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## Law of the Jungle: the \$19 Billion Legal Battle over Oil in the Rain Forrest and the Lawyer Who'd Stop at Nothing to Win It by Paul M. Barrett

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*Law of the Jungle: The \$19 Billion Legal Battle Over Oil in the Rain Forest and the Lawyer Who'd Stop at Nothing to Win It* by Paul M. Barrett (Crown Publishers; 304 pages; 2014)

Bribery. Racketeering. Intimidation. These are not techniques championed in law school. And yet, according to a new exposé, they dominated the trial strategy of a highly publicized, multi-billion-dollar toxic tort case in the Ecuadorian jungle.

At first blush, *Law of the Jungle: The \$19 Billion Legal Battle Over Oil in the Rain Forest and the Lawyer Who'd Stop at Nothing to Win It* suggests an uplifting story. It seems to promise the vindication of people harmed by an egregiously careless resource grab at the hands of the corporate giant Texaco. A reader might settle in for an indigenous Ecuadorian version of the famous movie *Erin Brockovich* (Jersey Films 2000). The book's cover, after all, shows an earnest-looking, young American plaintiffs' attorney, Steven Donziger, surrounded by the humble, trusting faces of downtrodden indigenous people. But this book is not about the triumph of little people over big oil. Instead, Barrett focuses his keen storytelling on Donziger himself, painting him as a green attorney who at first conceals his lack of experience with theater and lies, and ultimately becomes a flamboyant egomaniac doing more harm than good for the people he means to save. By the end, the book chronicles not an environmental success story in the Amazon, but a misguided attorney's reckless, Faustian descent.

That's not to say Texaco emerges unbloodied. Barrett recounts that oil spills from Texaco's pipelines reached 16.8 million gallons in Ecuador by the early 70s, exceeding the Exxon Valdez disaster by six million gallons. Long before the start of Donziger's class action suit, researchers documented widespread illnesses among Ecuador's rural people living near spills and unreclaimed oil pits. Texaco exhibited all the now-common hallmarks of industrial pollution cases: sloppy remediation, payoffs, and abandonment.

Texaco and then Chevron, once the latter bought out the former in 2001, maneuvered to keep the Ecuadorians' class-action suit out of American courts. The oil giants thought, mistakenly, the case would fare better in Ecuador. Most of the book focuses on the subsequent wrangling in the Ecuadorian courts, where both sides resorted to tactics offensive to American judicial ideals. Chevron hired a powerful PR firm to discredit Donziger and even tried to spy on him; Donziger paraded celebrities including the rock star Sting and his wife, Trudie Styler, in widely publicized "toxic tours." No less than six Ecuadorian judges sat on the case in turn. Chevron tried to frame one of the judges for alleged bias; Donziger's team threatened to expose another for sexual harassment.

Chevron was in cahoots with the Ecuadorean military and halted site inspections using a made-up military order; Donziger's team essentially authored the reports of a court-appointed expert. Barrett quotes a brash Donziger at that point in the story: "[a]ll this bullshit about law and facts' is secondary," the attorney said. "At the end of the day, it is about brute force."

Donziger won the case in Ecuador, securing a \$19 billion judgment that was later halved by the Ecuadorian Supreme Court. But even now, the story isn't over. Because Texaco no longer has assets in Ecuador, Donziger's team remains embroiled in a battle to collect the judgment globally. Chevron is fighting those efforts—in part by attacking Donziger with a racketeering suit in American courts. Chevron won that case in the Southern District of New York, but lost on appeal in the Second Circuit. See *Chevron Corp. v. Naranjo*, 667 F.3d 232 (2d Cir. 2012). The ultimate outcome of the racketeering charge will determine, to some extent, the Ecuadorians' ability to secure damages; few jurisdictions will enforce the Ecuadorian judgment if it is so discredited in the American courts. As Barrett points out, all the drama has eclipsed the goal of the original suit: to clean up pollution that affects the lives of rural Ecuadorian people.

Ultimately, Barrett's book casts a harsher spotlight on Donziger's behavior than on Texaco or Chevron's. We already know what Donziger thought of Barrett's reporting, even before the book was finished, because Barrett wrote about their last encounter: "I am going to expose you!" Donziger told him. "You are a biased journalist! You are going to be exposed!"

Nevertheless, readers endeavoring to judge for themselves will find plenty to consider in Barrett's well-researched account. And his highly readable, gripping style ensures that the effort will be as enjoyable as it is informative.

Readers who are interested in this topic need not rely solely on Barrett's book. *Law of the Jungle* joins several other depictions of the Ecuadorian Chevron case. In late August, Michael Goldhabe released a Kindle Single ebook, "Crude Awakening: Chevron in Ecuador" (RosettaBooks, 27,000 words, \$2.99). And Joe Berlinger's controversial film *Crude: The Real Price of Oil* (*Entendre Films* 2009) premiered at the 2009 Sundance Film Festival. It is widely available now.

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