

PRESIDENT'S COLUMN

What is an Attorney?

by Wayne Alan Hughes

Wayne Alan Hughes is CASD's President for 2009. He practiced criminal and domestic law before joining with his "significant other," Tracee Lorens, to practice in various areas of complex civil litigation. Their first trial, as co-counsel, served as a chapter in Judge Ehrenfreud's book, You Be the Jury. Currently he practices in the areas of mass torts and class actions for which he received two Outstanding Trial Lawyer Awards. He is blessed with three children: Alexander Zaharopoulos Hughes, MBA Oxford, Vice President at Wells Fargo; Cassandra Zaharopoulos Hughes, completing Vet. school; and Alexandra Rose Lorens, first year college student and dynamic carbon copy of Tracee. You can reach Wayne by email at: waynecloud@aol.com.

No single answer seems to exist. It is like the blind men and the elephant: the man holding the trunk says it's a tree, the one with the tail thinks it's a snake, and the man who tried to go under the belly thinks he's in a cave. Everyone has an answer, but few are in agreement.

Webster offers: "One who is legally appointed by another to transact business for him." According to the web site, "Take Our Word For It", in Middle English the word was "attourne," from Old French "atorné" meaning "appointee". Etymologically, it means "to turn to" which then became "to appoint". "Turner" derives from Latin "tornare" which means "to turn in a lathe" (from "tornus" meaning "lathe"). Academic answers which illuminate without turning on the lights.

Before supplying an answer, I decided to ask others for their input. I attempted to get as much balance as possible and include the good, the bad and the ugly. So, here goes.

From Plaintiffs' Attorney

The term "attorney" has historically been coupled with "counselor." That we are legally authorized to "counsel" people is of great significance, I think. I practice by attempting to take the time to "get the whole picture" of the person's life (in a capsule), rather than just the facts about the incident that brought them to me. That way, I can counsel them about the best method to pursue to resolve the current incident without negatively impacting the rest of their life and possibly their future opportunities. The broader ramifications of whatever remedy we suggest must always be considered -- e.g., what impact does this have on the person's family, spouse, children, parents, estate, business, etc. Even decisions about filing suit, discovery, persons to sue, etc., all have ramifications in the person's life that need to be considered. . . .

So . . . to answer your question . . . an attorney is a counselor who attempts to understand the big picture which is the client's life and advise carefully with a view to the broader ramifications of any remedy recommended.

Kerry Hoxie

TBN Editor, CASD Board of Directors

[An attorney] . . . is a human being constantly struggling to be able to listen, feel and understand

ourselves and others. He/she is constantly looking to learn and use this ability to listen, feel and understand ourselves and the people we represent so we may move others to do justice.

J. Jude Basile
The Basile Law Firm

An attorney is a shield and a sword for those unable to protect their rights . . . a person who levels the playing field . . . a devoted guardian of her client's interests . . . a person willing to take on the burden of correcting individual injustices thereby bringing her clients' hope and reducing their sense of powerlessness. Each case I take on, I think of it like I am taking a heavy back pack loaded with rocks off the client's back because they could not carry it and go the distance. I lighten their load by sorting through the rocks, keeping the gems and tossing the others, and then carrying the backpack to the finish line.

Lynn Beekman, Esq.
Lorens & Associates, APLC

To me, a trial lawyer, a CASD lawyer is someone who helps others -- who stands up for those who have been wronged. We stand with those without the power, we stand without the gold and we stand toe-to-toe against the masses against us, We stand with only justice, the rule of law, and what is right as our power.

Joel Selik
Director, CASD Board

From the Clients

Dear Wayne,

Here are my thoughts on what an attorney is to me: To me an attorney is many things in contrast, all for the good of others. An attorney is caring, and is a good listener. Someone that is a good judge of character and situations. An attorney is someone that can cut through the bull in five minutes and yet has a steadfast heart to remain in the fight for the long haul. An attorney to me is a protector. Someone with the strength of a warrior yet is tempered by his compassion and understanding, as a mother is with her children. An attorney to me is a resilient force, a lover of the truth, and sometimes a coach. One who is uplifting through the valley and cheering from the mountaintop whenever needed. An attorney to me is constantly giving of time, energy, money and self. An attorney to me is a beacon in the darkness for many, offering hope, and an answer.

