

# **I'M A TRIAL LAWYER AND PROUD OF IT!**

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There are lawyers throughout America, referred to as “trial lawyers,” who spend their whole lives fighting for ordinary people. These lawyers spend their time, their energy, their money, and work to hold large corporations and others accountable for their wrongdoing. I am extremely proud to be one of these lawyers and I am sure all of you here today share my feelings. There is more to be a trial lawyer, however, than just claiming to be one. As trial lawyers, we must be totally committed to seeing that justice prevails to the fullest extent possible and that is an awesome responsibility. Some people don't seem to understand, without trial lawyers and access to the courts, little folks simply wouldn't have a chance when they are involved in disputes with powerful corporations or find themselves victimized as the result of a defective product put on the market with no real concern by the manufacturer for safety.

I learned years ago that consumers and average citizens generally have very little voice in the affairs of government. The rich and powerful have pretty well run government at both the State and Federal levels by way of political contributions and the use of powerful lobby groups. For years, the courts and juries were the great equalizers. The Court system was the only real place victims had where their voices could be heard. That is not longer the case for a number of reasons. We have good judges both at the trial court and the appellate levels. We can assure Alabama citizens of fairness in the system by doing two simple things: (1) stopping any further tort reform; and (2) passing campaign finance reform in Alabama that includes judicial races.

For over two decades, Corporate America has waged a massive and expensive propaganda campaign designed to destroy our system of justice. Trial lawyers were selected as the target by the tort reformers. One would think that truth would be a defense to the relentless attacks we have all experienced. While truth has been on our side, we have done a very poor job of letting folks know who we are, what we do, and what the truth about the jury system really is. That has been most unfortunate for our clients and for their need for justice. The crucial role of trial lawyers and the American jury system in exposing the truth about corporate wrongdoing is essential to the well-being of ordinary citizens in our country. I believe most folks would agree with that assessment. On a daily basis, we as trial lawyers battle for access to justice for our clients. Product safety, motor vehicle safety, consumer rights, accountability of insurance companies, environmental protection, and the prevention of toxic injury all depend on our fighting to preserve the jury system.

We continuously fight for our clients' interests against tremendous and most difficult odds. Our clients are real people who have suffered real injury and loss, and who simply want justice and accountability. Victims of corporate wrongdoing have to depend on us to fight their battles. There is nowhere else for them to turn for help. No trial lawyer should ever become so discouraged that he or she would give up and leave the arena. We can't quit, because too many folks depend on us! Neither should a trial lawyer sit on the sidelines while the war is raging and

let others fight the battles in the trenches. To do so, in my humble opinion, is inexcusable. We all should be totally committed to the cause of justice for our clients and be willing to fight the battle and ultimately win the war. If we would do this, things in Alabama would be much different today and certainly better for ordinary folks.

Some attorneys apparently don't like to be called a "trial lawyer," and some will even go to great lengths to deny any connection to the Alabama Trial Lawyers Association. Frankly, I am a trial lawyer and proud of it. My firm represents folks who have been wronged in some manner and I am completely satisfied with being a lawyer who handles cases for ordinary folks who need help. Victims need trial lawyers and that is a fact of life in modern times. The days are long-gone when a lawyer can represent a victim one day and General Motors the next day. None of us should ever be tempted to move over to the "other side," even on a one-case "rental" basis.

We have seen many examples of how the mindset of Corporate America has resulted in tragic consequences for hundreds of thousands of innocent victims. The Enron saga is a classic example of how greed, arrogance, and a belief that folks who do evil deeds will never be caught and have to account for their actions can do tremendous harm to people. I firmly believe that the tort reform movement was designed to protect the "Enrons" of the corporate world. Certainly, it was never meant to benefit the small businesses that were used to sell the tort reform myth to the media.

Trial lawyers were selected by the forces that have driven tort reform in our country as their "whipping boy." That was a good strategy simply because of what we do and how we have to do it. Also, they knew that victims would not be good targets for their message and that we would be. As a result, we, as a group, have been unjustly blamed for much that is allegedly wrong in this country. Tort reformers, led by none other than the infamous Karl Rove, devised the strategy years ago that has been methodically carried out by his troops with great precision. They had a simple theme and stuck to it. We sat back and watched as terms such as "Jackpot Justice," "Greedy Trial Lawyers," and "Frivolous Lawsuits" were drilled into the collective minds of politicians and people generally. However, the media was the real target for the massive waves of tort reform propaganda over the past two decades. Unfortunately, few in the media realized what was really behind the movement and who would benefit if the movement was successful. As a result, more and more people were misled and became increasingly unhappy with the jury system in our country.

The goal was to bring about massive tort reform in each state and on the federal level in order to protect wrongdoers and give them virtual immunity for their wrongful acts and omissions. Clearly, these efforts have been much more successful than should have been the case. Even so, we are still hearing the cries for more protection and immunity for corporate wrongdoers and the current stalking horse is none other than the U.S. Chamber of Commerce. Eventually, somebody in the media will ask where all the hundreds of millions of dollars come from that fuel the tort reform movement and what the real interest is of the sponsors. The State of Mississippi has now been targeted by Karl Rove and his gang and millions of dollars are being spent in that State to refuel the tort reform fires nationwide. We have already experienced what is now happening in our neighboring state.

