

Why I Became A Lawyer: A Fateful Phone Call

By **Jason Brookner** (June 12, 2019, 4:04 PM EDT)

This article is part of a monthly series in which attorneys reflect on the formative life experiences that helped lay the groundwork for their careers in the legal profession. In this installment, Jason Brookner of Gray Reed & McGraw LLP recounts how a timely parental phone call and a charismatic law school professor helped determine the course of his career as a lawyer.

It was the summer of 1991, and I was backpacking through Europe with my best friend, Seth. We had just made our way to the Prague city center and the home of Seth's aunt's best friend — they were gymnasts together on the 1968 Czechoslovakian Olympic team. At this point, we had been traveling for several weeks without phoning home, so it was time to check in.

I called my mother in Queens — collect, of course — and told her that over the past few weeks I had been doing some long and hard thinking about my life choices, which had resulted in a course correction: I was going to defer my acceptance to Hofstra Law for the fall of 1991, stay in Europe (somewhere) to teach English for a year, and then come home and go to culinary school.

When I was growing up, my mother was always the more mild-mannered parent, and the peacemaker among my four family members. Never one to yell or punish or overreact, she always counseled kindness, thoughtfulness and calmness. All of that went out the window during that fateful collect call from Prague.

She was screaming so loudly, you could hear her straight across the Atlantic Ocean and the European continent; there was no need for a telephone: “YOU’RE DOING WHAT?? NO, YOU’RE NOT. YOU WILL GET YOUR @\$*&ING A\$\$ BACK TO NEW YORK AFTER YOUR TRIP AND YOU WILL GO TO LAW SCHOOL. I DON’T WANT TO HEAR ANOTHER WORD. END OF DISCUSSION.”

Needless to say, that was not what I expected, and strangely, my dad, who was always (and is still) the vocal parent, was nowhere to be seen or heard — he was leaving this one to mom. I went into damage control and self-preservation mode.

What could I say that would calm her down, and allow me to enjoy the remainder of my trip? Because mom yelling — at a volume I had never heard or experienced from her — was serious business, and



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would haunt me until I returned home if I didn't deal with it. She rarely got angry, never mind used 4-letter words.

I looked over at Seth, who had heard everything. He shrugged at me, with that look only a close friend can give you, that says "I love you, man, but you're on your own for this one."

I thought for a second, and then it came to me. On an even keel, I responded to her: "Ma, I'm taking out a lot of loans to go to law school, and I am not going to just go through the motions and owe a ton of money for something I don't want to do with my life. So I will come home as scheduled, and I will start my first year as planned in the fall. But I will go to law school for one semester only, and if I don't like it, then I'm done. If I do like it, well, then, we'll see how it goes from there."

Seth was impressed that I came up with that out of thin air. So was my mother, mostly. "OK," she said, "that's fine." Then came the sternly toned kicker, just to make sure that I knew she was not messing around: "I am CONFIDENT that you will enjoy it and decide to continue after your first semester is over."

My mother always worked for lawyers. She started as a secretary in the litigation department at Paul Weiss in 1963. After several years at Paul Weiss, she went to work for an entertainment lawyer at Pryor Braun Cashman and Sherman.

I was born in 1969, and then my sister in 1973. Eventually, once we were of school age, mom went back to work for a small law office in Kew Gardens, Queens. Over the next 15 years, she secured her paralegal certificate and ran the office, teaching the young lawyers how to actually be lawyers, drafting documents, talking to clients and, on occasion, being appointed as a state court conservator.

These were my formative years, and I spent a lot of time in that office just kind of hanging around, talking to the lawyers, doing odd jobs for the boss (like organizing all of the office files), listening to the lawyers talk to each other and to clients, watching closings, sitting behind the boss's desk and swiveling in his big leather chair, getting rides in his Porsche Targa, hearing stories about judges and clients and other lawyers, and meeting local state court judges and politicians.

