

Don't Assume You Have Tomorrow To Get the Big Things Done

A Texas lawyer, battling cancer, reflects on life and the law

BY JEFF BRAY

In 2006, I quit my job as a trial prosecutor at the Collin County District Attorney's Office. I had been there for three years, following stints as a white-collar and appellate prosecutor in Dallas County and as a juvenile prosecutor in Gregg County. I had worked as a prosecutor for 11 years. I was happy in Collin County, but I had a job offer from the Plano Police Department to become its senior legal adviser. The new job would be 10 minutes from our new house and just a few blocks from our newborn daughter's daycare.

I met my wife at baby prosecutor school in 1997. She was a prosecutor in Atlanta, Texas. She spurned my advances initially, but finally agreed to a date. She made me meet her at McDonald's because she did not want me to come to her house. A few months later, we were engaged.

Over the next several years, we talked constantly about having children, but the time never was right. We were changing jobs, paying off our debt, building up savings, waiting for a bigger house — any number of things that kept the time from being “right.”

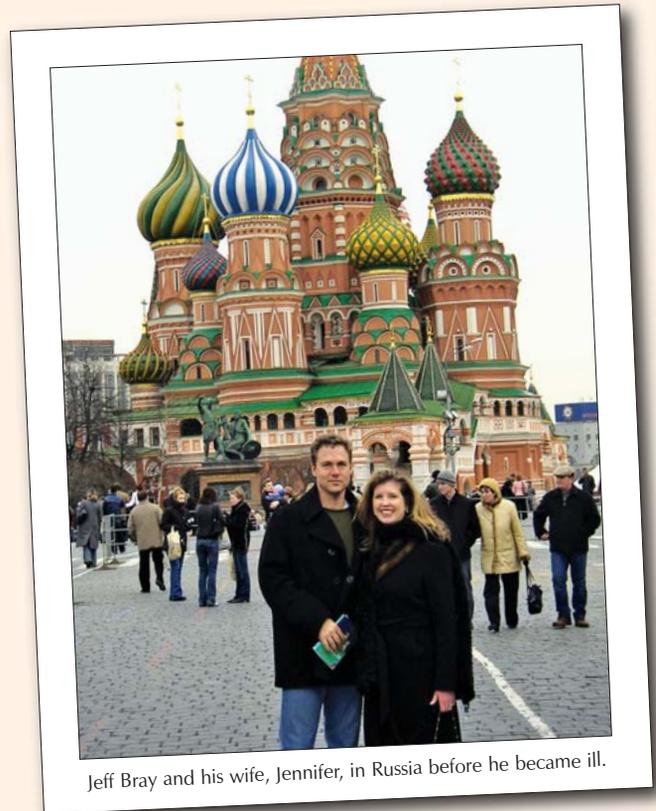
Everything came together in 2006. Our daughter, Charlotte, was born in October. We had just moved to a nice new house where you could actually get out of view of one another. I changed jobs in September. Things were great, but I started having odd symptoms.

In March 2008, I was diagnosed with cancer.

In the Plano Police Department, as in any police department or courthouse, if you show up with no hair or eyebrows and say nothing when a friend asks you “What's up?” people are going to talk. You will be diagnosed, and the diagnosis will usually be worse than what is actually going on.

I sent an email to everyone at work telling them that I had been diagnosed with cancer, was having surgery in April, and hoped to be back in the office a few weeks later. I had a lobe of lung removed in April and was back on the job (although a bit gimp) after a few weeks of recuperating and buying junk on eBay. My wife was happy for me to be back to work.

How I came to be diagnosed still amazes me. I had been having odd symptoms for months and had seen two doctors. They were uncertain about the cause but unconcerned. I had always wanted to speak in my own right at TexasBarCLE's Advanced Criminal Law seminar. To that end, I had written and edited numerous papers for other speakers, and had even filled in as a speaker in 2003. In early 2006, I contacted the course director, Brian Wice, to see if I could contribute anything to the program. He said all the speaking slots had been assigned but suggested I work with Vincent Perini on the Criminal Law Boot Camp that runs in conjunction with the advanced seminar. In



Jeff Bray and his wife, Jennifer, in Russia before he became ill.

