

Madison County Judge Discloses Syngenta PR Campaign to Create Negative Image of Courts as Defense Strategy

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ST. LOUIS, Apr 20, 2011 (BUSINESS WIRE) -- Finding that Syngenta Crop Protection Inc. and its Chicago public-relations firm developed a prejudicial publicity campaign to cast the courts in Madison County, Illinois, as a "judicial hellhole" and the source of "jackpot justice," a Madison County judge today ordered the release of the internal document describing that plan as part of Syngenta's defense strategy in a class-action lawsuit over contamination of public drinking water by its atrazine herbicide.

Circuit Judge William A. Mudge found that the proposal prepared for Syngenta by Jayne Thompson & Associates Inc. (JTA), the PR firm owned by the wife of former Illinois Gov. James Thompson, "outlines a plan to tie the defense of this action into a negative public relations campaign that castigates the Madison County judicial system as a 'judicial hellhole' and a source of 'jackpot justice,' and, in part, to undertake efforts to enhance the public's perception of Syngenta and the herbicide it manufactures at the expense of the Madison County judicial system." Mudge's order is the first public discussion by a judge of the cynical, ongoing national media campaign -- financed in large part by the U.S. Chamber of Commerce and executed by its front groups -- to cast courts in Madison and St.

Clair counties as unfairly prejudiced against business and corporations. To that end, the Chamber and front groups such as the American Tort Reform Association (ATRA) have used phrases such as "judicial hellhole" to try to ridicule and to intimidate the courts, judges, and lawyers in the region.

Stephen M. Tillery, lead counsel for the plaintiffs suing Syngenta, said today: "This ruling by Judge Mudge cuts to the heart of the campaign of intimidation being conducted against the courts and judges by corporations such as Syngenta and bankrolled by the U.S. Chamber of Commerce. Not only are such allegations and accusations against the courts and judges false and totally inappropriate, but they clearly are aimed at tainting the pool of jurors who could be called to decide such cases. Some corporations and the Chamber are spending millions upon millions of dollars to subvert justice and to try to prevent the people of our region from exercising their right to seek damages for injuries caused by corporate misconduct, defective products, fraud, and deceptive practices." After Tillery asked Syngenta to produce the JTA proposal, Syngenta claimed it did not have to because JTA was a "litigation consultant." Syngenta then submitted it to Mudge for his private review so he could decide whether to release it to Tillery. In his order, Mudge ruled that JTA was not a litigation consultant and he ordered Syngenta to release the proposal in pre-trial discovery in the suit filed against Syngenta on behalf of nearly 100 municipal water systems and water companies in Illinois. The plaintiffs allege in the suit that Atrazine, a popular weed killer for corn crops in the United States, runs off farm fields and contaminates drinking water supplies. The suit alleges that exposure to Atrazine poses dangerous health risks, and that Syngenta should be responsible for hundreds of millions of taxpayer dollars spent annually to filter Atrazine out of public drinking water.

Tillery had asked for the JTA proposal partly to help settle a dispute over documents being sought from Don Coursey, an economist from the University of Chicago who Syngenta said it had hired as a litigation consultant. Syngenta said at first that it had hired Coursey in 2006 and would therefore not produce any records from after that date. When Tillery sought additional documents on Coursey, Syngenta and Coursey called the efforts harassment. But they then admitted that Syngenta had not hired Coursey until 2009, while he had been retained by JTA in 2006 to produce a report saying the loss of Atrazine would be an economic disaster for farmers.

Mudge also ruled today that Coursey was not a "litigation consultant" before Jan. 9, 2009, and that Coursey, the University of Chicago, and Syngenta must produce any documents related to Coursey's hiring by JTA and Syngenta and his work for them before that date.

Although the JTA proposal has not yet been released, Mudge's order discussed the public-relations campaign against Madison County as part of Syngenta's defense strategy at some length. Following are additional excerpts from Mudge's order.

The JTA proposal "encourages Syngenta to 'selectively contact ... pro-business columnists ... in consultation with the company' who have coined those terms (judicial hellhole, jackpot justice) and make the case that it's now 'Syngenta's turn in the Madison County Barrel.'" "... the proposal actually outlines an aggressive public relations strategy to build upon or create a hostile attitude toward the Madison County judicial system. While the proposal says 'we are not suggesting that the company author any or all of these themes,' several are, in fact, suggested in the document including, 'Another Madison County class action case going amuck,' and 'Now Madison County is going after the family farmers,' and so forth.

"Included is a recommendation to recruit 'supporters, including ... the Illinois Civil Justice League, Illinois Chamber of Commerce, the Heartland Institute, Illinois Policy Institute and the Madison-St. Clare (sic) Record' in this effort. It has nothing to do with trial strategy or the preparation of this case for trial ... but much to do with fostering a negative public perception of our judicial system." Korein Tillery is an AV-rated, award-winning class action law firm with offices in St. Louis and Chicago that has recovered billions of dollars in verdicts and settlements in a variety of cases across the country involving pension funds, insurance, securities, antitrust, telecommunications, pharmaceuticals, environmental contamination, tobacco, computer technology, and consumer fraud. Perhaps best known for its \$10 billion trial verdict against Philip Morris, the firm has gained a national reputation for aggressively and successfully pursuing a wide variety of complex cases on behalf of its clients.

Korein Tillery was named by the National Law Journal to its "Plaintiffs' Hot List" in 2003, 2004, 2007, and 2008 as one of the top plaintiffs' law firms in all specialties. More information is available at www.koreintillery.com.

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