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# Trials and tribulations: A profile of Oakland trial lawyer J. Gary Gwilliam

*A childhood of hard times leads to a life of alcohol abuse until a spiritual awakening changes this hard-charging plaintiff's lawyer*

## STEPHEN ELLISON

Credit the man for recognizing his shortcomings, taking responsibility, and then doing something about it.

He is, after all, a trial lawyer, whose daily mission is to meet challenges head on, battle through adversity and ultimately find solutions. For more than 40 years, J. Gary Gwilliam has done exactly that for hundreds of clients on the way to becoming one of the most successful plaintiff attorneys in California. It should be no surprise then that he was able to apply the same systematic approach to his own cause and come back with yet another winning verdict.

"A simple answer is I quit drinking, but it was much more than that," Gwilliam, a founding partner of an Oakland-based law firm, says when asked about his mid-life transformation from alcoholism to spiritualism. "I was 47 years old and I was ready for a change. Not only did I quit drinking, but I made a very serious effort to answer some fundamental questions that we really all have to ask about ourselves: Why are we here? What's our life about? Have we been here before, and what happens to us when we die?"

"I was dying from alcohol poisoning," Gwilliam continues, "and it forced me to ask these questions. But it wasn't just about quitting drinking. I delved into a serious spiritual journey, which I think we should all do. I know some of my lawyer friends and left-brained, logical people are going to look at me, talking about past lives, and think I'm



Gwilliam

pretty weird. But the truth is it worked for me."

### Date of destiny

June 11, 1984. That was the day Gwilliam began his first serious attempt at sobriety. A failed intervention set up by his second wife, Liz, and his unyielding resistance to Alcoholics Anonymous programs – something he attributes directly to his biological father – left Gwilliam to clean up on his own.

Reading became his rehabilitation. He began with books about the disease and was taken in. He then turned to titles under philosophy, religion and other self-improvement areas, absorbing volumes of information that focused on getting and staying well. The result, he says, was a spiritual awakening and a realization that alcohol truly was an impediment to living a full life. With the exception of a brief relapse two years later, Gwilliam has been sober ever since.

One of Gwilliam's closest friends has witnessed firsthand the before and after.

"Gary went from being a very materialistic, winning-is-everything kind of person, to a very spiritual one," says Eric Ivary, who helped found Gwilliam, Ivary, Chiosso, Cavalli & Brewer in 1978. "He let go of all his fears. When we first became partners, he was always preparing to win and was decimated when he lost. He's no longer afraid of losing, and that's made him a more effective lawyer."

Gwilliam, 70, felt so strongly about his turnaround that it inspired him to endeavor into writing and public speaking, recounting his experiences for roomfuls of industry peers. Those speeches and articles subsequently became the premise of his book, a memoir in which virtually no stone goes unturned. The 350-page hardback, *Getting A Winning Verdict In My Personal Life: A Trial Lawyer Finds His Soul* (Pavior Publishing, 2007), is a detailed, candid account of Gwilliam's life, from his early maternal influences to his sordid youth to an adulthood that ran the gamut of alcohol abuse, broken marriages and eventually a renewed existence.

"He'd been talking about writing a book for a couple of years, and I thought it was wonderful when he decided to finally do it," says Gwilliam's third wife, Lilly, to whom he's been married 17 years and affectionately calls his soul mate. "I'd heard stories of some of the antics that went on, and I still do, especially when he's around his college friends. I always joke about thanking his two former wives for leaving me the polished version."

"At first, I wasn't exactly comfortable about some of the things in [the book] about me," she continues, "but I soon realized it was his story to tell. I knew what he was going to write, and I knew it would speak from his heart."

Gwilliam prefaces his story in a way very few attorneys – or anyone authoring an autobiography – would even consider: By portraying his insecurity, self-pity and overall lack of self-esteem after losing a potentially historical case. Gwilliam sets the scene in his



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car, alone, dwelling on his most recent failure and reflecting on key moments in his life as he consumes a six-pack of beer.

"If I was going to tell my story, I really wanted to explore the depths of my problems as well as the heights of my successes," Gwilliam explains. "That's why I started the book with this loss I had. I'm one of the few lawyers – maybe the only lawyer – to write a major article about what it's like to lose a case and how we deal with losses. And I wanted to expand on that theme a little bit. I've gotten a wonderful response back from so many people that it's just been very gratifying."