I even went to court on occasion, to watch the boss spin his golden thread. Man, was he good. Smooth; handsome; smart. And, oh, did I mention that he drove a Porsche, with a Blaupunkt stereo? I saw how he and the other lawyers in the firm worked and lived and played. His practice was varied, but focused mostly on elder care, health care and estate planning matters.

Growing up, that was what I knew. The allure was fascinating. And since my parents always drove me to be a professional — so I didn't have to struggle the way they did — becoming a lawyer seemed like the natural choice.

After leaving that firm, mom spent two or three years at a health care and elder care-focused law firm on Long Island, and then she returned to Queens to spend the next 14 years as the Queens County



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D.A.'s right hand.

So, of course, I was a political science major in college, and took the LSAT. Shortly thereafter, however, I started having second thoughts. I really liked to cook, and a job as a chef seemed exciting, novel, interesting and fun — moreso than reading law books and making arguments all the time.

Next thing I knew, the phone call from Prague took place.

I returned to the U.S. after my trip was over, and started at Hofstra Law in the fall of 1991. And I actually liked it — a lot. So I dug in and tried to do my best.

Cut to the summer of 1993. I was looking through the course offerings to register for the first semester of my third year of law school. Although I'd originally planned a legal career centered on estate planning and the like, by this time I had drifted to the concept of being a generalist.

"Hmm," I said to myself. "What is this 'debtor/creditor' class? Maybe one day I'll have a client who is a debtor or a creditor. That could be a good course to take."

I decided to sign up for the course, which was being taught by someone I had not met and did not know: Alan N. Resnick, the Benjamin Weintraub Distinguished Professor of Bankruptcy Law.

On the first day of class, we all settled into our seats. Alan walked in, and opened effectively with this hypothetical:

"So, you represent Jones' Shoe Store. Jones is in debt, and cash flows are suffering such that Jones can't pay its rent or its vendors (Nike and others), and is now struggling to make payroll. How do you advise the client? Tell him to lock the door, throw the keys in the sewer and go home? File for bankruptcy? Something else?"

And I was hooked. The whole semester revolved around Jones' Shoe Store, modifications to the hypo, and different elements of a business bankruptcy (with discussions of personal/consumer bankruptcy laced in). Alan was unlike any other professor I had in college or law school. He connected with the students. He told a story. He made you think about real-world problems and how they could be solved (or not) by that thing called the bankruptcy code. It was remarkable. He was awesome. And entertaining, and thoughtful, and painfully smart.

As the course unfolded and we learned the bankruptcy code, its history and concepts, such as the Deprizio doctrine, avoidance actions, cramdown and the absolute priority rule, and the new value exception, I realized this was for me. I came to love how the bankruptcy code is like the ropes around the boxing ring, and a Chapter 11 case is like a wrestling match: You can use the ring and its parts to your advantage and be creative about it — by bouncing off the ropes, jumping off the top turnbuckle, bobbing and weaving — as long as you stay within the ring.

And then, after taking Alan's advanced writing class and having my article published (with his assistance), the deal was sealed. Not only was being a bankruptcy lawyer for me, I couldn't not do it. I had to do it.

When I was young, I never heard any kids say, "I want to be a bankruptcy lawyer when I grow up." To the extent anyone I knew even wanted to be a lawyer, instead of a baseball player or a rock star, it was

someone famous, like we heard about and saw in the news and on TV: lawyers like Gerry Spence or F. Lee Bailey, or those portrayed on L.A. Law. Alan Resnick, however, changed all of that — for me, and for any number of his students at Hofstra who both preceded and succeeded me.

Had my parents not driven me to be a professional — and had my mom not completely lost it on me during the summer of 1991 — I never would have met Alan, a great man whom I had the honor and privilege to call professor, mentor, colleague and friend, until his untimely passing in July 2016. I had the good fortune to work with Alan at Fried Frank Harris Shriver & Jacobson in 1996 and 1997, and we remained friends thereafter. Thank you, mom and dad. And thank you, Alan.

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