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CONSUMER ATTORNEYS ASSOCIATION OF LOS ANGELES

Reaching for common ground

USE THE CAALA CONVENTION FOR PRACTICAL LESSONS ON HOW TO PRACTICE CIVILITY WITH THE DEFENSE BAR

As we slowly work our way past the pandemic, many CAALA members are beginning to return to a familiar place – the courtroom. I’m hearing from members how good it feels to be back in a courtroom, even though face masks and health protocols may now be the norm.

CAALA members hope things return to the way they were before COVID-19, but I hope one thing does not come back. That is the lack of civility that was seen between members of the legal community.

Nationally, we all are concerned about the lack of civility shown between people, whether they are politicians or just members of the public. Trial lawyers are as aware of this as any other observers.

Linda A. Klein, past President of the American Bar Association, recognized the special role of lawyers when she wrote:

As leaders in society, lawyers must ensure that civility once again becomes a quality that defines us. We need to set the tone for constructive communication and rational decision-making. It starts with us and every individual committing to a more civil manner, insisting that civility be a part of meetings and interactions. Indeed, we need to hold ourselves and our leaders to a higher standard.

The issue of civility within the legal profession is not new. More than 50 years ago Raoul Magana, one of CAALA’s pioneer, founding members, wrote the following eloquent words about civility and the character of the trial lawyers he knew and those who would follow in his footsteps:

“Respect and good manners are indispensable virtues of a trial lawyer. Denigrate no one. Present the facts and let the trier of the facts make the determination. Ad hominem attacks may seem to be effective but are a poor substitute for careful preparation. This is a dignified profession, not a business, and the more we can do to enhance its standing with our fellow lawyers and the public by forthright, honorable actions and demeanor, the better for everyone.”

I was privileged to hear Magana speak similar words when he was inducted

into the CAALA Hall of Fame in 2005 as a member of the founding class. The words stirred me then and still do today.

When I joined CAALA in 2004, lack of civility was a major concern for CAALA’s leadership. CAALA’s 2006 President, Steve Glickman, began a program to establish relationships with the defense bar, specifically with the Association for Southern California Defense Counsel (ASCDC) and LA-ABOTA. Steve laid the groundwork and the CAALA Presidents who followed him took up the cause. Presidents such as Ricardo Echeverria, Mike Arias, Shawn McCann and Jeff Rudman worked tirelessly to build relationships with their defense bar counterparts. They reached out and created a new era of cooperation and community. Regular meetings were conducted with the leadership of the three legal organizations and joint programs have been created that stressed civility within the legal profession.

This has not gone unnoticed by the L.A. Superior Court leadership, who continually acknowledge CAALA for building relationships with the defense bar. In the difficult times faced by the Court in the past several years; with issues ranging from Court funding to COVID, Court leadership welcomed the cooperation and collaboration between the plaintiff and defense bars.

CAALA President Genie Harrison has continued to advance those efforts. For a year, Genie and CAALA’s officers have worked with the defense bar and the Court to help alleviate the problems brought on by the pandemic. These efforts have resulted in the creation of joint programs and webinars, upcoming implicit bias training for judges and a brand-new virtual PI MSC program that will dramatically help reduce the backlog of civil cases. Harrison has attended countless Zoom meetings with L.A. Superior Court presiding Judge Eric Taylor and Supervising Judge of Civil David Cowan, along with leaders from ASCDC and ABOTA. Many of the

programs that have been developed will continue in the future.

If you are attending CAALA Vegas, take a look at the name badges of the attendees you meet. You’ll see a cross-section of attorneys, many of them from the defense bar. This is not by accident. Defense attorneys often are in attendance and some even agree to speak on education panels.

When Judge Dan Buckley served as LASC Presiding Judge, he told me that the CAALA Convention, with plaintiff and defense attorneys together, was the best example he knew of true civility among the two sides of the trial bar.

Judge Buckley wrote this in CAALA’s Advocate Magazine:

Do not be misled into thinking that more civility means an attorney is failing to fully and aggressively represent her clients. Absolutely not! An attorney can at the same time advocate on behalf of one’s client based on applicable rules and laws, aggressively fight to advance the best interests of one’s client, and have a cooperative and professional relationship with opposing counsel. In other words, having a cup of coffee with opposing counsel takes nothing away from one’s ability to zealously represent one’s client. In fact, it is quite the opposite.

CAALA Vegas offers numerous opportunities over four days for CAALA members to have “a cup of coffee” with opposing counsel. Take the time to do so and heed the wise words of Judge Buckley.

Finally, I want to share with you some words from my favorite American President, Abraham Lincoln. As I hope you know, Lincoln was an accomplished trial lawyer, who tried more than 5,500 cases.

As the civil war was approaching, Lincoln was still reaching for common ground when he famously said “We are not enemies, but friends. Though passions may have strained, it must not break our bonds of affection.”

Good advice for the country and for trial lawyers at a convention.