

The State Bar is not the only one to blame for Girardi

By Benjamin T. Ikuta

In August of 2021, I needed a new computer monitor as my old one had a crack in it. I received an email for the Tom Girardi bankruptcy auction and, listed, was a new HP 25-inch monitor. I put in a bid for \$100. Also listed were countless plaques of legal awards, worthless old law books, lingerie, and Girardi's Cadillac. I put in a bid of several thousand dollars for the Cadillac. I did not read the fine print. The auction for the monitor was for a set of 50. A few hours later, I was the new owner of a 2011 Black Cadillac DTS and fifty computer monitors.

After picking up the car, I posted about my Cadillac purchase on social media, writing as part of the caption: "Girardi was a scum lawyer who stole millions from his clients."

A few weeks later, I attended a plaintiff-side conference in Las Vegas, the same conference where Girardi used to host legendary parties. During a dinner the first night, an older well-known and prominent plaintiff-side attorney confronted me about my Instagram post. He told me I was out of line. He expressed that Girardi was a pillar of the plaintiffs bar and had built the foundation for young lawyers like me to build a career. He asked how I would feel later in my career if a young, cocky, unestablished lawyer publicly disparaged me during a temporary lapse in judgment.

I was shocked by this response. This was **after** the entire community was already aware that Girardi had stolen millions from his clients, including from orphans relating to the 2018 plane crash that finally exposed Girardi in an Illinois District Court. This was **after** everyone knew that Girardi diverted money meant for clients in order to fund the extravagant lifestyle and musical career of his third wife who was half his age.

Last Thursday, around 10:30 a.m., California attorneys received an email from the State Bar containing a report from Ruben Duran, the Chair of the

Bar's Board of Trustees. That report was prompted only after the Los Angeles Times filed a lawsuit against the Bar for public access to complaints against Girardi that the Bar previously refused to disclose. That report showed that there were 155 complaints against Girardi before his client theft was made known, including many complaints for misappropriation of settlement money and abandonment of clients. The State Bar admitted that "Girardi caused irreparable harm to hundreds of his clients, and the State Bar could have done more to protect the public." There was ample evidence as early as the 1990s that Girardi was mishandling client money.

Obviously, the California State Bar failed us and the public in failing to properly investigate Girardi. However, us attorneys also could and should have done more. While Girardi's profile remained pristine with the state bar, his profile also remained pristine within the legal community and the plaintiffs bar as he received award after award after award.

In 2020, the Girardi Keese website, whose main tagline boasted: "We Treat our Clients Like Family," showed that the firm had eleven attorneys and dozens more support staff. Several of the attorneys and administrative staff were related or in-laws to Girardi. The plane crash litigation that finally exposed Girardi has made abundantly clear that attorneys and staff at the firm were well-aware of Girardi's misbehavior for years. At a hearing in that case, Judge Thomas Durkin in that case remarked that it was "difficult to believe [Girardi Keese attorneys] were unaware that Girardi was running a Ponzi scheme with client money, which in fact he was." Even if not directly involved in the theft, internal emails showed that Girardi Keese attorneys would string along clients at Girardi's instruction regarding payment of settlement money with made-up excuses. Yet, these attorneys and administrative staff did nothing to stop Girardi.

Forty-seven states have mandatory



Courtesy of Benjamin T. Ikuta

Benjamin T. Ikuta's son, Chance, surrounded by 50 new monitors once owned by Thomas Girardi

reporting laws requiring attorneys to report misconduct by peers. California is not one of those states. Illinois is one of those reporting states, which is perhaps why Girardi's theft was not discovered until Girardi's Illinois co-counsel in the plane crash matter reported him.

Failure to stop Girardi earlier has been devastating not only to Girardi's clients, but to the legal community and the plaintiffs' bar. Girardi has now become the face, if not a caricature, of the "greedy plaintiff lawyer." Girardi's name has been repeatedly brought up by the Koch Brothers-backed "Civil Justice Association of California" to support proposals to limit a plaintiff's access to the courts and to put a 20% cap on attorney fees.

Of course, we all know the massive power that Girardi held over the legal industry and, specifically, the plaintiffs bar. As I was shamed for criticizing Girardi after his transgressions were made known, I cannot imagine how difficult it would have been for a member of our bar with knowledge of Girardi's wrongdoing to speak up. But we have an obligation to speak up and report when we know that there is unethical and improper conduct by our fellow attorneys. That includes misbehavior in our own firms.

As we now know, there were many warning signs known by many lawyers about Girardi's situation both inside and outside the Girardi Keese

firm. Us plaintiff-side attorneys pride ourselves in sticking up for the little guys against the big corporations and insurance companies. We also need to fight the goliaths in our own organizations. We need to make public the unethical and improper conduct of our fellow attorneys, no matter how powerful, famous, or influential. And no matter how threatening or detrimental the blowback or retaliation may be to our own practice. This includes reporting to the types of organizations and agencies that were still issuing Girardi awards even as there were whispers of his misconduct.

On Thursday, the State Bar wrote: "We can never allow something like this to happen again." As attorneys, we also can never allow something like this to happen again.

Benjamin T. Ikuta is an attorney at Ikuta Hemesath LLP, where he concentrates his practice almost entirely on medical malpractice on the plaintiff side.



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