

Fallout: The shocking true story of suffering, corporate greed and a young lawyer's fight for justice – written by Kristen Gray

It was September of '94 and I was a young lawyer at 28 years of age. I had graduated from law school just two years earlier and, up to that point, had only handled workplace discrimination cases. This was all about to change. A career-defining case was about to fall into my lap—a case of local interest heavily reported by local news channels (KRON4, NBC Bay Area, KTVU Fox 2) putting Crockett on the map, and one that would forever define my role as a lawyer, and open my eyes to how far big business will sometimes go in the name of profits.

At the beginning of my career I represented a man, Ralph, in an employment discrimination case about a year before that call. We settled that case and made him a nice sum of money which prompted his phone calls to me over the next year about all sorts of possible lawsuits about which I wanted nothing to do; he wanted to sue the federal government to roll back gun control laws; he had various conspiracy theories worthy of Hollywood films.

In September of '94, Ralph called again. I knew him well by now. I knew he lived on a hilltop between Vallejo and Richmond called Crockett, California, about 30 miles from where I ran my budding law practice. I also knew he lived near refineries, lots of them. I grew up not far from where he lived, an area people then referred to as “Cancer Alley” due to all the disease you’d find there.

When he announced himself on the call, I was reluctant, but his story soon grabbed my attention. One of the refineries Ralph’s house overlooked was operated by the Union Oil Company of California (aka Unocal), a major petroleum refiner in those days. Ralph said Unocal had released something and it had made his family sick. He and his wife were having trouble breathing, were experiencing nose bleeds and horribly irritated skin. Ralph’s dog was sick too, and had been scratching so much that fur was coming off in clumps. Apparently, local kids were also sick, were itching, becoming nauseous and feeling sick after swimming at the local pool. A neighbor’s herd of goats had fallen ill and died shortly thereafter. Everyone in Crockett and the nearby town of Rodeo seemed to be affected. But by what?

What most prompted Ralph’s call was that a town hall meeting had been requested a couple of days earlier. It wasn’t a meeting about the growing illness in Crockett, but about Unocal’s desire to expand its operations; environmental regulations required such a public hearing. Ralph went on to explain that, at this meeting, some managers, scientists and public relations staff from the refinery were in attendance, but their answers to questions about the townspeople’s maladies were given little attention.

Ralph told me that it was during this town hall meeting that these families first learned why they might be sick. The leak was no accident. Unocal had permitted a 16-day airborne chemical release despite knowing the harrowing risks, and the residue had literally coated the quaint little towns of Crockett and Rodeo. Ralph explained it was a toxic molasses-like gunk which had,

over those two weeks, blanketed homes, seeped into lawns, even layered the local high school pool with a gross film. During those weeks, neither Unocal nor the County had done anything to stop it. Managers decided to continue operations to meet production schedules rather than shutting down the plant immediately. Six months before the leak, the company decided to delay a routine overhaul of the 180-foot hydrogen processing tower. The overhaul would have turned up evidence of developing problems if it had been done on time. This was a classic story I knew all too well, and I knew I had to do something.

Ralph wanted to sue Unocal, he wanted me to be his lawyer for it, and he knew a lot of people who were interested in suing Unocal too. I found it all quite intriguing, so I started making calls. I called everyone who I thought might know about the release and investigated it thoroughly and, despite several twists and turns in that investigation, it also became obvious to me we had to sue. This would be a class action, and it would be on behalf of the entire community. The idea was daunting since I had no experience with anything this enormous. I was a second-year lawyer with no money, no safety net and no other resources. To me, however, none of that mattered. No one was stepping up to fix this and Ralph was begging me to make this right. I told him I would.

Within days of that first conversation, there I was--filing my first class action at the courthouse. The next day, the case, and I, made front page news. I had no support staff but, within months, I had well over 1,000 clients. Then the politics started, the entrance of dozens of additional lawyers, and then the nasty litigation with lawyers claiming I was stealing their clients, and dozens of aggressive competing lawyers. I was in the middle of it all. It was thrilling—something I could never have imagined just two years earlier when I finished school.

For the next four years, I can't count my number of sleepless nights and 18-hour days but, in the end, it was worth it. We changed things in Crockett. Unocal left town...forever. Our case taught people they can stand up for themselves and make a huge difference. Some clients lost children. One woman lost her middle-aged husband to the chemicals he ingested. He fell ill and died from respiratory complications. The stories of hardship are everywhere. Back then, I was ill-equipped to handle hearing them. I had no experience dealing with such trauma. I wanted to comfort them but, at the same time, not get sucked into an emotional vortex.

When the case was over, we witnessed 12 criminal indictments. Unocal was forced to sell the refinery because it couldn't handle the new rules put on it. A corporate risk communication policy that requires far more information than ever before be given to the public about health, environmental, safety and operational issues pertaining to the refinery was established. Along with these new regulations for Unocal no matter they moved, a state-of-the-art chemical monitoring system that flags any chemical the facility emits was implemented, and we prompted safety protocols now used nation-wide.

The money settlement itself was less than what we had hoped for, but to some people, it would seem like a lot. When you extract the fees and costs, and divide what's left by thousands of people, it's not so impressive. Still, the case did good in other ways; roads

and parks were updated, and some victims even donated their compensation to local schools and charities. Those who made it through the incident and stayed felt closer to their neighbors. Everyone suffered, and facing a common adversary often builds lasting bonds.

People ask me why I finally decided to journal this experience. I tell them that, after 25 years now of litigating class actions, I know the importance of calling out bad actors. It had to be me that told it too, since it was me that started that litigation and who rallied that town around our efforts. Things wouldn't have changed without that case. Crockett hadn't changed much in the decades before and, honestly, you wouldn't see much change if you went there today—but the people stand taller.

To those who ask why I wrote this story, I also tell them what my late father always said about choosing a career. He said, above all, "do what you love." I absolutely love the law and the good that its practice can do to help level the playing field. It is cases and events like the one chronicled in *Fallout* that make me realize what my dad was trying to say.