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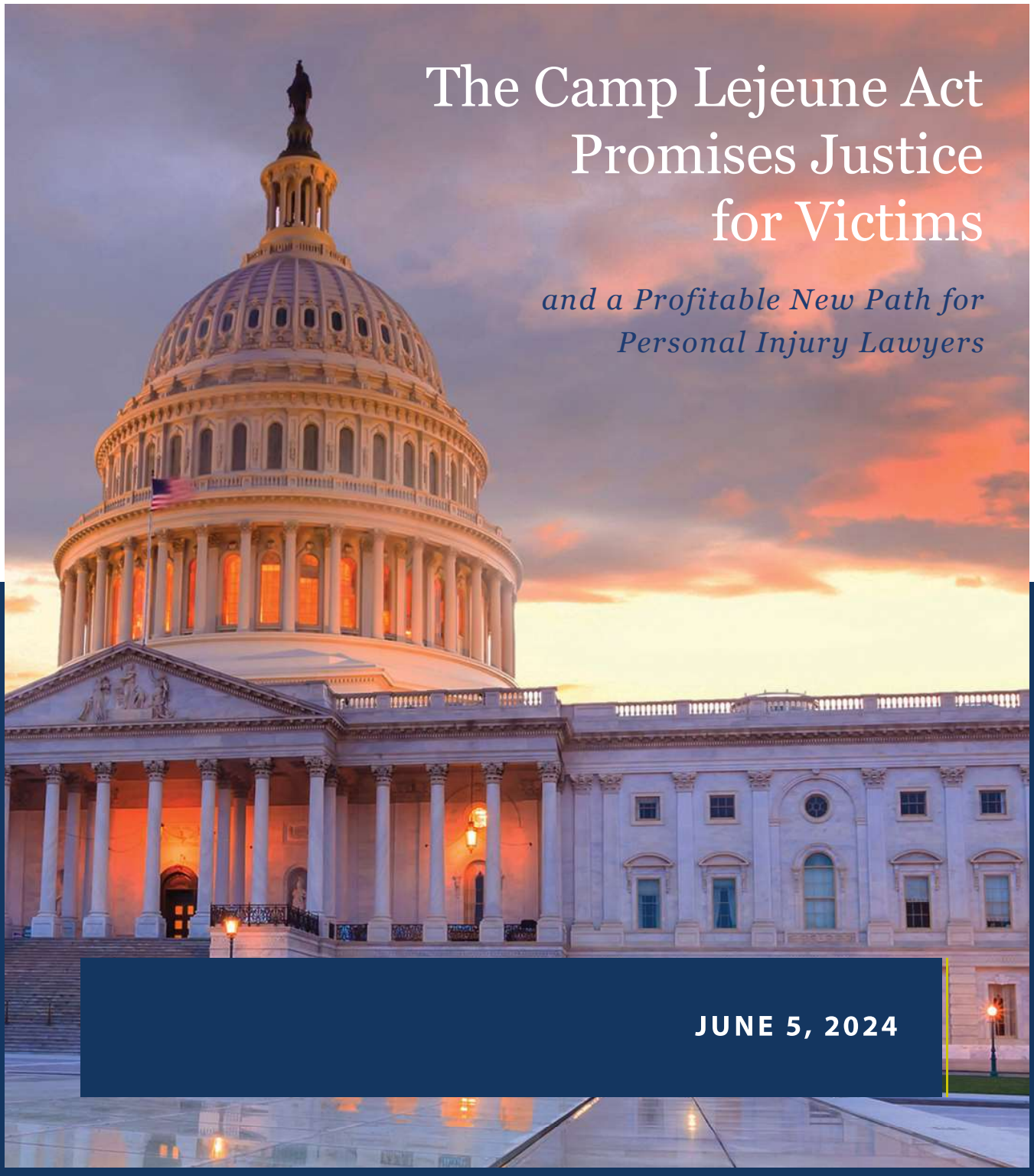

The Camp Lejeune Act Promises Justice for Victims

and a Profitable New Path for Personal Injury Lawyers

JUNE 5, 2024

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Executive Summary

On August 11, 2022, South Carolina personal injury attorney Ed Bell joined a group of veterans and their families in the East Room of the White House for the signing of the PACT Act by President Joe Biden. The PACT Act, which provided financial compensation to families whose loved ones had been harmed in service to the U.S., contained a provision (the Camp Lejeune Justice Act) that addressed an environmental disaster at the Camp Lejeune military base located in North Carolina.

For more than thirty years, Marines and their families living at the base were exposed to toxic drinking water. According to reports, the federal government knew that service members and their families were being injured and killed because of this exposure but undertook a decades-long coverup instead of fixing the contamination.[1] Now, because of the new law, individuals could bring a claim against the federal government, promising justice for Lajeune victims – and a potential boon for their lawyers.

Mr. Bell said he was invited to participate in the signing ceremony for obvious reasons: "We wrote the bill."

At the time, the optics of a personal injury attorney celebrating legislation that could later result in millions of dollars in legal fees was overshadowed by the concerns for the victims and their families.

Biden signs the PACT Act / Photo by Chip Somodevilla/Getty Images

However, the path to justice for the Camp Lejeune victims took several interesting turns before the legislation reached the East Room of the White House. The provisions in the bill promised compensation for the victims who had waited too long but also uniquely benefited personal injury lawyers – like Mr. Bell – by opening the deep pockets of the U.S. government.

"Think about this," said Bell during an interview.[2] "This is the first time in U.S. history that an individual and especially a military member can bring a claim against the government. Prior to this time, if you were in the military and you got hurt, you got injured, you could not sue the government."

Mr. Bell recognized the opportunities that came with the ability to sue the federal government. Unlike legal action against private companies, where company officials had the fiduciary duty to hire lawyers and consultants to aggressively protect shareholder value, no such duty was as clear when the federal government was faced with legal action related to compensation claims.

