

PRESIDENT'S COLUMN
January 2008

LET'S GET BUSY!

By
Kenneth M. Sigelman

Ken Sigelman, J.D., M.D., is CASD's President for 2008. He is the founder of Kenneth M. Sigelman & Associates, which represents plaintiffs in medical malpractice, product liability, and personal injury cases. Dr. Sigelman is a graduate of Dartmouth College, the University of Florida College of Law, and the University of Miami School of Medicine. He is a past recipient of the CASD Outstanding Trial Lawyer Award, and is a member of the American Board of Trial Advocates. Dr. Sigelman can be contacted by email at: ken@sigelmanassociates.com.

Thanksgiving approaches as I write this column, and my focus is markedly different from my usual pre-holiday fixation on which football games/basketball games/any sporting events I will watch over the upcoming four-day, all day, all sports weekend. First, I am less than one week removed from having both my father and mother-in-law in the hospital at the same time. Fortunately, they are both doing well. My mother-in-law is home and my dad will be joining my mom at home soon. The gut-wrenching worry of the past couple of weeks has been replaced by relief and joy, and I have a far more visceral understanding of what it means to "give thanks" at Thanksgiving than I have ever had before.

I have been blessed with a wonderful wife (Susan Handel, who, among her many virtues is also a CASD member) and a family who mean everything to me. I am also deeply thankful that, after what seemed like an interminable academic education, I have, for nearly 25 years, been able to follow a career path that I care about passionately. My practice has evolved so that much of my time currently is spent representing children and families harmed by medical errors associated with childbirth. Notwithstanding my inability to obtain full justice for my clients because of MICRA, the disproportionate litigation costs that have increased fourfold or more while the MICRA cap has stood still, the organized obstetrical community's ongoing efforts to prevent plaintiffs from accessing qualified experts, and the exculpatory junk science that now passes as obstetrical literature, I could not think of a more fulfilling area of law in which to practice. My clients are, invariably, severely injured and in dire need of help.

I am also very grateful for and excited about the opportunity to lead CASD during 2008. Our organization is turning 48 years young as we strive to mesh the CASD traditions of friendship and community with the increasingly rigorous demands of law practices driven by an information explosion, truncated by judicial reaction, legislative inaction, and anti-consumer manipulation of public opinion, and periodically threatened with political extinction.

CASD's greatest strength always has been, and always will be, its members. Nowhere is this more apparent than in the evolution of our list serve over the past 7 years into a truly indispensable resource for all of us. List serve has made CASD, in effect, a 750 (and growing) member law firm whose attorneys routinely receive speedy, comprehensive responses to an ever-widening array of

inquiries. Our members are men and women from diverse backgrounds, with diverse personalities, who practice in diverse areas of the law. Collectively, we have somewhere around 10,000 years of experience as lawyers. It is rare for a day to go by without my picking up at least one helpful tidbit of information from the list serve. With some regularity, I am fortunate enough to obtain detailed, up to the minute information on a subject that is vital to my practice.

My daily review of the list serve leads me to guesstimate that more than 50 and fewer than 100 CASD members post inquiries and/or responses with some regularity. Whether the subject of your question involves personal injury, product liability, employment, civil rights, class action, medical malpractice, business litigation, real estate litigation, construction defect litigation, or any of the other types of cases that CASD members handle, list serve is the way to go. As powerful a tool as list serve has become, with most of the participation coming from roughly 10% of our members, it is mind boggling to contemplate how much we could all benefit if all of us were actively involved on the list serve. No CASD member is too experienced to profit substantially from a list serve inquiry. No CASD member is too inexperienced to contribute a response that will significantly benefit a colleague. I would ask that every CASD member **make a personal commitment to post at least two inquiries and two responses on the list serve over the course of the year.** I am very confident that if each of us honors this commitment, our clients will benefit, and we will benefit collectively and individually.

While the list serve may be the most interactive way that CASD members help fellow members, it is not the only way. Our document bank now contains more than 260 motions, briefs, and other documents that are available for free download by members. We are also linked to TrialSmith through which a nationwide database including expert depositions, briefs and motions, legal forms, and other documents can be accessed. As with list serve, the quality of what we provide to those members seeking information is only as good as the willingness of other members to provide that information. I would ask that each of us make a commitment to **donate at least one expert deposition transcript and one brief, motion, opposition, or other pleading to our bank during 2008.**

Trial Bar News, our monthly magazine, contains articles by knowledgeable attorneys discussing new cases and laws or practical solutions to challenges in the practice of law. It is a valuable educational tool for members and is now online as well.

For those members who prefer face-to-face interaction as a means of acquiring information, I highly recommend that you attend one or more of CASD's educational programs this year. CASD's Education Committee works very hard, year in and year out, to offer the highest quality continuing education programs on a wide range of subjects. Regardless of your area of practice or level of experience, you will find educational offerings that will expand your knowledge base while providing a great opportunity to interact with colleagues.

With the list serve explosion, and the impending addition of online options to CASD's educational programs, I sometimes fear that, in time, CASD could become a "virtual organization" in which face-to-face contact among members has all but disappeared. We must strive to ensure that this never happens. Even as we avail ourselves of the latest technology in order to maximize exchange of information among members, we cannot let the camaraderie and close personal ties that were the

hallmark of the early days of what was then known as the San Diego Trial Lawyers Association slip away. Our mixers and list serve parties, held throughout the year at various locations around San Diego County, offer quality time to kick back, catch up with old friends, and make new ones. Our annual golf tournament is a great excuse to escape the office for a day, enjoy pre-June gloom springtime in San Diego, and hang out with pals, whether you're really a golfer or not. And our annual Trial Stars and Installation/Awards Dinners are a great opportunity to meet our members and learn winning trial and advocacy strategy from the attorneys being honored. These two dinners are always a great inspirational experience that reminds us why we practice law and show us what a difference we each make in our client's lives.

All of CASD's activities are member-driven. While we have an excellent 3-person administrative staff, comprised of our Executive Director Bonnie Benitez and our Membership Coordinators Esther Andrews and Jasmyne Hand, accomplishing our collective goals also requires the efforts of CASD members who volunteer their time to serve on our committees. We always welcome members to serve on our Education, Events, Communications, Membership, Community Outreach, Awards, Legislative or Long Range Planning Committees. I would strongly encourage our members to **sign up for any committee that you** find of interest, or if you simply want to find out more about a particular committee please contact me personally.

Our CASD slogan "Never Stand Alone" emphasizes our sense of community. As a CASD member, you share in the extraordinary power of the 750-member law firm that is the list serve. You absorb the knowledge shared by exceptional speakers at our seminars. You surf our extensive online document bank. Your individual voice makes our collective voice stronger when we seek to protect consumer rights by participating in the political process. All of this is part of what it means to Never Stand Alone.

But there is more to it than that. Never Stand Alone also means that none of us should be passive, isolated spectators. If we expect our CASD membership to mean something in our practices and our lives, every one of us must make a proactive contribution. Be an active list serve participant. Attend some seminars. Check out the mixers, List Serve parties and dinners. Join a committee. Respond to our membership surveys and tell us how we are doing and how we can do better.

I cordially invite all of you to join me in helping to make 2008 the best year yet for CASD.