Whatever Happened to Atticus Finch?
By Roger A. Stetter

“There is a vague popular belief that lawyers are necessarily dishonest . . . . Let no young man [or woman] choosing the law for a calling, for a moment yield to this popular belief. Resolve to be honest at all events; and if, in your own judgment, you cannot be an honest lawyer, resolve to be honest without being a lawyer.”
—The Portable Abraham Lincoln (Notes on the Practice of Law, 1850)

Harper Lee’s To Kill a Mockingbird is the most widely read novel about a lawyer ever written in the United States, and Atticus Finch — so marvelously portrayed by Gregory Peck in the film adaptation of Lee’s novel — will always be considered a hero who nobly fights against oppression and injustice.

A Reluctant Hero

Atticus was a small-town country lawyer who never attended college or law school. He went to Montgomery, Ala., to read law. After he was admitted to the bar, he returned to his home town in Maycomb, Ala. — an imaginary town in the rural South — to begin his practice and opened his office in the county courthouse.1

Atticus was not a criminal defense lawyer and could not have welcomed the appointment by Judge Taylor to defend a black man accused of raping a white woman in the rural South in 1935.2 He was new to the law and would have himself chosen a more seasoned defense lawyer. Speaking to his brother, Jack, he said: “You know, I’d hoped to get through life without a case of this kind, but John Taylor pointed at me and said, ‘You’re It.’” Atticus knew it was a case he could not win and that he would risk his law practice and endanger his family by putting up a zealous defense. But being a morally courageous lawyer and a fine human being, he gave Tom Robinson the best defense possible under the circumstances.

As he explained to his daughter, Scout: “. . . This case, Tom Robinson’s case, is something that goes to the essence of a man’s conscience — Scout, I couldn’t go to church and worship God if I didn’t try to help that man . . . before I can live with other folks I’ve got to live with myself.”

Popular Fiction and Current Reality

There are likely thousands of lawyers who have the courage and moral character to do what Atticus Finch did for Tom Robinson. But times have changed dramatically over the past half century.

Atticus did not have to pay any tuition to obtain his law license. In 1968, when I entered law school, my tuition was $1,000 a year. Without the burden of student loans to pay off, I had
the true freedom to try my wings, starting my career however I pleased. I chose to work as a legal aid lawyer, getting my feet wet and my hands dirty right away — writing pleadings, working directly with clients and, best of all, going it alone before real judges to plead my clients’ cases. I was never “second chair” or associate to anyone. My starting salary was $8,700 a year.

I was also fortunate that, while in law school, I was able to take elective classes of no practical value in a courtroom, but which helped me understand the whole picture and to become more of a whole person, more than a law machine.

Back in 1971, the brightest law grads could immediately get on an escalator heading up, and the very top law firms encouraged them to spend 20 percent of their time doing pro bono work while collecting a starting salary of $35,000 a year, equal at that time to the pay received by a Justice on the United States Supreme Court. Even students graduating at the bottom of any top law school were offered good jobs in major corporate law departments — jobs which are very difficult to find today.

Now there is no escalator except for the select few. Even they are more often than not burdened with exorbitant student loans and expected to bill an average of at least 2,000 hours a year. A lawyer working six days a week needs to work at least 10 hours a day to produce 2,000 billable hours a year. It is not possible to work these hours and maintain a personal life. Not surprisingly, associates working in these “elite” law firms are far from happy in their work — unless their particular goal is to reap the benefits of power, money and fame as soon as humanly possible.

The understood goal of working hard and learning the practice of law is not to get stuck doing work you do not enjoy and having to sometimes exaggerate your time sheets because you have student loans to repay. Yet how does one walk away from a six-figure income at a prestigious law firm? After years of high expectations and ramen noodles, it’s understandably hard to say no to the immediate gratification of such rewards. After all, you’ve earned it, right?

It’s not an easy decision to give up the financial rewards and other benefits of working in a big law firm. And some lawyers are perfectly suited to such a practice. But for those who are not, there are a wide range of options to consider.

If you are fortunate to be working, determine to pay off your loans as soon as you can while practicing law the way you want to. If you are bored with your work, don’t be too starstruck that you find yourself afraid to change your practice area or your practice setting. You can even look beyond the private practice of law to other worthy pursuits. Public service work (which might offer the option of loan forgiveness) and teaching come immediately to mind; professional full-time mediating or writing (including law publishing and journalism) are other options for lawyers.

