



Remembering why we wanted to be lawyers

In tough times, it helps to reflect on what brought us to the plaintiffs' bar.



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As we launch our November issue, it's important to remember why we chose to be plaintiffs' lawyers. Certainly, our line of work is not easy. Many of us are sole practitioners or practicing in small firms, and it seems like we withstand the worst of the economy's blows in a more individual way than defense attorneys working at large law firms do. (Although recently, even the large law firms are not immune from the losses associated with the financial market freefall. Recall what happened to Heller Ehrman LLP.)

It is during these trying times that we must reflect with appreciation on what we as plaintiffs' lawyers have accomplished for our clients, the community and our world. We must not give up our fight for justice and for what is right. To keep our spirits high, we must delve deep into our memories and recall why we wanted to be plaintiffs lawyers. The November issue will certainly guide you in this undertaking.

In the Public Interest Forum, Arthur Bryant, the executive director of Public Justice (a national public interest law firm) and attorney Sarah Dean share with you Public Justice's recent victory on behalf of Francisco Castaneda. Castaneda, a man in his late thirties, ultimately had his penis amputated and died from his untreated penile cancer because government officials decided that it was cheaper to release him from custody rather than pay for a biopsy and provide treatment. Although his life could not be saved, the decision in his case will make a positive difference in how others in custody are treated.

Why should you care about Francisco Castaneda's case? Because, as Dr. Martin Luther King set forth so eloquently in his letter from the Birmingham Jail dated April 16, 1964: "Injustice anywhere is a threat to justice everywhere." By ignoring the unjust and inhumane

treatment of other human beings by our own officials, we risk turning into the very thing we despise.

We also have J. Gary Gwilliam's moving story about the lessons he learned from losing some of his cases. Most lawyers never talk about or admit to losing cases, and certainly never in a legal publication. However, according to Gwilliam, in order to be truly successful plaintiffs' attorneys, we must face our fear of losing. Gary's personal insights and examples from his own 40-plus years in trial practice demonstrate that once we do this, we will truly be victorious personally and professionally.

This month, we have also added a short column by Dr. Chady Wonson about maintaining our health from the Traditional Chinese medicine perspective. After all, we must take care of our own needs first so that we can be effective as lawyers. If we become run down, suffer from stress or disregard our well-being, we cannot properly prosecute our clients' cases.

Another new practice perspective focuses on what trial consultants can teach lawyers. It is called "In the Trial Consultant's Seat." Each month a different trial or jury consultant will answer readers' individual questions and provide insight into the behavior of Northern California jurors.

Be sure to read Michael Mortimer's article on alternatives to the expensive Adobe PDF program. His article is extremely helpful, and if you follow his suggestions, you will save a significant sum of money buying software.

Mortimer has also written a feature about not being an "asshat" in the courtroom. While the publisher preferred the term "ass" for the cover, we've left Michael's language intact in this entertaining article that should prove useful to both the new and experienced attorney. In case you're wondering, The term "asshat" is from the slang expression "Having one's head up one's ass," thus, wearing the ass as a hat. The term is extended to people who are clueless or bum-



bling, who don't understand what is going on. See www.allwords.com/word-asshat.html.

Another relevant resource is Geraldine Lewis's article on ways to avoid those "problem" clients. Because one of

the keys to maintaining a profitable law practice is avoiding costly mistakes, this article is a must-read for every plaintiff's lawyer. Nobody wants to deal with the State Bar's disciplinary process, so be sure to read about how to never become

the victim of a State Bar complaint.

Since this is your magazine, we welcome your feedback and suggestions. Please let us know what you think of Plaintiff. You can email me at editor@plaintiffmagazine.com.