

POLITICS MATTER

“Politics. I don’t want to talk about politics, I just want to be a trial lawyer, get some CLE, and make some connections for referrals. I sure wish the listserve was not so full of political discussion; and I wish everyone would leave me alone and stop asking for political contributions. I didn’t join the TAJ to be bothered with politics.”

These are surely the thoughts of every plaintiff’s lawyer when they first join a trial lawyers association. Why shouldn’t these be our thoughts? Most of us don’t know any better. When we first join a trial lawyers association, whether it be the Tennessee Association for Justice or the American Association for Justice, we do so because it seems like the thing to do. Very rarely do new members understand how important political engagement is to the protection of our profession and the people we represent. After awhile, we all learn that politics and political persuasion really is the primary purpose of trial lawyers associations. We all learn that although we joined for our personal needs like CLE credits, we stay active for our collective needs to protect the Civil Justice System and all it stands for. Eventually we learn the truth – our trial lawyers associations are all about protecting our clients’ rights to access to the courts, and CLE programs and networking are ancillary to political action. I wish it wasn’t so. But wishing it won’t make it change.

I am the 54th president of the Georgia Trial Lawyers Association and a member of the TAJ too. When I joined the GTLA, and what was then ATLA, about 25 years ago, I had no idea that one day I would find myself president of the GTLA. I just joined so I could go to the best CLE programs and meet some more plaintiff’s lawyers. I didn’t know anything about how our profession, and our clients’ very right to access to the courts, depends on these organizations. I had no idea our enemies use Congress and the General Assembly to try to socialize the civil justice system and take away the right to trial guaranteed by the 7th Amendment.

I now know, as each of you must surely know too, that if our trial bar does not stay engaged in the political process that we will be legislated out of existence. Those who seek to avoid personal responsibility for their careless and wrongful conduct, i.e., the U.S. Chamber of Commerce and its allies, work every day to immunize corporate America. Their financial influence and clout is incredibly huge – at times spending more than a million dollars a day lobbying to take our clients’ rights away. So who stands up for injured people? The ABA and its thousands of corporate lawyer

types? I don't think so. The Tennessee Bar Association? Again, not likely. The answer is the TAJ. But the TAJ can only do this important job if each of us contributes to the process by meeting with legislators, contributing to the PAC, and making targeted political contributions to pro-civil justice candidates in both parties.

In addition, we can no longer hide from who we are. We have to stand tall and defend our profession. Let me give you an example of how, in a small way, each of us can argue the case for why what we do must be protected. Over the last several months, I have been to several events in my official capacity as President of GTLA. When I attend such events, I usually wear one of those engraved nametags; you know, the kind with the magnets that holds it to my lapel. So, I'm wearing my nametag that says "Georgia Trial Lawyers Association, Michael Warshauer, President" when a politician walks up, leans in to read my name tag, and says "I don't like you, or what you stand for. I vote for tort reform whenever I can." Taken aback I say, "Well sir, I'm sorry to hear that, what's your name and why don't you like me and my profession. After all, you don't even know me." He gives me his name and says, "I see that you're the president of the trial lawyers, and I'm a very far to the right Republican and therefore I don't like you because you're a trial lawyer." As this wasn't the first time a man with a drink has told me he didn't like me because I was a trial lawyer, and not the first time a politician has told me he favored tort reform (or what I call socialized justice), I figured I should talk with him for a minute and see where he really stood. So I say, "Sir, I bet you will agree with me on just about everything trial lawyers stand for." He says, "Try me." So I do. Sparring with politicians, as long as they don't punch you, can often be pretty entertaining. Let me share with you the conversation as it then progressed:

Me: You believe in the Constitution, don't you. I bet you're a die-hard Second Amendment supporter aren't you.

Him: Damn right I am. The Constitution is what this Country was founded on.

Me: You can't pick and chose with the Constitution, can you?

Him: Hell no. You've got to take it as it was written.

Me: So, we agree that the Seventh Amendment's promise of a right to trial by jury for civil cases is a fundamental American right, just like bearing arms.

Him: I guess we agree on that, but nothing else.

Me: I bet you believe in limited government and that citizens, not the government, should resolve disputes and such.

Him: Damn government ought to stay out of our lives. Citizens should make important decisions.

Me: You mean citizens, not government, should decide things like the value of life and decide who wins in disputes between people.

Him: Absolutely. Government has no business telling us citizens how to measure the value of human life or who should win an argument. That should be left to regular folks like you and me.

Me: So you think these kinds of things should be decided by your fellow citizens on a local level? Perhaps a group of 12 people who hear the evidence and then decide what to do?

Him: That sounds like good small government to me.

Me: Me too. That small government we are talking about is a jury – the smallest form of government there is.

Him: Yea, I guess juries are a good idea. Way better than those people at the Capitol telling us what to do.

Me: You sound like a man who really believes in the idea of personal responsibility too. If he breaks something he ought to fix it – fix all of it, not just a part?

Him: Nothing could be truer. If a man makes a mistake he needs to own up to it and take responsibility.

Me: Tell me, should corporations have to be just as responsible for their mistakes too? Just like you and me?

Him: Now Michael, that is your name right? You know that's a stupid question. Of course corporations ought to have to be responsible just like men.

Me: Well I hate to disappoint you, but it seems to me that you and I agree on the entire concept of what GTLA stands for: People and corporations who make mistakes ought to be held fully accountable, without governmental interference, by the Seventh Amendment's promise of a jury trial.

Him: Well, I guess you got me on that.

Now will this politician vote pro civil justice? I don't know, but I am hopeful he will be a little less inclined to be pro socialization of justice. Politics and politicians matter to our profession and the people we represent. It's our job, just like paying the rent, to make sure our professional organizations are funded, and it's our job to be engaged in the process – even one politician at a time.