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Class-Action Firms Extend Reach to Global Rights Cases

By [ADAM LIPTAK](#)

The plaintiffs are thousands of boys from South Asia and Africa who say they were abducted, enslaved and forced to ride racing camels to entertain the rich in the Middle East. The defendants live in the United Arab Emirates.

But the case is pending in Miami, and the jockeys are represented not by human rights groups but by Motley Rice, a leading contingency-fee class-action firm based in South Carolina known for its work in tobacco, asbestos and other domestic injury cases.

The class-action bar is going global. Until recently, international human rights cases in American courts were brought mainly by public interest lawyers more interested in calling attention to abuses and in establishing universal legal standards than in a potential payday.

The prominent plaintiffs' firms, their critics say, are in it for the money. And the fact that they have started to embrace international human rights law may be a reflection of the relatively limited opportunities left in domestic class-action suits after legislative and judicial efforts to cut them back.

Business groups oppose allowing American courts to hear human rights cases with no obvious connection to the United States, whether brought by law professors or by lawyers with airplanes.

But there is also wariness among the human rights organizations that have traditionally brought these kinds of suits.

"It's a bad thing that the class-action firms are getting into this area," said William S. Dodge, who teaches international law at Hastings College of the Law in San Francisco. "They don't know as much about international law, and they don't pick their battles as carefully. They're motivated not just by a concern to promote human rights but also by money and a desire to use these kinds of suits to get a settlement."

At the other end of the political spectrum, Richard A. Samp, a lawyer with the [Washington Legal Foundation](#), a pro-business group, said the developments were a symptom of a larger problem.

“The large-scale entry of class-action lawyers into this field,” Mr. Samp said, “is an indication that this has gone beyond the hopes of a few human rights groups to create publicity for their causes and into an area where there is money to be made.”

John M. Eubanks, a lawyer with Motley Rice who represents the former jockeys, disputed both points.

“We’re trying to right wrongs that have been committed,” Mr. Eubanks said. “It’s not about money. It’s about exacting some form of justice.”

Pressed, Mr. Eubanks conceded that the case was at least partly about money. “There is a contingency fee,” he said. “These cases do cost a lot of money. We don’t get paid unless we collect.”

The case, like scores of other human rights suits in recent years, was brought under a 1789 law, the Alien Tort Statute, that allows federal courts to hear claims by foreigners who say they were injured “in violation of the law of nations or a treaty of the United States.” Business groups and the State Department have urged the courts to interpret the law narrowly, saying that allowing such suits is a form of judicial imperialism that can interfere with American foreign policy.

In 2004, the [United States Supreme Court](#) imposed some restrictions on the suits in *Sosa v. Alvarez-Machain*. It limited claims to classic violations of international norms like piracy, torture and slavery. And it cautioned lower courts to avoid interfering with American diplomacy.

But the decision has not slowed the pace of litigation.

Beth Stephens, a law professor at Rutgers and an authority on the Alien Tort Statute, said there had been activity in about 50 or 60 suits since the *Sosa* decision, with perhaps a third of the pending cases filed against corporate defendants and many filed against the United States government.

Professor Stephens added that the raw numbers could be misleading. “Only a few cases actually survive — legally sound cases involving egregious, well-documented abuses, where plaintiffs have no other means to seek redress,” she said. “The rest are dismissed.”

There is little dispute that the former jockeys represented by Motley Rice endured wretched abuse. The State Department reported in 2005 that thousands of children, some as young as 3 or 4, were trafficked from Bangladesh, Pakistan and countries in East Africa and sold into slavery as camel jockeys.

“Child camel jockeys are often sexually and physically abused,” a State Department report that year said. “Most are physically and mentally stunted, as they are deliberately starved to prevent weight gain.”

More recently, State Department officials have said that the United Arab Emirates are making progress. “The United Arab Emirates freed almost 1,000 victims of child camel jockey slavery and helped repatriate those victim-survivors to South Asian countries, worked with [Unicef](#) in setting up a shelter for victims,” John R. Miller, ambassador at large on international slavery, said at a briefing last June. Lightweight robot jockeys have taken the place of the boys who used to race camels.

Lawyers for the defendants — Sheikh Mohammed bin Rashid al Maktoum, the ruler of Dubai and the vice president and prime minister of the United Arab Emirates, and Sheikh Hamdan bin Rashid al Maktoum, the country’s finance minister — denied wrongdoing.

“The allegations against the leaders of the U.A.E. are baseless,” said Habib Al Mulla, a spokesman for the Dubai government. “In fact, the leaders of the U.A.E., working with Unicef and all four of the affected home countries, have put in place a comprehensive program that Unicef calls a model for the region. Diplomacy has worked, and there is no need for courts to intervene.”

The plaintiffs say American courts have jurisdiction over the two sheikhs because they own property, including racehorses, in Florida and Kentucky. The defendants say they do not have enough connections with the United States to allow the courts here to assume jurisdiction over them.

At a conference in April in Abu Dhabi, the United Arab Emirates agreed to increase its contribution for social services and compensation for the former jockeys to about \$11 million. Claims tribunals in Bangladesh, Mauritania, Pakistan and Sudan, the home countries of most of the boys, will determine what they are to receive. Most will get \$1,000 to \$5,000.

“That’s not a lot of money for a stolen childhood,” Professor Stephens said. “If you think about a country that’s rolling in billions of dollars, it may not be enough.”

Joseph G. Finnerty III, a lawyer for the defendants in the jockey suit, said American courts should have no role in judging the conduct of his clients.

“Imagine how we would feel if courts in another part of the world decided they had jurisdiction over alleged actions by Americans, in America, against other Americans,” Mr. Finnerty said. “We would be affronted, and rightly so.”

Judge Cecilia M. Altonaga of the Federal District Court in Miami will hear arguments next month on whether to allow the case to proceed.

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