Even before the PACT (Promise to Address Comprehensive Toxics) Act was signed into law, the battle over key language indicated the legislation would be unique in shaping suits against the federal

[1] https://www.washingtonexaminer.com/news/1865877/documents-reveal-details-of-lejeunes-toxic-water/
[2] https://www.listennotes.com/podcasts/the-heart-of-law/seeking-truth-the-struggle-MpLYvj3hJkV/#google_vignette

government. The initial bill, introduced to the House in March 2021[3], directly referenced the standing policy of a cap on attorney fees; eight months later, the next revision of the bill (and all following) omitted this language.[4] Without this fee cap, attorneys could charge an exorbitant fee to veterans and siphon more money out of the federal coffers.

How much could this cost U.S. taxpayers? The Wall Street Journal reported that the "Navy expects 100,000 cases to be filed within the law's two-year window and the total cost could be hundreds of billions."[5]

Given the financial impact the Camp Lejeune legislation could have on the U.S. taxpayer, GAI investigated the legislative process to identify who was paid to lobby for certain provisions and who benefited from these provisions. GAI also investigated the potential impact of a new business model – created by the legislation – allowing settlements to bypass the court system and resulting in lower legal expenses and higher profit margins for attorneys.

This is what we found:

- In 2021, Ed Bell assembled a "Dream Team" of lawyers with a financial interest in the Camp Lejeune issue to craft legislation that was ultimately presented to Senator Thom Tillis. This version omitted the attorney fee caps that were included in the House version of the legislation.
- With competing versions of the legislation in the Senate and House related to attorney fees, the Bell Legal Group increased the number of lobbyists from seven to twenty-five during an eighteen-month period, and lobbying expenditures increased from $100,000 in 2021 to $1.6 million in 2023.
- Ed Bell has spoken about his involvement in the bill's creation and success, stating, "We were told by the Department of Navy and others, in order to prevail and in order to have at least a chance of going to court, we have to change the laws. So, we wrote the bill." He has also claimed that: "If there's anyone who owns this bill, I do. This would have never happened without our little group working like this."[6]
- Needing help to ensure the final version of the House bill did not limit attorney fees, the Bell Legal Group hired Danny Weiss, a lobbyist with ties to House Speaker Nancy Pelosi (D-CA). Weiss was paid $650,000 over fifteen months when critical votes were taking place. Ed Bell referred to Pelosi as the "secret sauce" behind the legislation.[7] As of late 2023, records indicate that Ed Bell's law firm, The Bell Legal Group, was involved with approximately 560 Camp Lejeune cases—far greater than any other personal injury law firm.
- Law firms implemented a multi-faceted marketing process and spent millions recruiting clients in search of lucrative contingency fees. According to advertising data, $145 million was spent on television and social media advertising by the end of 2022. This spending was only surpassed by

[3] https://www.congress.gov/bill/117th-congress/house-bill/2192/text
[4] https://www.congress.gov/bill/117th-congress/senate-bill/3176/text
[5] https://www.wsj.com/articles/the-camp-lejeune-lawsuit-racket-north-carolina-marines-chemical-exposure-ftca-trial-lawyers-PACT-act-5892a96c
[6] https://news.bloomberglaw.com/us-law-week/marines-toxic-water-and-lawyers-a-fight-over-billions-in-fees
[7] https://rollcall.com/2022/08/11/biden-signs-bill-to-aid-veterans-exposed-to-toxic-substances/

ads for claims over asbestos, weedkiller Roundup and blood thinner pill Xarelto.[8] In addition, after the bill was signed on August 11th, 2022, advertising spending increased a hundredfold to $31M in August alone.

- Contingency fees charged by attorneys are well above the 20-25 percent standards followed under other federal laws. Recently, Alaska Sen. Dan Sullivan (R-AK) noted that a firm in Montana was charging plaintiffs as much as a 60% contingency fee for Camp Lejeune-related cases.
- Third-party marketing groups, called "lead generators," entered the race to secure valuable leads for personnel injury lawyers. These "lead generators" initially charged $1,000 for a Camp Lejeune case, which increased over fivefold when the bill was passed.
- The potential windfall, combined with aggressive marketing tactics, resulted in more than twenty firms being taken to court over violations of the U.S. Telephone Consumer Protection Act (TCPA). The TCPA places limits on the telemarketing industry. One plaintiff reportedly received fifteen illegal marketing calls despite being registered on the federal do-not-call list.

[8] https://www.reuters.com/legal/legalindustry/camp-lejeune-litigation-dominates-law-firm-advertising-spend-2023-03-10/

The Camp Lejeune Disaster

In 1999, the United States Marine Corps (USMC) began contacting service members with a concerning message – something had been wrong with the water at Camp Lejeune, and their time serving there could have lifelong consequences for them and their families. This news came fifteen years after the USMC first began to shut down contaminated water wells on the base, a process that stretched from 1984 into 1987. But Camp Lejeune officials had first learned of possible danger in 1980, when testing done by the US Army Environmental Hygiene Agency showed some of the wells were "highly contaminated."

Further reports followed in 1981 and then again in 1982, done by a private company called Grainger Laboratories, which had been hired to examine the problem. But all of Grainger's warnings were either ignored or dismissed. In 1983, Camp Lejune submitted a report to the US Environmental Protection Agency (EPA) that claimed that nowhere on the base "pose[d] an immediate threat to human health."

