

a message from the president

THE GREAT TRIAL LAWYER DANIEL WEBSTER SAID: “JUSTICE IS THE GREATEST CONCERN OF MAN ON EARTH.”

There is no greater professional calling than to stand as a lawyer at the bar of justice and breathe life into the Constitution, the Bill of Rights, and the law by defining, asserting and defending individual rights. Our founding fathers, many of whom were attorneys, defined many vital roles for trial lawyers to perform but none more important than protecting and preserving individual rights. Of equal importance is the role of the lawyer in protecting the judicial system as an equal branch of government, free from executive and legislative dominance.

In this age of governance by lobbyists, the attacks against both individual rights and the judicial system places trial lawyers squarely in the cross hairs of those who seek to abrogate those rights and remold the judicial system to meet their own needs.

The adversarial nature and the public's misunderstanding of our judicial system dictate that trial lawyers will never be understood or appreciated by the public. As public respect for governmental institutions has deteriorated, so has the respect of the public for our profession. Ironically, our protection of their individual rights casts us as the foe of business and government with resulting enmity and public attacks against us from those quarters.

However, if lawyer bashing is the price we must pay for protecting individual freedoms and the judicial system, so be it. The danger to the profession resides not only in the attacks by those who seek to place themselves above the law, but also in how we, individually and as a profession, process our responses to those attacks. I respectfully suggest that a fundamental danger to the trial bar arises if we allow the vilification of lawyers to interfere with the performance of our professional obligations to our clients, the constitution and the judicial system.

If, as individual attorneys and as a profession, we lose respect for the vital roles that the founding fathers fashioned for the trial bar to perform in our democracy, then those who seek to destroy the judicial system and the individual rights that we are sworn to protect will prevail.

The seminal point in maintaining our self respect when confronting lawyer bashing is to review our historical precedence in order to understand the role which our legal ancestors played in establishing and defending America's democratic institutions. We will discuss this in detail in the next President's Message.

When confronted with attacks from the insurance industry, we must recall our own heritage, that before there was an insurance industry, lawyers were defining the rights of free citizens under the Magna Carta.

When confronted with the financial onslaught of the Chamber of Commerce with its legislative and judicial lap dogs, we must

remember that when the Robber Barons of nineteenth-century America were sacrificing the lives of their employees in unsafe workplaces, lawyers and judges in courtrooms across America were breathing life into the Constitution and gradually and painstakingly protecting, on a case-by-case basis, the individual rights and lives of American workers.

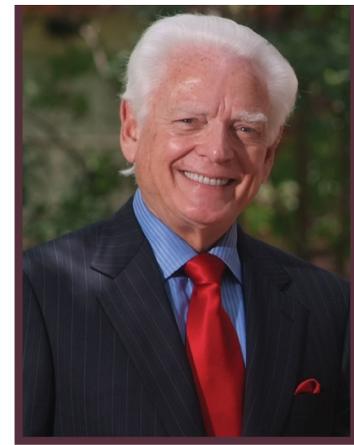
Therefore, as we carry forward the mantle of responsibility for protecting those hard-won rights, we must not shirk from the media and legislative attacks on our noble profession. Just as elements of modern corporate America perpetuate the principles of its forefathers, the nineteenth-century Robber Barons, so must we follow our legal ancestors, Jefferson, Madison and Lincoln, in preserving the freedoms which lawyers have defined and defended for centuries.

Both as professionals and as individual attorneys, we must never lose the self-respect that we deserve for the crucial roles we play in society and for the lives we touch through our efforts.

We must continue to bring our individual and collective talents to bear to defend freedom with pro bono work for the disadvantaged, consumer protection advocacy for those not yet killed or maimed by drugs or defective products, protection of the civil liberties of every individual whose rights are threatened, and legislative advocacy, both offensive and defensive in state and federal legislative halls.

We also must continue to coordinate with and fully support our natural allies in their endeavors to protect individual freedoms, defend the judicial system and respond to the lies and distortions perpetrated by our opponents. An obvious example is the excellent work of Susan Saladoff, director and producer of *Hot Coffee*, a documentary feature film that explores the McDonald's case as a catalyst for discussion of the attacks on the judicial system. If you haven't seen *Hot Coffee*, you should do so. To learn how you can immediately help to distribute this fine and important film, please go to our website at thenationaltriallawyers.org. The website for the film is www.hotcoffeethemovie.com.

As our adversaries misquote the law,



Howard Nations • President

distort case results, unjustly attack judges and juries, and continue their wholesale purchase and ownership of demagogues, we must remain united in our efforts and work closely with organizations that share our goals and the best interest of our clients. Other obvious examples of excellent allies who need our support in continuing their fine work are Morris Dees at the Southern Poverty Law Center at splcenter.org, and Linda Lipsen at the American Association for Justice Leader's Forum at www.justice.org/AAJPAC.

I leave you with my favorite quote from Shakespeare:

“THE FIRST THING WE DO, LET'S KILL ALL THE LAWYERS.”

Those who use this phrase pejoratively against lawyers are as miserably misguided about their Shakespeare as they are about the judicial system they disdain so freely.

Even a cursory reading of the context in which the lawyer killing statement is made in King Henry VI, Part II, (Act IV), Scene 2, reveals that Shakespeare was paying great and deserved homage to our venerable profession as the front line defenders of democracy.

The accolade is spoken by Dick the Butcher — follower of anarchist Jack Cade, who Shakespeare depicts as “the head of an army of rabble and a demagogue pandering to the ignorant,” who sought to overthrow the government. Shakespeare's acknowledgment that the first thing any potential tyrant must do to replace freedom with anarchy is to “kill all the lawyers” is, indeed, a classic and well-deserved compliment to our distinguished profession.

Lawyers have survived attacks from tyrants and demagogues who would eliminate individual rights and control the judicial system for their own evil purposes for hundreds of years. And we will survive the current onslaught from those same forces. We must continue to conduct ourselves so that for centuries to come the refrain of the uninformed tyrants and demagogues must remain: “the first thing we do, let's kill all the lawyers.” Thank you, Mr. Shakespeare, for the compliment. We shall strive to deserve it.