

# My second life

*Trial lawyers are a passionate breed—they care deeply about their clients and spend long days seeking justice for them. But all work and no play can make any lawyer dull indeed. Here, four attorneys share how their pursuit of passions other than the law helps them achieve a more balanced and fulfilled life.*

## Transformed by fire

ANDREW (DUKE) MALONEY

I found my other calling by accident. In 1999, my parents' house (the one I spent 10 years living in) burned to the ground in a fire. Luckily, no one was seriously injured, but I will never forget the flames destroying the house and nearly everything inside it.

I lived about 15 minutes away and was roused out of bed by the local police department. By the time I got to the house, my mother was taking comfort at a neighbor's home, and my father and sister were being treated at a hospital for minor smoke inhalation and burns.

I tried to enter the still-burning house to pull memorabilia out but was stopped by the fire chief while some 20 or 30 firefighters battled the blaze. Not being able to act was frustrating. But much to my surprise, once the firefighters realized they were going to lose the house, they assigned part of their

crew to bring pictures, heirlooms, a grandfather clock, and other mementos out of the house and lay them on the front lawn so they could be salvaged. I had never seen this before.

The firefighters had risked their own safety to fight a fire, ensuring that the house was clear of victims. But with the fire still out of control, they began saving memories for my family. Most of them were local volunteer firefighters who lived in the community but did not know my family. Some were career firefighters. All of them cared.

It was not long after the fire that I vowed I would help others as I had been helped. I joined my local fire department as a volunteer. Heck, I always wanted to ride on the big red fire trucks with sirens and lights anyway.

But I soon learned that it would not be all fun and games. I had lots of training to do, tests—including a physical—to take, and several months of classroom and practical lessons to complete before I could become a licensed firefighter. These would be followed by weekly training exercises and, of course, real emergencies. How

would I find the time? I work as a lawyer by day—and too often at night—and commute between my home in the suburbs and my office in New York City. I am married with three young children. How could I be a firefighter too?

This time crunch would be a constant problem, but I learned it was also a surmountable one. My fire department has a combination crew of career and volunteer firefighters. Each of the town's seven firehouses has two career firefighters who stay there 24/7; they are supported by 20 or more volunteers who have received the same training, perform the same tasks, and respond to a one-way radio pager.

I was welcomed because the more volunteers they have, the more the work can be spread around. Therefore, the company does not have to rely on any one member—like me—who, because of work and family commitments, cannot serve as often as others who do not have these obligations.

There were unanticipated benefits. I was getting to know people in the new town that we had moved to only two

years earlier. Within a few months with the fire department, I had made friends with local garage mechanics, truck drivers, police officers, the town attorney, and even other lawyers who were in my fire company.

Despite my long work hours and commuting, my family has benefited as well. The firehouse has become a place to enjoy social activities—like rib cook-off contests, parades, Easter egg hunts, and visits from Santa Claus (guess who plays Santa?). And my children have

had a chance to see firsthand how important public service is.

But nothing tops riding through town on that big red truck with sirens and lights blasting and rolling up to a fire, car accident, or some other emergency. The adrenaline pumps like it used to when I played competitive sports, like it still does when a jury is bringing in a verdict—you never know what is going to happen.

When I see the faces of civilians as I run toward them wearing firefighting

gear and a breathing apparatus and carrying an ax, halogen tool, or chainsaw—looking like I am from outer space—they seem in awe, scared, and thankful that I am there. I don't ask myself, "What am I doing here? I'm just a lawyer who pushes paper, a dad who swims with the kids at the beach, a husband who has a never-ending list of 'honey do' tasks."

At that moment, I am somehow transformed into someone else because I know those people are injured,

## From medicine to law (and medicine), a winding road

DAVID KETROSER

It's not really accurate to say I've had a "second life" outside—or inside—the law. I've really lived at least four or five lives in what sometimes seems like *Forrest Gump's* story.

My road to the law was long and winding. Toward the end of my senior year in college, I was diagnosed with multiple sclerosis (MS). I was 22 years old and lying in my hospital bed when the second-year neurology resident came in and said, "I was sure you had a spinal cord tumor, but you don't. You've got multiple sclerosis." He then turned and left me alone in the room. I wasn't sure at the time what that meant, but it did not sound good.

