PUBLIC NUISANCE VOODOO: BUSINESS BREAKS THE SPELL

E-Book
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Rhode Island Lead Paint Live-Blogger

"Recently, some state attorneys general and personal injury lawyers have been trying to convert the tort of public nuisance into a cutting edge legal theory and are using it in the most important mass litigations of our time."

- Victor E. Schwartz and Phil Goldberg[①]

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INTRODUCTION:

With their public nuisance special language, rituals and media coverage, state attorneys general and plaintiff lawyers have cast a spell on the American legal system.

If all this weren't burdening American business, the whole thing would go down in history as just another cartoonish excess. But it is a burden. So, let's look at the way the voodoo of public nuisance operates and how business is breaking the spell.

Chapter 1 – COULD HENRY FORD'S MODEL-T BE SUED BY 50 ATTORNEYS GENERAL FOR CONTRIBUTING TO A PUBLIC NUISANCE

With public nuisance, no product from the past is immune from being marked as contributing to harm to the common good. Take, for example, Henry Ford s Model-T.

Given the state of public nuisance theory, it's possible [although not really probable] that it could be the focus of a lawsuit. That's because, it could be alleged that when old Henry gave the masses access to auto transportation, he contributed to current global warming. State attorneys general could join forces with private law firms working on contingency and there is a 50-state public nuisance lawsuit against Ford et al. [other auto companies which also brought the automobile mainstream.]

That legal scenario would be only slightly more bizarre than the real public nuisance ones. One was tried out in California against current auto manufacturers. It got tossed. But the other real ones against the former manufacturers and marketers of lead paint went to trial, twice and there may be a third time. The chemical, pharmaceutical, energy, and food industries are among those which have been targets of public nuisance lawsuits or soon could be.

The concept of public nuisance is essentially legal smoke and mirrors. No one understands it. It's malleable. And who isn't against a public nuisance. Just being a defendant in a public nuisance lawsuit puts the defendant on the defense – not only in a court of law but in the court of public opinion.

There's more. As defense attorney Scott Smith of Halleland Lewis Nilan & Johnson explains in his article[2] in THE ICIS CHEMICAL BUSINESS, public nuisance legal theory allows companies to be sued for products that were legal at the time, had no defects, weren't harmful when used properly, and were highly regulated by federal, state and local agencies. Also, there is no statue of litigation.

Any and all companies have to factor in the litigation risk of being ensnared in a public nuisance lawsuit. That sure became obvious on April 4, 2008.

On that date, the Court of Appeal of the State of California Sixth Appellate District ruled that the use of contingency outside legal counsel was valid in the Santa Clara et al. lead paint public nuisance case.

Anything which happens in trend-setting California is bound to catch on nationally. This ruling, if not overturned, opens the doors to a flood of public nuisance lawsuits, argued on contingency, in any state or city against any manufacturer of a product. Will the deep-pocketed cola industry – e.g. Coca-Cola, Pepsico - be hauled into court for years of

producing and promoting high-calorie, low-nutrition beverages? The same could apply to any product deemed politically incorrect. Frosted Flakes' Tony the Tiger better watch his tail.

Fortunately, the new improved 21st century version of public nuisance has been around long enough for us to be able to learn how to manage it. My own learning curve began on November 1, 2005 when I began live-blogging the Rhode Island lead paint public nuisance trial which was conducted not far from my home in Connecticut. I kept at it until the verdict came in against three of the defendants – Sherwin-Williams, NL Industries, Millennium Holdings – on February 22, 2006.[3] Since then I've been covering that issue nationally as well as other tort matters.

I'm not a lawyer[4] but a businessperson and a business journalist. So, I'm presenting the business and Wall Street perspective on this. For every company, large and small, domestic and global, public nuisance litigation is right up there with all the other kinds of risk - changing technology, new forms of competition, recessionary economy, and currency fluctuation.

Pile on enough of this risk on the American type of capitalism and the system could come down. That might be the political agenda of champions of public nuisance lawsuits. The so-called public trust gets pitted against the private sector.

Chapter 2 – PUBLIC NUISANCE IS NOTHING NEW

Every tribe needs to identify, halt and punish what it sees as harmful, experiences as annoying, and what it has the power to play with. That legal concept we refer to as "public nuisance" goes back a long time. It started in 12th century English common law. It became a crime or a public nuisance to impede the rights of the King. If that was judged to be the situation, the activity could be stopped [injunctive relief] and a remedy imposed.

