

The Passing of a Giant

by L. Tracee Lorens

Tracee Lorens is CASD's President for 2003. Ms. Lorens attended San Diego State University and Western State College of Law (now Thomas Jefferson) obtaining her J.D., B.S.L. in 1990 and was admitted to the California State Bar that same year. She has been a member of Consumer Attorneys of San Diego for nine years and was either a Director or Officer of CASD for the past seven years. She practices primarily in the area of employment law, focusing currently on wage and hour class actions, as well as complex personal injury and insurance bad faith claims. Ms. Lorens is the mother of a beautiful 12-year-old daughter, Alexandra Rose Lorens, and the "significant other" and partner of Wayne A. Hughes. She may be reached by e-mail at CASDPres@aol.com or by calling 619-239-1233.

On August 7, 2003, a virtual who's who of the San Diego plaintiffs' bar met at the Mary Star of the Sea Catholic Church to say farewell to a giant in our community. One month shy of his 90th birthday, David S. Casey, Sr. was called home.

During his career in San Diego, David S. Casey Sr. set the standards high. **He was a founder and the first president of this organization in the year 1960**, a charter member of the statewide trial lawyers organization now known as the Consumer Attorneys of California, a member of the California State Bar Board of Governors between 1973-1976, and president of the California State Bar 1975-1976 (the first plaintiffs' attorney elected to this coveted position). He was also a diplomat of the American Board of Trial Advocates and a past president of that organization, a fellow of the International Academy of Trial Lawyers which is restricted to 400 lawyers throughout the country, and a fellow of the International Society of Barristers.

Of course, he was also a senior partner and founding member of Casey, Gerry, Reed & Schenk and handled more than 700 jury trials over his 40-year career. CASD's greatest honor, Trial Lawyer of the Year, was given to him in 1974. Recently, that award was renamed in his honor, and is now known as the David S. Casey, Sr. Trial Lawyer of the Year Award.

Dave Casey Sr. was also committed to service to his community. He had a keen love of San Diego and was a candidate for Mayor of San Diego in 1966, running in a field of 15. He missed the final run off by a mere 300 votes. He served on the Smog Committee and Water Authority and spearheaded, in 1965, Proposition C which allowed taxing of hotels and motels to promote tourism. At the time, San Diego was known as “a Navy town”. Today it is a major destination resort built out of this civic act.

Perhaps his distinguished career is found somewhere coded in the family’s DNA. His father was a lawyer in St. Louis and his son, David S. Casey, Jr., is a past president of both this and the state’s organization. Currently Casey Jr. is president of the 60,000 member Association of Trial Lawyers of America. This man and his family are not content to excel in only their professions. It is a dynasty well anchored in family, community, public and private accomplishment. Four generations of Mr. Casey’s warm and loving family attended his services. The eulogy delivered by his son, Casey Jr., was an eloquent, funny and fitting monument to his family.

What Casey Sr. Gave Us

As our first president and a founding member, Dave Casey, Sr. gave us a sense of community. Recently I was involved in a discussion of the plaintiff vs. defense counsel sides of the great civil litigation divide. We were talking about how much cooperation CASD has been able to foster among our members. We noted that at the most recent Trial Stars Dinner it was gratifying to see how many recipients talked about how ListServe, CASD seminars and labs, and other members had helped them achieve their success story. We noted that there is really no such spirit of togetherness among the defense attorneys who frequently see each other as competitors.

Our slogan, “*Never Stand Alone*”, is more than three simple words. It represents both a commitment among the members to help each other and a definition of our relationship with our clients. This slogan is a legacy given to us by men such as Dave Casey Sr.

He also gave us a gift in his son, David Jr. His son is a treasure perhaps not fully appreciated by our members. On a national stage, David Jr. is our advocate in what is a less than friendly political environment. Thankfully his father was able to see the reality of his son’s prominence and the promise of his future before he passed on. To paraphrase Newton, if a son (such as in the case of Casey Sr. and Casey Jr.) sees farther it will have been by standing upon the shoulder of a giant. Thank you, Mr. Casey.

Some Personal Reflections

Wayne and I attended the service for Dave Casey, Sr. We had a jury out and sat there with our cell phones on vibrate. After the service we shared similar reflections. We felt guilty that we had not been able to put thoughts of our case out of our head completely during the service. Both of us had also reflected that maybe sitting there to honor such a man and have a jury out was appropriate . . . and we both took time to suggest that if he wasn’t busy maybe he could put a word in for us with the highest court.

On leaving the service we received word that the jury was back. The verdict was a significant victory. It seemed an appropriate way to honor our profession and David Casey, Sr. Our ability to prevail in that case (a medical malpractice case in which we won \$2.6 million for our client) was a result of the comradery and support which we so readily found from our fellow CASD members. David Casey, Sr. and the other founding members of CASD had this vision back in 1960. David Casey was always a champion for the little guy and he realized that without a cohesive organization for plaintiff’s attorneys in San Diego, which was known at the time as a

place where you could not get a very good verdict, the system would continue to favor the large corporation or insurance company because their attorneys were working in larger firms, had the ability to share information easily, and had the resources to insure paltry verdicts for plaintiffs and plaintiffs' attorneys.

In an article written about David Casey, Sr. approximately 10 years ago, he is quoted as saying:

“I would have to stand up and try to figure out different ways to get a jury to respond in damages because as a rule they did not. The death of a child four years of age, they figured \$1,000.00 for each year of his short life: \$4,000.00. So I would get up in a death case, and I would put a little passion in it: Your Honor! They pay \$50,000 or \$100,000 a year for a baseball player. They pay \$200,000 for a painting by Michelangelo. They have no hesitation putting a value of \$100,000 on a Stradivarius. My *client* is broken. He is not a Stradivarius violin but he is a real live person who's entitled to proper damages. At least as much as a piece of wood with a couple of strings on it.”

It was this fervor and unrelenting desire to do the best possible for his client that made David Casey, Sr. such a great example for the rest of us. By founding CASD and sharing that fire with his friends and colleagues and those people sharing that desire with successive generations, he created a legal community which fosters victories for consumers like that one that Wayne and I just obtained for our client. Whether an issue arises in the midst of trial and you need to find a colleague on a moment's notice or whether you are researching an important issue for the resumption of trial the next morning, this organization provides us with a broad base of support and last minute help and advice at any time of the day. These are gifts which were first given by this great giant, David S. Casey, Sr., and which this organization continues to

pass on and will continue to pass on for years and generations to come.

Other Comments

Life in our organization goes on as part of a tribute to our first president. As you can see we have “unveiled” our newly redesigned *Trial Bar News*. How do you like it? What do you think of the center pages?

We continue to work toward our goal of redesigning the CASD website this year which will provide you with an online Brief Bank, an online Expert Witness Bank, a Community Outreach section, and many other new services and opportunities to make your practice bigger, stronger and better for our consumer clients. Our annual Trial Stars Dinner will have occurred and, as always, it will have been an inspiring event focused on the trial heroes and champions of the consumer over the past year.

As usual, the fall is full of fun and exciting events such as our upcoming seminar on November 15 by Joshua Karton (who is unbelievable), our co-sponsorship of the annual Red Boudreau Dinner fundraiser for charity on November 1, 2003, and our ongoing “Tuesday Night At The Labs” and monthly mixers around town. We hope to see you at all of the events and we hope that you take some time, as we have, to reflect on the legacy so generously given us by David S. Casey, Sr. and now by his son David S. Casey, Jr., and that you strive in your career to pass on these treasures and memories to others.