

The Desert Fox

Tom Anderson was there at the beginning in 1961 when a cadre of trial lawyers gathered in Palm Springs to found the organization that became CAOC. A look back with one of our founders.

By Scott Martelle

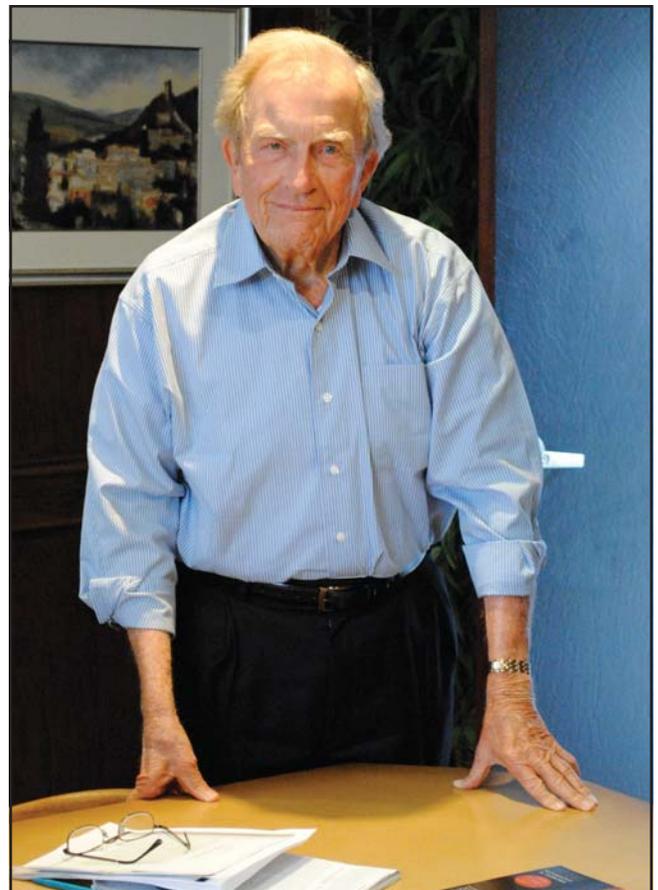
In the beginning, Tom Anderson says, the plan was pretty simple. The small but growing bar of California personal-injury lawyers realized they needed to band together if they were going to gain acceptance from a legal system that still didn't quite get what they were up to.

It was April 1961, and famed litigator Marvin Lewis drew some three dozen of them together at the Riviera Hotel, a Rat Pack favorite in Palm Springs. In those storied air-conditioned confines, they would figure out what to do. There already was a Western Trial Lawyers Association, but it was too broad to be effective and wasn't doing much at the state level, where the critical battles were brewing. Lewis argued that the California lawyers needed their own organization.

"When Marvin spoke, people listened," says Anderson. "He was one of those unique personalities that could command an audience.... There was no history of trial lawyers. We were starting from scratch."

Within the span of a few years, CTLA – now the Consumer Attorneys of California – grew from a handful to hundreds. And trial lawyers expanded from an oddity into a powerful force within the state's legal and political systems.

Anderson, too, became a force. He received CAOC's Lifetime Achievement Award last year, adding to the Marvin E. Lewis Award he received in 1995. A regular fixture on lists of "best trial lawyers" who has held the top "AV" rating from