I went on to medical school, and while I was there, my treating neurologist, who was the head of the school's residency program, told me I would probably never be able to tolerate the rigors of a typical medical practice, so I made other plans.

After school, I started a company that did Social Security disability evaluations for the government and eventually morphed the business into a provider of what were then called "independent medical evaluations" for personal injury and workers' compensation cases. I worked hard to make sure the doctors on staff obtained information others hadn't bothered to get or consider in analyzing the claimant's injury.

But I discovered that the doctors didn't understand or care to learn the legal, logical, and medical issues we addressed and were just using the work as a way to make money. I gradually did more of the evaluations myself and less of them through others because I didn't want my name on their shoddy work.

While doing the examinations, I became increasingly interested in spine injuries and chronic pain. By the mid-1990s, I had also learned enough about myself to understand that "thinking like a lawyer" was a birth defect I'd been struggling with my whole life. When I told my wife in 1996 that I was going to law school, her response was, "What took you so long?"

My time in law school was glorious. Many of my fellow students found learning to think like a lawyer unpleasant, but for me, it was like finding a country where everyone spoke my native tongue.

Right about the time I finished law school, I refined a method of testing patients who suffered from chronic headaches and neck or upper-back pain, virtually always from trauma. The testing objectively proved the cause of the pain to a greater than 90 percent certainty. Using the testing to identify the origin of the patient's pain allows for targeted treatment that eliminates

the pain for an average of 12 to 14 months (after which the relief can be indefinitely restored with roughly annual repeats of the 40-minute outpatient treatment). Eliminating all pain for more than 600 patients who had suffered years of chronic pain and secondary depression has been one of the most emotionally rewarding experiences of my life.

It's no coincidence that I developed the testing method, which works by using eighth-grade math and communication skills, after law school. The practice of law requires strong communication skills and the ability to process and analyze multiple variables—the facts of the case, the law, your client, opposing counsel, a judge, and a jury, to name just a few.

Medicine does not require the creative and intense thinking process and the superior communication skills needed to practice law. Medicine is about digesting a huge volume of facts and then selectively regurgitating them in response to the appropriate patient presentation.

Doctors assume they speak the same language as patients. They don't. English is the language doctors spoke *before* medical school. Medical school added some words to their vocabulary and changed or refined the meanings of others. "Hypesthesia," "subacromial,"

trapped, frightened, or disoriented—and they are counting on me. There is no time to show hesitation or fear. Sometimes, only my fellow firefighters and I are standing between life and death for them. There is no greater feeling than making a rescue, getting someone safely into an ambulance, and checking later to find out whether they are OK.

Given our proximity to Manhattan, I had the task, indeed the moral obligation, to travel with some of my fellow

firefighters to Ground Zero days after the September 11 terrorist attacks. The same city I had left as a lawyer, I returned to as a firefighter and rescue worker.

The death and destruction I witnessed there were beyond description. Once again, I felt transformed as I stood on that smoking pile of rubble. I knew I had done the right thing by joining the fire department.

It is far too easy to do just enough to get by at your job, at home, or in life in

general. But each of us has such greater potential, if we only decide we can do something to help others. If we stay determined to help those in need, we help ourselves. ■

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## Flying high

BRIAN J. LAWLER

My “second life” got started in the U.S. Marine Corps flying as a weapons and sensors officer in the F/A-18D fighter/attack aircraft. The character Goose from *Top Gun*—the 1986 movie about the Navy’s elite fighter flying school—is the best comparison I can make for the uninitiated, as much as it pains me as a Marine to do so. But I don’t recall any of my instructors looking quite like Kelly McGillis.

Flying jets had been a lifelong dream, and the rush of flying upside down at 600 miles per hour while wearing pajamas to work every day was well worth the seemingly endless hours of studying and years of preparation. Not to mention the travel—mostly good (Bali), some not so much (Kuwait, for Christmas no less).

At some point in my military career, I realized that flying fast airplanes was going to need to give way to a real job, so I thought about becoming an attorney. I figured it had to be as exciting as flying jets, so I took the Law School Admission Test prep class and the test while deployed on separate exercises and eventually started at the University of San Diego School of Law.

