A chance for change

By Sharon J. Arkin

The focus of this edition of the Forum is the Troy and Alana Pack Act – Proposition 46 on the November ballot. The articles in this edition tell the story of medical malpractice victims, the genesis for the initiative effort, what is being done and how it can succeed. I’m not going to steal the thunder of the authors who talk about the details, who provide statistics and who provide a compelling rationale for the goals of the Pack Act.

What I am going to talk about is our collective responsibility as plaintiff trial lawyers to do what we can to make this change possible. Rationalizations justifying a refusal to dig into your pockets to help make this happen abound: “I don’t do medical malpractice, so I don’t care”; or “It’s impossible to win, so I’m not going throw good money away on a useless campaign”; or “CAOC has failed on this issue so many times, why should I help now?”

If you’ve ever had any of those thoughts, you should be ashamed of yourself.

Those rationalizations are just excuses for not doing the right thing. As plaintiff trial lawyers, if nothing else, we are all about doing the right thing, even at great personal and financial risk and sacrifice; we take cases that may be hard to win but which cry out for justice. This situation is no different. We need to step up and do what we can to make this happen.

And there is a disturbing irony in those excuses: We, as plaintiff trial lawyers, attack such rationalizations by corporate America every day. Employers rationalize discrimination, asserting that employees are “lazy,” “cost the company too much,” “inefficient,” or because the company is “going in a different direction” (read: white, younger, male or not disabled). Manufacturers rationalize the sale of defective products on the basis that “it would cost too much” to make corrections, “it’s in the best interests of our shareholders,” “we met all the governments regulations,” or “we didn’t know.” How can we fight those wrongs when we, ourselves, perpetrate something much like them?

We have a chance – a real chance – to change MICRA. We have to do what we can to make that happen. As you will read in the following pages, there are many people making so many sacrifices to right this wrong. If you can give $100, give it. If you can give $1,000, give it. If you can give more, give it. If you can make fundraising calls, make them. If you can help the campaign, do it.

Do whatever you can. You’ll sleep better – trust me on that.

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