



City Attorney Dennis Herrera News Release

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Deputy City Attorneys Clements, Bernstein earn ‘2014 Trial Lawyers of the Year’ honors

*Herrera praises Public Justice award-winning work on landmark lead paint case that
‘will make a lasting difference to protect the health of children for years to come’*

SAN FRANCISCO (Aug. 4, 2014)—Two deputy San Francisco city attorneys won “2014 Trial Lawyers of the Year” honors last week from Public Justice, one of the nation’s pre-eminent public interest law firms for victims of corporate abuse. The annual award, which was presented at the Public Justice Gala and Awards Dinner on July 27 in Baltimore, Md., recognized Owen Clements and Erin Bernstein among the multi-jurisdictional legal team that last year won a \$1.15 billion judgment against three paint manufacturers for knowingly creating a public nuisance in California by selling lead-based paint for years before it was finally banned in 1978. San Francisco stands to receive \$80.5 million to fund lead paint remediation efforts citywide as its share of the award, assuming the judgment withstands appeal.

“I’m proud of the important work done by everyone in the San Francisco City Attorney’s Office every day, but it’s especially gratifying to see deputies recognized by their peers nationwide for an award as prestigious as Public Justice’s Trial Lawyer of the Year,” said Herrera. “Owen Clements and Erin Bernstein are enormously talented, highly dedicated public servants, and they both deserve this honor for their excellent work on an incredibly complex case. Unfortunately, only lawyers are eligible for Trial Lawyer of the Year awards. And as Owen and Erin have said, we could never have even gotten to trial without the contributions of our outstanding paralegals—especially Colleen Dietterle, Shayne Gilbertson, and Shinobu Ichino. They all deserve praise, and their work on this case will make a lasting difference to protect the health of children for years to come.”

In 2000, 10 California cities and counties sued several of the country’s largest paint manufacturers to hold the businesses accountable for promoting the use of lead paint in homes, even though its dangers to children had been well known for decades. Each year, tens of thousands of California children are afflicted with blood lead levels exceeding the Centers for Disease Control and Prevention’s threshold, according to the news announcement of the award from Public Justice, and

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public health experts are in virtually unanimous agreement that the principal cause of lead poisoning in children is the lead paint in their homes. The only way to prevent lead poisoning in children is to remove or remediate the paint in children’s environment before a child gets poisoned.

Though paint manufacturers denied the existence of any lead paint nuisance, CDC criteria showed an additional 10,875 lead-poisoned children in 2009 in 10 California cities and counties. Many are low-income, minority children who live in older homes with lead paint. After a 13-year legal battle that culminated in a seven-week trial, the legal team won a landmark \$1.15 billion judgment for lead paint abatement against three of the major paint manufacturers. On Dec. 16, 2013, Santa Clara County Superior Court Judge James P. Kleinberg ruled that ConAgra, NL Industries and Sherwin-Williams had created a public nuisance by selling lead-based paint for decades before it was banned in 1978, were liable for the public nuisance their products caused, and had to fund an abatement effort run by the State of California to pay for inspections and lead removal in tens of thousands of homes.

Apart from Clements and Bernstein of the San Francisco City Attorney’s Office, co-counsel on the case who were additionally recognized with Public Justice’s “2014 Trial Lawyers of the Year” award were: Danny Chou, Greta Hansen, and Jenny S. Lam of the Santa Clara County Counsel’s Office; Rebecca Archer of the San Mateo County Counsel’s Office; Solano County Counsel Dennis Bunting; Paul Prather of the San Diego City Attorney’s Office; Robert Ragland and Andrea Ross of the Los Angeles County Counsel’s Office; William M. Litt of the Monterey County Counsel’s Office; Andrew J. Massey of the Alameda County Counsel’s Office; William E. Simmons of the Oakland City Attorney’s Office; and Eric J. A. Walts of the Ventura County Counsel’s Office. Also recognized from private co-counsel were: Fidelma Fitzpatrick, Bob McConnell, Michaela Shea McInnis and Jonathan D. Orent of Motley Rice; Joe Cotchett, Nancy Fineman, Vincent I. Parrett, Aileen Sprague, and Brian M. Schnarr of Cotchett, Pitre & McCarthy; Mary Alexander, Sophia M. Aslami and Jennifer L. Fiore of Mary Alexander & Associates; Peter Earle of the Law Offices of Peter Earle.

The San Francisco City Attorney’s Office has been described by *American Lawyer* magazine as “one of the most aggressive and talented city law departments in the nation,” and is nationally recognized for its leadership in civil rights, consumer protection, and public safety. Additional information about the office is available at: <http://www.sfcityattorney.org/>.

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