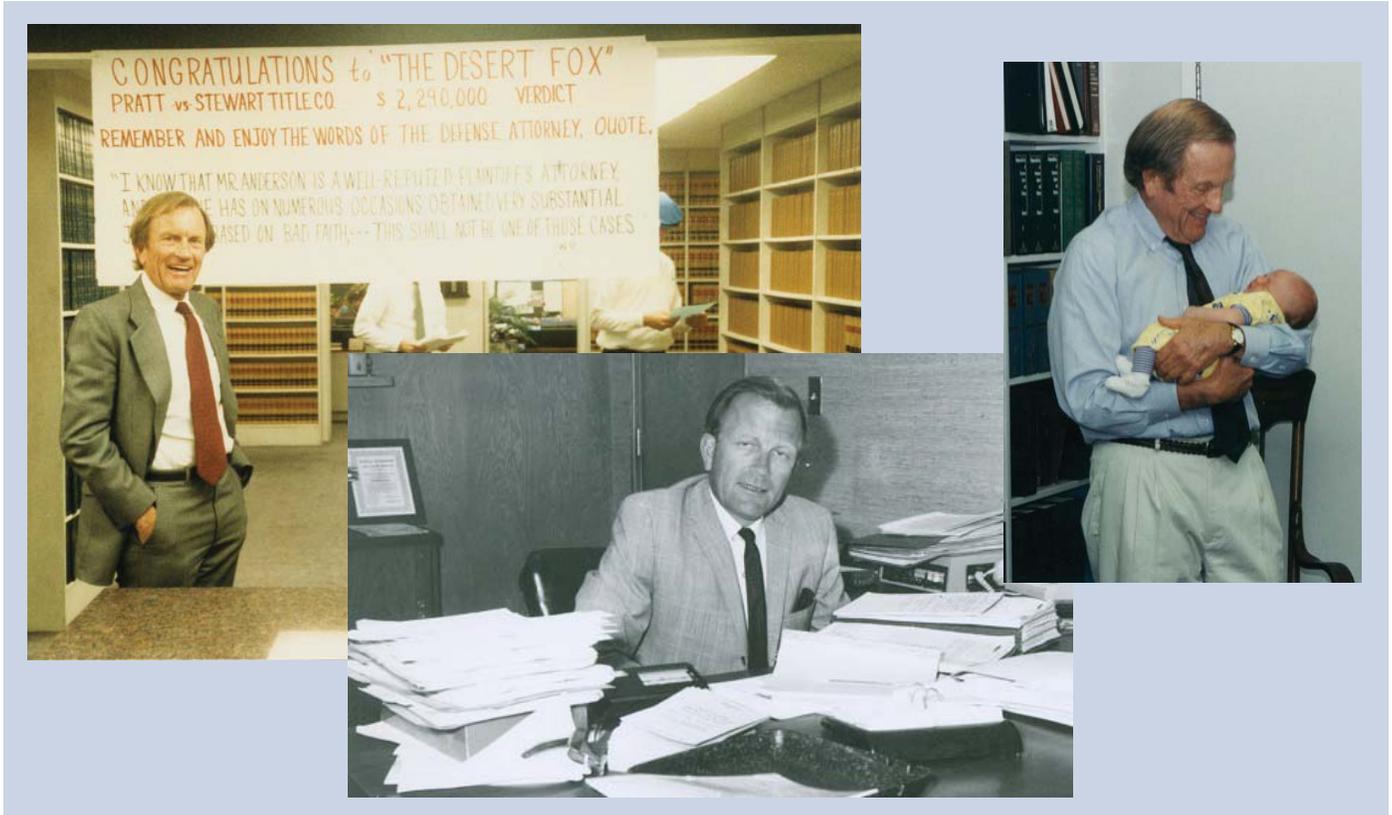


Tom Anderson, founding member and former president of Consumer Attorneys of California

Martindale-Hubbell, Anderson is also an emeritus member of the Inner Circle of Advocates, an invitation-only group of 100 of the top plaintiff's lawyers in the country.

At first, Anderson recalls, CTLA focused on educating other lawyers about how to prepare and take personal injury cases to trial, but it quickly became clear that the organization also had to get politically involved.

"I can't say that people detested us, but they certainly didn't like us," Anderson says with a laugh, sipping coffee at his Indio office, a half-hour drive from the site of that formative meeting. "Early on in the game we understood that in order to have political clout you have to support candidates. We had to have some way to elect senators and members of the Assembly who had both knowledge of what we were doing, and we could be on their side."



The persuasive Lewis was the founding president. Anderson took his turn as the 8th president in 1970. By then, the association had already become a political power. He recalls one meeting with legislators in Sacramento about some now-forgotten bill, when a question was asked about what would happen. A Republican state senator pointed at Anderson and said, "It depends on what he does," a moment that crystallized for Anderson how much political clout the organization had been able to amass in less than a decade.

"It was difficult to find a Republican who was in our corner," Anderson says. "We were suing their friends. We were absolutely opposed to them, and we did things that got into their craw. There was this immediate conflict."

There aren't many people who were at that original gathering who are still alive. Anderson, at age 82, is among the last of them, along with Ned Good, another former president now in retirement.

While the years have slipped past, the passion for personal injury law has not.

"It's not often in life that you can do something that in every aspect is thrilling and satisfying," says Anderson. "Consumers, the injured plaintiffs, need our services. I knew from the start that I was

pursuing a cause that was good and just. I had a good feeling about it. I have never heard of anything that a person can do in life that's more satisfying or, frankly, more potentially rewarding personally, than what we do as trial lawyers. There's a bond that exists between us that people want in life."

Anderson is committed to the notion that lawyers who take on underdog cases give victims a chance to be heard.

It was that passion – and that sense of pursuing justice for the marginalized – that prompted one-time prosecutor David Campbell to join Anderson's firm 27 years ago.

