

CASD 2011 — Ensuring You Never Stand Alone

In December 2002, CASD introduced its new logo, "Never Stand Alone," to its members. As we showed the wide blue arc over our name and the slogan "Never Stand Alone" beneath it, we explained: "CASD's new logo communicates what our organization stands for: we connect attorneys to consumers and protect their rights; and we provide a support network of attorneys who share resources, ideas and information through seminars, *Trial Bar News*, group e-mail networking and one-on-one support. The logo symbolizes the passion, support, strength, unity and courage of our members. Through CASD, they and their clients truly never stand alone."

Andy Albert, Kerry Hoxie and Jon Williams comprised the Communications Committee that devoted an enormous amount of time to developing the logo and slogan "Never Stand Alone". I was on the Board of Directors at the time, but wasn't sure I actually understood what the logo meant. I now know that, at the very least, the logo represents two very important things about our organization.

One, our members are committed to representing the injured, the weak, the vulnerable, the "little guy" against more powerful, well-funded corporate and government interests who have harmed our clients and failed to accept responsibility for doing so. We often provide a strong voice for those who cannot speak for themselves. Typically, our members take on substantial financial risk and represent our clients on a contingency fee basis. In this regard, the clients of CASD's members Never Stand Alone.

Two, the members of CASD are committed to helping each other defeat our well-funded adversaries. In working together, we are much stronger and effective advocates inside the courtroom, outside the courtroom and at the ballot box. In this regard, the members of CASD Never Stand Alone. The focus of this article is this aspect of Never Stand Alone.

Listserve

This resource was launched in 2001. In my view, this is the linchpin which enables us to share information, experiences and resources much like a big law firm does with its various attorney members. This collaborative sharing by group email enables even the least experienced of our group to have access to invaluable resources and information only possessed by the most experienced among our members. Equally important, the listserve creates a sense of community among our members and reminds us that all 900 plus members are in this fight together.

On any given day, a member can obtain valuable insight about judges, mediators and arbitrators. Make no mistake about it, such information can save us substantial time and money, and in some cases be the difference between winning or losing the case. Specifically, on a recent day, I saw questions and responses regarding which of six arbitrators to avoid for a medical malpractice case, which of three mediators to use on an employment case and how a particular judge handles the *Hanif* issue prevalent in most personal injury cases.

On that same day, I saw people requesting information regarding some of the usual defense experts and other members providing copies of depositions and copies of trial direct and cross-examination of such witnesses. The result

by Joel R. Bryant



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was that the receiving party was better prepared at trial to defuse that defense expert's testimony and to obtain a fair and just compensation for her client. Similarly, that same day, I saw people seeking recommendations for particular experts and some of our more experienced trial attorneys providing the benefit of their experience by recommending those to use and some to avoid.

On another day, I saw members providing points and authorities regarding the assumption of risk defense, points and authorities regarding the various medical lien issues and a motion to quash a subpoena seeking irrelevant medical records and insurance billing records. Further, on a daily basis, I see detailed factual case scenarios posed by some of our members and detailed, informative responses by other experienced members who have handled similar cases against the same or similar defendants. This

collaborative sharing of resources, documents and information ensures that we Never Stand Alone.

Trial Masters Committee

In the distant past, when CASD dinners were held more often, we offered something referred to as "Brainstorming with Masters." It allowed members to tell the "Masters" (successful and experienced trial lawyers in our community) about their case and receive valuable input from them. Our members really enjoyed it and it made them better, more effective trial lawyers. CASD would like to offer this service to our members again in the form of the Trial Masters Committee ("TMC"). This committee is just getting started and hopes to have had its initial meeting by the time you are reading this article. The TMC will work as follows:

The TMC will consist of numerous, experienced, top-notch trial

lawyers (*i.e.*, Trial Masters) who are both members of CASD and former board members of CASD or SDTLA. Three to four members of the TMC will make themselves available each month for two hours to meet with up to four CASD members at a local law office to hear about the members' cases and to provide input to the members to better prepare them for trial.

To participate in the program, a CASD member will provide information about his or her case by filling out a short questionnaire before meeting with the TMC. The CASD member will then provide additional information to the TMC by making a short presentation about the case at the TMC meeting and answering any questions from the TMC. The TMC will provide input regarding, among other things, case themes, voir dire, motions in limine, the judge, the opposing attorneys,

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expert witnesses, opening statement and closing argument. Again, by providing such valuable information to our members, each of us will be better prepared in the courtroom to obtain fair and just compensation for our clients.

San Diego TrialWatch

CASD members universally agree that there is no substitute for experience when it comes to trying cases. Oftentimes, the best way to glean such experience is to watch one of your fellow CASD members in action at trial. The biggest hurdles in being able to do so, aside from time, are simply knowing who, when and where to be.

San Diego TrialWatch ("SD TrialWatch") embraces the omnipresent concept of social media and provides real time access to CASD members' trials. Members can subscribe to these real-time notifications via blog, text, Twitter and Facebook (coming soon, a separate listserve). Spearheaded by Ahmed Diab and John Fiske, members can simply email SD TrialWatch at trial-watch@gmail.com and let them know when they or another CASD member is going to be in trial and real-time posts are disseminated via multiple social media avenues.

One CASD member's account is telling:

"I was in court in the morning for an ex parte hearing, checked my iPhone and saw that [one of San Diego's trial masters] was about to begin closing arguments in the department next door on the SD TrialWatch Facebook page. Once I got through my hearing, I was able to pop by next door and sit in. I gained far more than I could have through an MCLE on closing arguments by watching one of the best in action. I love that SD TrialWatch is real-time and not something I have to find out about once I've returned back to my office."

In the past, CASD members had to "be in the know" to find out someone was starting voir dire one morning or getting ready to deliver closing arguments that afternoon. Plans had to be made to get down to court and watch. SD TrialWatch, however, provides consolidated, instant access so that members can go next door while they're already in court and watch the cross examination of the defense expert that was just designated last week in one of their own cases.

Accounts like the one above are becoming more common and can only help improve the quality of our members' advocacy to obtain fair and just compensation for our clients.

SD TrialWatch benefits not only members wanting to watch other attorneys in action at trial, but it also benefits the attorneys in trial. Many attorneys in trial have remarked how glad they were to see some familiar faces in the audience at trial to remind them that so long as they part of CASD, they will never stand alone.

Those programs and resources identified above are a few of the ways that CASD strives to ensure that its members Never Stand Alone. Please be sure to send me an email or talk to me at one of our events to tell me if you have any other ideas about how CASD can help our members and ensure that they Never Stand Alone. **TBN**



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