In a State, such as Alabama, with weak consumer protection laws, poor regulation, and a court system that is constantly under attack, victims of wrongdoing have had to fight their battles on a playing field that has been less than level. For example, The Business Council of Alabama was able to push tort reform through the Alabama Legislature with relative ease. There was never any serious debate on any of the bills and as a result laws were passed that made it much more difficult for victims to get justice in the Courts. An unreasonably low cap was placed on punitive damages and already weak consumer rights were made even weaker. Groups such as AVALA and Citizens for a Sound Economy were used to elect candidates who would march in lock-step to the tort reform music.

We are now seeing mandatory, binding arbitration become the final nail in the coffin for people in our State. No person would have ever dreamed that arbitration would become a tool to be used by Corporate America in all consumer transactions, credit cards, bank accounts, the workplace, and even in nursing home admission forms to shut down the Courts. While people are up in arms over the arbitration issue, most politicians have been strangely quiet. Hopefully, that will change during the Fall elections.

Fortunately, we now see groups such as AARP and other consumers-friendly organizations carrying the battle flag for Alabama Consumers and the politicians will have to listen to them. In this regard, I am constantly asked why ATLA has not been more effective in telling the true story of tort reform. Until most recently, our Association never really took the offensive, telling a story that should have been told years ago. Instead, we played defense and tried to respond to the myths of tort reform and the media blitz after “the horse was out of the barn.” We always reacted to the attacks by groups such as AVALA and for some reason never seemed to have a game plan of our own. We now have to play catch-up.

We in Alabama could all take a good lesson from a fellow trial lawyer. John Edwards, a successful trial lawyer, was elected to the U.S. Senate in North Carolina for a number of reasons. First, he was the best candidate running that year; he was extremely well-organized and worked very hard; finally, and perhaps most important, John was not ashamed to be a trial lawyer and told a story that was both understood and accepted by the voters in his state. Instead of hiding his head in shame and trying to project an image of something other than what he actually was, John used his background and work to his advantage. He is now a respected U.S. Senator and a leading Presidential candidate for 2004. I have to wonder why Democratic candidates in Alabama are afraid to be identified with consumers and victims of corporate abuse and wrongdoing. Could it be the millions of campaign dollars that are pumped into our elections?

Having said all of this, what does the future hold for us as a group? As long as big corporations such as Exxon cheat both our State and its people - the Enrons of the corporate world lie, cheat, and steal - Firestone tires separate - Ford Explorers rollover - GM pickups burn their victims - Insurance companies engage in wrongful conduct in order to sell policies or refuse to pay valid claims - tobacco companies continue to kill hundreds of thousands - nursing homes abuse their elderly residents - there will be a need for trial lawyers. We must never forget that - without us, victims would be helpless and the corporate world could continue to do as it pleases with no fear of getting caught and having to account for their bad deeds.

As trial lawyers, we are advocates for people and I am proud of my role as an advocate. Sometimes lawyers - even trial lawyers - forget what we are all about. We recently settled a case involving an airplane crash with multiple deaths. After the settlement was completed, we received a letter from the widow of one of the men killed in the crash. In order to let you know what kind of folks trial lawyers represent, and how we should approach our daily work, I want you to read this letter in its entirety.

*“Dear Greg and Cole,*

*“Thank you for all the tremendous work you have done on our case. You have worked hard and stayed the course during the many difficult obstacles. The PowerPoint presentation was awesome. I think I finally understood what happened. One day soon I would like to read the different briefs, depositions, etc. you have prepared and I would like to know of the different barriers encountered. I thank you for letting the Lord work in you. I never knew if God would provide for us in this manner. It is awe inspiring to watch as He fought for us through you.*

*“Thank you too for trying to get other unsafe planes out of the air. Friday afternoon when I arrived home from work, Marlene’s boyfriend’s mother called to tell me of the article in the Dothan Eagle. They had included a picture of the crashed plane and she was upset they had included it. I was grateful to know it was in there before I read the article. The Lord had prevented me from reading the paper yet. At first I too did not like the fact they had included the picture, but then I thought that that might be how God gets the right people to read it. Thank you for continuing to try to prevent others from suffering as we have suffered and continue to suffer. Maybe that is the spur Honeywell’s lawyer needs to have to get past his “research” and do something.*

*“Sorry I was not more composed. I knew it was going to be difficult and dreaded the meeting. Thank you for your gentleness, kindness, and understanding. Please extend my thanks to those who have also worked so diligently in this case, Carol, Sloan, Mr. Sheely, and all the others.*

*“Thank you seems so inadequate, but my heart is forever grateful.*

*Sincerely,  
Gail Mann”*

Being able to represent folks such as Mrs. Mann is why I am proud to be a trial lawyer. I am not ashamed to carry the banner for victims of corporate abuse and wrongdoing and neither should you. When large corporations put “profits” over “safety” and innocent people are hurt as a result, or when loan sharks such as the payday lenders, take advantage of low-income citizens, the courts are the only recourse for their victims. Since The Courts should be a safe haven for

victims and their families, we must fight with all our strength to keep our courts “independent,” “free,” and “open.”

Finally, we must elect political leaders who are at least aware of the fact that our jury system is important and must be preserved. They must also not be afraid to take on the big folks when they deserve it. The well being of our country depends on trial lawyers continuing to be involved and making a difference. Let’s not shirk our moral and ethical responsibilities – too many folks depend on us!