

A Time To Lead

by Claude E. Ducloux, Hill, Ducloux & Carnes

It is always frightening to read the paper during the legislative session. The bills to solve the school funding crisis are absolutely bizarre. Who's writing this stuff? The staff of Comedy Central? It's so obvious that the answer is a state income tax, that it's like the huge elephant standing behind Jimmy Durante in the movie "Big Top." When asked, "What's with the elephant?" Durante responds, "What elephant?" Instead, we'll be adding extra taxes to toenail polish, cat food, circumcisions, crackers and shoe laces. And our old folks will still have to sell their lifelong homes upon retirement, because they can't afford the taxes. Apparently, we can't stand even the mention of state income tax. Morons. I say tax me now while I'm makin' money, and let me keep my house later when I'm not.

But we lawyers are so scared to say anything, we're all whistling past the Capital. Dudes, if there was ever a time for everyone in the legal profession to stand up and be counted, it's now. We have been kicked and beaten for the last 15 years, and everything wrong in society has basically been dumped on the door of the legal profession.

It's not that we didn't do everything we could to hasten our demise: the public watches TV shows where smarmy lawyers are able to get million dollar settlements with one sarcastic phone call (does that happen to you?). "Boston Legal" shows Denny Crain going to court everyday and an office desk devoid of paperwork. What planet does he practice on, and where do I take that bar exam? Personal injury advertising by "bottom-feeders" plays into the myth and public disap-

proval of frivolous lawsuits. And lest we forget, the deafening silence of our profession during the House Bill 4 and Proposition 13 debates was discouraging to the point of nausea.

Of course, study after study, statistic after statistic now proves what we all knew: "frivolous" lawsuits had nothing to do with the malpractice crisis or with high insurance costs. Filings declined, damages were flat, and not a single American docket anywhere is "clogged" with personal injury suits. Anyone who still believes in the "scourge of frivolous lawsuits" also must believe in the integrity of pro wrestling and O.J.'s innocence. And, of course, it really doesn't matter: the folks who want to lock the courthouse doors and eliminate juries are so inebriated with victory that the means justifies the end. The truth now somehow seems about as relevant to the outcome as the weather is to an indoor picnic. But rarely have we seen so many people willing to say "eh, ...so what?" People are now reveling in outcome over integrity.

Am I wrong? It used to be that liars feared the light of truth. We rooted for journalists and news organizations with integrity to expose misdeeds and embarrass frauds. Our theory was that the truth is an agent for change: we would learn from our mistakes, enact remedies and safeguards for the future... and punish the frauds. Sadly, no more.

The mighty news organizations are now hollow shells. CBS has fallen. ABC trifles. NBC panders. Edward R. Murrow weeps. "Jeff Gannon," a pseudonym-ed male prostitute, gets a press pass to the White House for a fictitious "Talon News" entity. Witness

We all have
different opinions.
Defend them,
discuss them, and
share them.

"pseudo-journalism." We can pick and choose our slants. Don't like what you hear? Change to a more biased station which reflects your own prejudices. Ahh, doesn't that sound better? Getting caught in a lie now seems to be a great honor, rather than a disgrace. People laugh. Where's the shame? And this phenomenon knows no political persuasion or status. It's universal.

Perhaps it's because the issues are too complex. We're decent folks, right? I can't know everything, but I want to believe we're doing good. So, when in doubt, root for the government. You gotta trust. It's so much easier simply to despise those who challenge your pre-conceived notions. Besides, this situation will all blow over soon, and all will be back to normal, right? After all, we have too many other things to worry about.

I wish. But every now and then, we must make an extraordinary effort to make our opinions known. The reason, the true reason that we love the "rule of law" is that it facilitates a civilized society. A court decision means something in this country. We don't assassinate judges, or tolerate armed insurrection. The rule of law means peace. When tempered with a sense of morality, it means justice. We try to assure that trials are held on an even playing field. This is our job, our "sacred trust" if

you will. We are the problem-solvers, the voices for every perspective: conservative, liberal, wealthy or poor.

So, this is where you, every one of you, come in. As lawyers we should regain our rightful place as the conscience of a civilized society. Yes, insult, derogation, and unhappiness comes with this territory, as we are frequently the messengers of bad news and agents who seem bent on upsetting the apple cart. Tough it out. We can't apologize or appease, and we can't suffer untrue and outrageous assaults on the rule of law. If you truly believe that the courthouse should be closed to certain cases or processes, do it for the right reasons. Don't tolerate fabrication, lies, cooked statistics or phony crises.

I entreat every lawyer who hopes to set an example to speak, debate, defend, and participate in every forum which these crucial issues are debated. Don't sit silently and suffer lies. We all have different opinions. Defend them, discuss them, and share them. Talk to your clients, to your social clubs, to your kids. Be a resource for your non-lawyer friends.

You are all vital leaders. Above all, remember to treasure honesty. It's a lot easier to look at yourself in the mirror now and in the future.

Keep the faith. • AL