



Wayne R. Gross President's Page

This Is Your Canvas

There are painters who transform the sun to a yellow spot, but there are others who, with the help of their art and their intelligence, transform a yellow spot into the sun.

~ Pablo Picasso

As a boy, I received a gift of an album that contained presidential inaugural addresses, including the 1960 speech made by John F. Kennedy. It was not just the most famous phrase from that speech, "Ask not what your country can do for you, but what you can do for your country," but the powerful and poetic prose JFK used throughout it that gave a young boy goose bumps every time he heard it. That album, as well as my own early reading of history, made me realize the importance of words. There is a magic in them that, when used by a master, can create art no less beautiful than Picasso's sun. But it was not just the beauty of JFK's words that resonated with me: it was their power. JFK's words were a call to action. The 1960s were a time of great transformation and required tremendous effort on the part of a citizenry that would continue to be significantly challenged at home and abroad. And it was with words that JFK began his efforts to lead the country through such challenges.

Words are no less important to lawyers. Like Picasso's idealized painter, we use our intelligence to transform normal speech into art, in the form of compelling arguments that appeal not just to the intellect but also the heart. Such words can cause clients to save or lose millions, or even, in criminal law, to save or lose their freedom. Make no doubt about it: words possess power. And the legal profession, based as it is on the use of words, is one that possesses an extraordinarily powerful sway over every aspect of society. Non-lawyers, and at times lawyers themselves, often view the legal profession cynically. They refer to lawyers in the most pejorative ways. Yet, when these cynics need to get divorced, to enter or exit a partnership, to buy or sell a business, to sue or respond to a lawsuit, or, heaven forbid, to defend themselves in a criminal matter, they will call upon a lawyer to ensure that their interests are fully protected.

I say this not to evoke sympathy from non-lawyers for our plight. The fact of the matter is that non-lawyers, including clients, will often not fully understand or even appreciate what we do for them. What's important for you to know, however, is that the Orange County Bar Association (OCBA) both understands and appreciates you. And, in 2013, the OCBA will be entirely focused on serving you, which in turn will better enable you to serve your clients.

To start, the OCBA will make significant efforts to grapple with what remains one of the worst legal market recessions in generations. Outstanding law firms that were important threads in the fabric of the Orange County legal community when I first arrived here as a practicing attorney have closed their doors. This means that not only did lawyers at such firms, including young associates, lose their jobs, but the clients they served now have fewer choices. Further, the charitable entities that rely on law firm donations now receive funding from fewer sources. And, of course, law firms, whether an AmLaw 100 or solo practice, are businesses that, like all other businesses,

pay taxes when they exist and do not when they close. So everyone loses when top Orange County practitioners fail, whether they are in law firms or solo practices. One of the reasons for such failures is that far too many Orange County-based clients seek legal assistance from non-Orange County lawyers. This is not because of a dearth of legal talent in Orange County. To the contrary, having practiced here for more than twenty years, as well as trying many cases with and against some of the finest lawyers in other parts of the country, I can definitively say that there is no other metropolis that has better legal talent than this one. Moreover, Orange County lawyers enjoy a close, professional relationship with the Orange County bench, often understanding to a greater degree than outside lawyers what is expected in their courtrooms. Accordingly, it is in the best interest of Orange County-based clients to use Orange County lawyers. To make Orange County-based clients more cognizant of the legal resources in Orange County, the OCBA will form a strategic relationship with the Orange County Business Council (OCBC). The OCBC represents not only the business community, as its name suggests, but also numerous non-profits, such as the Girl Scouts of Orange County and the Discovery Science Center. Membership in the OCBC will enable the OCBA to market directly to the Orange County business community through the OCBC website, as well as to engage in joint programs where OCBA and OCBC members can exchange views and gain insight on cutting-edge issues that affect both the legal and business communities. This partnership will significantly increase the opportunity for Orange County lawyers to cultivate meaningful relationships with prospective Orange County clients, redounding to the great benefit of both.

The OCBA will also directly seek to enhance the health and wellness of its members. As you may know, OCBA 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 OCBA will develop that often requested benefit. This is extremely important at a time when many of our newer members and far too many of our experienced members find themselves without such insurance, or with insurance that is prohibitively expensive.

Finally, the OCBA will seek to enhance member benefits in a manner that enables solo practitioners and small firms to effectively compete in the current legal marketplace. For example, the OCBA, for the first time, is entering into an agreement with United Parcel Service (UPS) that will provide significant discounts for delivery services to members; so that solo-practitioners who are members may receive the same volume discounts that large law firms traditionally have received. Such perks will also, of course, work for the benefit of clients, who will in turn pay less for such costs.

These programs are only the beginning. As we tackle the many challenges ahead in 2013, I look forward to working with you to continue developing the OCBA into a magnificent, evolving organization that directly enhances the lives of its members, as well as the entire community that we serve. The OCBA is your canvas. Let's make it wondrous.



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.