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New OC bar president sets sights

Wayne Gross has an ambitious agenda focusing on business outreach, health care.

By Emily Green
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NEWPORT BEACH — Wayne R. Gross had a rough but rewarding year in 2011, including winning a \$50 million verdict for a company that had started out in the lawsuit as the defendant. So he was tired by year's end when he headed to Cleveland for a deposition.

He ended up in the hospital with pneumonia and asthma. But he also got an idea for one thing he wanted to accomplish as the 2013 president of the Orange County Bar Association: to provide some sort of health insurance benefit to association members.

Co-chairman of the litigation group in Greenberg Traurig LLP's Irvine office, Gross has good health insurance. But many sole practitioners and lawyers in small firms can't afford it, he said.

The experience that winter in Cleveland "reminded me how important to our members good health care is," he said.

"He's capable of making good decisions on his own, but he solicits other people's ideas and incorporates them well."

— Thomas H. Bienert Jr.

Even though he doesn't formally take office till next week, he's already moving quickly. Executive Director Trudy C. Levindofsky has just begun to explore what sort of benefit the bar might provide, but she and Gross expect to have an offering available to members by spring.

Gross "rolls up his sleeves and does the work," said Katherine T. Corrigan, president of the association's newest affiliate, the Orange County Criminal Defense Bar Association.

He has already landed another benefit for members — discounts with United Parcel Service to give solos and small firms delivery rates comparable to those at large firms.

Gross said he has come to realize "how important it is for lawyers to have a sanctuary." He wants the county bar to be "an organization that focuses exclusively on their needs."

The legal profession and the county bar matter to Gross, several people said. "He's very passionate about this organization," said Kiran Sharma, a member of the bar's board of directors.

That includes helping Orange County lawyers connect with potential business clients. Sharma, a Bank of America litigator, and former association president



Don DeBenedictis/Daily Journal

Wayne R. Gross will take the helm of the Orange County Bar Association on Jan. 17.

Lei Lei Wang Ekvall said Gross worked to bring more in-house counsel onto the bar board.

Gross focused on financial crimes as an assistant U.S. attorney in Santa Ana from 1990 to 2007. Based on that practice and on watching other big corporate prosecutions, such as those of Enron and Broadcom, he concluded that lawyers and business people often don't understand one another very well.

So as bar association president, he'll have the group join the Orange County Business Council, which advocates for economic development and housing.

Membership will mean the bar can put on joint events with the council and market its own events to businesses on the council's website, Gross said, "so that the business community can see what the bar and its members offer."

His goal is to build a better bridge between lawyers and businesses in the county.

"In many ways, the legal community is sort of like a black box to the business community," he said. By the same token, many lawyers, including young prosecutors targeting major corporations, don't understand business.

"Look at me. I was a bellhop in college."

Gross, 49, was raised by adoptive parents in Daly City, where his father was a high school English and Latin teacher. He attended local Catholic schools, graduating from the University of San Francisco in 1985.

In college, a business law professor shifted Gross' interest from business to law. The professor, a lawyer, peppered his classes with exciting war stories, Gross said. "All the girls had crushes on him; all the guys wanted to be him."

Gross graduated from UC Hastings College of the Law in 1988, then landed a clerkship with U.S. District Judge Laughlin E. Waters in Los Angeles. Wa-

ters, a former U.S. attorney who Gross considers "one of the greatest federal judges Southern California has ever had," got him interested in criminal law.

"He loved criminal law himself ... and he'd talk to us [clerks] in chambers about [cases]."

Waters helped Gross land a spot as a federal prosecutor in Los Angeles in 1990. He transferred to the small Orange County office two years later.

Though some colleagues in the L.A. office questioned the move away from the action of the main office, Gross said he "perceived Orange County as a place with opportunities for a young attorney who wanted to make his mark."

He drew some big cases right away, winning a 37-month obscenity sentence in mid-1992 for a man who stalked and sent threatening letters to German figure skater Katarina Witt. "That was my first experience with ... a courtroom filled with spectators," he said. His parents also came down to watch the trial.

That same year, he prosecuted a reputed Las Vegas mobster and others for beating a Mission Viejo man in a murder-for-hire plot. Although the business executive who allegedly sought the murder was acquitted, Gross won guilty pleas and verdicts against the assailants.

In 1995, he prosecuted two doctors from the UC Irvine fertility clinic for allegedly stealing frozen embryos from dozens of patients and implanting them in other, unwitting patients. The two fled the country, but a third doctor, not implicated in the thefts, was convicted of insurance billing fraud.

Some years later, he was assigned to handle civil cases under the False Claims Act against defense contractors and others accused of cheating the federal government. In one case, Jacobs Engineering Group Inc. paid a \$35 million settlement in March 2000.

Gross took over as chief of the Orange County branch of the U.S. attorney's office when former chief John C. Hueston joined the task force that prosecuted Enron Corp. in 2002.

In that position, he "focused on where the U.S. attorney's office could make an impact," especially on white-collar crime in the county, said Orange County Superior Court Judge Nancy Weben Stock, another former chief of the local prosecution office. Along with Hueston, Gross made the office "more than just an outpost" of Los Angeles, she said.

Stock was the Superior Court's presiding judge when Gross headed the office. "He had a really welcoming approach," she said, "not the usual snobbish approach of not caring what the state court did."

In 2007, Gross moved to Snell & Wilmer LLP as a litigation partner. He left the regional firm in 2009 for Greenberg's national practice.

In October 2011, he and partner Alan A. Greenberg won one of the top verdicts in the state, \$50.3 million on behalf of a real estate firm suing — in a cross-complaint — a nonprofit investment fund. The dispute involved four pieces of real estate, including the Hollywood Palladium. Newport Capital Advisors LLC v. Commonfund Realty Inc., BC412918 (L.A. Supr. Ct., filed May 4, 2009).

The case settled confidentially this past November while on appeal.

The owner of Newport Capital said his two attorneys seemed committed to his cause. "During the trial, they were so intently focused," David J. Zak said. "It was clear to me they wanted to win for me ... and were not trying to do it for themselves."

Co-counsel Greenberg said, "He's very enthusiastic about the things he cares about. He's not shy about showing that."

Others say he's also good at getting along with and understanding people, traits several said will be an asset as association president.

"He's a terrific person, he has great energy, he works hard, he has a great grasp of people," said criminal defense attorney Thomas H. Bienert Jr., who is scheduled to follow Gross as county bar president in 2014. "He's capable of making good decisions on his own, but he solicits other people's ideas and incorporates them well."

Gross is apparently also a lot of fun. In the evenings after days spent in the Newport Capital trial, "there were a lot of laughs," Zak said.

"I love him like a brother. ... He's just a sweetheart, as personable as can be," said H. Dean Steward, the former chief of the federal public defender's office in Santa Ana.

And sometimes he likes to party. Gross said he probably will throw a big bash this summer when he turns 50.

He also had a big party for his 46th birthday, winning the Elvis impersonator contest.