That same year, the base also failed to turn over documentation to North Carolina's water supply agency, including reports that would have shown increased levels of trichloroethylene (TCE) and tetrachloroethylene (PCE). Neither chemical was directly regulated by the EPA at the time, but both were known to be hazardous. Things finally came to a head in 1984 when an EPA contractor found another chemical, benzene (commonly found in gasoline), in Camp Lejeune's water. The base was forced to act, shutting down the affected wells.[9]

After closing the last of the contaminated wells, the Marine Corps sent letters in 1985, informing residents that "minute (trace) amounts of several organic chemicals" had been found in the drinking water but did not suggest that the issue was dangerous or had been ongoing. In 1989, Camp Lejeune was placed on the EPA's National Priority list, prompting the Agency for Toxic Substances and Disease Registry to study the matter.[10]

In 2004, an internal Marine fact-finding panel determined that Camp Lejeune officials had complied with "industry practices" of the time, and that some of the fault rested with the Navy technical advisory unit, which had failed to provide "expertise." In 2005, an investigation conducted by the Justice Department and Environmental Protection Agency concluded that there had been no criminal conduct and pressed no charges—though at least one EPA investigator pushed for obstruction of justice charges.[11]

In 2008, Congress responded to advocacy groups by requiring an online health registry and requiring the USMC to notify former Marines and family members who had served in the area.[12] Multiple lawsuits also arose around this time, several of which were successful despite being outside North Carolina's ten-year statute of limitations and the lax water regulations that had existed at the time.[13] The federal government first admitted fault in 2010, when the Department of Veterans Affairs ruled that an affected

[9] https://web.archive.org/web/20100420182958/http://www.stripes.com/article.asp?section=104&article=69432
[10] https://www.ncbi.nlm.nih.gov/books/NBK215292/
[11] https://www.latimes.com/archives/la-xpm-2009-aug-26-na-military-cancer26-story.html
[12] https://highlandscurrent.org/2014/03/29/depot-docs-semper-fi-always-faithful/
[13] https://www.mcclatchydc.com/news/nation-world/national/article24599956.html

service member was eligible for full disabilities benefits, acknowledging a correlation between contaminated water and some forms of cancer, thus establishing a firm precedent.[14]

It was during this time Congress began to debate the issue and in 2010 pushed the Navy to dedicate nearly $9 million in funds towards funding a mortality study and a handful of other studies related to the water contamination.[15] The studies were conducted by the Agency for Toxic Substances and Disease Registry.[16]

So, Congress passed a bill hoping to resolve the issue in 2012. The Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 guaranteed Veterans Administration care for service members who had served at Camp Lejeune and suffered any of fifteen specific types of disease. As written, the bill would end in 2017, but problems persisted, and former Camp Lejeune service members continued to develop linked ailments, even three decades after exposure. The list of associated health concerns grew with further research, and advocates continued to press Congress for a solution, gaining support from both political parties.

Among these advocates were Jerry Ensminger, a former Marine drill instructor whose daughter died of leukemia, and Mike Partain, who was born at Camp Lejeune and later developed male breast cancer.[17] Other organizations, including prominent legal groups, were also interested in the topic, and stood to benefit from any new wave of tort cases. [18]

Coordinating all of this was the work of Ed Bell and his "Dream Team," and their strategically hired lobbyists. They produced the legislation that the government could celebrate as justice for victims while, simultaneously, providing big opportunities for personal injury lawyers.

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[14] https://www.stripes.com/news/va-ruling-on-former-marine-s-illness-may-affect-thousands-1.migrated
[15] https://www.idahostatesman.com/news/article40703853.html
[16] https://www.sandiegouniontribune.com/sdut-navy-agrees-to-fund-toxic-water-study-at-nc-base-2010feb19-story.html
[17] https://www.nbcnews.com/nightly-news/men-say-their-breast-cancer-was-caused-contaminated-water-camp-flna1C8505683
[18] https://www.jdsupra.com/legalnews/the-timeline-of-the-camp-lejeune-4464690/

The Dream Team Drafts Self Serving Legislation, Hires Twenty-Five Lobbyists

Ed Bell's involvement in Camp Lejeune's litigation began in 2008, and he has had an enduring impact on subsequent legal challenges surrounding the base's water contamination crisis.[19] His representation of John O'Rue, a Marine veteran, was marked by a push to bypass what is known as the Feres Doctrine, which generally prohibits veterans from suing the government.[20] Bell's aggressive awareness campaigns and frequent meetings with political figures[21] showcased his dedication to reshaping the Camp Lejeune issue.[22]

Attorney Ed Bell

The Camp Lejeune problem gained widespread attention with the 2011 release of "Semper Fi: Always Faithful," a documentary film detailing the stories of Mike Partain and Jerry Ensminger, who had each been working with Ed Bell.[23] Their stories played a part in the congressional acknowledgment of the contamination, leading to the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012.[24] However, this legislation failed to provide comprehensive redress for all affected parties, critics said.

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[19] https://advance.lexis.com/document/?pdmfid=1519360&crid=3dad71dc-dd14-4347-a9b2-35387634712f&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A661X-73X1-JCMN-Y4MF-00000-00&pdcontentcomponentid=484257&pdteaserkey=sr1&pditab=allpods&ecomp=hwmyk&earg=sr1&prid=a298f6d1-fe30-4199-abd5-2f79a86687ac

[20] https://advance.lexis.com/document/?pdmfid=1519360&crid=35de9eb4-e833-420d-9b16-3889594f2c8d&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A7YFR-K351-2R2Y-70X5-00000-00&pdcontentcomponentid=169235&pdteaserkey=sr4&pditab=allpods&ecomp=hwmyk&earg=sr4&prid=6939df21-f0df-4842-bd5a-f668eae041ba

[21] https://www.youtube.com/watch?app=desktop&v=1qwEvjI3hpU https://rollcall.com/2022/08/11/biden-signs-bill-to-aid-veterans-exposed-to-toxic-substances/

[22] https://advance.lexis.com/document/?pdmfid=1519360&crid=ae864c3a-50c2-4f40-858d-e05b3605c553&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A7YX3-W441-2R2Y-715X-00000-00&pdcontentcomponentid=169235&pdteaserkey=sr3&pditab=allpods&ecomp=hwmyk&earg=sr3&prid=6939df21-f0df-4842-bd5a-f668eae041ba https://advance.lexis.com/document/?pdmfid=1519360&crid=2ce331d5-cd60-43b5-be09-e2ec2ca4e66b&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A7YXS-7T81-2R6N-X30H-00000-00&pdcontentcomponentid=293521&pdteaserkey=sr0&pditab=allpods&ecomp=hwmyk&earg=sr0&prid=6939df21-f0df-4842-bd5a-f668eae041ba

[23] https://chicagoreader.com/film/semper-fi-always-faithful/; https://www.jointhemany.com/camp-lejeune/camp-lejeune-justice-act-of-2022/

[24] https://www.sundance.org/blogs/congress-passes-janey-ensminger-act-fueled-by-sundance-supported-doc-semper-fi-always-faithful/

From 2012-2019, Bell's legal efforts for clients hurt by the Camp Lejeune water contamination faced repeated obstructions due to North Carolina's Statute of Repose, the state's statute of limitations, which effectively neutered the suits brought forth by his firm.