If you do work for a big law firm and feel that it is not fully meeting your emotional and intellectual needs, discuss your concerns with a senior partner in the firm and request more time to do pro bono legal work, write, teach and/or spend more time with your family. Even if by doing so you may not be invited to join the partnership, you will earn the respect of your colleagues and eventually move on to a career that allows you to be the kind of lawyer you were always meant to be.

A growing number of major law firms offer career associate positions which enable lawyers to work fewer hours and spend more time with family and friends while still doing interesting work. These non-partner-track positions pay less money but offer a healthier, more balanced lifestyle.
Conclusion

Whatever you do, don’t settle for anything less than a satisfying career and a clear conscience. You do not have to own a Porche. You do not have to play golf if you don’t want to. You may have to postpone a family but not forever.

Don’t believe that there aren’t enough jobs for law graduates. All persons living in America who are charged with a serious crime have the right to counsel, but what about law-abiding people who are confronted with legal problems of a civil nature? What about the millions of Americans and others throughout the world who are in dire need of legal services, have no civil rights or cannot afford to exercise them? Not since the Great Depression has there been a greater need for men and women trained in the law and dedicated to the proposition that it must be used to promote the common good.4

I believe that it is absolutely possible to have a fulfilling legal career and encourage you to set your sights on a law practice that you truly enjoy. The choice is yours.

FOOTNOTES

1. The story of Atticus Finch is narrated by his daughter, Scout, who is undoubtedly the author herself of To Kill a Mockingbird, Harper Lee. Atticus is modeled after Lee’s father, an Alabama lawyer who once represented two blacks who killed a merchant and were hanged in the county jail. Harper Lee attended law school at the University of Alabama but did not graduate. See Timothy Hoff, “Influences on Harper Lee: An Introduction to the Symposium,” 45 Ala. L. Rev. 389, 392-96 (1994).

2. Not long before Tom Robinson’s trial, the United States Supreme Court held that indigent defendants are entitled to counsel in capital cases. See, Powell v. Alabama, 287 U.S. 45 (1932).

3. Prospective law students should consider going to less expensive law schools of which there are many that provide a quality education in law. Great law teachers abound in virtually all law schools accredited by the Association of American Law Schools (AALS). See, e.g., The Best Cheap Law Schools; The Top 10 Least Expensive Public Law Schools: Law Schools that Won’t Break the Bank; Paying for Law School (on the Internet).

4. “In civil proceedings like divorces, child support cases, home foreclosures, bankruptcies and landlord-tenant disputes, the number of people representing themselves in court has soared since the economy soured. Experts estimate that four-fifths of low-income people have no access to a lawyer when they need one . . . .” See Editorial: Addressing the Justice Gap (New York Times, Aug 23, 2011).

Suggested Reading


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Considerations for Making Beneficiary Designations for Life Insurance, Annuities and Retirement Accounts

By John F. McDermott

Only 44 percent of American adults have made a last will and testament. Major reasons given for failing to have a testament are that it is too complicated and that there are too many things to consider. Yet, almost everyone has designated the beneficiary of his life insurance policy or a retirement account. These policies and accounts can be significant assets and often comprise a major portion of an individual’s estate. When a policy is acquired or an account is opened, a beneficiary designation is made because it is required as part of the application. The designation is made perfunctorily, forgotten about, and too often receives no further consideration. Beneficiary designations need to be reviewed as an essential part of any estate plan. A perfect time to do so is when the testament is being prepared. An estate plan is not complete until the testament has been executed and beneficiary designations have been reviewed and revised as necessary.

All of the considerations that go into making testamentary bequests are relevant in making beneficiary designations. First and foremost is who is to receive the benefits. Is there more than one? If so, who is to receive what, in what portions, and in what priority? Next to consider is how the benefits should be transferred. Is the intended beneficiary capable of managing the assets? Are they impaired in any manner or subject to detrimental influence? What is the financial status of the beneficiary? Do they have creditors standing by? Is the intended beneficiary receiving governmental assistance with medical or living expenses? Is the beneficiary minor? Is the beneficiary a charity? Are there estate tax implications? The answers to these questions will dictate who is to receive and how they should receive benefits. Assuming these questions are answered in the course of preparing the testament, this article will discuss the issues involved in implementing them with beneficiary designations. The mechanics and considerations for making beneficiary designations are similar for life insurance policies, annuities and retirement accounts. Therefore, consideration will be given first to life insurance policies and then to annuities and retirement accounts.

