

BALANCING LIFE AS A MARINE CORPS RESERVIST AND A TRIAL LAWYER

by Cory R. Weck

I'm a United States Marine and trial lawyer.

Over 23 years ago, I stood at the position of attention and took the Oath of Office as a United States Marine Corps Officer. I was graduating from Officer Candidate School in Quantico, Virginia. I was handed my EGA (Eagle, Globe and Anchor) and had my shiny second lieutenant bars pinned to my epaulettes on my shoulder by my proud mother and girlfriend (now wife). It was the culminating moment of months of preparation for a program whose mission is to evaluate and screen individuals for the leadership, moral, mental, and physical qualities of a Marine officer. A program designed to weed out the weak or those who would cost Marines lives on the battlefield. Nearly 50 percent of our platoon either mentally or physically broke during the course. As I was handed my EGA, I felt I was bullet proof and invincible. Finally, I had earned the title of Marine and it changed me for the rest of my life.

I served my active duty days in the typical Marine Corps fashion—in whatever billet or job the Marine Corps needed. In a relatively short period of time I went from defense attorney to company commander to prosecutor. All Marines understand they are Marines first regardless of their specialty, to include being an attorney, an aviator, or supply officer. After serving my required time on active duty, I left Camp Pendleton where I had been serving as a prosecutor for 1st Marine Division to join a plaintiffs firm in Redlands. At that time, I was on the fence as to if I should stay in the active reserves.

Admittedly, I was concerned about staying in the Marine Corps reserves as the terrorist attacks on 9/11 had just occurred and war was brewing on the horizon. I was further concerned as I had heard horror stories from other Marines that had recently left active duty to find employment difficult in the civilian community. Many firms weren't sure how to interpret my trial experience in the Marine Corps. Even a few were surprised to learn that Marine Judge Advocates went to law school and passed the bar exam. I was advised not to even mention that I was going to stay in the reserves as many employers includ-



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ing law firms were not only wary of hiring veterans, but down right resistant to hiring National Guard and Active Reservists. Unfortunately, that resistance might be for valid reasons, despite nearly universal public support for our military.

Having a military reservist as an employee brings a lot of benefits many employers fail to consider. They respect authority and follow orders;

they are often leaders and understand working in a team environment. They have self-initiative and are no strangers to stress or adversity. However, there is also a cost to the employer due to the significant time a reservist commits to on a yearly basis.

How does a law firm run with one of its critical members being absent for a MINIMUM of nearly 40 days a year for just normal required duty in the reserves? For those firms that operate on the billable hour, those hours for those days can have a significant impact on a firm. That impact is even worse for the employer and the reservist when one is deployed for 12 or 18 months at a time and sometimes repeatedly over several years. While it's illegal to discriminate against guard or reservists, the practice is widespread and often subtle, even among government agencies. In fact, in 2011 the two employers that faced the highest number of discrimination complaints was the Department of Defense and Veterans Affairs. For the reservists, the stress of deployments can be overwhelming. Many employers do not pay the salaries of reservists while deployed, forcing the reservist to use vacation time



(l-r) Capt. Andrew Bagnell, Maj. Marc Tilney, Cory Weck, Maj. Phil Davis, and Mr. James O'Donnell

if available or a significant pay cut between their civilian pay and their military pay. My 15 years in the reserves was a constant struggle to maintain the balance between my civilian law firm, my family, and the military.

The stress of balancing my civilian practice with my military career was always present. There was never a "convenient time" for my military duty as there was always a trial coming up or a family event that was planned prior to me receiving orders to duty. Sometimes, those calls would come with just one day of notice and the Marine Corps expects its reservists to be ready to answer that call. I once received a call from my Colonel who just casually stated only "I need you on a plane. How quickly can you get here?" I put everything immediately on hold in my practice and gave my wife the news that I was just tasked to lead parts of the investigation into a crash of one of our MV-22B Ospreys on Oahu on May 17, 2015. I told my partners and my wife and then caught the next plane.

On the flip-side, the impact of working as a civilian can also have a negative impact on the reservists' military career. As a Marine officer I was expected to adhere to the same rules and standards as my active duty counterpart. It was certainly much easier to stay in shape while on active duty (it's part of the daily job to train) than it is to squeeze in the time to train during the day of a busy trial prac-

tice. Even more egregious of an example was when those officers had to turn down orders to Iraq or Afghanistan because they simply couldn't sacrifice a year or more overseas at the expense of their private practice. Many of those officers that declined to deploy were passed over for promotion. The Marine Corps expects an officer to answer the call to fight, and failure to do so, despite the impact on your practice and family, can have a serious impact on your military career. While there are many fine attorneys who have balanced their military career with their civilian practice, I've known just as many other reservists who have struggled to balance the two.

On November 11, our country will honor those who have served in uniform of our armed services. With nearly 38% of the uniformed services made up by reservists, my one ask of the reader is not to thank them for their service, but to remember their sacrifices that they and their families make throughout the year both in uniform and in their private practice.

Cory R. Weck is the managing partner of the personal injury division of McCune Wright Arevalo in Ontario. Mr. Weck also just recently retired from the Marine Corps after 23 years of service.



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