Bell represented clients such as Grace Levin Wright and Estelle Rivera, who challenged the US government over the Camp Lejeune contamination. Repeatedly, these efforts were thwarted by the peculiar North Carolina statute.[25]

Seeking a broader legislative solution, Bell assembled his "Dream Team" to help craft new legislation to circumvent the North Carolina statute.

This team included a former federal judge and experienced lobbyist named John Napier, and retired US Magistrate Judge George Kosko. Bell and these lawyers drafted legislation and presented it to US Sen. Thom Tillis (R-NC).[26] However, Bell's version of the bill conspicuously omitted attorney fee caps—unlike a companion bill drafted in the House of Representatives by Rep. Matt Cartwright (D-PA), which provided provisions to limit attorney fees.[27] This omission laid the groundwork for circumventing the Federal Tort Claims Act's (FTCA) guidelines, allowing attorneys to charge beyond the established 20 percent to 25 percent fee limits.

FTCA, enacted in 1946, provides a legal means for compensating individuals who have claims caused by the negligent or wrongful act or omission of an employee of the federal government. The legislation also puts limits on attorney fees in non-military related cases.

In addition to the FTCA's attorney fee rules, there was a precedent for lower fees based on the parameters of mass settlements where fault is not in question. For example, the September 11th Victim Compensation Fund, created by legislation, awarded compensation to victims and limited attorney fees to 10 percent of the award.[28]

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[25] https://advance.lexis.com/document/?pdmfid=1519360&crid=0f2dd291-1946-4cd7-b227-728b06d27d84&pddocfullpath=%2Fshared%2Fdocument%2Fcases%2Furn%3AcontentItem%3A5MB3-CWM1-F04D-20GR-00000-00&pdcontentcomponentid=6421&pdteaserkey=sr6&pditab=allpods&ecomp=hwmyk&earg=sr6&prid=6b29ae4b-f3fd-45bf-8c70-93a39c7ce2aa; https://advance.lexis.com/document/?pdmfid=1519360&crid=998c48ae-c335-4855-8162-682e7e6ba786&pddocfullpath=%2Fshared%2Fdocument%2Fcases%2Furn%3AcontentItem%3A5W5J-0F11-F57G-S3YF-00000-00&pdcontentcomponentid=6395&pdteaserkey=sr1&pditab=allpods&ecomp=hwmyk&earg=sr1&prid=6b29ae4b-f3fd-45bf-8c70-93a39c7ce2aa.

[26] https://advance.lexis.com/document/?pdmfid=1519360&crid=3dad71dc-dd14-4347-a9b2-35387634712f&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A661X-73X1-JCMN-Y4MF-00000-00&pdcontentcomponentid=484257&pdteaserkey=sr1&pditab=allpods&ecomp=hwmyk&earg=sr1&prid=a298f6d1-fe30-4199-abd5-2f79a86687ac

[27] https://www.congress.gov/bill/117th-congress/senate-bill/3176/text?s=1&r=36; https://www.congress.gov/117/bills/hr2192/BILLS-117hr2192ih.pdf

[28] https://www.vcf.gov/faqs

As the one of six lead counsels for the Camp Lejeune lawsuits,[29] Bell argued that attorney fee caps "could harm veterans' ability to get strong representation in court... My position is that the government should not insert itself unnecessarily into private business, whether it's attorneys or doctors or anyone else," Bell said.[30]

While he drafted the legislation, Bell also worked on the lobbying side of the process. Bell's lobbying activities, which saw a substantial financial uptick from 2020 to 2023, seemed to mirror an interest in shaping the legislative landscape to benefit legal practitioners, including his firm. From 2020 to 2023, Bell's lobbying expenditures increased from less than $100,000 to $1.6 million, and Bell Legal Group went from employing seven lobbyists to twenty-five lobbyists in less than two years.[31]

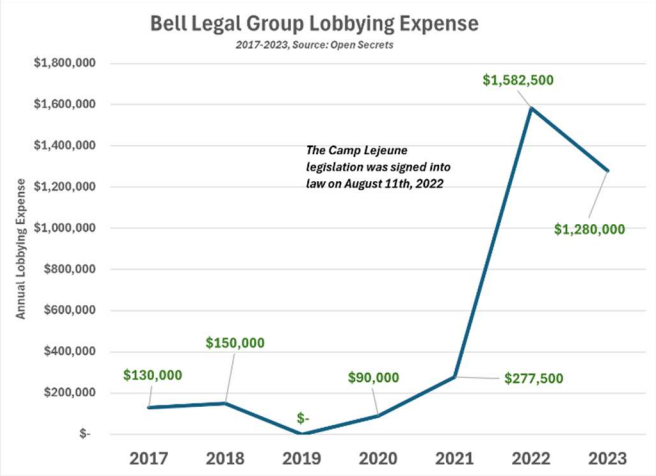

Figure 1: Bell Legal Group Lobbying Expenses

On top of the lobbying efforts, the Bell Legal Group ramped up campaign donations while the Camp Lejeune legislation was being considered.

