

What if Love Were the Basis for All our Acts?

The year I became a Board member for Consumer Attorneys of San Diego, 2003, was the first year Consumer Attorneys of San Diego adopted the slogan, "Never Stand Alone." A special Communications Committee panel had developed the slogan and it was enthusiastically adopted and endorsed by the Board. Tracee Lorens was the incoming President and this was her mantra. Being new to the organization and being brand-new to the Board, I didn't know what it would come to mean. It wasn't long before I learned that the phrase "Never Stand Alone" packs a whole lot of love behind it.

This being the month with the holiday for lovers, it made me curious to find out just how many California reported cases contain the word "love." An electronic search of the word "love" garnered in excess of 3,000 hits. I was happy to see that only 1530 California reported cases contain the word "hate." When I narrowed my search to "love" within 10 words of "defined," this resulted in only 10 hits. Surprisingly, four of the 10 dealt with criminal acts. Not surprisingly, one of them dealt with the definition of marriage. Nowhere is the word "love," however, actually defined in our California cases.

At dictionary.com, "love" as a verb is defined in relevant part as "to have love or affection for; to have a profoundly tender, passionate affection for another person; to have a strong liking for; *take great pleasure in; ... benefit greatly from.*" (Italics added.) Now we're getting closer. This is more in line with what I've come to learn is the backbone of Consumer Attorneys of San Diego.

MEMBERS HELPING EACH OTHER

List Serve

Perhaps one of the greatest benefits to being a member of CASD is our List Serve. It's like a bulletin board where any member can post a request to all other members. I recently saw a request on our List Serve from one of our members who was in trial and needed legal substantiation for an argument he was about to make. Several people conducted the research, and within minutes, he had a list of cases with citations that supported his argument. This is love.

I also recently saw an attorney provide a very detailed report of a trial he lost, after he'd won tens of millions of dollars in other cases. His feeling was that a part of him died with that trial. Many of us provided much-needed emotional support, while another fine attorney responded eloquently as follows, "The part of you that dies is like the limbs that are cut off when a tree is pruned. It may hurt in the short term but in the long run it helps to produce better fruit. Not that you need to produce better fruit but you are now more alive and ready to flourish than ever." (Thank you, Ryan McCabe, for your fabulous words.) This is love.

Another attorney sent out a request for a motion for attorney's fees. Within a day, two attorneys sent her exemplar motions with the declarations supporting them. This is love.

It's not just about the law that we help each other, either. I recall a few years ago that someone complained about the awards given out by CASD – that they seemed to go to the same attorneys year after year. One of the attor-

by Rebecca Lack Mowbray



Rebecca Lack Mowbray is a principal at Mowbray Law Firm and the 2013 President of Consumer Attorneys of San Diego. She's the seventh woman President of CASD. She practices civil litigation with an emphasis on insurance bad faith and personal injury law and is very proud to call herself an attorney. CASD has recently awarded Rebecca an "Outstanding Trial Lawyer" award. She currently shares her life with her two standard poodles.

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neys who was clearly the object of this member's displeasure responded, "I will be there cheering you on just as much for your 1st as your 17th award." Sometimes, we just need to be gently guided out of somewhat illogical positions we take. I believe this, too, is love.

Trial Bar News

Our *Trial Bar News* is CASD's monthly publication. Only the best of the best of our members are invited to write for this esteemed publication. The column editors are not paid for their services, yet they work tirelessly to provide each of us with important developments in their specific area of law. They all have thriving practices that keep them busy, but month after month somehow find the time to educate the masses. I call this love.

Each year, in our December issue, we have a Cumulative Index which provides an index of all articles published that previous year by subject matter. It provides the month, issue

number and page number where a particular article can be found. Making our lives easier is the most basic form of love.

Trial Masters Program

We have a Trial Masters Program that is made up of CASD's trial stars. They routinely provide advice to CASD members who ask for it on voir dire, opening statements, trial themes, closing arguments, certain judges and opposing attorneys. Again, this is all done on a volunteer basis at no cost to the asking attorney. The love of the art of trial practice is what drives the force behind this great program.

Members Championing the Cause of their Clients

Certainly, one of the reasons we do what we do, and do it so passionately, is because we've been chosen to give our clients their one and only day in court. We've been hired to

bring them justice -- to tell their story. Our passion applies equally to the client who suffered only "minor" injuries as it does to the CEO and father of 10 who lost his life due to a manufacturing defect by Toyota.