"Many lawyers will pick cases based on what they hope or expect the outcome to be," Campbell says, adding that a big component of most lawyers' decision to take on a client "is whether I am going to get my money out of this case." Anderson, he says, has been propelled more by a

sense of achieving justice. Even though a case might face an uphill battle, Anderson is committed to the notion that lawyers who take on underdog cases give victims a chance to be heard in the courtroom, Campbell says. "Everybody has the right to have access to justice."

Ironically, Anderson's biggest case was also his biggest loss. In the late 1980s, televangelist Jimmy Bakker was overselling timeshares in a South Carolina resort, a scam that eventually netted him five years in federal prison. "They sold – by a factor of 30 or 40 – more rooms than they had," Anderson says.

Anderson moved to Charlotte, North Carolina, and spent three years pursuing a lawsuit on behalf of the swindled timeshare owners against Bakker and Laventhol & Horwath, at one time the nation's seventh largest accounting firm, which had audited the project's books. Anderson invested \$3 million of his firm's money preparing the case – more than \$100,000 in reporting fees alone – and took it to trial.

"I put everything on the line for this case because I believed in it, and it was going very, very well," Anderson says. "Just before giving closing argument – it's somewhat therapeutic to talk about it,

giving closing argument – the lawyer representing Laventhol & Howarth, who were the deep pockets because Bakker didn't have nothing, said, 'Your Honor, we have something to tell you. We're going into bankruptcy.'

Anderson won the case, and an uncollectable \$130 million judgment, though he was reimbursed for his \$3 million outlay via the bankruptcy proceedings.

Anderson no longer tries cases, a function of age. His mobility is limited by unsteady legs and "those words, 'do you remember,' are always threatening," he says. Still, he's at work four days a week, and spends Monday volunteering at treatment centers for recovering alcoholics in Beaumont and Banning, an expression of religious faith. He is a devout Christian – Anderson's curriculum vitae includes the item: "Accepted Jesus Christ as my personal savior on September 5, 1976 – and the author of "Verdict: Jesus Christ Is Who He Said He Was" as well as an elder at Desert Springs Church. He has also

been married three times, "something I'm not proud of."

Yet Anderson relishes the juxtapositions. "Being a liberal Democrat and a trial lawyer and a believer in Christ don't go together," particularly in a Republican-dominated area like Indio and Palm Springs.

Tort reform, he believes, isn't likely in California but CAOC "can never let our guard down

Anderson was born in Seattle, a year before the 1929 stock market crash and the onset of the Great Depression, and moved to Silverton, Oregon, with his family when he was still young after his father, an insurance salesman, decided to buy a local Ford car dealership. Watching his father struggle at the mercy of Henry Ford and his minions made a

deep impression on the young Anderson.

"He was lucky if he sold two or three units a month," Anderson says. "One day Dad came home from work, and he wasn't crying, but he was forlorn. I asked him what happened and he said, 'Ford Motor Co. said if I didn't sell six units a month they were going to take my license away.' I wasn't very old then, probably 11 or 12 years old, but I said to myself, I'm not going to be in a position for corporate American to do anything to me."

Anderson eventually decided the law would provide him the best way to maintain his independence. After earning a bachelor's from the University of Oregon in 1949, Anderson studied law at Willamette University before earning his L.L.B. from the University of San Francisco in 1955. There were a couple of breaks in the midst of his studies, including, a two-year hiatus to serve in the United States Air Force, as a special agent in the Office of Special Investigations. "We did for the Air Force what the F.B.I. does for the country," Anderson says.

By 1958, Thomas was practicing law in the desert primarily because he wanted to get away from the rain he grew up with the Pacific Northwest, and because he wanted to live and work in a new and growing area. Over the years, his practice has surged and ebbed, peaking at six partners and employing four investigators. Now the practice is himself, Campbell and a single investigator.

Anderson, despite his role as one of the founders, stays out of CAOC affairs these days, a willful effort to let the reins pass along generations. But he keeps up with developments. Tort reform, he believes, isn't likely in California but CAOC "can never let our guard down, become complacent," he says. "If we don't maintain some control in the Assembly and the Senate then we could be in serious difficulty, but I don't see that happening."

And he looks back over a half century with a sense of pride. Without CAOC, he believes, consumers and victims of malfeasance would have no advocates. ■

Scott Martelle, an Irvine-based writer, is author of *The Fear Within: Spies, Commies, and American Democracy on Trial* (Rutgers University Press, 2011), about *Dennis v. U.S.*, the first of the post-war Smith Act trials targeting the leaders of the American Communist Party.



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