### **Broken roads lead to success**

Gwilliam was born in Ogden, Utah, in 1937 to Mormon parents. After living briefly in Eugene, Oregon, his mother decided to leave the marriage because of her husband's rampant drinking. She returned with her son to Ogden, where Gwilliam was reared by his mother, grandmother and two strong-willed aunts – what he dubs "the matriarchy."

The young Gwilliam learned early that pleasing the matriarchy – especially his mother – meant a great deal to him. In fact, that very concept was the driving force behind the success he would later achieve in college and law school. But there was a time, before all the accolades, while the family was living in Seattle – his mother had remarried when he was three – when Gwilliam was at the other end of the achievement spectrum.

"I was really off the deep end in high school," Gwilliam recalls. "I became way more than just a delinquent. I was a gang member; wasn't attending anything in school. I was off down on First Avenue in Seattle, which at that time was the skid row, hanging out with people that were really of both the drug and criminal element to a certain extent."

All that changed dramatically when the matriarchy helped move Gwilliam away from Seattle to live with his father in Southern California. The collective goal of Gwilliam's guardians was to get

him into college and essentially keep him out of jail. The transplant worked. Gwilliam enrolled at Citrus Junior College and excelled. His deep desire to make Mom proud along with a competitive nature that was hard to match put Gwilliam in a position to thrive. Voted Citrus JC's most likely to succeed, the one-time gang member had been catapulted into a life of academia.

Two more years at Pomona College meant an introduction to fraternity life in the Kappa Deltas, with whom he forged some lifelong friendships, including one with singer/songwriter/actor Kris Kristofferson. It also meant Gwilliam had to figure out what he wanted to do with the rest of his life.

"My fraternity adviser, Fred Sontag, approached me [with that question] while I was a senior, and I didn't have any idea what I wanted to do," Gwilliam says. "He suggested law, and it was just like a light bulb went off; it was a real gestalt to me. I'd never thought about a lawyer, I'd never seen a lawyer. There were no lawyer programs; this was 1959.

"But it interested me," Gwilliam continues. "It was competitive, it was a new area. That just set me out on a path, and it was absolutely the right thing for me. In this life, I could have been nothing but a lawyer."

From there, it was on to Boalt Hall at the University of California, Berkeley, where Gwilliam graduated from law school in 1962.

### **A leader in his field**

Forty-six years and 175 cases later, Gwilliam is a nationally recognized plaintiff lawyer with a number of landmark verdicts and settlements to his credit. He's also had some notable losses, such as the one he deemed thematic of his life story. What he hasn't had in his professional life is regret.

"I'm very pleased that I chose the work I did," Gwilliam says. "I have a unique kind of perspective of being able to look back on my career and say I

never took a case I didn't believe in. That doesn't mean all cases were winnable or all cases were right, but they were cases that I believed in, and that's been a very rewarding part of my career."

That approach set Gwilliam on a path to notoriety among his peers. Throughout his career, he has been active and has held positions of leadership for industry associations such as the Consumer Attorneys of California (formerly California Trial Lawyers Association), for which he served as president in 1988, and Trial Lawyers for Public Justice, for which he currently holds the title of vice president.

As the one at the top of CTLA in 1988, Gwilliam took up a heated battle against tort reform and is as passionate today as he was 20 years ago about its effect on his area of work.

"The big change is that people know more about the civil justice system and are more prejudiced against it, unfortunately," Gwilliam says. "And it makes getting justice for my clients a lot harder than it used to be. I think if people understood that we stand up for the 'little guy' and don't promote frivolous lawsuits, life would be better. But we're never going to be able to compete with the big money that is trying to put us out of business."

Another trend in civil justice is the decreasing number of cases going to trial. More people are turning to mediation to resolve conflicts, Gwilliam says. And it's an area in which he expends most of his working energy these days.

### **Healthy, wealthy, wise**

Away from the office, Gwilliam and his wife walk together near their Alamo home every day, travel the world and enjoy visiting with family, especially their seven grandchildren. He now prides himself on staying in shape and feeling younger, saying, "Seventy is the new 50."

Lilly Gwilliam says there have been other noticeable changes in her husband: "He's become more real, much more genuine with his feelings and



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emotions. He's just generally more accepting," she says.

Ivary agrees: "To this day, he's the most authentic person I know. He's not afraid of what other people think."

Gwilliam believes his thick-skinned disposition and the success it has led to comes from learning to "trust in your-



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self," which in turn comes with a lifetime of experience. Take it from a man with more experience than one lifetime is supposed to offer.

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