For example, the Bell Legal Group gave approximately $496,350 in political contributions to Republicans and Democrats during the 2020 ($37,200), 2022 ($268,350), and 2024 ($190,800) election cycles. During the three previous election cycles, 2012-2018, the Bell Legal Group made just $18,527 in political contributions.[32]

Approximately $210,400 of these contributions went to Democratic campaign committees, while $36,500 to the National Republican Senatorial Committee.[33]

Elected officials interested in the Camp Lejeune legislation also received direct campaign contributions from Bell Legal Group. For example, House Representative Matt Cartwright (D-PA), who sponsored the legislation along with Republican Rep. Greg Murphy (R-NC), received $20,000 in campaign contributions from 2020 to 2024. Murphy received $19,050 during the 2022 and 2024 cycles.[34]

[29] https://news.bloomberglaw.com/us-law-week/south-carolina-lawyer-named-lead-counsel-in-camp-lejeune-cases
[30] https://www.reuters.com/legal/government/camp-lejeune-attorney-fees-capped-25-us-justice-dept-says-2023-09-20/
[31] https://www.opensecrets.org/federal-lobbying/clients/summary?cycle=2023&id=D000031893
[32] https://www.opensecrets.org/orgs/bell-legal-group/totals?id=D000031893
[33] https://www.opensecrets.org/orgs/bell-legal-group/recipients?candscycle=2024&id=D000031893&toprecipscycle=2020
[34] https://cartwright.house.gov/news/documentsingle.aspx?DocumentID=392238 ; https://www.opensecrets.org/orgs/bell-legal-group/recipients?candscycle=2024&id=D000031893&toprecipscycle=2024

These efforts reflected a determined push on legislation impacting Camp Lejeune.

Bell's presence at the PACT Act signing ceremony at the White House was therefore the culmination of his deep involvement in legislation concerning Camp Lejeune. It showed his outsized influence and close work with Republicans such as Murphy, and Democrats like Senators Richard Blumenthal (D-CT) and Gary Peters (D-MI).[35]

Bell's influence over the process would grow after the bill signing with his controversial appointment as lead counsel for the plaintiffs in July 2023. His selection of committee members, some with close personal ties, like the attorney from Quinn Emanuel and co-lead counsel Zina Bash of Keller Postman LLC, raised alarms about potential conflicts of interest. Other lawyers, including those from Poulin Willey Anastopoulo LLC, questioned the risks of centralized control over litigation, potentially undermining individual plaintiff rights and legal counsel autonomy. Critics also argued this concentration of power might compromise the litigation's direction and potentially disenfranchise individual plaintiffs, undermining the integrity of the judicial process.[36]

Edward Bell's role in the Camp Lejeune Justice Act raised questions about the intersection of advocacy, legislation, and self-interest. While his efforts contributed to significant legislative milestones, the ethical implications of his influence, particularly regarding attorney fee caps, cast a shadow over the pursuit of justice for Camp Lejeune victims. As the litigation unfolds, scrutiny of Bell's actions and their alignment with the best interests of contamination victims will undoubtedly persist.

Danny Weiss: The Strategic Link in Camp Lejeune's Legislative Push

A pivotal figure in adding the Camp Lejeune Justice Act to the PACT Act was Daniel "Danny" Weiss, an influential lobbyist closely tied to Democratic Party leaders and various left-leaning institutions in

[35] https://advance.lexis.com/document/?pdmfid=1519360&crid=ec4f9086-578b-40a2-ac00-5fc184727f9c&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A6649-P2W1-JBG1-82YN-00000-00&pdcontentcomponentid=7924&pdteaserkey=sr0&pditab=allpods&ecomp=hwmyk&earg=sr0&prid=0f7a53ae-05a5-4ec0-a0e4-d92efb65eb3f

[36] https://advance.lexis.com/document/?pdmfid=1519360&crid=c14c3e34-3160-406d-bb7b-a0d5d310273d&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A6919-FPP1-DYBF-K43W-00000-00&pdcontentcomponentid=475178&pdteaserkey=sr8&pditab=allpods&ecomp=hwmyk&earg=sr8&prid=0f7a53ae-05a5-4ec0-a0e4-d92efb65eb3f; https://www.law360.com/articles/1712435/leadership-redo-sought-in-camp-lejeune-suits; https://advance.lexis.com/document/?pdmfid=1519360&crid=a5f59bec-b93b-4a30-b43a-6e0d86884111&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A6931-77D1-JBWC-W15F-00000-00&pdcontentcomponentid=475178&pdteaserkey=sr1&pditab=allpods&ecomp=hwmyk&earg=sr1&prid=0f7a53ae-05a5-4ec0-a0e4-d92efb65eb3f

Washington. Weiss profited significantly as a lobbyist while maintaining deep connections with then-House Speaker Nancy Pelosi and affiliations with progressive think tanks and nonprofit groups in Washington. His strategic positioning and lobbying efforts were crucial in pushing the Senate's version of the Camp Lejeune Justice Act, which lacked any limits on attorney fees for victims of water contamination at Camp Lejeune, thereby favoring law firms like Bell Legal Group.


Danny Weiss

Weiss is well placed and has significant political connections. He directs the Government Affairs Program as a Senior Fellow for the left-leaning Century Foundation.[37] This foundation has advocated against limits on tort litigation involving medical malpractice.[38] Weiss also served as vice president for federal policy and Chief Advocacy Officer for the Common Sense Media Foundation, which was founded by Jim Steyer in 2003.[39] The founder's brother, Tom Steyer, is one of the Democratic Party's largest donors. He briefly ran for president in 2020.[40]

Weiss's most notable role, however, was serving as Chief of Staff to Speaker Pelosi from 2017-2019, a role he assumed after a stint at Common Sense Media (2015-2017) and longtime Chief of Staff to Rep. George Miller (D-CA).[41] Miller is among Nancy Pelosi's closest allies. It has been said that he has served as her *consigliere*.[42] Miller's ties to other congressional leaders extended beyond professional boundaries, as evidenced by his connection to Dick Sens. Richard Durbin (D-IL) and Chuck Schumer (D-NY), who live in Miller's Capitol Hill townhouse and supported the Camp Lejeune legislation.[43] Notably, Durbin was one of the most prominent voices arguing against Camp Lejeune attorney fee caps.[44]


