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Attorney toppled diet-drug case Goliaths

Written by

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She stands only 5-foot-3 and says she weighs “just north of 100 pounds.”

She has said she once was so painfully shy that the thought of speaking before a group would cause her stomach to knot and her hands to perspire. She disliked school, earning mostly Bs and Cs at Louisville's Mercy Academy, and in her first year after high school she worked as a dental hygienist.

But Angela Ford grew increasingly confident as she grew older, and went on to become the first female student government president at the University of Louisville.

And now the 51-year-old lawyer has proven herself on a much larger stage.

Taking on powerful interests, virtually by herself, the Lexington practitioner helped expose one of the biggest legal scandals in U.S. history — the theft of tens of millions of dollars from Kentuckians injured by the diet drug fen-phen.

Her five-year fight culminated last month in the sentencing of disbarred lawyers William

Gallion and Shirley Cunningham Jr. to long prison terms and a court order of \$127million in restitution to her 423 clients, who previously were represented by those same lawyers.

Ford will get one-third of what is recovered; she's been paid about \$7.5 million so far, although part of that has gone to other lawyers who assisted her.

Fellow lawyers applaud Ford's perseverance in what many say was a long-shot challenge against targets that included a judge once named Kentucky's co-judge of the year.

“If somebody had come into my office with this case, I would have said, ‘You've got to be kidding,’” said Louisville trial lawyer Gary Weiss. “She took a difficult case and spent a fortune of time and money, and (has) done a service to her clients and society.”

“She ought to get the lawyer of the year award,” Weiss said, “maybe lawyer of the

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decade.”

Client Jackie McMurtry of Louisville said: “They tried to block her at every turn. She never faltered.”

And Michael Hance, president of the state's plaintiff trial lawyers group, the Kentucky Justice Association, said, “She has shown that the justice system works.”

Ford says that Gallion and Cunningham and co-counsel Melbourne Mills Jr. — who was acquitted of criminal charges but is on the hook for a \$42million civil judgment Ford won against him and the other two lawyers — may have underestimated her.

“They were arrogant and very self-assured,” she said in an interview recently in her office, in which she recounted how the lawyers accused her of meddling with their clients after she filed her suit in 2004.

She said she had no sympathy for them when they were convicted — “I felt they had chosen their fate.”

Cunningham said he doesn't know Ford personally or professionally, and couldn't comment for this story, and Mills declined to comment. Gallion, who is being held with Cunningham in the Boone County Jail awaiting transfer to federal prison, didn't respond to questions about Ford.

Ford's only persistent public critic, retired Judge Stan Billingsley, has ripped her in his legal blog and said in an interview last month that her clients would have gotten

more money if she hadn't sued the lawyers and had let the government pursue restitution through the criminal case.

That way, the clients wouldn't have had to pay Ford's fee, claims Billingsley, who acknowledges he is friends with Judge Joseph Bamberger, who was forced to resign from the bench after Ford implicated him in the scandal.

But Ford's clients said they don't think the lawyers ever would have been prosecuted had she not exposed their misconduct through her lawsuit.

“They would still be walking around living the high life, if not for Angela Ford,” said W. L. Carter of Lawrenceburg.

A 'tenacious' advocate

Ford grew up in Audubon Park, one of eight children of John H. Ford, now 87, and Gladys Ford, 80.

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Though shy, she learned to hold her own in conversations around the family dinner table, recalled her father, who taught philosophy at what was then Bellarmine College.

"She became a strong advocate for what she thinks is the right thing to do," said her mother, who was assistant to the dean of music at the University of Louisville.

As UofL student body president, Angela Ford became known to the board of trustees, including then-Humana chairman and chief executive David Jones, who remembers her as "tenacious."

"She was tiny but had a big brain and a big heart, and a lot of moxie," said Jones.

In 2003, she won her biggest settlement, \$4.4million from the Diocese of Covington for 18 people who had accused six priests of sexual abuse.

The fen-phen case started slowly in 2004, she said, when a woman referred by another lawyer walked into her office and asked her a question: Could a lawyer give away money that she won in a settlement without her consent?

The woman's story about the fen-phen case didn't make much sense, and she had no documentation, Ford recalled. But she promised to check it out and, about a month later, drove to Boone County to look through the file in the lawsuit settled there three years earlier by Gallion, Cunningham and Mills.

