



My Best Day as a Lawyer By Tim Gresback

I have tried numerous cases before a jury and celebrated many great courtroom verdicts. My best day as a lawyer, however, did not unfold in a courtroom. It took place on a baseball diamond with the New York Yankees at Safeco Field in Seattle.

Two years ago I met my client, Candelario Perez. He had come to the United States in 1999 from Panama, seeking a better life for himself and his children. Candelario first came to Idaho on a legal work visa, initially earning about two dollars per hour planting trees near Orofino.

Prior to coming to Idaho, Candelario worked as a fisherman in Panama for several years. He left behind his parents and two young children, Jorge and Yadi, to come to this country. As Candelario worked in Idaho, the school children in Panama teased Jorge: "Your dad will never come back for you." Jorge knew otherwise. The happiest day of his life was when he and his sister Yadi arrived in Lewiston to live with their father and explore the promise of America.

Calamity then befell the Perez family. Candelario was hired on as part of a crew to build a fence on treacherous rocky terrain. Sadly, the fence company provided no real safety equipment or training. While stretching a wire, Candelario fell off a cliff and landed on his head. It took paramedics four hours to get him to a hospital; he has not walked since.

Candelario's rehabilitation efforts were spectacular, but the cervical fractures left him mostly paralyzed from the chest down. This proud man was suddenly dependent upon others for even the smallest of tasks. Among his many health challenges, he must daily suffer the indignity of having a nurse, or sometimes his children, stimulate his rectum to evacuate his bowels. He lives in constant fear of a catheter infection; sometimes his blood pressure gets too low and he passes out; and, although paralyzed, he still has pain.

With his numerous limitations, I expected my client to become clinically depressed – if not suicidal. To my surprise, Candelario has accepted his injury. He does not like it, but he is not consumed by anger or self-pity. For example, he never complained when my legal team had to film him trying to get from his wheelchair to a bed, or while nurses gave him a shower. He fully trusted an American legal system even though it allowed company lawyers to depose his teenage children. He resisted the urging of some "friends" to fire me and get the lawyer who could "guarantee" millions. Instead he followed my advice, not only through his personal injury maze, but also on our successful naturalization journey. Candelario was sworn in last year as a U.S. citizen. The same facts that aligned so terribly to paralyze Candelario aligned beautifully in law. His material needs are now met; construction has begun on his specialized house.

As we worked together on his case, Candelario mentioned his dream of seeing his hero Mariano Rivera and the New York Yankees play a game. Mariano Rivera, the future Hall of Fame relief pitcher for the New York Yankees, has been Candelario's hero for many years. Like Candelario, Rivera is from Panama and moved to America for a better life. I told Candelario that when his case was done, we would travel across Washington to watch the New York Yankees play the Seattle Mariners. Our legal team purchased box seats for the game

and on Memorial Day weekend 2011, to Seattle we went – lawyers, assistants, investigators, friends, and family.

I did not know anyone in the Yankees organization. I did not know anyone who knew anyone in the Yankees organization. But personal injury lawyers are optimists. We sent letters to almost every person with the Yankees. We told Candelario's story; we told Jorge's story; we then waited on pins and needles. When I got the e-mail from the Yankees informing us that they would do something to make Candelario's day at Safeco Field "special," we were elated. The message, however, was cryptic. Did this mean Candelario would get to meet his hero? How could I prepare my client for an event, the details of which were left unclear?

On game day I arrived early at Safeco Field with Candelario, his children and nurse, and my 12-year-old son Luke. We were escorted downstairs. On our way to the field we stopped in the media room and gave a fake press conference. We then entered the playing field near home plate. Players took grounders to warm up. The field looked spectacular, the grass a vivid green.

We moved towards the Yankee dugout. The Yankee organization was waiting for us. The great Reggie Jackson, now a Yankee consultant, smiled as he walked by to talk to a Yankee player. Five-time All-star catcher Tony Peña, now a Yankee coach, hit fungos. Jaba Chamberlin, another Yankee pitcher, also came by to say hello.

The likelihood that Candelario would meet Mariano Rivera was not enhanced by the game the night before. Rivera rarely blows a save opportunity, as he did the previous evening. The Mariners scored a run on him in the ninth inning and had come back to beat the Yankees. I suspected Rivera would be in no mood to chat with someone he did not know. I was wrong.

Mariano Rivera walked out of the Yankees dugout and knelt down to Candelario's wheelchair level. Candelario was overwhelmed. Photos were taken and I assumed Rivera would quickly be on his way. Instead, he chatted in Spanish with Candelario and his children for 15 minutes.

Because I did not want to jinx the event by presuming that Candelario would meet his hero, I brought nothing on which players could sign autographs. Another Yankee pitcher, mid-inning reliever Louis Ayala, saw this, walked into the dugout, grabbed eight balls, and passed them to us so Mariano could sign them. Ayala, from Mexico, exchanged pleasantries in Spanish with Candelario's family and then, without urging, invited my son onto the infield to play catch.

After Mariano said goodbye to Candelario, our escort from the Mariners looked at his watch and gently reminded us that the game would soon start. As Candelario wheeled himself towards the exit tunnel, a player emerged from the Mariners' dugout. It was Cy Young Award winner Felix Hernandez, who visited with us – signed the same baseballs Rivera had – and wished Candelario well.

My best day as a lawyer climaxed before no jury, but on the infield of Safeco Field. The New York Yankees and Seattle Mariners gave great joy to a courageous man, injured in body, but resilient and inspiring in spirit.

Ed. Note: Tim Gresback is a sole practitioner in Moscow. He is a Past President of ITLA as well as the Idaho Association of Criminal Defense Lawyers and is an ITLA Certified Criminal Trial Specialist. Tim's practice now focuses on personal injury law. © Tim Gresback 2011