Sen. Thom Tillis

The timing of Weiss's lobbying efforts for clients involved in Camp Lejeune litigation is significant. He registered as a lobbyist for Cormac Group (a lobbying firm representing Bell Legal Group) on October 13, 2021, just before Sen. Tillis introduced the Senate version of

[37] https://tcf.org/experts/danny-weiss/
[38] https://www.passenpowell.com/president-obama-rejects-caps-damages-medical-malpractice-cases/
[39] https://www.commonsensemedia.org/meet-our-team/our-board
[40] https://tcf.org/experts/danny-weiss/; https://www.opensecrets.org/news/2019/07/tom-steyer-enters-2020presidential-field/
[41] https://pelosi.house.gov/news/press-releases/pelosi-announces-departure-of-chief-of-staff-nadeam-elshami-names-daniel-weiss; https://www.asugsvsummit.com/speakers/danny-weiss; https://www.commonsensemedia.org/press-room/experts/danny-weiss; https://www.legistorm.com/person/bio/15504/Daniel_Weiss.html.
[42] https://rollcall.com/2014/01/13/with-george-millers-retirement-pelosi-will-lose-her-consigliere/
[43] https://www.cnn.com/2013/12/04/politics/real-alpha-house/index.html; https://www.camplejeuneinformation.org/news/cbs-news https://www.billsponsor.com/bills/206602/senate-bill-3373-congress-117
[44] https://defensecommunities.org/2022/12/senators-discuss-limiting-lawyer-fees-in-camp-lejeune-cases/ https://news.bloomberglaw.com/us-law-week/camp-lejeune-legal-fees-under-fire-as-veterans-claims-spike; https://www.wsj.com/articles/the-camp-lejeune-lawsuit-racket-north-carolina-marines-chemical-exposure-ftca-trial-lawyers-PACT-act-5892a96c

the Camp Lejeune Justice Act (S. 3176) on November 4.[45] Although the House version included attorney fee caps, Tillis's bill omitted them, benefiting Weiss's clients. From October 2021 to January 2022, Weiss lobbied on behalf of the Cormac Group for veterans' affairs and mass tort litigation issues involving the Camp Lejeune Justice Act.[46]

On March 2, 2022,[47] Pelosi issued a public statement urging inclusion of the Camp Lejeune Justice Act in the PACT Act,[48] which would ultimately go on to pass in the Senate and be signed into public law by Joe Biden. Ed Bell would later give credit to Weiss's former boss. "The secret sauce in the House was Nancy Pelosi," he said. "She took this up individually and walked this through the House."[49]

The financial gains from Weiss's lobbying efforts were substantial. The Cormac Group compensated him $12,500 or less,[50] but his work for the Bell Legal Group yielded an astonishing $710,000.[51] The peak of these payments–$130,000 in Q3[52] and $330,000 in Q4 of 2022[53]–coincided with the critical legislative period for the Camp Lejeune Justice Act's inclusion in the PACT Act.

Rep. Nancy Pelosi

This financial windfall and Weiss's close ties to Pelosi invite scrutiny over the potential conflicts of interest in his lobbying activities. Was Weiss's financial windfall just the price tag for his direct access to Pelosi's influential circle? Weiss's role in the legislative journey of the Camp Lejeune Justice Act–passed without caps on attorney fees–hints at a complex web of political maneuvering where professional lobbying intersects with personal connections to shape pivotal legislation. The story of Danny Weiss and his connections to power in Washington, DC, underscore the intricate dynamics of the legislative process, particularly when powerful interests and significant financial stakes are involved.

Camp Lejeune Advertising

Even before the president signed the Camp Lejeune Justice Act in August 2022, the legal advertising machine was already humming. As early as June 2022, television channels saw a spike in Camp Lejeune compensation ads. Social media feeds began to include ads targeting former residents of North Carolina, and the phones of veterans began to ring as lawyers fought to sign up clients for slam-dunk cases. Law

[45] https://www.legistorm.com/lobbying/download_filing_pdf/1605781.html; https://www.congress.gov/bill/117th-congress/senate-bill/3176/cosponsors?s=1&r=4; https://www.govtrack.us/congress/bills/117/s3176
[46] https://www.legistorm.com/pro/lobbying_filings/id/15504/name/Weiss_Daniel.html
[47] https://www.legistorm.com/lobbying/download_filing_pdf/1648585.html
[48] https://pelosi.house.gov/news/press-releases/pelosi-floor-speech-on-hr-3967-the-honoring-our-PACT-act
[49] https://rollcall.com/2022/08/11/biden-signs-bill-to-aid-veterans-exposed-to-toxic-substances/
[50] https://www.legistorm.com/lobbying/download_filing_pdf/1622489.html; https://www.legistorm.com/lobbying/download_filing_pdf/1648572.html
[51] https://www.opensecrets.org/federal-lobbying/clients/hired-firms?cycle=2022&id=D000031893; https://www.opensecrets.org/federal-lobbying/clients/hired-firms?cycle=2023&id=D000031893
[52] https://www.legistorm.com/lobbying/download_filing_pdf/1707936.html
[53] https://www.legistorm.com/lobbying/download_filing_pdf/1743637.html

firms reportedly spent $19 million on advertising in August, then $22 million in September.[54] However, the largest advertising sums were not spent directly by legal groups, but by lawyer-adjacent ad agencies known as "lead generators," which find clients, evaluate whether they have a case, and then refer them to law firms for a variable price.

