



Why AAJ moved its convention

AAJ decides to avoid political clash in San Diego; relocates convention to San Francisco

BY STEPHEN ELLISON

If there's one thing lawyers know, it's when to stand up and fight and when to cut their losses and move on. Earlier this year, the American Association for Justice (AAJ) chose the latter strategy for its annual convention. Although there are some detractors, the general consensus among members is that it was the right decision.

"I think it was a great move because it was motivated by the right reasons," Arthur Bryant, executive director of Public Justice, said of the convention's relocation from San Diego to San Francisco. "As a practical matter, the move has negative implications for many people, but I believe, in the end, the positives outweigh the negatives. I still expect the convention to be successful."

Through no fault of its own, the AAJ was thrust into a political clash between the owner of its convention destination – the Manchester Grand Hyatt in San Diego – and organized protesters from labor unions and advocacy groups. News of hotel owner Doug Manchester being a major contributor to the "Yes on Proposition 8 campaign" – to the tune of \$125,000 – drew ire from Lesbian, Gay, Bisexual and Transgender advocates. That group immediately joined forces with local labor unions that had already implemented a formal boycott of the Grand Hyatt, along with other Manchester properties, all of which are noted non-union entities. The threat of picketing sent the AAJ scrambling, first in pursuit of a solution to keeping the convention at



the Manchester hotel then in seeking alternative destinations and dates for the event. The convention is now slated for July 25 through July 29, 2009, at the Hilton San Francisco.

AAJ officials declined to comment on whether the move has affected convention registration. Such a last-minute change, however, was bound to produce some element of disappointment and alienation.

J. Gary Gwilliam, based in Oakland, booked his San Diego trip a year ago and was looking forward to traveling to the convention. "I totally sympathize with (the boycotters), but it's not our issue," said Gwilliam, a former president of Con-

sumer Attorneys of California and a past board president for Public Justice. "We've got to put our interests first, from my perspective anyway. I'm not about endorsing Prop. 8 or endorsing the hotel. Our priority should be that we are going to have a good convention. We may have cut our nose off to spite our face."

Compromise sought – to no avail

The AAJ had little choice in the end, according to Frederick Schenk, one of three AAJ representatives to meet with boycott organizers. Schenk said the organization could not expect its members to contend with picket lines.

"We met with (the boycotters) to ask if there was something we could work out to avoid a boycott during the convention," he explained. "We made it very clear that we were supportive of their cause; we supported the issues they raised. And we made it clear that it was relatively late in the process to make changes to the convention. There really wasn't an alternative location in San Diego during the same time period."

During the original convention dates – July 16-19 – other San Diego hotels were booked, Schenk said. Plus, the Labor Council identified four additional area hotels as unfair employers and includes them on its "do not patronize" list.

The AAJ contingent, according to Schenk, proposed moving "nonessential" convention events to locations other than the Manchester and offered to provide programs in support of the boycotters' causes. To every proposal, the answer was a respectful no, Schenk said.



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“They told us there were other organizations – some of them unions – with similar requests (to ours), and they could not make an exception for (the AAJ),” he said. “And we didn’t fight it. Out of respect, out of friendship, we made the decision to not breach our relationship with them. They felt they could not circumvent our organization because it would defeat their purpose and compromise their solidarity.”

Lorena Gonzalez, head of the Labor Council for San Diego and Imperial counties, said the AAJ indeed was respectful of the boycotters’ position. And while she was willing to listen to proposals, there was little the AAJ – or most anyone else – could do to convince the boycotters to budge. “We have a worker-related labor boycott,” Gonzalez said, “and, outside of the operator of the hotel, there’s really no one who can resolve the issue.”

During their talk, Schenk made no guarantees to Gonzalez that there would not be negative press. And he emphasized the issue of lost revenue for the local economy, which has been estimated at \$2.1 million. “She was willing to accept that consequence,” Schenk said.

State Bar event staying put

The State Bar of California found it-

self in a position similar to the AAJ’s, but with a different result. Its annual meeting is scheduled for September 10 through 13, 2009, at the Manchester Grand Hyatt – and that’s where it will remain. State Bar President Holly Fujie said moving the meeting is simply not an option. “As an arm of the Supreme Court, we cannot act politically or do anything political,” she said. “We looked at it and asked our legal counsel, and basically if we try to (move) it, we’ll find ourselves in a lawsuit.”

Not only is the State Bar bound legally, but it also has a contractual obligation. Fujie said there is a \$430,000 liquidated-damages clause in the Bar’s convention contract – which was drawn up as far back as 2004 – if the organization cancels or moves the event. “So, even if we were able to move legally, we wouldn’t be in a position to do it (financially),” she said.

In contrast, the AAJ has a clause in its agreement allowing it to cancel a site when there is a threat of legal picketing, Fujie said.

Looking forward to San Francisco

For many, like Visalia-based trial lawyer Miriam Bourdette, the move was not an inconvenience. While she sympa-

thizes with those whose schedules have been disrupted, Bourdette applauds AAJ’s stance.

“Changing the site was the right thing to do,” she said. “There are many AAJ members who represent labor, more who won’t cross a picket line and others who practice discrimination and civil rights law. I see no point in having large numbers of convention attendees put into conflict. Manchester has the right to put his money into any political campaign in which he believes and to fight unionization, as long as he does both legally. Others have the right not to subsidize his beliefs.”

Schenk agreed, although not without clarification: “While I was disappointed, I continue to respect the issue and the cause. Would I have liked to work something out? Absolutely. That was our goal. But that didn’t happen, so we’ll look forward to San Francisco.”



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