An application for a life insurance policy will include a beneficiary designation form that will permit the naming of one or more primary and secondary, or contingent, beneficiaries. Further, the policy will have provisions stating how proceeds will be distributed in the absence of a valid beneficiary designation. The beneficiary may be one or more natural persons, trusts, corporations, limited liability companies, partnerships, or a combination thereof. The beneficiary can also be the estate of the insured.

If one person is named as primary beneficiary, all proceeds will be paid to the beneficiary if he survives the insured. If more than one primary beneficiary is named, the portion to each must be stated and the portions must total 100 percent. If individual portions are not stated, then all named beneficiaries will be treated equally. However, the policy will contain provisions in case the stated portions do not total 100 percent, or if, for any reason, there is an extra portion. Some policies state the first named beneficiary will receive the extra portion. Other policies
provide that the extra portion will be divided among the beneficiaries equally or in proportion to their stated portions.

If there are multiple principal beneficiaries, and one dies before the insured, the proceeds will be divided among the remaining beneficiaries. Policies differ on how this reallocation is made. Some policies will reallocate equally among the remaining beneficiaries. Other policies will reallocate proportionally based on the share designated to each named beneficiary. It is important to know what the policy provides, and, if it is not what is desired, specific instructions need to be provided to the company. Most companies will allow such modifications to be made. However, nothing will be distributed to contingent beneficiaries if any of the principal beneficiaries survive.

It is common for spouses to name each other as primary beneficiary and children as contingent beneficiaries. If both spouses have made similar designations, it is virtually assured that the primary designation will be effective for only one of the spouses’ policies, and that being the policy of the first spouse to die. Of course, it is advisable that the surviving spouse revisit the beneficiary designations after the spouse’s death, but this does not always happen. In such cases, the contingent beneficiary will apply.

When children are named as beneficiaries, they can be designated individually by name or as a class, such as “all my children.” Naming children individually allows for allocating different shares among them. If designated by class, all will be treated equally.

As discussed above, the share of a deceased named beneficiary gets reallocated to the other named beneficiaries. This may not be the intended result when children are the beneficiaries. Under Louisiana law, we understand the principle of representation that takes effect ad infinitum in the direct line of descendants to cause legacies or inheritance to flow to children of a deceased heir or legatee. Representation does not apply in the contractual world of insurance policies. If a child is named as beneficiary, and, if it is the intent that the child’s share should go to his child or children, it is necessary to make a “per stirpes” beneficiary designation. The term “per stirpes” is similar to the Louisiana term “by roots.” It means that the children of a named beneficiary are to receive the share allocated to the beneficiary if the beneficiary does not survive the insured. Most beneficiary designation forms contain instructions on how to make a per stirpes designation. Sometimes there is a box to check; sometimes the term “per stirpes” must be written immediately after the beneficiary’s name. It is important to understand that a per stirpes designation is not the usual policy provision. If it is desired, it must be stated.

If it is desirable to create a trust for testamentary bequests, it probably makes sense to use the same trust if the beneficiary thereof is to be the beneficiary of an insurance policy or retirement account. If a trust is to be designated as beneficiary, care needs to be given to accurately name or describe the trust. In the case of an inter vivos trust, most companies will require the name of the trust, the date of the trust, and possibly the name of the trustee. They might also require a copy of the trust instrument. If a testamentary trust is designated, it is usually sufficient to simply make reference to the testament that created the trust. A testamentary trust designation may be as simple as “the testamentary trust per the Last Will and Testament of Joe Smith.” Because testaments are subject to revision, try to avoid describing the testamentary trust by reference to the date of the testament.

The beneficiary designation form cannot anticipate nor provide for all variations of possible designations. If a designation is not accommodated by the form, the company will allow a statement to be attached making the desired designation. If a statement is to be used, it should be submitted to the company for review. Most companies will cooperate with reviewing and
advising on language to be used to accomplish the desired designation. The insurance agent can assist with this process.

Obtaining confirmation of any change is also important. I had a case where we asked the agent to confirm a change that had been made. The agent checked and responded saying the company had acknowledged receipt of the change. A second-hand verbal acknowledgment is not sufficient. Adequate written confirmation consists of seeing the beneficiary designation of record with the company. When we finally received a copy of the company’s records, it was not correct. The company had processed a change of ownership but had failed to process a change of beneficiary that was submitted at the same time. Because we checked, we were able to make appropriate corrections.