2007 — in large measure, I suspect, based on Wice's advocacy — I was asked to speak at the advanced seminar on confessions.

I was thrilled and put a ton of work into the paper, although, looking back, the odd symptoms I was experiencing were having a serious effect on my composition skills. The seminar that year took place in Houston, where a high school friend and his wife lived.

I went to Houston the day before the seminar started and stayed with my friends. My friend's wife, a physician, had known me for 20 years and commented on my strange appearance. I had gained weight in odd places. While her husband and I were at dinner, she spent three hours on the phone with the Centers for Disease Control investigating my condition. When we returned, she was fairly certain she knew what I had, though not as certain what was causing it, and gave me a list of questions to ask my doctor.

When I returned home, I found a general practitioner. After six months of tests and going through two levels of specialists, I was diagnosed with Stage IV cancer. Cancer, if it has not spread, starts at Stage I. It goes no higher than Stage IV, meaning mine had spread aggressively.

Great.

My wife and I had planned our lives out very carefully, but not once did we factor this into the equation. We had the foresight to buy life insurance early, as I am now uninsurable, and I could not work at a better place to deal with this. I have taken days off for chemotherapy, but, thanks to technology, have pretty much been able to stay on the job throughout pre-surgery symptoms, surgery, recovery, chemo, and other treatment.

In my struggles with cancer, I have learned three lessons I wish I had learned earlier:



The Brays' daughter, Charlotte.

1. Be kind to others

I try to be nice to most people. It's easy and strategic to be nice to judges and jurors, but we don't always extend the same courtesy and respect to courthouse security, parking lot attendants, and administrative staff. Once you get in the habit of this, it becomes second nature.

There is also a practical benefit to this attitude. Friendly people get calls returned quickly. Friendly people have an easier time setting and resetting cases. Friendly people have better success in plea negotiations. In sum, clients of friendly attorneys benefit from their attorney's conduct, as does the attorney.

There is another aspect of this behavior from which I have benefited. You will be amazed at the effect of the unsolicited kind things you do for other people. Had Brian Wice not made the effort to get me involved in the Advanced Criminal Law seminar, I would not have been in Houston for my friend to diagnose me. I was a prosecutor; Brian is a defense attorney — not always the easiest mix. Nevertheless, his act of kindness led to a diagnosis that could have been delayed for years, with potentially tragic results. Similarly, had my friend's wife not made the effort to discover what was wrong with me, who knows how long I would have gone undiagnosed?

2. Let others help you

Texans are independent, Texas men especially so. We are loath to accept help, even when we need it. We don't ask for directions, and we sure don't need assistance doing things we should be able to do ourselves.

Yet sometimes we do need help and refuse to admit it. This may involve reviewing a discovery response or putting together a last-minute filing. People are naturally inclined to help you — they even want to, if you will let them. It certainly helps if you have followed principle one, above.

In my case, two acts of kindness out of many stand out. When I was set to go into surgery, it was the second day of a three-day training session for police academy students at a local community college. On short notice, eight prosecutors from the Collin County District Attorney's Office teamed up to teach the class for me. After surgery, I was hobbling around at home, doped up on painkillers, refusing to admit I could not take care of my own yard. We had a new house on the one-acre lot I had always wanted. By God, I could take care of my own property! Except that I couldn't. It was a great relief when I accepted my brother-in-law's offer to mow the yard. I lost a small maple, but he felt good. People will help you if you let them.

3. Don't assume you have tomorrow to get the big things done

My wife and I planned carefully when to have our first child. Our jobs had to be right, our savings and income had to be right, and our house had to be right. Due to circumstances beyond our control, our first child may well be our only child. Perhaps we should have enlarged our definition of when the "right" time was.

This tendency doesn't apply only to children, although when to have children is one of the biggest things that people —

especially lawyers — put off because of their careers. I am not advocating throwing caution to the wind and breeding like rabbits when you are just out of law school and staring at a mountain of debt. I am advocating less restrictive conditions on when to take the plunge for big events, such as having children, getting married, running for office, or starting a business.

I wish I had done more of these things throughout my life. My life is not over by any stretch of the imagination, but if I had made these adjustments before I got sick, I would be better off for it. Hopefully, my friends in the bar can benefit from what I have been through without having to experience it themselves.

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