

# Lawyer Seeks Justice in Police Misconduct, Cover Up Cases

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"I fought the law and the law won," ring the lyrics to a popular old song in which an outlaw loses when confronted by a lawman. Attorney Tim Rastello (Denver) perhaps should rewrite this song. He has spent a significant portion of his litigation career doing just the opposite: Pursuing justice against police departments -- and winning.

On March 9 a federal jury returned a \$2.25 million verdict in favor of Rastello's client, Ms. Colleen K. Williams, and against the City and County of Denver for the wrongful death of her son, Randy Bartel. The case involved Denver Police Officer Michael Farr, who sped down a city street at more than 60 miles per hour without a siren on a non-emergency, routine call for assistance, crashing into Bartel's car and killing him. The jury verdict against Denver is believed to be the first since the United States Supreme Court raised the legal standard in a 1998 landmark decision.

The Williams case, which took 12 years to get to trial, marks the largest verdict ever awarded against the Denver Police Department. "We put together a winning case by drawing upon the specialized resources available to us as a firm," Rastello said. "Steve Black (Denver) contributed his civil rights expertise, and Walter Bithell (Boise) added substantial wrongful death experience," he added. The team's courtroom presentation included multi-media graphics and exhibits prepared with the help of Holland & Hart's litigation support group, Persuasion Strategies. All trial exhibits were presented via a CD ROM.

This wasn't the first time Rastello and his H&H team have taken on the long arm of the law. Currently they are pursuing a federal civil rights claim against the Nevada Highway Patrol and the Las Vegas Metro Police Department on behalf of Erin Rae DeLew. She was killed on her bicycle by an automobile driven by the wife of a police officer in Las Vegas, Nevada. According to the allegations, the officer's wife was legally drunk when she struck and killed DeLew, which the responding officers essentially ignored.

In the federal civil rights case, the DeLew family alleges that the lawmen conspired to cover up the true facts surrounding the fatality, perpetuating a "code of silence" whereby law enforcement personnel protect themselves - - and their families -- from the consequences of their unlawful acts. A federal district court judge dismissed the action in 1997 and Rastello appealed to the 9<sup>th</sup> Circuit Court of Appeals. The appellate court reversed

holding that a police cover-up may violate a citizen's constitutional rights. The case is expected to go to trial this Fall.

Rastello has been pursuing justice against police departments for more than 15 years. In 1990 he was selected as a finalist for the Trial Lawyer of the Year Award from the Trial Lawyers for Public Justice Foundation for his role in the City of Torrance case, another high profile police cover-up/wrongful death case involving police officers. "This isn't a practice niche I ever set out to develop, but it's vital to our basic freedom," Rastello says. "There are few things more important than ensuring that those we pay to protect and serve the public do so instead of protecting their own fraternity."

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