The price for a Camp Lejeune lead was originally roughly $1,000—a sum that increased to more than $5,000 after the bill was passed. Once the bill was signed on August 11th, 2022, total advertising spending increased jumped to $31M in August alone.[55]

More than $145 million was spent on Camp Lejeune advertising before the end of 2022, with no signs of slowing down. Steve Nober, President of the Consumer Attorney Marketing Group, described the rush of advertisements as "a land grab," and the marketing industry as "the wild, wild West."[56]

There was no reduction the following year in legal advertising, but there was a flood of court cases challenging some of the advertising. By August 2023, more than twenty law firms had been taken to court over violations of the US Telephone Consumer Protection Act (TCPA), which places limits on the telemarketing industry. One plaintiff sued because he reportedly received fifteen illegal marketing calls, despite his phone number being registered on the federal government's Do-Not-Call list.

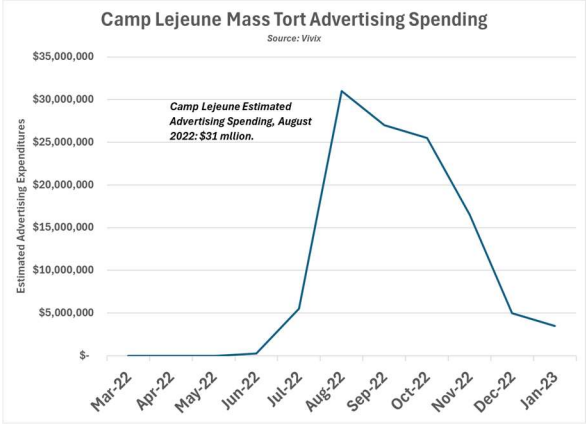

Figure 2: Camp Lejeune Mass Tort Advertising (source: Vivix)

The plaintiff's attorney told reporters, "Wherever there is money to be made through telemarketing, there seems to always be someone willing to break the law." While many firms chose to contest the cases, including Watts Guerra, Principal Law Group LLC, and Levin Papantonio Rafferty, other groups settled out of court. Keller Postman has resolved three TCPA lawsuits for undisclosed amounts.[57] Despite this scrutiny, money continues to flow into legal advertising, with litigation funders loaning to law firms a staggering sum of almost $2 billion by July 2023.[58]

While much of this spending results from basic market forces, some key players seemingly came together to share information and assemble a wider strategy. On June 8, 2023, a group of law firms and advertising agencies attended an event titled "HarrisMartin's Camp Lejeune Litigation Conference: The Road to Successful Litigation." Ed Bell, founder and senior partner of the Bell Legal Group, led the conference. Other speakers included other members of the Bell Legal Group and representatives from

[54] https://www.reuters.com/legal/litigation/camp-lejeune-legislation-spurs-45-mln-ad-blitz-2022-10-04/
[55] https://www.vivvix.com/blog/camp-lejeune-advertising-on-track-to-be-the-biggest-mass-tort-tv-ad-campaign-in-history
[56] https://news.bloomberglaw.com/business-and-practice/camp-lejeune-ads-surge-amid-wild-west-of-legal-finance-tech
[57] https://www.reuters.com/legal/government/law-firms-vying-sign-up-camp-lejeune-clients-are-sued-themselves-2023-08-29/
[58] https://news.bloomberglaw.com/us-law-week/litigation-funders-bet-billions-on-veterans-toxic-water-claims

other firms, such as Kevin Dean of Motley Rice, Rhon Jones of Beasley Allen, and Gregory Cade of the Environmental Litigation Group. Topics ranged from the specifics of the water contamination at Camp Lejeune to strategies for presenting cases to examining the legal climate and possibilities for the future.

The conference was sponsored by a coalition of attorney-related offices and firms, including big names like the Consumer Attorney Marketing Group (a public relations agency for law firms) and Velawcity (a lead generator for law firms).[59] The conference lasted two days, but its influence will likely be felt on Camp Lejeune litigation for years to come.

Future Implications: A "New Era in Mass Tort Litigation"

Just over a year after the president signed the PACT Act, Ed Bell wrote an article in a publication for lawyers that explained the impact of the legislation. Bell wrote, "The legislative advancements in the CLJA [Camp Lejeune Justice Act] further present the opportunity to change the way in which plaintiffs litigate mass torts, Congress writes laws for mass tort victims, and the government responds to such events. The CLJA may mark the beginning of a new era in mass tort litigation and the advancement of protections for individuals harmed by government action."[60]

While these advancements may help alleged victims, the provisions in the CLJA will also certainly provide new opportunities for personal injury lawyers to seek compensation for clients and financial windfalls for themselves.

The advancements Bell describes refer to provisions in the CLJA that make it easier for individuals to hold the federal government liable for alleged wrongdoing. Bell notes that CLJA does not allow the government to assert a defense premised on discretionary immunity, lowers the burden of proof standard, and bypasses the Feres Doctrine, which held that members of the armed forces who are injured cannot sue the federal government under the Federal Tort Claims Act for conduct incident to military service.

How will the CLJA create – as Ed Bell notes – a "new era in mass tort litigation?" One effect will be minimizing the role of the Feres Doctrine in future legal actions against the government.

The Feres Doctrine

The Feres Doctrine is an opinion produced by the 1950 Supreme Court ruling in *Feres v. United States* (along with two medical malpractice cases that were resolved in the same ruling). The High Court ruled against the family of Army Lieutenant Rudolph Feres when they sued the government for negligence after his death in a barracks fire.[61]

[59] https://www.harrismartin.com/conferences/376/CampLejeune_June2023/agenda/ https://www.harrismartin.com/conferences/376/CampLejeune_June2023/

[60] https://www.jurist.org/features/2022/11/21/explainer-how-the-camp-lejeune-justice-act-may-change-mass-tort-litigation-in-the-us/

[61] https://www.vanityfair.com/news/2022/11/the-feres-doctrine-the-fight-to-end-a-systemic-miscarriage-of-military-justice

The court's decision modified and constrained the 1946 Federal Torts Claim Act by disqualifying veterans from the pathway it provided for legal suits against the US government.[62] Essentially, FTCA positions the government as an entity which must pay victims for its own negligence, the same as any other. Because there were existing statutes that allowed military personnel to file claims for injuries, the court ruled that the FTCA did not apply to service members.

