



Wayne R. Gross

President's Page

The Power of Saying Yes

It seems to be a truth, inflexible and inexorable, that he who will not risk cannot win.

~ John Paul Jones

The publication of this month's *Orange County Lawyer* magazine marks the midway point of 2013. It is therefore a good time to take stock of what the Bar has done thus far this year, and of what remains to be accomplished.

At the beginning of the year, we aimed for the OCBA to focus on directly enhancing the lives of its attorney members, which in turn would enable such attorneys to better serve clients and the greater community. Accordingly, we have made OCBA history by having accomplished the following: (1) we developed a health insurance benefit for OCBA members; (2) the OCBA entered into an agreement with United Parcel Service that provides significant discounts for delivery services to OCBA members so that solo practitioners may receive the same volume discounts that large law firms traditionally have received; and (3) the OCBA formed a strategic relationship with the Orange County Business Council (OCBC) to increase the opportunity for Orange County lawyers to cultivate meaningful relationships with prospective Orange County business clients, redounding to the benefit of both. I am quite proud of the OCBA board of directors, as well as the OCBA staff, for approving and implementing these significant programs. But, as John Paul Jones once said, we "have not yet begun to fight!"

An organization, just like a business, must not remain static. The world is changing at a frenetic pace and we, in turn, must evolve with new challenges as they arise. As I reported in my April President's Page, I was apprised recently that each of the commissioners serving on the Orange County Superior Court received notice that budget cuts may result in as many as 17 of 20 commissioners being laid off. This coincided with similar cutbacks in San Francisco and Los Angeles, where numerous commissioners and referees have been laid off. After learning of these developments, we created an Access-to-Justice Task Force, spearheaded by Ashleigh Aitken, who, in collaboration with the Orange County Trial Lawyers Association (OCTLA), has worked on finding solutions to this most vital problem. Additionally, as reported in my May President's Page, I accompanied Presiding Judge Thomas Borris and Assistant Presiding Judge Glenda Sanders in Sacramento to meet with legislators to lobby for more funding to the state judicial branch. I am happy to report that significant progress is being made. Thanks to the masterful leadership of Judge Borris and Judge Sanders, not a single

commissioner will be laid off. Moreover, thanks in large part to the outstanding leadership of State Bar President Patrick Kelly and State Bar CEO Joe Dunn, Sacramento appears to be on the verge of restoring significant funding to the judiciary.

While I fully appreciate the significant progress made by the OCBA, as well as the State Bar, on many fronts, we cannot become complacent. Much more needs to be done if we are to carry out our mission to directly enhance the lives of OCBA members, as well as the entire community that we serve. But future progress, like our previous progress, will depend on our willingness to take strategic risks. The OCBA board has demonstrated, through the first half of 2013, that it is willing to do so, adopting programs never before implemented by this Bar to meet the increasingly difficult challenges of our time, which includes one of the worst legal market recessions in generations. The board has exercised its power to say yes to the opportunity to develop the OCBA into a magnificent, evolving organization.

As we proceed into the second half of 2013, the OCBA will continue to take advantage of opportunities that present themselves when such opportunities further the mission of enhancing the lives of OCBA members. I have decided to do the same with my own professional practice. For several years, I served as a litigation partner of a global law firm. While I very much enjoyed being part of a successful global operation, the price of doing so was being encumbered by restrictions in the prospective cases that I could accept. Recently, big firm conflict restrictions forced me once again to decline to represent a significant client in need of my services. This turned out to be a transformative moment, as I decided to form my own firm. In April, a fellow litigation partner at the big firm, Alan Greenberg, and I formed Greenberg Gross LLP, enabling us to take on a wider variety of clients in high-stakes business litigation. In addition to retaining our

existing clients, the new firm has accepted new cases that we could not have been able to accept had we stayed where we were. One such new client, upon learning that Greenberg Gross LLP would accept his case, broke down in tears as he expressed his appreciation for having his chosen lawyers say yes. His heartfelt reaction reminded me of why I went to law school. If someone were to ask me why I decided to take on the challenges of starting a new law firm while simultaneously serving as President of the Bar, I would say that it is because I could say yes to the opportunity to serve. As we OCBA members continue into the future, we all will no doubt be called upon to provide service to those in need. I highly recommend that we keep in mind that too often untapped power.



Alan A. Greenberg and Wayne R. Gross

Wayne R. Gross, the 2013 President of the Orange County Bar Association, is a founding partner of Greenberg Gross 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 wgross@ggtriallaw.com. Follow Wayne on Facebook: www.ocbar.org/PresidentFacebook.

