



Eric Mayer, far left, participates in a press conference March 27 announcing the Houston premiere of *Fighting Goliath: Texas Coal Wars*.

In the colossal fight to prevent the approval of new coal-burning power plants in Texas, Susman Godfrey, L.L.P. was the proverbial rock that struck the giant in the eye. In 2006, the Houston-based firm agreed to represent a coalition of 38 Texas cities, towns, and school boards opposed to 11 coal plants proposed by energy giant TXU.

The legal battle is the subject of a documentary film, *Fighting Goliath: Texas Coal Wars*, commissioned by the Redford Center at the Sundance Preserve and narrated by Robert Redford. The film examines how the Texas Cities for Clean Air Coalition banded with environmentalists, farmers, and ranchers to reach a common goal. Residents in towns surrounding the Waco area (the so-called “ring of fire” where eight of the 11 TXU coal plants were to be built) opposed the coal plants not only because of environmental concerns, but also because of land rights. Many farmers and ranchers in the area believed they might have their land divided by railroads that would be used to transport coal to Texas. They decided to join forces with their sometime rivals, environmentalists.

“An environmentalist to a farmer was a tree-hugger that didn’t want us to use pesticides on anything,” Hallsburg rancher Marc Scott said in the film. “Until this came about, I always looked the other way when I saw an environmentalist.”

“It’s not about Republicans or Democrats. It’s not about moving left or moving right. This is about moving forward or moving backward.”

— STATE REPRESENTATIVE
CHARLES “DOC” ANDERSON
OF WACO

At the heart of the coalition’s argument was a concern that Texas Gov. Rick Perry was accelerating the permit applications for the coal plants (an allegation a Perry spokesperson denied in an April 5, 2008, article in the *New York Times* about the film) and that TXU was not using the cleanest coal-burning technology possible. Led by then-Dallas Mayor Laura Miller and Houston Mayor **Bill White**, the coalition asked Susman Godfrey to

join the fight. The firm agreed. “We want to make sure that no plants are built that don’t comply with the cleanest technology available,” founder and name partner **Stephen Susman** announced.

Seven Susman Godfrey lawyers from the firm’s Houston office worked on the case pro bono — an estimated \$2 million in billable time. “Lawyers are agents of change, and our attorneys are using their legal skills to help bring about change,” said **Eric Mayer**, a partner in the Houston office, after a March 27 press conference announcing the film’s Houston premiere. “We all volunteered immediately.”

Just as the firm was preparing to take the case to court in February 2007, TXU withdrew eight of the 11 permit applications due to a \$32-million buyout sanctioned by several environmental groups. The energy company, now Energy Future Holdings Corporation, was sold to three private equity firms. The coalition continues to oppose the remaining three coal plant permits, with Susman Godfrey continuing its representation. As one Susman attorney puts it near the end of the 35-minute film: “We’re in it for the long haul.” ☘