This decision went on to serve as precedent for many types of cases, effectively giving the federal government sovereign immunity against liability claims, including medical malpractice, racial discrimination, and Camp Lejeune health problems.[63] The decision noted, "The United States is not liable under the Federal Tort Claims Act for injuries to members of the armed forces sustained while on active duty and not on furlough and resulting from the negligence of others in the armed forces."[64]

Feres Doctrine Bypassed

The Feres Doctrine has limited US government liability exposure for more than seventy years. However, a recent allegation related to medical malpractice in a military hospital was able to bypass the constraints of the doctrine through legislation.

In January 2020, the SFC Richard Stayskal Military Medical Accountability Act of 2019 was signed into law as part of the year's National Defense Authorization Act. This new act allowed service members to file medical malpractice claims with the Department of Defense, a significant shift from previous policies.[65]

While this case bypassed the Feres Doctrine, the path for those with claims against the federal government was significantly widened by the CLJA, as Ed Bell has noted.

The first and most obvious difference is the removal of attorney's fees, which would potentially allow lawyers to make fees on the backs of injured veterans. The Department of Justice has issued guidance on the matter, referring back to FTCA for the customary fee cap of between 20 and 25 percent, but the enforceability of the guidance has not been tested in court.[66]

Alaska Republican Sen. Dan Sullivan had tried last year to pass a legislative fix in the Senate but was thwarted by Democrats. He noted at the time that lawyers were already charging contingency fees as high as 40 percent.[67]

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[62] https://www.law.cornell.edu/wex/feres_doctrine
[63] https://bsfdea.com/immunity-statute-of-repose-statute-of-limitations/
[64] https://supreme.justia.com/cases/federal/us/340/135/
[65] https://www.wusa9.com/article/news/investigations/president-trump-signs-ndaa-with-medical-malpractice-compensation-for-military/65-4207a56a-36b6-4fc7-bc17-6cdc74594f4d
[66] https://www.reuters.com/legal/government/camp-lejeune-attorney-fees-capped-25-us-justice-dept-says-2023-09-20/
[67] https://www.sullivan.senate.gov/newsroom/press-releases/sullivan-leads-bicameral-legislative-effort-to-protect-camp-lejeune-vets-from-unscrupulous-trial-lawyers

However, as recently as last month, at a Senate Veterans Affairs committee hearing, Sullivan said he had heard a l legal group in Montana called Saddle Rock was charging plaintiffs a 60% contingency fee[68] for Camp Lejeune cases.

The second primary difference is about *scope* – Camp Lejeune's water was contaminated for more than thirty years and over a wide area, producing an enormous set of potentially qualified victims.

The third difference is one of *age* – water contamination was present at Camp Lejeune between 1953 and 1987, making it difficult to conclusively link a plaintiff's current-day health problems with the time they spent at Camp Lejeune. Some victims have already died, with claims being submitted by surviving family members.[69]

The scope and age differences, put together, lead to a far lighter burden of proof for claimants and litigators. Specifically, personnel who served at Camp Lejeune are only required to provide evidence "sufficient to conclude that a causal relationship is at least as likely as not."[70] [Emphasis added] This easier standard makes Camp Lejeune cases much easier to win and has been used as an argument for *lower* attorney's fees.[71]

Future Litigation

In light of the CLJA legislation, what other allegations against the US government could bypass the Feres Doctrine and find a remedy through the legislative process, as Ed Bell hints at in his article? One answer is found by looking at some other recent cases that were denied due to the Feres Doctrine.

- In 1997, the Ninth Circuit US Court of Appeals ruled against a Marine stationed in Hawaii who filed a racial discrimination suit after his complaints were rejected by the equal employment opportunity officer. The court cited the Feres Doctrine, noting that "[a]lthough the doctrine of intramilitary immunity is generally applied in connection with the FTCA, its applicability is not limited to FTCA cases. The doctrine is instead applicable whenever a legal action would require a civilian court to examine decisions regarding management, discipline, supervision, and control of members of the armed forces of the United States."[72]
- In 2016, an Army nurse was attacked and set on fire by a civilian coworker after repeated warnings to superiors; the nurse was barred by the Feres Doctrine from filing an endangerment case.[73]
- In 2020, eight military personnel drowned in an amphibious assault vehicle training accident that was later determined to have been preventable. Families of the deceased sued the makers of the relevant vehicle but were unable to sue the military due to the Feres Doctrine.[74]

[68] "Senate Veterans' Affairs Committee Holds Hearing on the Fiscal Year 2025 Veterans Affairs Budget Request", May 1, 2024, Transcript by CQ Transcriptions (retrieved through Nexis)
[69] https://www.publichealth.va.gov/exposures/camp-lejeune/
[70] https://www.congress.gov/bill/117th-congress/senate-bill/3373/text
[71] https://newhampshirebulletin.com/2023/05/11/lawyer-fees-draw-scrutiny-as-camp-lejeune-claims-stack-up/
[72] https://www.bryanschwartzlaw.com/veterans-deserve-enforceable-rights-not-the-feres-doctrine/
[73] https://www.wusa9.com/article/news/investigations/army-nurse-set-on-fire-cant-sue-military-feres-doctrine/65-d58afb6e-cf96-4e2a-8199-7ad58466fc8c
[74] https://thewarhorse.org/feres-doctrine-ruling-could-open-military-justice-lawsuits/

- In 2020, the Second Circuit US Court of Appeals affirmed the dismissal of a harassment, discrimination, and retaliation suit, citing as the Feres Doctrine as its reason.[75]

GAI will continue to follow developments related to the CLJA settlement and its influence on legislation affecting future mass tort litigation.

[75] https://pospislaw.com/blog/2020/12/30/feres-doctrine-bars-title-vii-discrimination-claims-by-dual-status-army-employee/