As if law school alone wasn’t tough enough, I compounded the problem by going to school at night while still working full-time. And for the first two sleep-deprived, overcaffeinated, and ultra-grumpy years, I was an instructor flying with student pilots who had an uncanny knack for reminding me of my own mortality. After escaping one or two midair near-collisions and gaining lots of gray hair, suddenly *International Shoe*

and “paresis” mean something to doctors but not to most patients. “Numbness,” “shoulder,” and “weakness” mean different things to doctors than to patients.

Also, patients—and clients—often answer the question they think you should have asked but didn’t, rather than the question you actually asked. Lawyers know this and act accordingly. Plaintiff attorneys prepare their clients for testimony by teaching them to listen carefully and answer the question asked.

Most doctors are only vaguely aware of this communication problem and put little effort into addressing it. The business of medicine overwhelmingly favors doing something quickly—even if it’s worthless or wrong—over talking with the patient, thinking about possible treatments, and then doing the right thing.

Law is about how people interact and the potential for misunderstandings in those interactions. I know I’ll never master this work—I’m not sure anyone ever could—but the challenge to learn more and be creative enough to help my clients in their medical malpractice cases requires me to continuously confront the impossible and find a way.

The result of my concurrent medical and legal practices is that I get to

exercise both parts of my personality. On the one hand, medicine allows me to satisfy my right brain and touch a person’s life in a unique way because I get to eliminate chronic pain and, as many grateful patients have said in cards and letters, give them their lives back. On the other hand, the law lets me satisfy my left brain and use effort, knowledge, and creativity to help clients harmed by medical malpractice.

They say that work is what you do to make money so you can do what you want to do, yet I can’t imagine a vacation as enjoyable as what I do every day. Getting paid is a bonus for me, not the reason or even the primary reward for my work.

The MS caused only occasional, nondisabling symptoms that were interesting to neurologists and always temporary for the first 25 years. In the last 10 years, it has caused an incomplete cauda-equina-like condition. I can’t do some things that almost everyone can do, but I can do some other things that almost no one can do.

It’s a trade-off I feel incredibly lucky to have been offered, and I couldn’t wish anyone anything better than the life I’ve been given. ■

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DAVID KETROSER *practices law and medicine in Minnetonka, Minnesota.*

didn't seem like such a big deal.

I left active duty for the Reserves and somehow completed law school with most of my sanity intact. Perhaps it was because I was still teaching students to fly the F/A-18 (although in the simulator, which is incapable of a midair collision) or maybe because I got my private pilot's license around the same time. Regardless, teaching and flying both provided a welcome relief from the doldrums of law school.

Getting that first job after law school is an interesting story of its own. I showed up at the Southern Methodist University Air Law Symposium in Dallas as a 2L without knowing a soul and walked around during the coffee breaks asking everyone who wanted to talk—and even those who didn't—about aviation law. After being shuffled politely from one person to another, I landed a summer job offer with a prominent aviation firm that eventually led to a full-time position. I met some incredible people that day.

The transition from flying jets to practicing aviation law was pretty smooth for the most part, despite the fact that I couldn't get my desk to turn upside down on command. Four months into my new position, however, the Marine Corps called me back to active duty for six months, presenting an entirely new challenge. Shortly after returning, I was prompted to open my own firm, with less than two years' experience under my belt.

Some called this move "brave," others "gutsy," and most of my Marine buddies used language inappropriate for this forum, but I did it anyway. After all, what could possibly go wrong?

The realities of a solo practice (overhead expenses, expert witness fees, and—gasp!—generating my own income) hit home soon. I was fortunate to have my status in the Reserves and a job as a simulator instructor to augment what little income my new firm was generating, and I can say without hesitation that I worked far more in those "part-time" jobs for the first 18 months than I did at my "full-time" lawyer job. In fact, I'm pretty sure continuing with my own practice would

have been impossible were it not for the "second life" income.

Fortunately, my legal business began to pick up, and I was asked to be of counsel to a firm, handling several of its aviation cases, many of which were international. These days, I still work both of my part-time jobs, but now it's because I want to. There is something satisfying about being an instructor around young Navy and Marine aviators who are just beginning their careers. As you might imagine, it's also a nice break from the office. And I continue to serve in the Reserves because, despite the ever-present possibility of a last-minute trip to some hostile, foreign country, I still get to wear pajamas to work and hang out with "the boys" from time to time.