Come the 14th century that sort of protection of rights was interpreted to also apply to the public. Those rights essentially were what we think of today as held in common by the public such as being able to breathe air that isn't polluted or laden with a foul odor, to use public highways without barriers, to enjoy peace and quiet, and whatever else seems to be ensured by the community mores.

American common law integrated much of this. But, as you can see, the "this" is fraught with ambiguity. Victor E. Schwartz and Phil Goldberg point out in their article "The Law of Public Nuisance: Maintaining Rational Boundaries on a Rational Tort,"[5] that from the industrial revolution right up to today, determining what can constitute an actionable public nuisance is wide open to interpretation.

This was especially the situation in America when there wasn't enough of a regulatory framework to deal with rapidly changing conditions. That was certainly the way things were during the Industrial Revolution in America.

So, instead of standardized regulations, there were individual court decisions about what was and was not a public nuisance. On the one hand, polluting a river in 19th century America was treated as a public nuisance. The reasoning was that such a condition was akin to blocking access to a waterway. On the other hand, all that noise and pollution from railroads was ruled not a public nuisance. Go figure.

Then as regulation caught up with industrial development, there was less need to rush off to courts with public nuisance disputes. In fact, Schwartz and Goldberg note that by the 1930s, public nuisance theory sort of faded from the scene. They say, "when the first 'Restatement of Torts' was published in 1939, it did not even include a reference to the tort of public nuisance."

Then came the perfect storm of the late 1960s and 1970s. There was a confluence of many developments and the regulations in-place couldn't manage them – and still haven't.

Here are just some of those factors. One was the diligent work of legal scholars like Dean William Prosser and Dean John Wade. They were busy bees drafting the "Restatement (Second) of Torts." But law never occurs in a vacuum. The change agents

in a society in upheaval put the muscle on them, directly and indirectly, to provide the legal tools to carry on the revolution.

That was to be expected. We saw how public policy figured in the U.S. Supreme Court decision on school desegregation. In the Rhode Island Supreme Court appeal of the lead paint public nuisance case, by both defendants and plaintiff, some of us are wondering how much public policy will influence the court's ruling.

In support of the plaintiff, over 50 amicus briefs have been filed from organizations ranging from the National Association for the Advancement of Colored People to the Statewide Housing Action Coalition. Before this flood of briefs some of us assumed that the legalities would be the sole factor in that complex case. How naïve.

Well, the late 1960s and 1970s marked a major ideological realignment in America. History has given it various names:

- The consumer movement
- Environmentalism
- State attorney general activism
- Judicial activism
- Grassroots democracy
- States rights
- Liberalism

- Socialism.

Manhattan Institute's Walter Olson chronicles that turbulent era and how it changed our legal system in his books such as "The Litigation Explosion."[6] The heroes of the era were Ralph Nader, the liberal members of the U.S. Supreme Court, liberal state judges, activist state attorneys general, and activist plaintiff lawyers. I remember back then those in my circles all wanted to be a Nader Raider or a public interest attorney.

Until then mainstream America had no reason to ever think much about or use the legal system. The professional ethos of lawyers, in fact, was to discourage disputes being settled by litigation. That all changed to viewing courts as the place to change America for the better.[7]

This mindset got plenty of reinforcement by events such as Love Canal in the mid 1980s. Public nuisance legal theory was used. Love Canal became a symbol of the corruption of corporations and the purity of the plaintiff bar, the courts and the media which told this and similar chilling tales of corporate indifference, negligence and greed night after night. If one didn't hate industry, that person was viewed by the "movement" as being unaware, unintelligent, brainwashed by the system, or having a less-than-noble agenda.

There's more. To help the public make wrongs right through the courts, contingency agreements became commonplace for class-action lawsuits. Up to today, that use of contingency in class-action litigation remains highly controversial.

A motion on that filed by the Rhode Island lead paint defendants is pending in the state's supreme court. The high court didn't toss it but put it on hold until the other substantive legal issues are resolved. If that court sees contingency as valid, just as the California appeals court did, then one possible barrier to judicial activism has been removed.

In addition to earning a windfall, contingency plaintiff attorneys can make a national reputation for themselves. That brings in more business and celebrity status. The activity pays well and being in the limelight can be the ultimate career satisfaction in America. However celebrity-hood does put a bull's-eye on plaintiff attorneys such as Dickie Scruggs.