She said she immediately saw red flags — there was a flurry of motions after the case should have been over. And the lawyers had transferred an unspecified sum into a charitable fund they called the Kentucky Fund for Healthy Living, formed to support health care issues — and were paying themselves an undisclosed sum to run it.

When Ford wrote to the lawyers' former fen-phen clients, many told her the same story, she said — that the lawyers had poured "leftover" money into the fund, saying it wasn't worth the cost of postage to divide among the clients.

Initially representing three dozen of the former fen-phen clients, Ford rushed to the courthouse to sue their former lawyers — before the attorneys could file a motion to hold Ford in contempt of court for interjecting herself into their case.

She named powerful class-action lawyer Stan Chesley, the husband of a federal judge, as a defendant after learning he'd negotiated the \$200million settlement. And

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her suit eventually charged that Judge Bamberger was in cahoots with the defendants.

Case time-consuming

As more fen-phen clients joined her suit, Ford said she was swamped with phone calls, paperwork and motions to defend and file.

"I felt overwhelmed for the first few years," she said. "I worked seven days a week."

For four years she worked exclusively on the case without recovering a penny, she said, living on savings that she used to pay her only employees — a paralegal and a secretary.

Though never married, Ford dates a Lexington lawyer, Sam Perkins, and said she likes to walk and swim — but she said the fen-phen case gave her little time for any of that.

Eventually, she reached out for help, retaining among other attorneys a Nashville lawyer who worked in the firm of famed Watergate prosecutor James Neal.

And then she went on the attack.

She charged that it was an "obscenity" that the defendants had paid themselves an annual salary of \$60,000 each to manage what should have been their clients' money. And she said Gallion, Cunningham and Mills had engaged in "fraud, pure and simple."

Gallion counter-attacked, calling her part of a "cottage industry of lawyers who attack class-action settlement."

But in February 2006, Kentucky's Judicial Conduct Commission forced Bamberger to resign, saying he had "shocked the conscience" by approving fees that left clients with only \$74million of the \$200million settlement.

The next month, a special judge held that the defendants had breached their duties by passing out money "to themselves and others like it was theirs to do with as they wished." Gallion, Cunningham and Mills were ordered to forfeit \$42million and surrender what eventually had grown to about \$23million in the charitable fund.

And in June 2007, the lawyers were indicted for fraud.

Ford said she doesn't think the government could have prosecuted the case before a five-year statute of limitations expired without her groundwork.

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In an e-mail, Assistant U.S. Attorney E.J. Walbourn said Ford “has and continues to be a forceful advocate for the victims” but that the criminal prosecution was “independent” of her lawsuit. But attorney William E. Johnson, who defended the lawyers in the civil suit, said he thinks if it had been settled — which he said he should have pushed harder to do — his clients would not have been indicted. During both of the defendants' criminal trials, Ford served as the court-appointed victims representative.

When the first trial ended in July 2008 with the acquittal of Mills and a hung jury on Gallion and Cunningham, she publicly criticized Walbourn and co-prosecutor Laura Voorhees for their performance in that trial.

“The jury sent the prosecution a message,” she said at the time. “Make it clear next time.”

When Cunningham and Gallion were convicted in a retrial this year and sentenced to 20 and 25 years, respectively, Ford said she felt no joy — but no worry for the defendants either.

“Their sentences fit the crimes,” she said.

Work continues

Ford's work in the case continues.

So far, she has collected only the \$23million for her clients. She still is trying to locate and liquidate the defendants'

assets, including their 20 percent stake in Curlin, the two-time thoroughbred horse of the year, and will try to collect from Chesley, whom they claim was overpaid by about \$7million.

She has said she doesn't expect to collect the full amount.

Since collecting her first fees on the case last year, Ford has bought a new Lexus, but only because a tree fell on the Acura she had driven for years, she said. She still lives in a 1,368-square-foot home she bought in 1985 for \$77,000.

Her clients say they don't begrudge her a penny.

“I don't know that she could ever be paid enough,” Carter said.

Friends, family and fellow lawyers say Ford remains reserved — “not your typical chest-beating litigator,” said Heather McKeever Haffey, who used to work for Ford.

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But New Orleans attorney John J. Cummings III, the co-lead counsel in the national fen-phen case, said he was so impressed with Ford's ferocity that he sent her an alligator's head to symbolize it. It now sits on the floor of her office, its teeth bared.

"I told her that if I ever saw her in a wrassling match with an alligator," Cumming said, "I would help the alligator, to make it an equal fight."

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