

PRESIDENT'S COLUMN

Where Do We Go From Here?

by Kerry Hoxie
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I had a chance to visit with this year's president, Scott Levine, and want to share our discussion with you. Among things we discussed were Scott's thoughts on what CASD does well for its members and how he thinks CASD can help its members prepare for the practice of law in the future. We'd like you to tell us your own thoughts and suggestions for CASD as well. Just send them to **khoxie@aol.com** and they will be shared with the Board for use in long range planning.

Scott has practiced law in San Diego his entire legal career. In fact, while he was attending law school here at California Western School of Law he clerked for the firm he joined after passing the bar – Sparber, Ferguson, Naumann, Ponder & Ryan. He was hired by Bill Naumann, who later became CASD's president, and Bill promptly got Scott to join CASD. Scott met a lot of attorneys he could learn from and share cases with at the smaller, monthly dinner meetings CASD held at that time. He wishes we still had the dinner meetings because he thinks the comraderie and skill sharing that occurred at those meetings was invaluable. In addition, they seemed to pump you up after seeing other lawyers face long odds in cases that they took and turning them into winners – they were getting awards for these cases.

SHARING AND SUPPORT. Scott thinks one of the most important things CASD provides for its members is the knowledge that you always have a group of people to brainstorm with or get advice from about specific situations or just plain support you during the tough times. Our group email list server provides much of the support function these days as do our informal list serve parties and mixers. The immediacy of a response to a list server inquiry is amazing. Many times, when members are in court or in a conference or deposition, they send a quick question to the list server and often will get a response within a few minutes. Someone is usually "lurking" around the list server during business hours. Whether the matter involves a procedural issue, a question of law or the experience of dealing with a particular person, there is usually someone in CASD who has "been there and done that" and can share the experience.

Sometimes just sharing the stresses and emotions can be exactly what is needed. One of our Board members, Alexys Kalafer, started holding "Losers' Parties" so that all those who had recently lost a battle could get together to tell war stories, have a few drinks and commiserate. The support CASD provides can't be overrated.

In addition to the list server, some of us still use the telephone. It is comforting to know that we can pick up the phone and lawyers who know the answer will still answer and help younger lawyers. The idea passes on because today's experienced lawyers got the same help when they were less experienced. Scott still makes calls and takes calls from other attorneys in CASD and has always found our members to be very helpful.

WORKING WITH THE LEGISLATORS. Consumer Attorneys of California ("CAOC"), our state organization in Sacramento, works with the California legislators and keeps track of pending legislation. They are experts at knowing what can be done and which legislator is best able to get it accomplished. Most of our members are also members of CAOC and we work with CAOC on many of the projects. Scott became very active in working with CAOC on legislation. Because his practice is primarily construction defect law, he was a key member of the team that negotiated Senate Bill 800 (now Civil Code §895, *et seq.*) with the building industry and helped get it passed. He practically lived in Sacramento during those negotiations. In fact, once when they thought everything had been finalized, he got a frantic call that things had fallen apart so he had to leave Santa Barbara, where he had just completed a triathlon, and fly up

to Sacramento to put the bill back together again with the help of Nancy Drabble and Mark Millstein. Scott literally had to buy clothes and shoes in Santa Barbara for the trip because all he had was his swim, bike and running clothes. The trip was supposed to be for the day on Monday, but as the day passed it became clear that he had to spend the night. The stores were closed by the time he got to a hotel. He says that is when he learned that the front desk of a hotel has everything you need in an emergency in the way of toiletries – toothpaste, toothbrush, etc. Maybe they charge for those things today, but back then they gave them out at the front desk.

Our knowledge of the legislators and our constant vigilance and interaction with them has protected consumer rights, and in the process saved our law practices, for many years. This has always been an important function of CASD. Scott urges our members to get involved with our legislators by joining CASD's legislative committee and making Lobby Day in Sacramento one of your most important appointments of the year. Lobby Day is a good opportunity to "see what happens" to get a little more comfortable with being in Sacramento. It is sort of scary at first, but, like most things, the more you are there the less intimidating it becomes.