Another enabler of class action suits, including public nuisance ones, is that activist state attorney general. Bill Clinton was one of the first of that breed. That function went from a low-profile one of catching real criminals to a stepping stone to higher office via taking on noble causes. So active have been the activist state attorneys general that there is now niche media like LEGAL NEWSLINE to keep up with them.

With all that as background, it was a slam-dunk for public nuisance theory to be configured to apply to tobacco, asbestos, and guns. The success of those lawsuits and the windfall of funds which came to both the states and the plaintiff attorneys made public nuisance be celebrated as a cutting-edge legal tool.

Chapter 3 – PUBLIC NUISANCE SMOKE AND MIRRORS

Public nuisance functions so brilliantly because there's not much there. Essentially, it's always been more Wizard of Oz behind a screen of rhetoric than substance. That lends it to being a just-in-time legal concept that can be molded to accomplish the agenda of whoever decided to apply it, be it the king of England or the state attorneys general along with private law firms working on contingency.

Its magic is that powerful ambiguity. No one understands it. That came out loud and clear early in the jury deliberations in the Rhode Island lead paint trial. The jurors requested a clarification of "public nuisance." The Judge Michael Silverstein refused to add to or modify how he had defined it in his jury instructions.

When I interviewed four of the jurors they told me that after they were deadlocked – 4 to 2 in favor of the defense – they pasted the jury instructions to the wall and went line-by-line through them. That was the only way they could eventually reach a verdict by the eighth day.

Read the legal scholars on public nuisance. They don't have any better handle on the concept than that jury did or I do now.

Public nuisance is also an instrument of black magic because it can be applied to anything which annoys a group. To the Third Reich, Jews, the handicapped, those who

weren't perceived as productive, and gays were a public nuisance, weren't they. That destructive potential might be the reason why so many courts - trial, appeals and supreme - have rejected public nuisance cases. The extreme righteousness of the concept frightens me. The crowd may have wisdom but it can also get very absolutist in how it views and deals with "the right thing to do."

A third reason public nuisance can cast spells is exactly this: It always defaults on the side of the angels. The defendant company, along with the employees, vendors, and shareholders, is positioned and packaged as a miscreant. In public opinion, that miscreant has the burden of proof to show innocence.

The consequences of that demonization can be severe. Through just the fact that the company is accused of contributing to a public nuisance, the brand equity could take a hit, the stock will be undervalued leaving the company vulnerable to a takeover, sales could decline, and individual employees and vendors could become less marketable because of their association with that particular company.

And, worst of all, there is no statue of limitations. Any product made now, without defects and under federal, state and local regulation, could be hauled into court in 2020 as contributing to a public nuisance.

It was attorney Fidelma Fitzpatrick at Motley Rice who came up with the strategy of applying public nuisance to the situation with the former lead paint defendants. That was typical plaintiff-lawyer disruptive thinking.

For years, plaintiff lawyers have been attempting to sue those companies via product liability law. It didn't work. Public nuisance was a wonderful way to shake loose of the constraints of traditional product liability law.

No surprise, the company will be paying through the nose for its legal bills. Since this is complex litigation with high stakes, the kind of legal services needed are usually classified as "premium." That means high-priced. That cost of litigation is money that isn't going into operations, innovation or growth.

Chapter 4 – WHAT CAN ANY ONE COMPANY DO?

By this time, there should be no public nuisance virgins out there in the private sector. Every company should be aware of the threat, what to do to prevent it, what to do to prepare for it, and to be able to analyze some of the best practices of other companies which have been through this ordeal.

Well, we do know that awareness is growing. States which want to keep their businesses and attract new ones have gotten it that they have to do something major about tort reform. Mississippi did just that after Toyota delivered a manifesto about what was wrong with that state's legal system. That got fixed well enough for Toyota to announce it's building a plant there.

There is also the matter of attracting and keeping human capital. Economic development guru Richard Florida keeps knocking out books – which started with "The Rise of the Creative Class" – on how innovative, productive 21st century workers cluster together with like-minded people. Think Silicon Valley, the research triangle in North Carolina, the media overclass in Manhattan. Geographic location hasn't become an anachronism. No member of the creative class will settle in a state whose courts are run like those of a banana republic.

