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Time for a Little *Quid Pro Quo*

by Richard A. Huver

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Hello everyone and welcome to the 46th year of the Consumer Attorneys of San Diego. That's right. Our organization was born in 1960, ironically enough the same year I was born. I am honored to be serving as your president for 2006. For my first column, I would like to borrow a phrase from our law school days: "*Quid Pro Quo*". *Black's Law Dictionary* defines it as "what for what; something for something." As you no doubt remember, it means giving one valuable thing for another, as between two people to a contract.

So what does this law school phrase have to do with CASD and why am I writing my first column on "something for something"? Because I want to incorporate the concept of and philosophy behind *quid pro quo* into the foundation of our organization. I believe it is time for us to come together as an organization of trial lawyers for a common purpose, more so than we are today. And I do not mean by having a party or a meeting or a seminar -- although all those things have their place. I am talking about the bigger picture.

Let's face it -- the words "trial lawyer" don't exactly evoke warm and fuzzy feelings among the public, especially here in San Diego. We are not viewed favorably as a profession and the attacks against the legal system and judges grow every day. But why? What have we done either as individuals or as a group to draw the wrath of society? As trial lawyers, we remedy wrongs; we don't create them. Actually, we haven't done anything -- and that is a large part of the problem. When people do not understand what you do for a living or are only hearing arguments from one side of the aisle, it is easy for the truth to get trampled and the facts to become distorted.

Now I am not suggesting we need to win a popularity contest or that we ever would. But as an organization and as a profession, we have been passive for far too long about the continuous attacks against us. We have sat back while our opponents have not only framed the debate, but held it unopposed. We watch while we are bashed on television; we listen while we are attacked on the radio; we read as we are vilified in the newspaper. Our response, if any, has been intermittent, singular, haphazard and ineffective. When it comes to defending our profession, our beliefs, our values, and the very foundation upon which we as an organization were formed, we shrink from the task.

Our organization was founded for several stated “purposes ” among which are: “[t]o cultivate and advance the science of jurisprudence, to facilitate the administration of justice, and to promote and uphold the spirit and honor of the art of advocacy and the practice of law;” and “[t]o promote the highest standards of ethical conduct and integrity among its members.” While we do many things as an organization, I believe we have failed to do enough in the face of attacks to defend and uphold the honor, integrity and respect that is due our profession.

So what can we do? What can you do? How can we change decades of negative publicity? Slowly for sure. Ever so slowly perhaps. But change we must. **We need some forward momentum for our side.** We can no longer sit idly by as the attacks on the legal system intensify.

Here is where *quid pro quo* comes into play. “Something for something.” Our organization gives its members something and they must do likewise. So let’s look at the *quid* -- our side of the bargain. CASD offers many services and benefits to its members. We have the List Serve, a tool that when used to its fullest intent provides individual members with the collective power and experience of a 750-plus member law firm. We have our ever-expanding and improving web site, www.casd.org, which contains a wide array of information and on-line resources, including extensive banks of briefs and motions and documents from frequently-appearing expert witnesses. We host numerous seminars, roundtables and labs to keep our members up to date on the latest information, techniques and skills necessary to win cases. We hold social dinners to honor outstanding trial lawyers and advocates in our organization and annually bestow the trial lawyer of the year award. We participate in the political process to ensure that the rights of California’s consumers are protected. And we do much, much more. When you belong to CASD, you truly **Never stand alone.**

Now it is your turn to give back -- the *pro quo*, if you will. Certainly, some among us have and continue to give. But it is time for everyone to do his or her part. Get involved! Participate in our organization. More importantly, take pride in your profession. Work to project a positive image of trial lawyers and our organization.

Remember that if you are at the grocery store, your kid’s soccer game, walking down the street talking on your cell phone, wherever you are, others watch your conduct. How we act reflects on our profession as a whole. It does not take much to generate or reinforce a negative perception. Do what you can to maintain and uphold the values of integrity and honor in the legal profession. Take the opportunity to educate others about what you do and who we are as trial lawyers.

Just as importantly, our message must be strong, uniform and 100% accurate. A great deal of time has been spent and a few among us have contributed substantial amounts of money to develop an educational campaign for and about trial lawyers. By now, you have probably heard of the Civil Justice Research and Education Project (“CJREP”). This multi-faceted project includes a grassroots-level organization utilizing mailers to inform the public about the civil justice system, and a broader television and radio ad campaign to educate the public about what we really do as trial lawyers. It is our turn to frame the debate -- this time based on fact, not fear or fiction. You may have already seen the television spots or heard the radio ads. Hopefully,

you have joined the grassroots campaign and encouraged your current and former clients to join as well.

As I mentioned, some have contributed mightily to get this campaign off the ground. But it will be up to each of us to maintain the momentum going forward. Monetary contributions on a monthly basis will allow CJREP to continue educating the voting public. Consider contributing as little as 1% of each fee you earn to this important project. Now is the time for you to give back. To modify a quote by the late John F. Kennedy, "Ask not what CASD can do for you, ask what you can do for CASD." Some of you will flinch at the mention of contributing money. I know it seems like someone is always asking for money. Perhaps, but like it or not, our profession is inextricably entwined with politics, the political movement and the media. To get **our** message out, it takes money. There simply is no choice in the matter. It is not a question of if, it is a question of how much you are willing to contribute to help make a difference. So please, do your part. You can visit CJREP's website at **www.ProtectCivilJustice.org** today to find out more. Thank you for your time and I look forward to a great 2006!