

Determined to 'do' Our Part for the Collective Good

Posted by Steve Berman on Oct. 9, 2008

Thomas Jefferson said, "Determine never to be idle. No person will have occasion to complain of the want of time, who never loses any. It is wonderful how much may be done, if we are always doing."

Since the founding of our firm we've taken those words to heart - we are constantly working for the greater good by representing clients who've been harmed by the misdeeds of companies and institutions.

The Rio Tinto case is a great example.

Recently *The American Lawyer*, a leading legal trade, published an article about nine active alien tort cases, which includes a case of ours against Rio Tinto, a multinational mining and natural resources group, accused of causing mass destruction of rain forests and death in Bougainville, an island in Papua New Guinea.

In the 1980s, our suit claims that the mining giant ruined thousands of acres of pristine rain forest through unbelievably brutal mining practices. As if that wasn't enough, during the subsequent years of mining, we contend that Rio Tinto dumped toxic waste onto the land and into the waters - severely damaging the environment and harming the inhabitants.

The residents of Bougainville saw their island, and their way of life, dying from the actions of Rio Tinto, and they revolted. They tried to close the mine.

The Papua New Guinea government - who was getting a cut of the action from Rio - attempted to put the rebellion down. What is interesting, though, is our claim that Rio Tinto actually supplied the Papua New Guinea government military tools to fight the villagers.

What ensued was a ten-year military blockade - including food and medicine -- which the Red Cross says led to the deaths of more than 15,000 Bougainville villagers, including many women and children.

Much like the residents of Bougainville, this case is experiencing a similar uphill battle. In 2002, a federal district court judge dismissed the case under "political question doctrine." The case was then reinstated in 2006 by a panel of the U.S. Court of Appeals for the Ninth Circuit. This decision was a lot more favorable to our clients. In October 2007, Rio Tinto argued for reconsideration of the previous decision, a move we expected.

Earlier this year, HBSS attorneys again argued the case in front of the entire Ninth District Court of Appeals, and await a decision, which could come at any day.

You can learn more about this case by checking our blog and <http://www.hbsslaw.com/> for more information.