

From the Ground Up

Recently I spoke at a litigation seminar sponsored by the Grocery Manufacturer's Association – a trade group made up of the nation's largest food manufacturers. As an industry, they face an array of lawsuits brought by plaintiff's lawyers, ranging from personal injury actions for foodborne illnesses to false advertising class actions arising from deceptive health and nutrition claims. The audience consisted of in house counsel, defense counsel, and various company employees.

As a group, they despise trial lawyers. Oddly, it is not that they think all or even most of the lawsuits are baseless. The merits of the cases or the harm they cause to people are not really the focus. Instead, they just have a generalized belief – not just a suspicion, but a bone-deep belief - that trial lawyers are greedy parasites. I suppose it's understandable why they feel this way. They live in a world where they have been told this "fact" for decades, time and again. They repeat it among themselves and are told by others in other industries and by the Chamber of Commerce until it has become a gospel truth. Once sensitized, any example or perception of greed reinforces the stereotype. It doesn't matter if the example is inaccurate or an outlier. Such is the nature of prejudice.

While this is just one trade association in one industry, this group is far from unique. Pick an industry and it will be filled with people who strongly believe that trial lawyers are no good. It may be a myth, but a myth that is hard to shake. Once someone is convinced of such a thing, it becomes easy to believe there is a litigation crisis and that the courts are clogged with frivolous lawsuits. The belief spreads easily enough, since a lot of people work for corporate America.

The panel I spoke on was entitled "Ask a Plaintiff's Lawyer Anything." And they did. As the only plaintiff's lawyer, for nearly an hour I fielded a wide range of questions. The insights I gleaned from the questions were fascinating and the reactions from the audience even more so. I could honestly and proudly answer each question because we have nothing to hide. The work we do representing harmed people plays a critical role in our society. Simply by having the dialogue, they were better able to understand where I was coming from. Did people leave the room convinced that the plaintiff's bar was not comprised of bottom feeding opportunists? Probably not, but I bet a seed or two of doubt was sown.

Now, just imagine if we replicated this experience over and over again, and not just to our natural born enemies, but to elected officials and the public. Enough sown seeds would yield a crop. I think we can.

As a group, the plaintiff's bar has given a great deal of thought and significant amounts of money to countering the attacks on trial lawyers. Unfortunately, we will never be able to raise the amount of money needed to counter these attacks in the same way the attacks are made. It would take a lot of resources expended over a sustained period of time, probably in perpetuity. But that doesn't mean we should give up.

Instead, we can unleash our most powerful resource – ourselves. We are great communicators able to reduce complexities to simple truths. We also are on the side of human beings. We just have to get out there and do it.

Think of it this way. Many large companies encourage or require their employees to volunteer in their communities. Why? Because it creates good-

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Continued on page 22

will for those companies. We can and should do the same.

Simply being involved in the community allows us to do good works, while being identified as plaintiff's lawyers. CASD's Community Outreach committee is a great place to perform good deeds while educating the public about the work we do.

Another critical realm is the political one. To best represent our clients we must educate our elected officials and their staff about the importance of the civil justice system and access to that system. Otherwise, our clients will not have meaningful access to that system (look at the damage arbitration clauses have done). One easy way to do this is to provide examples of the civil justice system working properly or improperly to the CAOC legislative team at www.caoc.org/ShareYourStory.

We also need to be more involved in the political process at the ground level. And by "we," I mean each of us, and not merely the state organization. More of us should get to know our local elected officials, regardless of their party or office. We also need to be more involved in local politics and run for office. When one of our own runs, we need to fully support him or her - financially and otherwise. Even one plaintiff's lawyer can do a tremendous amount of good in the legislature.

Unions are politically effective for two reasons: they give money and their members work on campaigns by making phone calls, stuffing mailers and walking door to door. We can do the same.

We also need to get more involved in local, state and national bar organizations and activities. An

incredible amount of work is done, rules are made and perceptions are formed in these organizations, which have far too little involvement from the plaintiff's bar.

Large corporations have had a well-financed anti-trial lawyer campaign for decades. We don't need a lesser imitation of it to educate the public about what we do. Instead, we just need to get out there and educate the public, from the ground up. **TBN**

The advertisement is a black and white graphic with a repeating pattern of small logos in the background. It features two portraits of women in professional attire. The central text reads "San Diego's Legal Leaders" in a large, bold font. Below this, a list of legal services is provided: "Personal Injury", "Class Actions", "Mass Torts", and "Business Disputes". At the bottom center is the logo for "GOMEZ TRIAL ATTORNEYS", which consists of a stylized 'G' and 'A' inside a circle. Contact information includes the phone number "T 619.237.3490" and the website "gomeztrialattorneys.com". Social media icons for Facebook, Twitter, LinkedIn, and YouTube are also present.

**San Diego's
Legal Leaders**

Personal Injury
Class Actions
Mass Torts
Business Disputes

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