

MATTHEW HOY

OCTOBER 1, 2016 3:36 PM

# The Constitution is a casualty in the race for the state Assembly



We do not typically condemn attorneys for the actions of their clients, but that's what Dawn Ortiz-Legg, right, is doing to Jordan Cunningham. **Joe Johnston** - jjohnston@thetribunenews.com



BY MATTHEW HOY

After attending a graveside service, a woman is walking back to her car with her young son through the rows of gravestones.

"Mom," the son asks, "do they bury more than one person in the same grave?"

"No," she replies. "Why do you ask?"

"Because that gravestone says, 'Here lies a lawyer and an honest man.' "

I'm a big fan of lawyer jokes. I know a lot of them, though only a small number, like the one above, are acceptable for publication in a family newspaper.

In general, I'm not always a big fan of law as a profession, even though I have close relatives and longtime family friends who are lawyers. As individuals, they're great people. The profession, too often, is a necessary evil.

If Democrat Dawn Ortiz-Legg's current television ad is any indication, she's not a big fan of lawyers either.

Thankfully, I seldom see television advertisements of any kind, except when watching live sports. The advent of streaming services like Hulu and Netflix and the fast-forward button on the digital video recorder mean that most are just a blur when they appear at all.

But when I caught Ortiz-Legg's ad slamming her Republican foe, lawyer Jordan Cunningham, my first response was, "Wow."

Cunningham has worked as both a prosecutor and defense attorney, and the television ad paid for by the Ortiz-Legg campaign takes him to task for defending a scam artist who stole from seniors and a drug trafficker.

A direct-mail piece paid for by the California Democratic Party makes a similar argument using what appears to be the same cases.

What caused my "wow" moment wasn't that someone working as a defense attorney had represented unsavory clients. It was that in my 30-plus years of being politically aware, I'd never seen a similar attack.

I've seen politicians attacked for things they've done, policies they've supported and things they've said. However, absent some sort of unethical or criminal behavior on the lawyer's part, we do not typically condemn attorneys for the actions of their clients or for nothing more than representing those clients.

IF LEGALLY REPRESENTING PEOPLE ACCUSED OF THE MOST HEINOUS CRIMES WERE A PROFESSIONAL, SOCIAL AND EVEN POLITICAL DEATH WISH, THEN OUR LEGAL SYSTEM WOULD COLLAPSE. NO ONE WOULD VOLUNTEER TO REPRESENT THESE PEOPLE.

There's a good reason for this. If legally representing people accused of the most heinous crimes were a professional, social and even political death wish, then our legal system would collapse. No one would volunteer to represent these people.

In an interview last week, Ortiz-Legg told me the reason for the TV ad was the fact that Cunningham works as a defense

attorney.

"What he doesn't tell is what he does for a living right now," Ortiz-Legg said.

She's right.

Cunningham's website says simply "he now represents individuals, families and local businesses as the owner and founder of Cunningham Law Group."

Asked if being a defense attorney should be a disqualification from public office, Ortiz-Legg replied, "No. Everybody should have a chance to run for public office."

Despite the denials, the implication is clear on both Cunningham's and Ortiz-Legg's parts. Cunningham likely doesn't think it benefits him to be known as a defense attorney because of the stigma attached to the job by some people, and Ortiz-Legg concurs. It's a cheap, easy political calculation.

Unfortunately, it's also a distasteful one. After all, the Democratic nominee for president once defended an accused child rapist and was able to strike a plea deal that got her client just a year in jail. The 12-year-old girl was left infertile as a result of the attack.

Ortiz-Legg and the state Democratic Party should've found a different way to make their point without waging a political attack that catches the Sixth Amendment in the crossfire.

For more on my interview with Ortiz-Legg, including her views on gun control and Code Pink, please visit my blog at [hoystory.com](#).

Conservative columnist Matthew Hoy is a former reporter, editor and page designer. His column appears in The Tribune every other Sunday, in rotation with liberal columnist Tom Fulks. Read Hoy's blog at [Hoystory.com](#). Follow him on Twitter [@Hoystory](#).

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**Rodger Avalanchier** · Morro Bay, California

"...in my 30-plus years of being politically aware, I'd never seen a similar attack."

--M. Hoy.

Try the Republican National Committee ad attacking Tim Kaine for having been a public defender:

--Kaine defended "the worst kinds of people."

--"Tim Kaine has a passion for defending the wrong people. America deserves better."

--The RNC then describes the crimes of a number of Kaine's clients, saying with disgust at each:

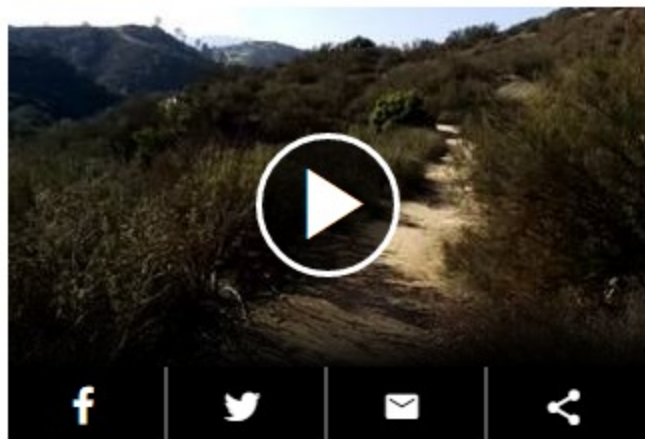
"Tim Kaine defended him."

The pornographic RNC attack on Kaine and the Constitution shows poor judgement. Ortiz-Legg foolishly makes herself an easy target by copying that attack. Now tell us how Keith Cooper fits into your faux world of politics.

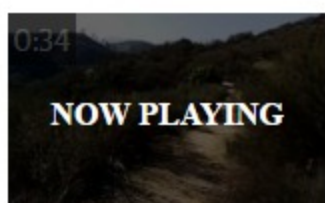
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ABOUT MATTHEW HOY



Matthew Hoy, a conservative, is a San Diego-area native and 1994 graduate of Cal Poly's journalism program. He spent 15 years at various newspapers along the West Coast, including The Lompoc Record, The Daily World in Aberdeen, Wash., The North County Times in Escondido and The San Diego Union-Tribune. For 15 years, Hoy has written a blog on politics and the media, Hoystory.com. Hoy's column will be published in The Tribune every other week, in rotation with liberal columnist Tom Fulks.

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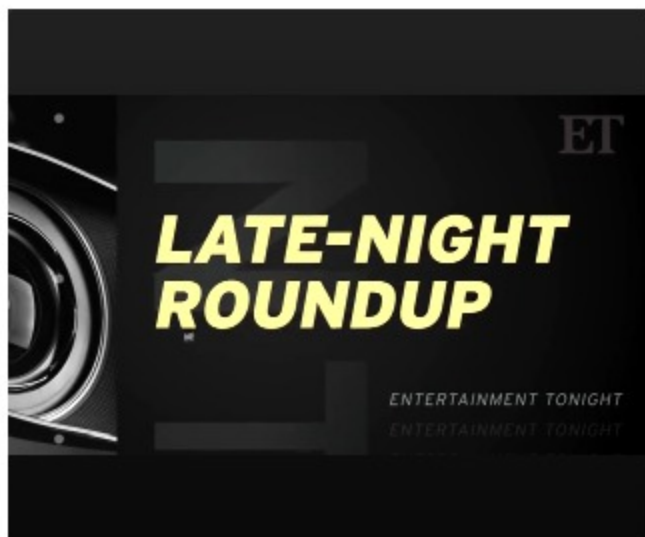
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