The same considerations discussed above apply when making contingent beneficiary designations. If no valid primary or contingent beneficiary designation is in effect at the time of death, the policy contains default provisions to determine who will receive the proceeds. Again, the policies vary. A common default provision is to distribute, first, to the surviving spouse, if any, then to children, if any, then to the insured’s estate. Variations might change the order of priority, leave out or add to the list, or stipulate per stirpes. The only way to know for sure is to read the policy.

It seems simple enough that proceeds would be paid to a named beneficiary who survives the insured. The normal expectation is that the beneficiary’s rights to receive the proceeds vests at the moment of the insured’s death. This is not necessarily the case. Some policies require the beneficiary to survive the insured for a period of time. One policy provided that unless proceeds were sooner distributed to a living beneficiary, the proceeds would be paid only if the beneficiary survived the insured by 30 days. In other words, the named beneficiary would be treated as having predeceased the insured if the beneficiary died within 30 days without having applied for and without having actually received the proceeds. In such a case, the proceeds would be paid to the other primary beneficiaries, or, if none, to the contingent beneficiary.

If the insured is not the owner of the policy, there is an unexpected gift tax consequence if the owner is not named as the beneficiary. The proceeds payable to anyone other than the owner will be treated as a gift for tax purposes. The gift and estate tax consequences imposed on the owner of the policy need to be recognized and considered when naming someone else as the beneficiary.

Although divorce will automatically revoke a testamentary bequest made to a spouse, such is not the case with beneficiary designations. It is important to review and revise all beneficiary designations at the time of or following a divorce.

Beneficiary designations for annuities and retirement accounts are subject to the same considerations discussed above for insurance policies plus a few others.

Although divorce does not automatically nullify retirement account beneficiary designations, marriage might. Marriage might invalidate a beneficiary designation on any retirement account that is subject to ERISA because ERISA requires a spouse to be the primary beneficiary. If a beneficiary is named prior to marriage, and the account holder later marries, the old beneficiary designation will be null, and the new spouse will be deemed to be the beneficiary.

Special consideration needs to be given when designating a trust as the beneficiary of a retirement account. An individual named as the beneficiary of a retirement account has the opportunity to continue the tax deferral benefits of the account. Minimum annual distributions will be required based upon the age of the beneficiary. But, after taking the required minimum
distribution, the remainder of the account can continue tax deferred until eventually distributed. If a trust is named the beneficiary, the entire account will be required to be distributed within five years of the account owners’ death. The result can be avoided, and the trust can qualify to receive the same treatment as an individual if the trust is a special conduit trust. Check the requirements for a conduit trust before naming a trust as beneficiary of a retirement account.

When you review retirement accounts, also ask about and review health savings accounts. Health savings accounts are not as prevalent as retirement accounts, but they also have beneficiary designations.

Whether you prepare your last will and testament or that of a client, you have not finished planning the succession of assets until you have reviewed the beneficiary designations on life insurance policies, annuities, retirement accounts and health savings accounts.

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From Magna Carta to *Chambers v. Florida*: Hugo Black and “the Law of the Land”

By Paul R. Baier

“No free man shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land.”

—*Magna Carta (1215)*, Chapter 39

Runnymede

What was it like at Runnymede, England, June 1215, when the barons threatened to continue warring against the King unless John affixed his royal seal to Magna Carta? “The Great Charter” has come down to us through 800 years. It is physically no more than 12 square inches of dried calfskin inscribed from edge to edge in tiny Latin script. I am no Latinist: I can make neither heads nor tails of it. What was all the fuss between King John and his barons?

Imagine you are there with the barons in the meadow beside the River Thames. We are a few miles from Windsor Castle expecting King John to appear. He is late in coming. The air is tense. The crowd is loud and boisterous.

Hear it for yourself: “Magna Carta on the Microphone.”


800 Years of Magna Carta

What does all this noise mean to you and me? I will explain by sketching a postage stamp of history fit for lawyers and judges. We celebrate 800 years of Magna Carta: Symbol of Freedom under Law. Charles the First lost his head to the axe when he turned his back on Magna Carta. “I am the King!” “I am the law!” Not so. Not after Magna Carta.

Now let me bring the Icon Magna Carta from Runnymede to Louisiana. This time imagine you are with me, not beside the River Thames, but diagonally across from the U.S. Capitol. Our meadow is not Runnymede but the Reading Room of the James Madison Building, the Library of Congress, Washington, D.C.

