

Press Release: ATI Welcomes Michael Mann to the Case

ATI

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In an invective-laden argument lacking in any principled or cogent reference to the law, attorneys for Michael Mann asked the court to approve his participation in [ATI's Freedom of Information Act case against the University of Virginia](#). Ruling from the bench and offering no specific reason for his decision, Judge Finch granted Dr. Mann's motion.

ATI welcomes Dr. Mann to the case. Now he will have to defend his email content before a neutral court and offer more than slurs and innuendo to support his contention that he can hide his behavior and his emails from the public who paid for them in the first place.

ATI opposed Dr. Mann's intervention, but not because ATI doesn't "like" him. Rather, like so many other elements of this case, it gives ATI the opportunity to help the court clarify the law. Although the trial court did not state the interest Mann has in this case, on appeal the court will have to explain what basis exists for a faculty member to intervene in a FOIA case between citizens and a university.

"This is a cloudy area of law and ATI seeks clarity on the matter," said Dr. David Schnare, director of ATI's Environmental Law Center. "Dr. Mann now must offer to an appellate court citations to cases and statutory law to defend his position."

Also before the court was UVA's motion to modify [the protective order](#). UVA and ATI had previously negotiated an agreement that allowed ATI attorneys to select examples of emails to use in later legal arguments, thus reducing the court's burden of review from 12,000 emails to about 50 or less. UVA faculty was furious that its attorneys had agreed to allow ATI to make that selection and demanded they seek to shift that duty back to the University. The court rejected UVA's approach. Admitting that the trust between the parties no longer allowed either UVA or ATI to select the examples, the court ordered them to come up with an independent third party who will select the example emails. If UVA and ATI cannot come to an agreement by December 20th, the court will pick someone to do the job.

Dr. Mann may have little impact on this decision, as his attorney stated in open court that the only person "in the universe" qualified to select example emails was Mann himself. The court rejected that notion by simply ignoring it.

ATI thanks Judge Finch for taking the steps necessary to move this litigation along.

"We will make every effort to identify a competent and fair third party to find examples," said Dr. Schnare. "We note with some satisfaction that UVA has already adopted the basic approach ATI offered to the court as to how to select the samples and we will provide further suggestions that should ease the effort for the independent party who will take the next step in this case."

For an interview with American Tradition Institute senior director of litigation Christopher Horner, or Environmental Law Center director Dr. David Schnare, email paul.chesser@atinstitute.org or call (202)670-2680.

