

President's page

Peter Semmler QC, APLA National President

I have just returned from the annual convention of the Association of Trial Lawyers of America (ATLA) held in San Diego. ATLA is the American association of plaintiff lawyers which inspired APLA. Thousands of lawyers attended who act for people rather than corporations, institutions or governments. The delegates included over 30 Australians most of whom are APLA members. Michael King from McLaughlins of the Gold Coast led our largest contingent of 9 lawyers.

APLA's growth

I was privileged to be given the opportunity to address the ATLA Board of Governors and to tell them of APLA's progress; of the fact that we now have over 800 members; that we are growing at a rate of over 60% per annum; that we are using our precious funding not only to provide educational and research services to our members for their individual cases, but also to lobby governments throughout Australia in opposition to attempts to curtail common law rights.

The Australian flag stood proudly at the Convention next to those of the United States, Britain and Canada representing ATLA, APIL and CTLA, the associations of plaintiff lawyers of the respective countries. Next year a new European plaintiff lawyers association may also be represented.

Delegates at the convention heard from a number of the finest trial lawyers and consumer activists in the United States, including Ralph Nader and Gerry Spence. The latter has been likened, not inappropriately, to the legendary Clarence Darrow. Gerry Spence gave an inspirational address to over 1,000 lawyers at a convention luncheon. He said that lawyers who act for plaintiffs are the last line of defence to the excesses of corporate America. He likened the multinational corporations to a great "glob" which surrounds another great "glob", the US Government. He spoke of the critically important role played by lawyers who act for the people injured by the negligence and recklessness of such corporations, in

circumstances where governments seem powerless to stop such behaviour. He contrasted our role with that of the corporate and insurance lawyers whose professional lives lack purpose and fulfilment, acting as they do for "the dead" - for corporations which are not only dead but, worse, have never lived, which can't be seen or touched or put in gaol, and which don't feel or cry or care.

Propaganda against plaintiffs

An important problem identified at the convention was the poor public perception of American personal injury lawyers, and the notion that there are too many frivolous lawsuits. There is a deluge of disinformation peddled to the American public by the insurance industry and corporate sector which would have people believe that in the US, plaintiff lawyers are closing down businesses, driving up the cost of almost all goods and services, and even forcing little league teams out of the ballpark!

On the streets of Los Angeles I saw billboards warning of the dire consequences of "lawsuit abuse". The purveyors of such propaganda highlight the size of damages verdicts in personal injury cases without a similar emphasis on the enormous harm done to the recipient of the compensation. They fail to mention the permanent societal benefits which flow from civil actions, including safer products and professional practices, and less dangerous work and public places.

The problem which was identified in San Diego is also present, to a lesser extent, on this side of the Pacific. We regularly read newspaper pieces attacking plaintiff lawyers and the actions they commence on behalf of the injured. Recently an article appeared in the *Sydney Morning Herald* and *The Age* under the headings respectively "Legal landslide about to engulf Thredbo" and "Vultures of the law ready to descend". It referred to the lawyers who specialise in seeking compensation for individuals who have suffered injury as "vultures, scavengers and night walkers". It went so far as to suggest that "apart from deliberate ille-

gality there is no-one who should be blamed for Thredbo".

In a reference to APLA the article said this:

We now have a specialist association of "plaintiff lawyers" in Australia, which is demanding legal aid funding in order to conduct the same kind of lunatic anti-tobacco then anti-everything litigation, as in the United States. This suggests a new definition of chutzpah.

Read my response to this article on APLA's behalf on page 13 of *Plaintiff*.

Appointment of Policy Officer

It is incumbent on organisations such as ATLA in America and APLA in Australia to counter such propaganda, to convey to the public the importance of personal injury litigation not only as a means of compensating injured individuals, but of protecting society as a whole. It is for this reason that APLA has employed a full-time policy/research officer, barrister Simon McGregor in Melbourne to assist us in presenting the other side of the argument to our politicians and the Australian public.

The next ATLA conference is the mid-winter convention in Maui in February 1998, followed by the annual summer convention in Washington in July next year. I would commend these conferences to all APLA members as an inspiration, and a demonstration of what can be achieved by unity and networking between plaintiff lawyers. ■



Peter Semmler QC, APLA's National President, will give the opening address at the 1997 APLA National Conference later this year at the Hyatt Regency Coolum. See diary page for dates. For a conference brochure, contact the APLA secretariat on **phone** (02) 9415 4233 or **email** info@apla.com