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**TITLE**

**SEPTEMBER 11 THROUGH THE PRISM OF VICTIM COMPENSATION**

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**ABSTRACT**

On November 26, 2001, Attorney General John Ashcroft appointed Kenneth R. Feinberg, a highly experienced mediator and dispute settlement expert, to the post of Special Master vested with responsibility for implementing the September 11th Victim Compensation Fund of 2001, enacted two months earlier in the immediate aftermath of the horrific incidents of that day. What Is Life Worth?: The Unprecedented Effort to Compensate the Victims of 9/11 is Feinberg's story, from his distinctive vantage point, of the implementation of the Fund, which defined the course of compensation for the physical injuries and deaths resulting from the attacks. Part I of this Essay lays the groundwork for understanding the implementation of the Fund through a description of the key statutory provisions and Feinberg's interpretive regulations, emphasizing the fundamental issues of substantive and procedural fairness in resolving claims of compensation that arose in the implementation process. While Feinberg addresses these matters, he focuses on the human dimension of his work: the experience of dealing one-on-one with the trauma, anxiety, and bewilderment of the claimants. In Part II, Professor Rabin offers some observations on this aspect of the implementation process. Feinberg concludes the volume by addressing the question of whether the Fund model makes sense for the future. In Part III of the essay, Professor Rabin discusses the fairness issues that are central to this inquiry, and suggests reasons somewhat different from Feinberg's that the case for replicating the Fund in the future is weak.

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