The Library of Congress

We are at a scholar’s table surrounded by boxes of legal papers, not King John’s, but Hugo Black’s. He was one of the Supreme Court’s greatest justices. He loved history. He carried the Constitution in his pocket. The Bill of Rights, read literally and enforced strictly, was his Magna Carta. I can hear Hugo Black quoting Chapter 39 of the Great Charter at this very moment:
“No free man shall be taken, imprisoned, disseised [deprived of property], outlawed, banished, or in any way destroyed, nor will we proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land.”

**Mr. Justice Black**

I teach Justice Black’s faith in my constitutional law classes at Louisiana State University Paul M. Hebert Law Center. He was born Feb. 27, 1886, the year the Statue of Liberty came into New York Harbor. Thank God, it is still standing.

**Chambers v. Florida**

One of the boxes of legal papers that surround us at the Library of Congress contains the draft of Hugo Black’s opinion for the Court in *Chambers v. Florida.* It is written in pencil on a yellow legal tablet in Justice Black’s bold handwriting.

The *Chambers* opinion was announced by Justice Black for the Court 75 years ago on Lincoln’s birthday, Feb. 12, 1940. It is a direct descendant of Magna Carta. Hugo Black will explain it to you. I will only set the stage.

Chambers and others had been rounded up by a police dragnet on suspicion alone, isolated on the top floor of the county courthouse, and subjected to questioning and cross-questioning under circumstances calculated to break the strongest nerves and stoutest resistance. “Sunrise confessions,” as Justice Black called them, were used to convict and sentence Chambers and his fellows to death.

In reversing the convictions and setting aside the death sentences, Justice Black recited the history of “due process of law.” He knew that tyrannical governments had utilized dictatorial criminal procedure. He knew that those who had suffered most were the poor, the weak and the helpless.

He knew that to outlaw these “ancient evils” our country wrote into its basic law the requirement that the forfeiture of the lives of people accused of crime can only follow if the procedural safeguards of due process have been obeyed.

**Hugo Black on the Microphone**

The stage is set. Justice Hugo Black’s mellifluous Alabama voice takes us back to Runnymede, back to Magna Carta Chapter 39, back to “the law of the land.”

*(From “Hugo Black on the Microphone”)*

“I stated and the people here were familiar with the fact that many people had been convicted without following the law, and indeed our people knew it. Some of the best had been crucified on crosses; others had been hung; others had been executed in various manners. But the purpose was to see that nobody in the future should be convicted except under the law of the land as it was already written. And here was the closing part of what I thought about due process, I
still think it, and it’s probably the reason that I made the statement earlier, that I thought we had the best constitution in the world and if we would follow it, we would be alright.”

(From his Chambers opinion)

“Today, as in ages past, we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny. Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement. Due process of law, preserved for all by our Constitution, commands that no such practice as that disclosed by this record shall send any accused to his death.” (The accused were four black tenant farmers, young fellows, who had been questioned for three nights on the seventh floor of the county courthouse.)

“No higher duty, no more solemn responsibility rests upon this Court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our constitution — of whatever race, creed, or persuasion.”

“That was my idea then. It’s my idea now, of due process of law — not a natural law. For they knew about these things and they wanted to stop them. And there it is. And I think that if it’s enforced that way, this can be, and was bound to be, the best Constitution in the world.²

Justice Black was right. We have the best Constitution in the world. It all goes back to King John, to Runnymede, to Magna Carta Chapter 39 — come to our make-believe Meadow of Magna Carta.

(This article is adapted from a Law Day address, Southwest Louisiana Bar Association, May 8, 2015, Old Calcasieu Courthouse, Lake Charles, La.)

FOOTNOTES

1. 309 U.S. 227 (Feb. 12, 1940).
2. This piece of treasured sound is from the sound recordings of the CBS television production, “Justice Black and the Bill of Rights,” aired on Dec. 3, 1968, on file with the author.

