

Rob Wood Honored With The 2006 *V. Judson Klein Award*



The Taxation Section of the California State Bar is pleased to have presented the 2006 *V. Judson Klein Award* to Rob Wood at its Annual

Meeting held on November 3-5, 2006. The Klein Award is presented to honor a California attorney who exemplifies the qualities that made its namesake loved and respected by his tax colleagues. V. Judson Klein, who died at the young age of 42 in a tragic accident, was the first Chair of the Taxation Section and was known for his keen and imaginative intellect, passion for the law, and great personal integrity and professionalism.

This year's Klein Award recipient, Rob Wood, was born in Des Moines Iowa in 1955, and grew up in Iowa and California. He has been married to Bea Wood for 27 years, and they have one daughter, Bryce. After College at Humboldt State and a year at Sheffield University, England, he attended the University of Chicago Law School on scholarship, and won the Florence James Adams Prize in the Humanities. He clerked at Damant Bostock in South Africa after his first year in law school, and at McCutchen (now Bingham McCutchen) in San Francisco the following year. Joining McCutchen after graduation, he was a partner at Steefel Levitt & Weiss and Bancroft Avery & McAlister before opening in 1993 what is today Wood & Porter.

An English major in college, Rob tried to combine his love of writing with his love of tax law. He has authored 32 books and over 1,000 articles, ranging from tax aspects of

litigation to independent contractor controversies, from choice of entity to home offices. Writing extensively on acquisitions, he founded *The M&A Tax Report*, a newsletter on acquisition trends. Launching his own publishing company in 1991, he later sold *The M&A Tax Report* to CCH, but still serves as Editor-in-Chief.

A member of many state bars, Rob works in the United Kingdom and is admitted to its Roll of Solicitors. Named among the best lawyers in America (by *Forbes* and others), he is an elected Fellow of the American College of Tax Counsel, and frequently serves as an expert witness throughout the United States. Although speaking at major tax institutes, Rob prefers non-tax audiences, including employment lawyers, business intermediaries and structured settlement brokers. He occasionally does radio and TV broadcasts, including regular commentary on the Legal Broadcast Network and Sky Radio. He has taught at Hastings and Golden Gate law schools.

Rob is best known for his expertise on litigation recoveries, and this remains a core part of his practice. Now in its third edition, his book *Taxation of Damage Awards and Settlement Payments* (Tax Institute 2006) is regarded as the definitive treatment of this subject. He also wrote BNA's Tax Management Portfolio on this subject (plus several others), and appeared in BNA's 2006 Tax Authorities Calendar. Consulting on such notable matters as Microsoft's landmark antitrust litigation, seminal whistleblower cases, tobacco and fen-phen litigation, and key civil rights actions, he's worked with lawyers from Johnnie Cochran to John Kecker to David Bois. His clients range from public figures to the ACLU,

multi-national companies to nonprofits, billionaires to sole proprietors, company founders to criminal defendants.

Although Rob works on sophisticated matters such as letter rulings and opinions, he loves diversity. He won a case before the State Board of Equalization challenging sales tax on produce consumed by zoo animals. He won another involving a diamond merchant's sales to celebrities. He has appealed property taxes for wind farm operators to OJ Simpson's neighbors. He successfully contested New York estate tax when a terminally ill client left New York via private hospital jet, and won a Ninth Circuit appeal striking down a long-standing Treasury Regulation.

Rob has represented German inventors, South African developers, Chinese herbalists and New Zealand deer farmers. He helped a French client purchase (and then sell) a French bicycle tour company; sold a boutique cosmetics brand to luxury goods giant LVMH; and sold a UK software company to Europe's largest private equity firm. Many of his clients have been featured in the Wall Street Journal, *Forbes* and 60 Minutes; several were portrayed on the big screen by John Travolta and Russell Crowe.

Rob served on the Executive Committee of the Tax Section from 2000-2003. A big fan of the Washington DC delegation, he participated for three years. Certified as a Specialist in Taxation since 1987, he served on the Board of Legal Specialization's Taxation Law Advisory Commission from 1989-1992, Chairing it in 1991-1992.

Enjoying trips with his wife, he has traveled extensively throughout Africa,

Australia, South American jungles and the North Pole. A member of the Bohemian Club, he enjoys music and theater, and he and his wife never miss a movie.

Unfortunately, Rob Wood was ill and could not personally appear to receive the *V. Judson Klein Award*. His partner and friend, Dave Porter, read Rob's comments at the luncheon program:

"I'm both honored and surprised by this award, but mostly I am humbled to find myself in the company of such distinguished past recipients. They are not only achievers, but devoted to service to the tax bar and to our tax system. I know I pale in comparison. As I look at the ranks of my contemporaries in the tax bar, I see dozens of people who deserve this award considerably more than I do.

In fact, when Stuart Hurwitz called me some months back with the news that I was the honoree, I was sure he was mistaken, that while he seemed serious enough, the rest of the people at the state bar and the tax section would surely find out about this mistake and fix it soon enough. So, I guess you can see I don't take this award for granted.

At the same time, and without meaning any disrespect to the bar, to this organization, or this award, named for a man I must admire based on all I've read, I'd like to use this opportunity to speak to those of you in the room who will someday stand here where I am

standing, to help in some small way to shape careers that will surely be bright, probing, and filled with promise. Since some of you must think I know something, I want to use this podium to give you one piece of advice: pursue what you find interesting, and do it with passion.

It sounds a little odd even to me—tax lawyers pursuing tax with passion—but I guess it's time for me to stop apologizing for liking what I do, for the intellectual challenge of it, the brinksmanship, the word-smithing, the problem solving. There are always things we like doing more than others, and you should do more of these. If you like spin offs, do them, write about them, dream about them, offer your services for free. Form spin off charities. Try to become expert. If you like appellate tax controversy work, hang around the Ninth Circuit, meet appellate lawyers, write and speak about these issues. If you want to be a tax generalist, be that. Focus on demystifying our system. Few of us do that, and it needs it.

One thing is certain, and that is this: there is always more you can do. I have miles to go before I sleep, as Robert Frost famously said. That is true for all of us. The trick is in enjoying the ride so much that it is not work. And to circle back to why I'm here, that clearly is why. I've done what I like doing. Yet, that is a double-edged sword.

It makes any accomplishment much more than it otherwise would be,

imbued with plain old vim and vigor. Conversely, it makes accomplishments not so great after all. For climbing a mountain is simply not hard work at all if every step is a joy. Put differently, I hope you'll all feel as I do, much like the antihero of Kafka's story "*A Hunger Artist*," who says with his dying breath after a record-setting fast, that it really wasn't hard at all, that he didn't accomplish much, and indeed, that he would have been eating quite as regularly as anyone else if he had only found a food he liked.

For me, and I hope also for all of you, there is so much intellectual food in our lovingly complex and tediously Byzantine tax system that there's no danger of starvation. Feast on it. Find your own favorite dishes, not one or two but dozens.

And lastly, no matter how much you revel in all this, take time for your families, however they are configured. Find a way to supercharge your career and your personal life too. I learned some of that late, but not too late. My wife Bea and my daughter Bryce make my life worthwhile. Bea in particular has put up with all my mistakes, my moods, my drama, my hyperbole. Any success I've achieved is plainly and unequivocally hers.

Thanks to all of you, to my mentors, my contemporaries, and to my younger colleagues who will some day lead the State Bar and this Tax Section. Good luck."