I still try to fly as often as possible, and now the only person scaring me in the airplane is me—and that I can handle. Far and away the nicest benefit of this type of flying is taking friends for tours of the San Diego coastline along the cliffs of Torrey Pines and through the harbor in full view of the downtown skyline. If you haven't seen our city from that perspective, I highly recommend it. ■

BRIAN J. LAWLER *practices law in San Diego.*

## Courting a fine wine challenge

JIM PETERSON

Many trial lawyers have two things in common: They love a good challenge and love great wine.

Attorney Mike Bee and I met more than 25 years ago when we were working on opposite sides of the same case. Shortly thereafter, Mike joined our firm, and we soon discovered that both of us had a passionate interest in California wine. We also love Napa Valley, home to some of the finest wines on the planet.

While taking frequent trips to enjoy

the grape, we met a lot of nice people and were able to share our interest with them over a fair amount of Napa Valley's best. We also talked about making our own wine someday, but like a lot of dreams, it was just, well, a dream.

One fateful day in 1995, the dream took a step toward reality. Mike and I were having lunch in Charleston, West Virginia, celebrating the opening of our new law office with representatives from Rombauer Winery. While enjoying their company, we discussed the dream.

Maybe it was the pleasure of the moment or maybe it was a matter of fate, but Mike and I told our guests that we were going into the wine business. We'd plant some vineyards, hire a wine maker, build a winery, and make wines as good as or better than the wines we were enjoying at that moment.

Everyone else at the table thought this was the funniest thing they had ever heard. After the laughter stopped, they began to discourage us by saying that producing wine in that fashion was a step toward an endless money pit. After assuring them we were serious, they suggested that we tailor our dream.

They recommended we not spend a lot of money planting wildly expensive vineyards or building a winery. Find a good wine maker, they said—someone who knew Napa Valley vineyards—have him or her make some wines for us under our own label, and see if we enjoyed the process and the hard work of selling wines before going over the deep end and becoming producers.

That good advice led us to Ray Coursen, then the wine maker at White Hall Lane in the heart of Napa Valley who now makes wine under the Elyse label. We liked his style, and he had worked with many Napa Valley vineyards for years and knew where to find the best grapes for our project.

To tell the truth, Ray was not that interested in us, but we turned on the charm and convinced him to make wine for us. He told us that if we wanted to make a Chardonnay—and a good one—we had to bring him three bottles of the style of Chardonnay we liked and he would try to make it for us.

We brought him three Burgundian-style Chardonnays—I believe a Hanzel, Mount Eden, and Kistler, three truly great wines produced in Napa Valley at that time. It was a tall order for him, but this was our dream, and he said he would attempt to make it a reality.

Our first wine was a 1996 Chardonnay; we bottled it under the name Falcor. Of 192 cases, we sold five, gave five away, and enjoyed the rest with our friends, many of whom were attorneys who also appreciated fine wine. Next, we produced a red Bordeaux blend called Le Bijou (the jewel).

Our 1999 Chardonnay became one of the top-scoring wines of that year, or so said *Wine Spectator*. That put Falcor on the Napa map, with Ray guiding our nascent program. The high score gave us an incentive to push on.

Through the years, we introduced additional wines to our customers. It

soon became apparent that we had grown to the point that we needed to consider developing our own winery—not one we had to build from scratch, but a modern, rented loft space in a corporate park at the southern end of Napa Valley. The new space gave us not only the means to make fine wine, but also the added benefit of an attractive tasting and dining room for visitors, as well as a satellite office to better serve the law practice as we crushed grapes in Napa Valley.

Our new winery opened last spring. Because Mike and I have been fortunate in our “day jobs,” we have been able to develop a different game plan than most boutique wineries. Since we are not completely driven by the bottom line, we have been able to consistently make wines of the finest quality.

As in our law practice, we spare no ex-

pense in handling “cases” in our wine business. Falcor is a labor of love. Limited hand production of each varietal is the key to success.

Our desire is to keep Falcor small. Our wine lineup now includes two vineyard designate Chardonnays, a Sangiovese, a Syrah, a Cabernet Franc, a Zinfandel, two Cabernet Sauvignons, Le Bijou, and soon to be bottled and released, a Pinot Noir and a Rosé.

Falcor is now available in many states, over the Web, and through our Napa Valley tasting room. Who knows, maybe someday we will come to your state to try a case and have a chance to share some wine with you. ■

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