

## President's Column

### THE POLITICS OF THE LAW

by R. Christian Hulburt

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In law school I took an elective to study products liability. It turned out to be a theory course, not so much to learn the law, as to learn the power of the law. Of course we read the landmark cases (most of them from the California Supreme Court), but the professor paid little attention to actual holdings. Instead, we focused on the authors' philosophy revealed in the opinion, the social engineering undertaken by the courts, the law's evolution from *caveat emptor* during the Industrial Revolution, to the redistribution of wealth in modern strict liability.

In the first week of class, the professor announced, "This is a class about politics." I was confused. **"Every time you file a lawsuit, you are making a political statement,"** he added. **"You are trying to control the balance of political power."** I had no idea what he was talking about.

Today, it was announced that trial lawyer John Edwards is the Vice Presidential candidate for the Democratic Party. Edwards launched himself onto the national stage in

January 2003, when he announced his candidacy for President. His first major fundraiser was just days later, here in San Diego before the CASD Annual Awards and Installation Dinner. We honored him as our Consumer Advocate of the Year. **“I am a champion for real people,”** Edwards proclaimed. **“I’ll match up the people I have fought for my whole life, children, families, workers, against the big corporations, insurers and HMO’s George Bush protects any day. Bring it on,”** he challenged. It is a message we are guaranteed to hear repeated from now until November, and it is a message that embodies the lesson of my law school class. Every lawsuit we file is a political statement.

“But, I don’t care about politics.” “I especially don’t care about your politics.” “I don’t want to read all the political articles you think are really cool.” “You’re jamming up my in-box with all your political e-mails.” “The Listserve is for law related discussions, not political diatribes.” “I just want to practice law.”

I know. I’m on the Listserve too. Sometimes it feels like too much, too personal, too polemic, dare I say, too . . . political. Other times it seems like the free flow of ideas, both good and bad, articulate and clumsy. “Democracy in action,” I think, with a “delete” button always nearby.

My point today is simply to say let’s be honest about what is going on. The politics of civil litigation were already front and center on the political debate. Dismantling the system by which insurers and corporations are held responsible for injuries to individuals is a central focus of the Bush administration and the Republican majority in Congress. Now, trial lawyer politics are on the national ticket. The politics of filing lawsuits will receive more attention in the next three months than it has in a long time. This is a part of the political debate we cannot ignore. **This is the part of the debate we own. We are the best spokespeople. This is the part of the**

**debate we must champion. Bring it on!**