Ten years ago, with the country still reeling from the 9/11 attacks, the Association of Trial Lawyers of America (ATLA, now the American Association for Justice) sent out an email request for volunteers to represent families of the victims. The organization managed to get more than a thousand responses. In one business day.

"After 9/11, we're looking around saying, 'What can we do to help?' And it was just such a natural for us as trial lawyers to step in, doing what we know how to do, and to help these families," says Benjamin Bunn, a partner at Hulburt & Bunn.

The incoming president of the Consumer Attorneys of San Diego for 2002, Bunn made it a priority to reach out to San Diego law firms and encourage them to get involved. "[ATLA] basically set up this pro bono, nationwide law firm, if you will, this effort called Trial Lawyers Care [TLC], to get trial lawyers from across the country to step in and help represent these families for free," Bunn says. It was the largest pro bono effort in history.

"Everybody wanted to make a difference," Bunn says. "That's the overall thing. Nobody did it for the press. Nobody did it to bring attention to themselves."

While Californians were affected by 9/11, Bunn's group specifically asked to represent families in the area of the attack to alleviate the burden on New York and D.C. attorneys. This meant a larger time commitment than normal because of the coast-to-coast travel involved.

"They were still cleaning up the site," Bunn says of his first trip to New York. "We went, obviously to ground zero, and there were still photos and flyers and people still looking for [missing] family members. ... There was still that huge sense of tragedy."

Bunn, along with law firm partner Chris Hulburt, took on three cases for TLC. Like other wrongful death suits, he had to develop the complex economic side of the case while paying special attention to the emotional aspects. "The emotional side you needed to understand because you wanted the family to know they were getting the best representation possible," says Bunn.

Roseanne Celic's husband, Tom, worked at Marsh & McLennan, in Midtown Manhattan, but the morning of 9/11 he had a meeting at the World Trade Center. "Instead of driving to our offices," says Celic, who also worked in Midtown, "we took the Staten Island Ferry in. We kissed goodbye. He said, 'I'm going to get a haircut,' and then when I was at work, someone called me. ... I, in denial, was thinking—my husband was a marathon runner—he's going to run down those stairs and that was going to be the end of my story. But that's not how things worked, obviously, for anybody." She never saw him again. His remains were never recovered.

"When the victim's compensation fund emerged," Celic says, "I chose to apply for it and got this pile of papers that just was incredibly overwhelming. I really, quite honestly, didn't know what to do with it."

Around the same time, Marsh & McLennan sent out an email about Trial Lawyers Care, and Celic quickly contacted the organization. "The next thing I know," she says, "Ben and Chris were assigned to me from San Diego. I thought, 'How in the world are these guys going to be able to handle something that happened in New York? They're an entire country away from me.'"

When presenting the piles of documents she'd painstakingly photocopied to the attorneys, Celic was surprised at their response. "They said, 'You know what? We're going to handle that another day. We'll bring that back to San Diego. We want to know about your life with Tom and what kind of guy Tom was,'" Celic says. "Our first meeting was probably me sobbing as I was



Turek, left, gave the presentation for rescue firefighter Lt. Peter Martin before Bunn (back, middle), Special Master Kenneth Feinberg (back, right), Martin's widow, Alice, and her three children, in December 2002. "It was one of the most powerful things you've ever seen in your life," Bunn says.

telling them about how I met my husband, what he did for a living, what kind of a guy he was, how he loved his parents—all these things that I just did not expect to be doing meeting with lawyers.

"I came away from that meeting quite dumbfounded, actually. I thought, 'That's great, they took an interest, but now they're going to have to call me about all of this paperwork.'"

That call never came. "They never actually asked me too many questions about that. They were more interested in what I had lost. Not in a monetary sense, but what I had lost in my life and how my life had changed," Celic says. "Yes, he was probably going to be worth X number of dollars, but they wanted to know how my missing him, how my loss was going to affect me more than how the money issue was going to affect me."

"It was such a personal touch with them that it almost wasn't even a legal issue," she continues. "There'll always be a special place in my heart for them and what they did for me."

On Dec. 10, 2002, just two weeks before Christmas, the first hearings for the fund were held in front of Special Master Kenneth Feinberg, who would determine the amounts each applicant would receive, in his office in New York City. Bunn, representing Celic, was there. "It was such an amazing energy there," Bunn says. "You had the leadership of ATLA there, and you had these five or six families that were there that day, really trying to pave the way for everybody else."

The hearings left no one unaffected. During a Saturday hearing, with Bunn present, Ken Turek, a partner at Endeman, Lincoln, Turek & Heater, presented the case of Lt. Peter Martin, a rescue firefighter out of Brooklyn who had died while trying to help after the attack. "The rescue firemen are kind of the Green Berets, the elite, if you will, of firefighters in New York that responded," Turek says. "He was up in the first tower that fell."

Turek gave his presentation as the lieutenant's wife, Alice Martin, and her three sons, aged 6, 9 and 13, looked on.

"I hope I can be that strong in moments of grief," Turek says of Martin. "She just said that, 'We always kind of

prepared ourselves for this, both Peter and me, that there could be a time when he doesn't come home and we lived our lives that way. And it came true and I just have to deal with it.' And she was just very strong and the boys were ... They had these haircuts, just combed over on the side with a little wave in front. ... They all had jackets on and ties. Just thinking about it brings tears to my eyes. They were just so well-behaved."

The scene was moving for everyone. "It was a very poignant moment when I finished and [Feinberg] turned to the boys," Turek says.

"He just looks at those boys," Bunn, picking up the story, remembers, "and he said, 'Your dad would have been so proud of you for being here today.' ... He gave these boys such a beautiful little talk and he says, 'This fund is for this family. We're going to take care of you guys.' Everybody is bawling at this point. It was one of the most powerful things you've ever seen in your life."

Bunn estimates that about 30 San Diego lawyers took on 40 total clients or cases. The average result for the San Diego claims was approximately \$2.5 million.

The effect of the experience went beyond just the practice of law, says Turek. "It affects your life. Because it does a couple of things. Number one, it helped me become a better father. ... It just showed to me the impact that a person can have on their children's lives," Turek says. "And I think it made me more look at the practice in a human way than before. ... The practice of law can get very analytical and cold sometimes. Law school doesn't always bring out the human in us. It sometimes does the opposite. So I think it just made the practice of law come a little bit more from my heart than from my head. And that still remains to this day."

"I don't want to make it sound like they were angels sent from heaven," Celic says of Bunn and Hulburt, "but in a way they were. They took all the burden off of me, who was still in shock, and I'm sure [off of] the other people they worked with. We didn't have to deal with all this paper and all these questions. It was a blessing—it really was—to have that." ■