But the reality that an activist judicial system drives away economic development and the best human capital still hasn't reach the tipping point in other states. Ohio, for example,

continues to fiddle with a statewide public nuisance lead paint suit and one filed by the city of Columbus. Yet its citizens haven't revolted. Unemployment, house foreclosures and other negative statistics are higher in Ohio than the national average.

So, why aren't the citizens taking the Ohio Attorney General Marc Dann on? Maybe business hasn't told its story of litigation risk well enough. What I read on this issue is primarily a throw back to that 1970s corporate boilerplate. As that, it's not credible, not convincing - and boring. It sure lacks the intellectual insight, wit, and moral courage of THE AMERICAN SPECTATOR. That voice of American capitalism, led by R. Emmett Tyrrell Jr., influences by a mashup of fierce intelligence, presentation of unusual arguments and data, and scornful sarcasm. That was the publication who anointed Bill Clinton "The Boy President."

The solution? One could be for business to make that radical break with corporate speak in tone, format and content. Why do so many messages on the litigation facing the organization sound like those vertical, disembodied, formulaic and communicate-nothing rejection letters we still get from companies which don't hire us?

Another solution might be, just as Frito-Lay did with Doritos and GM did with the new Chevy truck, to go to the people and ask them to help with this story. User-generated content, when done well, always trumps what comes from the internal powers-that be.

As for how to try to prevent public nuisance litigation – that should be obvious. Think about it: Tough, secretive Apple is less likely to be a victim of public nuisance litigation than old-line companies which are still playing the game cautious and polite as if it were the 1950s and U.S. industry had no serious competition. What does that tell a reasonable person?

There's a compelling lesson in the Rhode Island lead paint defendants' decision to not settle and to fight aggressively. This may not always be the solution. As head counsel for Sherwin-Williams Mickey Pohl et al. discuss in the "Business-Focused Solutions" edition of Jones Day PRACTICE PERSPECTIVES: PRODUCT LIABILITY & TORT LITIGATION, multiple variables have to be considered in that decision to settle or go to trial. One of them is the type and cost of the appeal bond. Make the wrong decision and the client might ultimately win the case but go bankrupt along the way.

For the Rhode Island lead paint defendants, not settling has been the right decision. Otherwise, it's clear that they would have been a target for plenty more state and city public nuisance lead paint lawsuits. Oh, they could be hit with other kinds of lawsuits, perhaps ones with merit, but I doubt there will be anything like the lead-paint type – not again, at least not any time soon.

In this legal environment, settling can often deliver the message: Pick my deep pocket again and again. But as Pohl underscores, all legal strategies and tactics must be determined on a case-by-class basis. There are no formulas to be applied.

So what does hanging legally tough mean? Well, as I see it, it is a continuum. At the extreme end it entails being legally astute about messages a company gives off by settling. That, as we know, could invite a flood of similar shakedowns. But there are also messages sent when a company is too puppy-doggish about corporate social responsibility, shows fear of any kind, and isn't proactive on all fronts, be it product innovation or killing off dying brands. A company that has lost its sense of self and confidence is one vulnerable to bullying, legal and otherwise.[8]

How to prepare for the possibility of a lawsuit? We know now that the only way to do that in this volatile 21st century is to know that we probably can't anticipate that. Here, the thinking of uncertainty expert Nassim Nicholas Taleb has taken hold or should have. After all, Taleb's notion of black swans was featured on the popular Friday night TV show "Numbers." Yes, it's gone mainstream, at least among members of the creative class. According to Taleb, the history of civilization is largely determined by those black swans or unexpected events that have large impacts.[9] Think the Internet.

If we're expecting the unexpected we can operate from a position of strength, that is, fresh thinking. Had Microsoft expected an unexpected challenge to its shrink-wrapped software from online it might have been able to make the shift. The best preparation is knowing we can't be prepared for the really big bangs like a tobacco-like public nuisance lawsuit.

If a public nuisance lawsuit comes along, there are already myriad smart strategies and tactics and dumb ones that a company can deconstruct. What are the Rhode Island lead paint defendants doing right? What could they have done better during the first and second trial? If this suit were to begin for them today, what would you advise them to do?

Fused with the battle in court is the battle for the minds and hearts of people. Public nuisance casts the defendant as villain. How does a company manage that?