IMPROVING YOUR PRACTICE. Scott thinks that one of the most important things CASD can do for its members is help them learn to run the business of practicing law, especially in this economy. Scott believes lawyers often overlook the importance of running their law firms as a business. We become so immersed in the cases we are handling that we forget we must operate as a business to do well for our clients. Scott comes from a lawyer family. His dad had an extensive law practice in Phoenix where Scott was raised. In fact, Scott worked in his dad's law office during summers in high school so this probably explains his early focus on the business aspects of a practice. In addition, Scott majored in economics in college so he may have more of a "business" approach than many lawyers. Scott's mom also worked in the law office where she learned a lot of law, but she really wanted her own license so when Scott decided to attend law school after college, his mom came along and got her license as well – at the same time and same school.

CASD seminars teach cost-effective ways to handle our cases from discovery through trial. We should always be alert to new ways to be more efficient in the practice of law both to improve our bottom line and to improve case outcomes.

Screening cases carefully is very important to running a good business. Since most of our clients require contingency fee arrangements, screening the cases is the *sine qua non* to a successful practice. Scott recommends consulting with fellow CASD members when screening cases and partnering with more experienced attorneys on cases which involve areas of the law or trial challenges we are less familiar with. Pooling skills and legal expertise benefits our clients and helps us handle cases more effectively. Joint venture cases. This splits the time and money that you risk on larger cases.

SPEND TIME WITH YOUR FAMILY. Scott and his wife, Amy, have two children: Alexandra, 16, and Andrew, 11. Alex plays soccer and has recently picked up golf. Andrew is also taking golf lessons and plays the cello with the Youth Symphony. Scott urges fellow attorneys to plan for and schedule time with your family. It keeps you grounded and helps you remember why you do what you do. Some of our members discuss their cases with the family and even practice parts of their trial presentations on them. Scott notes that he often asks Amy her opinion about cases and facts and is frequently surprised with her responses, but it is good because it reminds him that a jury may have the same opinions. Keeping the family involved with your practice helps them understand what you do and share in the venture.

WHERE DO WE GO FROM HERE? The past decade has seen many changes in the practice of law. "Tort reform" (which always means limiting consumer's rights) has become a common mantra as a remedy for litigation run amok which is destroying the American economy. Although we know this is not true,

jurors have been impacted and are loathe to award appropriate damages or impose responsibility on the wrongdoers. Business doesn't want to be responsible for careless work and the damage it causes. And the public has been taught that imposing responsibility for damage caused just ends up costing them more. Fighting these myths is an exhausting and discouraging battle. We can't really do it effectively alone. That's why we need to join organizations like CASD and CAOC and work together.

Scott believes members owe it to each other to get involved for the benefit of the profession and their practices. Organizations like CASD run on volunteer efforts. Join a committee. Do your part_

As a member recently expressed it on our list server: "People don't know what we go through in fighting the layers and layers of defense hurdles, obstacles, battles, the constant *money drain*, the stress, and the huge risk we take for our families. They don't seem to understand that we make society a *better* place to live. We make the streets safer, cars and machines better, professionals and the all-mighty insurance companies *sometimes* accountable, the workplace safer and saner, the unbalanced playing field more level so employees have a chance to make a fair salary, not be harassed and feed their family. We do good, not bad. And we work so hard. If they were abused or injured, or wrongly lost their loved one, they would want us on their side." I couldn't have said it better: "We do good, not bad . . . and you want us on your side."

One of Scott's favorite sayings is, "Enjoy the journey" and it must work for him as he nearly always has a smile on his face. He wants CASD to help you enjoy the journey in this very important profession you have chosen to practice. Tell us what we can do better (khoxie@aol.com) and come work with us_ Join a committee and get involved.