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Photo caption: Justice Hugo Black. Collection of the Supreme Court of the United States.
My Good Fortune in Having Wood Brown III as a Mentor
By Gus A. Fritchie III

In 1990, I was a young partner at Montgomery, Barnett, Brown, Read, Hammond & Mintz, a well-known and established maritime and civil defense firm in New Orleans. Up until that time, I was mentored in civil trial practice by Dan Lund and Jim Irwin, two of the finest trial lawyers I have ever known. My work experiences with Wood Brown III, another senior partner at the firm, were limited although we saw each other on a regular basis as our offices were close together. Wood had just finished serving as president of the Louisiana State Bar Association (LSBA) and his caseload had become quite large. Dan and Jim decided that Wood needed someone with trial experience to work more closely with him and suggested I give it a try. I’ll never forget their telling me that I would get more interesting trial experience with Wood than any other lawyer in the office, but that I should never try to copy Wood’s style since his method of practicing law was something that only he could carry off. Boy, were they right!

Wood graduated in 1961 from Tulane Law School where he was managing editor of the Tulane Law Review. He served in many positions with the LSBA and ultimately became president of the Louisiana bar. Wood argued before the United States Supreme Court in a case involving the Longshore and Harbor Workers’ Compensation Act. See, Herb’s Welding, Inc. v. Gray (1985). When I started working with Wood, he had already tried more cases than I will probably ever get to try. I was often told by his contemporaries that Wood had more civil trial experience than any lawyer in Louisiana. Wood served on the LSBA’s Ethics Committee and frequently accepted calls from any attorney who had a question on legal ethics.

Although he grew up in New Orleans and was a very smart lawyer, Wood came across in jury trials as a good old country lawyer. I used to laugh to myself when he asked potential jurors on voir dire if they had any problem with an old, white-haired, fat country lawyer like him. True to his image as a country lawyer, Wood drove an old beat-up pickup truck to court.

When Wood and I started working closely together, we would talk about cases almost every day. I would handle trials both as second chair to Wood and as first chair. I cannot remember Wood ever criticizing anything I did at trial. If I handled a witness or argument differently than he might have done, Wood simply muttered to me, “We’ll see if that works.”

After winning a defense verdict in a product liability case in which the plaintiff was severely injured, Wood looked at me and said, “Not bad.” I laughed, knowing he meant this as a compliment.

As he grew older, Wood became the patriarchal teacher for many of the younger lawyers at Montgomery Barnett. Both partners and associates would come to his office throughout the day and ask him about issues of law or case strategy. Anyone who knew Wood marveled at his photographic memory, which enabled him to provide exact case citations when asked about any legal issue.
Wood instituted the Friday evening Happy Hour. Younger lawyers would gather in his office to drink beer and discuss cases they were working on, along with their ups and downs during the past week. Wood was always positive and helpful — despite the bull whip that he kept on his coat rack beneath a sign which read, “ASSOCIATE TRAINING.” A Romeo y Julieta cigar planted in his mouth, he would grin from ear-to-ear as the younger lawyers told war stories about their wins and losses.

Wood enjoyed practicing law almost to the exclusion of all other activities. He often worked seven days a week and set his alarm clock for 7 p.m. every evening to remind himself to go home for dinner. Other than time spent with his family, the only time Wood was not working was when he attended Tulane and Saints football games or went duck hunting with his sons or friends. On Sundays during football season, he would go the office before the game and head back to the office after it was over. Wood never left before the game ended, even if the Saints were getting clobbered, telling his son, Chuck, “You might miss something.”

Despite the fact that Wood handled some extremely serious personal injury cases where the lawyers on both sides could become contentious, he never impugned the integrity of opposing counsel. It was fun to listen to Wood trade barbs with lawyers like Wendell Gauthier or Orlando Bendana, but the conversations were never heated. On his desk, Wood had a rubber stamp of the finger sign that he used to respond to outrageous settlement demand letters. He preferred to return correspondence by typing diagonally across a letter he received from a plaintiff lawyer, rather than write a separate letter. Despite his competitive spirit, Wood believed that “what goes around comes around,” and he acted accordingly. He did not “jam” other lawyers on deadlines and taught me that it was bad form to do so. Wood often told the story of a defense lawyer who never agreed to an extension and could not get one for his own client after suffering a heart attack.

Another former partner, Paul Lavelle, reminded me of Wood’s innate ability to handle difficult clients. He and Wood were defending a products liability case in Federal Court involving serious personal injuries. The client was a small manufacturer whose owner took the suit very personally and refused to accept the possibility that his company’s product could be implicated in the accident. Throughout the work-up of the case, and even in the midst of the trial, the client was a constant irritant, insisting on raising defenses that were not supported by the evidence, and even arguing that the plaintiff had intentionally sabotaged the product to cause his own injury. But Wood took all of this in stride and dealt with the client calmly and professionally. He took the time to explain why the client’s suggestions were not good ideas and stuck to his defense plan at trial. After the jury rendered a defense verdict, Wood looked at the client and said, “Gotem, didn’t I?”

