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CONSUMER ATTORNEYS ASSOCIATION OF LOS ANGELES

Journal of Consumer Attorneys Associations for Southern California
ADVOCATE

March 2020

Impeachment trial

OMINOUS RESULTS FOR BELIEVERS IN THE IMPORTANCE OF TRIAL BY JURY

I am writing this column as the impeachment trial of the President of the United States is nearing its conclusion. The Senate has just voted to defeat a motion to seek witnesses and documents, and by all accounts, the trial is nearly over.

I don't know the results, but I have a pretty good idea how it will end. Not because I'm clairvoyant, but because on December 17, 2019 Senate Majority Leader Mitch McConnell told us what would happen. McConnell spoke for most Senate Republicans when he said "I'm not an impartial juror. This is a political process. There's nothing judicial about it." According to CNN, McConnell predicted the whole exercise will be for naught because the President will be acquitted by the GOP-led Senate. "We will have a largely partisan outcome," he said.

That was surprising to some people, since this was a historically significant American trial and McConnell knows something about the rule of law. He is a law school graduate and served as Deputy Assistant Attorney General under President Gerald Ford.

Conversely, Senate Minority Leader Chuck Schumer said, "I'm withholding my final decision until we hear all the evidence. One of the reasons that we want these witnesses and documents is so we can hear the full length and breadth of what happened." Schumer also knows something about the rule of law and is a law school graduate.

The U.S. Senate, acting as jurors in the impeachment trial, saw it McConnell's way.

As the Senate was poised to defeat the motion seeking witnesses and documents, former White House Chief of Staff and Marine Corps General John Kelly said that, "If I was advising the Senate, I would say if you have no

witnesses, it's a job only half done. You open yourself up forever as a Senate that shirks its responsibilities."

There are many things we don't know about the impeachment trial. What we do know is that the most prominent trial in decades ended less than one week after it began. The jurors (Senators) decided in advance how they would vote, witnesses were not called, and evidence was not produced. This was a trial in name only. This is also a strong warning that the right to trial by jury is under attack by those in the highest levels of our government.

You may think otherwise, but this is not a column about Mitch McConnell, Chuck Schumer, John Kelly or the U.S. Senate. This column is about the importance of trial by jury to CAALA members.

A column in the Association's magazine about the importance of trials should not surprise you, since CAALA is an organization made up of trial lawyers. Many of CAALA's members don't try cases in a courtroom, but all identify themselves as trial lawyers. To think that trial lawyers don't care about the importance of trials is an oxymoron.

Most of the education programs CAALA presents are about trial advocacy. They are the most popular as are the skilled and experienced CAALA trial attorneys who share trial tips and strategies.

CAALA's 2020 event schedule has more than a dozen trial advocacy programs for members, including specific programs for new lawyers and women attorneys. These include the seventh year of CAALA's renowned Plaintiff Trial Academy and a completely revamped Trial Skills for the New Lawyer all-day program. CAALA Vegas will also feature numerous trial advocacy programs. At last

year's convention there were more than 60 sessions on trial advocacy.

The CAALA website has the schedule of upcoming CAALA events. Remember, there is no charge for most of the education and membership programs and webinars that CAALA presents.

As anyone who has read the Constitution knows, the right to trial by jury is guaranteed in two of the ten Amendments that make up the Bill of Rights; the 6th Amendment and the 7th Amendment. If you believe in and support the Constitution, you also believe in the right to a fair trial by jury.

As the impeachment trial wound down, the results were disturbing to CAALA members and the people they represent. They saw the impeachment trial as another attack from this Administration on the rule of law, the U.S. Constitution and specifically the right to trial by jury. Those attacks are not only from the President and his core supporters, they are also from Senators who swore an oath to uphold the very Constitution they disregard.

In his closing statement in the impeachment trial, Rep. Adam Schiff said that, "A trial without witnesses is simply not a trial. You can call it something else, but it is not a trial." Schiff quoted Thomas Jefferson who said "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

Schiff concluded by saying "There is a storm blowing. I would submit to you; remove that anchor and we are adrift. But if we hold true, if we have faith that the ship of state can survive the truth, this storm shall pass." CAALA members can only hope that Schiff is right because the alternative is too ominous to consider.