One unusual public affairs strategy for the Rhode Island defendants was and is to keep their public message totally legal. Their official representative was and is Prism Public Affairs.[10] The website for this litigation [www.leadlawsuits.com] is sparse. The only things posted are legal updates in the case. The spokesperson on that is an attorney – Bonnie Campbell who was a former attorney general herself.

Prism could have gone head-to-head with the plaintiff in the rhetoric about right and wrong. But that becomes the dog chasing the tail. What Prism has done by not entering that arena is create its own public-relations space. That serves to make the plaintiff's taunts irrelevant. From what I hear, Everyman and Everywoman could care less about lead paint. In analysts' conference calls, the subject of lead paint rarely comes up.

Another best practice has been the Rhode Island lead paint defendants' determination to not become distracted from business operations. Sherwin-Williams, for example, has

produced record profits all along, expanded globally, and is opening a new store in the U.S. every three days.

Chapter 5 – LET'S GET MORE IMAGINATIVE AND SOPHISTICATED ABOUT TORT REFORM

Talk with any business lobbying organization and the candid ones will concede that the plaintiff bar is more creative and sophisticated than the defense side. That's unfortunate but right on the money.

The evidence of that comes in the form of how digital hustlers like Bill Marler of Marler Clark plaintiff law firm which specializes in food-borne diseases are attacked. About 18 months ago, it was one of those online assaults on Marler that irritated my intelligence and knowledge of effective communications enough to contact Marler.

Marler has become a prime source for exclusive interviews by the media, including my legal blog Http://lawandmore.typepad.com. It's no accident that Marler is frequently called to testify on the safety of the food-supply chain in Washington D.C. That's influence. That's not a Father McKenzie type from the Beatles' song "Eleanor Rigby" who writes sermons no one will hear. My hunch is that Marler will be appointed to a new cabinet-level position of Food-Safety Czar in the U.S.

Why is the default to castigate the plaintiff lawyers who communicate so passionately and creatively rather than learn from them? Every tort reformer should be deconstructing Http://www.marlerblog.com several times a day. Yes, he posts that often.

Another change needed in tort reform is to stop the binary approach: This plaintiff suit has no merit. This defense response has plenty of merit. Reality isn't like that. Some plaintiff suits seem to represent progress, such as recent push-backs against BigPharma's seeming carelessness and misleading marketing. Why don't we agree that's a positive move?

Too much of the tort-reform communications are oversimplified, therefore they're not persuading the creative class. We might wind up losing the attention of the new influentials in society. That's how the formulaic rants of feminists became caricatures of the powerful voices at the beginning of the zeitgeist. We used to joke about MS. Magazine that, yeah, our brains have done all the mandated "clicks" about how we are oppressed, so what's next? What was next was to turn our clickers off and migrate to other media for professional, emotional and spiritual enlightenment.

The front-line tort-reform evangelists are full of clicks and low on giving us the insights that can pull in the mainstream. Soon they will morph into classic versions of old-line Father McKenzies with a dusty audience of nobodies.

The tragedy here is that the nation is ready to think. Most of us are in so much economic pain that we've reached a bottom. We are open to solid arguments about what we as a nation and as individuals need to do to prosper again. Yet, no one is talking to us as one smart human being to another smart human being. Instead they are preaching a capitalist gospel that's full of clichés, too harsh, too fire and brimstone, for a suffering tribe.

Meanwhile, the plaintiff bar, along with their state attorneys general, are bellying up to eat our lunch, dinner and breakfast.

Resolution: Let's learn to seduce. It can break spells and create new ones.

Conclusion: STUFF FOR OUR OWN MAGIC KITS

Isn't timing everything? Right now we Americans want a message of pragmatic economics sandwiched in the mysticism of hope and faith in ourselves and our nation. So how can we smartest girls and boys in the class learn to leave our comfort zone of extreme rationality and some intellectual arrogance and come down and join the people? In short, what should we be putting in our magic kits?

Here's what I have come up with. The suggestions have been derived in two ways. One way was to look at my own transformation from cerebral rock star to charismatic communicator. The other way was to learn from the best mindsets and practices of the creative class, plaintiff bar, and members of the working class who are making it, despite the lousy economy.

