



From the President

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SECK LAW



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To protect and preserve

WHO WILL STAND UP WHEN CIVIL RIGHTS ARE VIOLATED?

My younger brother was 13 years old when a police officer first pointed a gun at him. It was the Fourth of July, the summer after his seventh-grade year. He and two neighborhood friends were lighting fireworks. They had spent months working and saving money to travel to the Muckleshoot tribal lands, 30 miles outside of Seattle, to stock up on the best fireworks in the Puget Sound. It was a family tradition to make the annual trek to the “Rez.”

Due to safety concerns, the City of Seattle had banned the sale and personal use of fireworks a year or two before. The local fireworks stands were shuttered. Locals could still purchase “safe and sane” fireworks like sparklers and firebombs, but the bold and beautiful fireworks that used to light up the sky were inaccessible – except on the tribal lands where state and local laws did not apply. People who violated the ordinance could be cited, and their fireworks confiscated.

My brother and his friends were a few blocks from our home in central Seattle. His backpack was full of bottle rockets and Roman candles. The three of them were in the street, competing to see whose bottle rocket could fly the farthest. They had only launched a few when a police cruiser sped around the corner, coming to a sudden stop just feet from them. My brother and his friends stepped back to the curb cautiously and waited. They knew to stay put. Running could lead to a chase, and you don’t run from the cops. Ever.

Two officers stepped out of the police cruiser. One approached them and asked, “Where are the fireworks?” My brother watched as the second officer pulled his gun from his holster and pointed it squarely at him. Frightened and confused, my brother cautiously pointed to his backpack. The first officer took the bag, looked inside, and placed it in the cruiser. He then told the teens to go home. The officers left. My brother and his friends walked home in silence.

Reflecting on this encounter over 20 years later, my brother said that at the time he was afraid but couldn’t fathom the officer shooting him. He was too young to appreciate the danger he was in, too naïve to believe an officer could shoot

him – intentionally or accidentally. All it would have taken was a thought in the officer’s mind that the teens posed a “reasonable threat of danger or violence to police or others” or an unintentional pulling of the trigger.

Like me, my brother now knows that encounter could have ended very differently. I also now know that pointing a gun at a person who “poses no particular danger” is excessive force and likely a violation of the Fourth Amendment. I didn’t know that then. Even if I did, I’m not sure it would have made any difference in how our family handled it. We still would have experienced the emotions that naturally surface after such an encounter – disbelief, anger, relief, remorse – but the encounter would have, nonetheless, gone unreported.

For those whose rights have been infringed upon and who choose to hold the responsible parties accountable, there are skilled lawyers who do the hard but rewarding work of litigating these cases. Many years after my brother’s encounter, I was able to take the sort of action I so badly wanted to take for him on behalf of others.

The first 10 years of my career were spent at the firm founded by the late Johnnie L. Cochran, Jr. Johnnie Cochran is known for his masterful defense of O.J. Simpson in the widely televised criminal “trial of the century” and for other high-profile cases. However, at his core, Mr. Cochran was a civil rights attorney. He spent his career handling police abuse and other civil rights cases.

In 1966, Johnnie Cochran filed a wrongful death suit against the City of Los Angeles on behalf of the family of Leonard Deadwyler, a Black man who was killed in 1966 by an LAPD officer. Deadwyler was pulled over for running several red lights as he rushed his pregnant wife to the hospital. Cochran went on to have an illustrious career spanning decades, representing hundreds of people whose rights had been violated in cases of employment discrimination, sexual assault, whistleblower, and labor rights. It was in that environment I learned the true impact one can make through litigation.

As an association of trial lawyers who represent people, we are fortunate to have many attorneys in our ranks who are taking on and trying the tough but rewarding police abuse cases. Many of them have penned articles for this issue. We salute them for their zealous advocacy. They are champions. But we need more. Without attorneys to protect and preserve the rights of the people, those rights are not only at risk of being violated, but they are also at risk of being lost.

My son turned 13 a few weeks ago. Born mere months before 17-year-old Trayvon Martin was killed by a neighborhood watchman in Sanford, Florida, and three years before 12-year-old Tamir Rice was shot by a police officer in Cleveland, Ohio, my son is acutely aware of the fact that a child can be killed for doing something as innocent as walking home or playing on a street corner. He also knows that police can, should, and, in many cases, do protect and serve. He can point to at least one LAPD officer he admires – a dear family friend who I worked with for years before he joined the force and I started my firm.

Fortunately, my son has never had a negative encounter with a police officer. I attribute that to his sheltered life, good fortune, and my daily prayers. Despite that, he is careful and deeply cautious around police, preferring to keep his distance. However, should he, a loved one, a member of our community, or any individual be denied the rights and liberties granted under our Constitution and afforded by our mere presence in this country, there are people who will stand up for them.

But we need more champions. The fight for civil rights is ongoing, and new challenges constantly emerge. We need more lawyers to protect and preserve the rights of the people. Without their vigilance and dedication, these rights are not only at risk of being violated but of being lost altogether.

Who will protect and preserve our civil rights? Lawyers will. Who will stand up when civil rights are violated? Lawyers will. In their hands, the fight for civil rights continues, ensuring that the promise of justice for all is not just an ideal, but a reality.