



Wayne R. Gross
President's Page

I Know Where You Live

Although prepared for martyrdom, I preferred that it be postponed.
~ Winston Churchill

Bet-the-business cases are so named because a client, whether a Fortune 100 company or small entrepreneur, feels like it is a matter that cannot be lost. Clients involved in such cases typically experience an extraordinary amount of stress and often share such feelings with their trial counsel. One General Counsel, for example, in the context of celebrating a hard-fought pretrial motion victory, provided me with the following jocular reminder as we prepared for the ultimate trial: "I know where you live." Perhaps not realizing that I fully understood the meaning of the joke, the GC proceeded to explain that defeat in the legal matter would be so devastating for the company that it would cease doing business. I mention this anecdote because it illustrates the often unseen pressures faced by many lawyers, not just those doing trial work. Clients expect results. And they frequently don't see or understand how such pressure can take an extraordinary toll on the lawyers who are held responsible for obtaining such results.

I learned firsthand that lawyers need to take special precautions to protect their health and wellness. In late 2011, I was completing a very successful year. I was fortunate to obtain victories in various significant matters, including a \$50 million judgment after a four-week jury trial in Los Angeles. I was happy but exhausted. Instead of taking time off to recuperate, I traveled to Ohio to defend an important deposition in another case. I was quickly reminded, as I got off the flight, that a Cleveland winter is quite different from what we have in California. And, as I prepared the client executive for his deposition testimony, I noted an irritating cough that I had been shrugging off. But the cough proceeded to get worse. During the deposition itself on the following day, I had difficulty completing the deposition due not only to severe coughing but also shortness of breath. It became bad enough that, at the conclusion of the deposition, I had to be taken to a hospital, where I was diagnosed with pneumonia and severe asthma.

As I sat in the hospital bed receiving world-class treatment from Cleveland's state-of-the art health care, I was not only appreciative of my health insurance but also stunned by my utter

inability to appreciate the necessity of providing myself with sufficient rest. As lawyers, we are taught to think only of our clients, putting their interests above all others, including our own. But that unpleasant hospital visit established in my mind forever that preserving my own health was a key step in making sure that I could continue to provide the best representation to my clients. And I know that such is the case for all lawyers. Or, as the above-referenced client once told me in a different context, I know where you live.

Since that unfortunate experience, I have made my health a priority and, despite a work schedule that is even more grueling than 2011, I have more energy and vitality than ever before. But I also know that if I were once again to find myself in need of medical care, I continue to enjoy the good fortune of having top-notch health insurance. Unfortunately, many younger members of the Bar and far too many of our experienced members find themselves without such insurance, or with insurance that is crushingly expensive. Orange County Bar Association membership, for many years, has enabled members to obtain discounts on various services that attorneys need, such as rental car fees. But the Bar has never offered members access to an association health insurance benefit. This year, for the first time, the Bar will develop that often requested benefit. This is one of the many ways that the OCBA will continue developing into an organization that directly enhances the lives of its members, which of course will enable members to better serve clients. Such clients, demanding as they may be, benefit not from our demise but from our health and wellness. Like Winston Churchill, we lawyers prefer to postpone martyrdom.

It became bad enough that, at the conclusion of the deposition, I had to be taken to a hospital

Wayne R. Gross, the 2013 President of the Orange County Bar Association, is a litigation shareholder of Greenberg Traurig LLP, where he focuses on trial practice, complex civil litigation, and white collar defense. He previously served as Chief of the Orange County U.S. Attorney's Office and prosecuted cases of national and international significance. His email is grossw@gtlaw.com.

