

President's Column

The Business of Practicing Law

by Scott Levine

*Scott Levine is CASD's President for 2010. He is a partner in the law firm of Sillardorf & Levine, LLP. He represents homeowners in construction defect actions and also practices business litigation, employment and franchise law. Mr. Levine received his undergraduate degree from the University of California, Santa Barbara, and his Juris Doctor degree from California Western School of Law. He was the Tort Law column editor and then the Legislative Law column editor for **Trial Bar News**. He was awarded the 2002 Legislative Champion Award by CAOC and the David S. Casey, Jr., Consumer Advocate Award by the CASD for 2003. He may be reached by email at: slevine@sillardorf-levine.com.*

In June, we had our Past President's Dinner at which CASD inducts a member into the Trial Lawyer Hall of Fame. This year's inductee was Tom Sharkey. The event is an interesting one to attend because it brings out many of our past presidents who for one reason or another come to this particular event. I wonder if we titled our events the Past Presidents Trial Stars Dinner it would bring out as many past presidents that we had at this event. I say this somewhat in jest as it is very nice to see all of the past presidents of our fine organization join in celebrating the career of one of our own. When Ken Sigelman introduced the judges and past presidents in attendance, he covered virtually the entire room and each table seemed to have three to five people introduced!

Tom Sharkey was a wonderful inductee and spoke to all of us about his career and the life and business of being a lawyer. We often forget that we are in the "business of being a lawyer or law firm." Tom reminded us of that fact and that each case we take can mean the difference between feeding and clothing our families or not. We take incredible risks and usually prevail but sometimes we do not and it costs us and our families dearly. Sometimes it is just our time that is not reimbursed, but other times it is also our money advanced in the case. The money that we make on some cases can be lost on other cases. Case selection is such a key component to our businesses and our ultimate survival in our chosen profession.

We often forget that there are a lot of lives and livelihoods hinging upon the filing of each of the lawsuits we file. It is not just the lawyer or lawyers we face. It is the support staff we all hire, the vendors we all hire, the experts hired and the support staffs of the vendors and experts. It is the insurance company employees and the vendors that they all employ. It is the coverage attorneys that they all hire and their staffs. Each lawsuit is like its own economy. Most of the participants are getting paid monthly or eventually on the time that they spend each month on the particular case. Many of us wait until the case is completed to get paid.

I recently attended a seminar entitled West Coast Casualty at Disneyland. This is a construction defect seminar and is geared toward the people who all participate in these cases. There are probably about 15 firms in the entire state that represent homeowners and homeowner associations in construction defect cases. From these firms, there were enough people to fill three ballrooms at the Disneyland Hotel! There are literally tens of thousands of people who feed off of the construction defect cases that these few law firms file each year.

There were defense lawyers, coverage attorneys, mediators, experts, court reporting/document depository firms and all of the other vendors that support litigation. There were insurance adjusters, claims representatives, third party administrators (for the insurance companies) and all of the vendors that support this industry. It made me wonder why there is not a section roped off for the royal plaintiffs who caused this wonderful event to even be possible. Why weren't we invited to attend for free? I guess that the builders that

built these fine homes and condominiums could be asking the same thing as none of these lawsuits or the economies that they create would be possible but for their shoddy workmanship or failure to properly supervise their projects. Maybe the vendors whom they purchase products from should also be asking for free admission like the window manufacturers who supplied windows that leak or that were not tested for air and water leakage.

The important thing for all of us to remember is that no matter what type of attorney we draw on the opposite side (good natured or bad) we are all feeding the families of many other people. While you may despise the adversary you are dealing with, remember that this person has a family of probably very nice people. The adversary probably has a staff that is nice and friendly and the people that they hire are probably nice as well. As for the expert that the adversary hires who you know will say what they need to say to support the defense position, now that is an entirely different situation! Seriously though, we sometimes lose track of the fact that we all work together in businesses that rely upon our members staying in business to both help victims but to also make sure that all of the people who depend upon our lawsuits also remain in business. I know that many of us have wanted to see the other person go out of business and surely our adversaries have "wished" for the same thing. In reality though what would that serve?

Remember that you are running a legal business. Select your cases carefully. Be prepared for the fight that you will encounter from your adversaries. At the end of the fight, shake hands and remember that (most of them) are people just like you and me.