- Put together a non-homogenous network. Way back in the 1970s, a researcher in sociology Mark Granovetter discovered that jobs come from "weak ties" or people resources outside our usual networks. That's because the strong ties lock us into the same stale thinking, the same opportunities to the point that it becomes a zero-sum game, and rigid assumptions about who the members are and what kinds of jobs would be "appropriate" for them. The weak ties make it possible for us to bust out of ways of seeing and behaving in the world and open us to being perceived very differently. This is how we can gain access to how the mainstream thinks and feels.

- Understand the new mysticism. That could come from reading the work of Eckhart Tolle. Or, we can spend a weekend at a Buddhist or Roman Catholic monastery. We can join a 12-step program not focused on substance abuse – e.g. Emotions Anonymous or Co-Dependants Anonymous. And we can reverse engineer what kind of human being we might be today had we not acquired so much higher education and success.

- Change our MO from preaching from on-high [vertical] to actively rendering service. Instead of defining our role as setting the world straight in its thinking, let's figure out how we can be helpful, then jump in and help.

- Embrace the truism that a formidable enemy is the best teacher. Let's honor the genius of our legal opponents.

- See a black swan as a black swan. There's no one to blame, including ourselves, for the coming of the black swan into our little worlds. Way back in the beginning of the 1980s, management visionary Peter Drucker said that volatility can be an opportunity or threat. Public nuisance is simply one of those black swans. We can approach it as an opportunity or threat.

ACKNOWLEDGMENTS:

Profound gratitude goes to all lead-paint watchers who forced me to stretch myself as a thinker and communicator. I hope that I'm better at both now and can be of service in helping us Americans return to the confident tribes we once were.

Special thanks is in order for legal journalist James Cordrey, Editor of LexisNexis Legal News. Cordrey has been an active listener and a gentle critic for my ideas. I also want to salute the attorneys who educated me both about legal principles as well as trial strategies and tactics. They include Bill Marler, Chuck Mollenberg, Jr., Mike Nilan, Mickey Pohl, Don Scott, Scott Smith, and John Tarantino. Motley Rice attorney Fidelma Fitzpatrick has been a role model for me for out-of-the-box approaches.

ABOUT GENOVA WRITING & MORE

My communications shop Genova Writing & More helps organizations and individuals, especially those in transition, get the right kinds of attention – fast and relatively cheaply. The cheap part is the result of using digital tools for advocacy, branding, fundraising, research, community-building, and actual selling. In addition, I employ a virtual contract help, not full-time staff.

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ABOUT THIS BOOK

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① From article "The Law of Public Nuisance: Maintaining Rational Boundaries on a Rational Tort," http://www.washburnlaw.edu/wlj/45-3/articles/scjwartz-victor.pdf
② Found in ICIS CHEMICAL BUSINESS, September 3, 2007.
③ Posts of trial on Http://janegenova.com under "legal" and later coverage on Http://lawandmore.typepad.com.
④ I had attended Harvard Law School but left during 1L.
⑤ Found at http://www.washburnlaw.edu/wlj/45-3/articles/schwartz-victor.pdf
⑥ Other useful reads by Walter Olson include "The Excuse Factory" and "The Rule of Lawyers." You can also read his two blogs http://www.overlawyered.com and http://www.pointoflaw.com.

⑦ From an article by James W. Wootton, Mayer, Brown, Rowe & Maw, titled "How We Lost Our Way: The Road to Civil Justice Reform," published by the Washington Legal Foundation Critical Papers Issues, Working Paper Series No. 120, May 2004.
⑧ A useful read on this is Harvard Business School professor Rosabeth Moss Kanter's "Confidence: How Winning Streaks & Losing Streaks Begin & End."
⑨ Two popular books by Nassim Nicholas Taleb are "Fooled by Randomness" and "The Black Swan: The Impact of the Highly Improbable."
⑩ Prism Public Affairs [http://www.prismpublicrelations.com] has offices in Providence, Rhode Island and Washington D.C. The Managing Director of the Providence branch is Gregg Perry.
Bill Marler's blog http://www.marlerblog.com has down cold the best search-engine optimization tactics. His posts are consistently ranked high on google. Many of those blog readers are competitors in that growing category of food-poisoning lawsuits who want to replicate Marler's digital strategies and tactics.
Disclosure: Now and then I do digital editing for Bill Marler and his firm Marler Clark.
A useful read on network theory is Duncan J. Watts' 2003 book "Six Degrees: The Science of a Connected Age."
Good choices are Eckhart Tolle's "The Power of Now" and "A New Earth."