Most of us represent people who would otherwise never see the inside of a courtroom because they lack the means to prosecute a case. Most of our clients would not be able to figure out how to gather their medical records, could not afford to hire court reporters to cover depositions, and would cringe at the cost some necessary experts would charge them. Most of us represent such people against corporate giants who have unlimited pocketbooks and can hire one, two and three lawyers to defend a case. Most of our clients, if not for us and our willingness and ability at times to advance costs, would throw in the towel and simply walk away from a just cause.

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If not for our love for our clients, they would be helpless.

Members Helping the Community

Thanks to the great leadership of John Gomez, many areas of our community now know that the term "trial lawyers" isn't a dirty word. This was certainly one of John's goals as President of CASD. Many of us are committed to changing public opinion about what we do by doing good. This past year, many members of CASD supported breast cancer walks, participated in walks for muscular dystrophy, helped build homes with Habitat for Humanity, helped raise funds for the Humane Society, sent care packages to soldiers fighting in Iraq and Afghanistan and supported many, many other noble causes.

In addition to performing good deeds, John Gomez spearheaded the coalition to change the way the general public feels about "trial lawyers" by coordinating speaking engagements at various organizations like the Rotary Club, Kiwanis and other civic groups. At these speaking engagements, the attendees were able to see all the work we do to change the lives of consumers for the better.

The love that emanates from our members is much more widespread than just within the legal community.

What if Love were not the Basis for all our Acts? Dem's v. R's

This having been an election year, there's always a sigh of relief for some the day after the election and a call for mutiny from others that day. With so much dissension between the parties, how can anyone expect to get any work done? Mitt Romney campaigned with promises of creating 12 million jobs if elected. He also often stated how much he loves this country. Just because he didn't win the election doesn't mean that he can't somehow

work with the Obama administration to help create those promised 12 million jobs and I hope he does. That act would prove how much he cares about this fine country.

Historically, I haven't seen cooperation in the sharing of campaign promises happen between the competing parties. There's simply no reason for both parties not to work together to try to repair what's wrong in Washington, but it seems there's too much divisiveness there now to get anything done. Everyone should just drop their armor, consider their constituents, consider the repairs that need to be made, and really show how much they love this country by making compromises to get the work done. A stalemate helps no one. Love one another.

Members Competing with Members

If our organization were not so full of love and respect among our members for each other, I can only imagine the responses one would find on our list serve, or lack thereof. Anyone asking for a motion might be met with, "I filed one that is in the court file and you can go get a copy of it, but I won't send it to you electronically." Where's the love in that?

I remember working my first job as a legal secretary in 1976 when my boss called someone she met in law school to see if she could borrow a book from his personal library. I was shocked she could do this because I assumed all attorneys were eating from the same trough. He was kind and generous and allowed my boss to borrow this book to get the help she needed to finish her brief. If the practice of law were what I assumed as one new to the field, I can only imagine how difficult our lives would be. If competition were the motivation for our acts, we'd all have to reinvent the wheel every time we were faced with a new situation.

Hatred for Opposing Attorneys or the Judge

There have been cases in which opposing attorneys were less than cooperative. I've had a case against some Los Angeles attorneys in which I received a threatening phone call after every motion I filed, threatening to sue me and my clients for sanctions if I did not immediately withdraw my "meritless motion." (By the way, I eventually received an order from Judge Meyer granting me \$10,000 in sanctions for discovery violations against those very same attorneys.) I've had a case in which the defense attorney tried to steal my known expert. Luckily for all of us, those cases are few and far between. For the most part, the defense attorneys in this town are cooperative, ethical and get it – *i.e.*, that we attorneys did not cause the problem and we attorneys are not the ones harmed. We're only here to advocate for our clients' positions. If we started every case, however, hating opposing counsel, our lives would be vastly different. I can't even imagine liking my job if I had to deal with an abusive opposing counsel in every case. I'd get a job as a school bus driver instead.

We've all heard horror stories about this judge or that judge, but for the most part, our San Diego panel is excellent. If all of us, however, had to go to court and cringe just because the judge we were assigned was constantly condescending, rude and a curmudgeon, then none of us would receive any delight or satisfaction in going to court – whether we won that day or not. The whole process would be sheer drudgery. Again, luckily for us, our panel is not one which engenders hatred.

Love makes the world go round. I hope you all enjoy your Valentine's Day and share it with those you love to love. **TBN**