Love, Laura
A very exceptional client

Hi Wayne,

I would love to help you, but I don't think you would, or could, use anything I would have to say in your article. Being in the legal field for so long, and for various size firms, I have observed the worst of the worst. Although my interactions were mostly with partners, I watched as associates saw that they must emulate those partners in order to be successful. They go from believing in principles to

believing that their mere thoughts can become billable.

And then there are my observations and experiences from the other side -- the client side. Don't forget how many attorneys would not even help me with my Aunt's Trust because it was not worth it unless the estate was in the millions. How fortunate I was to have the Lord bring me your name just as I had asked -- in a dream. So if I had not the faith [to] pray, and if I had not been reminded of a dear friend from the past..... Thank you, Wayne. You are not an "attorney." Attorneys are actors on a stage, who sadly, come to believe they are what they pretended to be.

Warm regards, G—
One who has worked in law firms and
been involved in litigation as a client

From A Jurist

Recently, a well respected jurist told me that it is generally thought by members of the local bench that plaintiffs' attorneys are not as well trained, nor as well versed, as defense attorneys in terms of procedure and evidentiary rules.

From My Family

An attorney is a counselor and advocate for their client. A good attorney does not lose sight of the word "counselor" in that phrase. Sometimes this means being a zealous advocate using all your training and knowledge and skill in the court room. Sometimes it means returning phone calls and listening to what your clients' non-legal goals and needs are. It always means that you put your heart and soul into your clients' issues and you work as hard as humanly possible to achieve those goals.

Tracee Lorens

Life and law partner

Our youngest daughter, now 18, who is much like her mother, Tracee, was once asked to describe what she remembered about our first class action. With a great deal of energy, she said, "Rite Aid! It started in the second grade and it went through the sixth grade. We never took a vacation unless it was a Rite Aid vacation. My parents would come home stinky and cross."

Alex Rose

Setting the world on fire at Chico State

Our oldest daughter, Cassandra, who will be a licensed vet in a few months, not only had Tracee and I to deal with as attorneys but also has a perspective from her mother who was a deputy attorney general and headed the death penalty panel statewide for several years. I asked her what difference she saw in plaintiffs vs. other attorneys. Her answer was that plaintiffs attorneys were looking for their "*To Kill a Mockingbird*" moment as a career goal.

Cassandra Zaharopoulos Hughes

An attorney is an advocate for people who would rather argue than solve their own problems. This is a thankless job, to wit... When a client wins, they love their attorney; when a client loses, they sometimes hate their attorney; all clients (winners and losers) hate the other client's attorney; hence, all attorneys are hated.

This explains why attorneys, regardless of reputation or area of practice, are often noted for their cantankerous, blusterous, flamboyant, and outsized personalities. Being hated for a living, while you are simply trying to resolve an issue for parties incapable of resolving said issue on their own, is a difficult thing to face each morning and carry through the day.

Alexander Zaharopoulos Hughes
My son and father of my granddaughter,
Corporate vice president in San Francisco

My Answer

There is no single answer. The answer depends upon the perspective of the person who answers. An attorney should master many arts. One must be a careful observer and listen to both spoken and unspoken messages. We cannot just impose our own goals upon a case, but need to take the time to learn what the client seeks. The client generally seeks objectives which are not always monetary. We need to understand when and what is more important than the financial. A very difficult skill to master can be that of truth teller -- it is painful to tell people cold truths they do not welcome.

Much of what we do takes courage, but not bravado. Wisdom and compassion need to be our companions. Perhaps, when we are out there being attorneys, more reflection is needed. Our work is being viewed from many different points of view: other attorneys, judges, clients, our own families and the "other side."

How do we want people to answer the question: "What is an attorney?"

Thank You, Scott

Some take our seminars for granted and forget the huge amount of time which is volunteered behind the scenes to bring off a seminar like the SMART seminar on March 5. Scott Levine put together a panel of very impressive attorneys and speakers from around the state. These speakers traveled here from around the state at their own expense. In this economy, it is important that, as an organization, we help our members build successful practices. Scott is CASD president-elect for 2010 and he certainly did not disappoint. We have received dozens of requests for a repeat of this seminar next year. Terrific job, Scott!