

NEW YORK POST

WTC LAWYER THE 'DEVIL'S ADVOCATE'

By SUSAN EDELMAN



July 22, 2007 -- One of the high-priced lawyers who have sucked \$47 million out of the \$1 billion World Trade Center insurance fund is infamous for defending companies that manufactured Agent Orange, a pregnancy drug linked to cancer, and defective breast implants.

James Tyrrell, a partner in the law firm Patton Boggs, is hailed in legal circles as the "master of disaster" and the "devil's advocate."

Another lawyer, Thomas Jones, serves simultaneously as secretary of the WTC Captive Insurance Co., which manages the \$1 billion FEMA fund, and as partner in the Chicago-based McDermott Will & Emery, the fund's legal counsel.

In a lawsuit filed in Manhattan last week, 9/11 responders blasted the Captive's mounting expenses - \$75 million so far, including \$47 million on law firms - and Jones' alleged "conflict of interest."

They charged the city-run WTC Captive is a cash cow for its employees, consultants and lawyers, and has "squandered" money that should go to 10,000 cops, firefighters and other workers with illnesses blamed on toxic exposure at Ground Zero. It has paid just \$45,000 to a carpenter who fell off a ladder.

Patton Boggs, based in Washington, D.C., commands up to \$850-an-hour - one of the highest billing rates in the country, according to a National Law Journal survey.

Tyrrell, who works out of the firm's Newark office, would not discuss what he charges to lead the battle against Ground Zero responders, saying his firm's contract with the WTC Captive has a "confidentiality clause."

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The city Law Department also refused to divulge the fees paid to the hired guns. Neither Tyrrell nor Patton Boggs has done work for the city before, officials said.

Documents obtained by The Post show that eight senior partners at McDermott, Will & Emery, including Thomas, can each bill the insurance fund \$618 an hour. The partners first billed a "discounted" \$550 an hour, but that fee was raised 6 percent in 2005, and 6 percent again last year.

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Under the same agreement, junior partners in the firm can bill \$389 to \$484 an hour; associates \$223 to \$242 an hour, and paralegals \$150 to \$200 an hour.

In addition, the firm gets reimbursed for a wide variety of expenses, including secretarial work, computer research, travel and some meals.

Thomas' dual role as both an executive of the Captive and its lawyer, "in no way represents a conflict," McDermott, Will & Emery said in a statement to The Post.

Tyrrell called his bills a bargain because he represents the city and about 100 of its WTC contractors. He also said the firm's lesser-paid lawyers do much of the work.

The firm has focused on a bid to dismiss all the 9/11 suits on the grounds the city should have immunity because it was responding to a terror attack. An appeals court is considering the issue.

"If that is upheld, the city would have no liability and no obligation to pay," Tyrrell told The Post. "The money should then be returned to the government."

Tyrrell, 57, began his toxic-tort career defending Monsanto Company, the Agent Orange manufacturer, against thousands of ailing Vietnam vets. The case settled for \$180 million.

Later, he represented pharmaceuticals that made a drug, DES, given to prevent miscarriages, but found to cause cancer.

He successfully defended booze companies accused of causing alcoholism. He defended General Electric, a silicone maker, in a class action by women with health problems from ruptured breast implants.

Tyrrell says it's not easy.

"How would you like to come to court and be on the other side of the heroes, the firefighters and policemen who went in on 9/11?" he told Super Lawyers magazine, which highlights top-rated attorneys.

David Worby, a lawyer for the 9/11 workers, said Tyrrell "does what he pleases and eats up the taxpayer dollars intended for the sick heroes. Each one of his bills deprives a hero of a full recovery."

But Tyrrell took a swipe at lawyers for the 9/11 responders, saying they could also get rich.

"They stand to take one-third or more of whatever is paid to any of their clients who allege injuries," he said.

Paul Napoli, a lawyer for the 10,000 responders, said he won't make a dime unless his clients win.

"Nobody would take these cases because it was so hard to prove in the beginning. Nobody believed these people. We front all the costs. We've been fighting for them tooth and nail."

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