

## It Was A Good Fight

I write my last President's Column with all votes in the November 4th Election Day counted. On the ballot was Prop 46, which many of our members spent countless hours supporting through member and voter education campaigns. Notably, despite the nearly \$60 million spent opposing Prop 46, the pre-election day polls showed Prop 46 in a statistical dead heat with nearly 30 percent of the electorate remaining undecided. If the undecided voters had merely followed one of my colleagues' approaches to elections - which is to vote for the side that is outspent by the insurance industry - the proposition would have passed. In the end, it was simply impossible to overcome the fact that consumer attorneys were outspent approximately 7-to-1 by the medical and insurance industries.

Nevertheless, it was inspiring to see the diverse number of attorneys who represent people that are injured, oppressed, subject to deceptive trade practices, or falsely accused, rally behind this law to the very end. Our community came together in this David and Goliath scenario to support this initiative, with no less than 1,500 consumer attorneys all around the state contributing to the effort. The opponents of consumer protection laws such as Prop 46 will take note at the strength of our ranks and our willingness to come together in support of laws that provide greater protections for people and that make the justice system fair for all.

This is particularly important given the warning issued by the corporate funded American Tort Reform Association ("ATRA") earlier this year that it will begin a multi-year, multi-state campaign to "reform" consumer protection laws. In reality, this will be a coordinated assault on consumer protection laws with the goal of eradicating such laws and supplanting them with laws friendly to corporations and insurance companies. This multi-year campaign will likely include an attempt to make forced arbitration pervasive in every aspect of our lives and diminish the role of our court system and trial by jury, a cornerstone of our democracy. ATRA's efforts can only be construed as an attempt to destabilize the balance between the branches of government and in favor of big business.

Earlier this year, Chief Justice Cantil-Sakauye released the blueprint to restore and improve access to justice. She noted that the current barriers to equal access created by the court funding situation is a civil rights problem. Similarly, the barriers that ATRA hopes will result in limited access to courts through legislation are also a civil rights problem as these barriers will have a disparate impact on many of the types of diverse California residents referenced in the Chief Justice's blueprint.

One of the takeaways from our efforts to support Prop 46 is that our work to educate the public and our legislature about the people we represent and how we can best represent them has to be an ongoing and consistent effort. It is remarkable that even after the nearly \$60 million dollars spent to defeat Prop 46 the polls just before election day were not proportionally any more in their favor. Although Prop 46 did not pass, ATRA will think twice about targeting California in light of the effort put forth by consumer attorneys throughout the state.

by Raul Cadena, CASD President



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## Thank You

It has been an honor to serve as President of an organization whose members represent the type of people who do not have the power, wealth and knowledge to readily or easily access the civil justice system. In the face of the many challenges we face, our members continue to hold corporations accountable for defective products, continue to require competent health care, continue to fight against deceptive trade practices, continue to demand a safe and fair workplace, and continue to require that the state prove the guilt of persons who are charged with a crime. Moreover, our members continue to support one another and serve as a resource for each

other to make sure that none of our members ever stand alone.

I want to thank my fellow board members as well as the CASD members who put forth the hard work and dedication to make sure that our various committees moved forward and kept on track with their goals throughout the year. The educational programs throughout the year were outstanding. The events honoring our outstanding members were inspiring and the thorough work done to select those outstanding members was impressive. The community outreach efforts raised the visibility of our organization while giving back to our community. The women's caucus events and the women's trial lawyers retreat were a resounding success. Our *Trial Bar News* maintained its high level of

quality with a new editor at the helm. The member inspired update of our bylaws, which now make it easier for our members to move up the leadership ladder and will reflect the use of technology to better allow our members to participate in CASD elections.

Of course, none of this work could have been accomplished without the hard work of our CASD staff. They make CASD run smoothly and seamlessly. Thanks Bonnie, Chloe and Kolin.

Finally, I want to congratulate our incoming CASD President, Tim Blood. I also want to thank Tim for his hard work on the governmental relations committee and the incredible work he did spearheading the Prop 46 push in San Diego. CASD is in great hands. **TBN**

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