All judges treated Wood with consideration and respect. I remember, for instance, when Judge Tom Early called and told him, “Brown, some lawyer is over here trying to default USF&G. You need to get over here and take care of this!” I was quickly dispatched to Judge Early’s courtroom and entered an appearance for our client.

A story told by one of his colleagues illustrates Wood’s passionate advocacy for his clients. In the mid-1980s, Wood was involved in a large multi-party case with many large defense firms in New Orleans. The trial was rapidly approaching and all the other defense lawyers were working feverishly to settle the case. Wood’s client was the sole holdout and refused to contribute any money to a settlement pot. On the eve of trial, one of the defense lawyers threw up his hands and exclaimed, “It’s no use. Wood Brown would rather try a case than make love.”
One of my most memorable experiences occurred late one evening during the work week. I had gotten myself and my client into a jam that I thought was disastrous. I walked into Wood’s office with my head hung low and proceeded to tell him how I had screwed the case up so badly that I deserved to be fired. Wood patiently discussed the case with me for over an hour and then came up with a brilliant suggestion to solve my problem. I was relieved but Wood just giggled and said, “Can you believe they pay us to have fun like this?”

My partners and I at Montgomery Barnett were incredibly lucky to have Wood Brown as a mentor and friend. The old phrase, “They don’t make them like that anymore,” could not fit anyone better than Wood Brown. I wonder if he would enjoy the practice today, when lawyers are besieged with email, required to keep detailed records of billable hours, harassed by over-demanding clients, and insulted by nasty lawyers. But I have no doubt whatever that Wood Brown was a shining example of professionalism and the best man of his time at the bar.

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Photo:
Wood Brown III
The Louisiana State Bar Association’s (LSBA) House of Delegates, at its June 11 meeting, approved a resolution which will be of benefit to the members of the Senior Lawyers Division, their clients and families.

Due to the large number of LSBA members who are over 65 years old, and due to the large number of our members ABOUT to turn 65, the LSBA is recommending a new Rule which suggests that all lawyers prepare a succession plan specifying what steps should be taken in the event of death or disability.

The plan suggests that, on the yearly registration statement, every lawyer name a successor attorney to assume responsibility for that lawyer’s clients in the event of death or disability. The LSBA will keep a registry of any such successor lawyers.

This will be a great benefit to that lawyer’s clients, but it will also be a great benefit to the family of the deceased or disabled lawyer. The family will now know who to call and a system will be set up to assist.

The successor lawyer must agree to the appointment.

The clients, of course, may hire whichever lawyer they wish, but this procedure will allow the successor to notify all of the clients of the situation in a timely fashion.

Here is the text of what was approved:

(Proposed) Louisiana Rule 1.19
(a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
(b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer’s clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer’s designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
(c) A registry shall be maintained by the Louisiana State Bar Association. Each lawyer shall designate any successor lawyer on the lawyer’s annual registration statement.

This language was approved, but the resolution states that this proposal must be reviewed by the LSBA’s Rules of Professional Conduct Committee to be sure that the language does not conflict with language in any of the other Rules.

The LSBA will compile a list of forms, which will be available on its website, for the successor lawyers and the courts to use to help facilitate a more smooth and orderly transition.

The LSBA will strive to inform its members of this suggestion and encourage its members to name such a successor attorney.
Edward J. Walters, Jr., a partner in the Baton Rouge firm of Walters, Papillion, Thomas, Cullens, L.L.C., is the chair of the LSBA Senior Lawyers Division and editor of the e-newsletter, Seasoning. He is a former Louisiana State Bar Association secretary and a former editor-in-chief of the Louisiana Bar Journal. He currently is a member of the Journal’s Editorial Board. (walter@lawbr.net; 12345 Perkins Rd., Building 1, Baton Rouge, LA 70810)
In this section of *Seasoning*, we will inform our membership of excellent smartphone apps. If you have a suggestion of an excellent app, please let us know.

For this issue, we suggest three apps:

**Scrabble**

![Scrabble](image1)

This is the traditional Scrabble game with which we are all familiar. This one may be played on your smartphone or tablet, although it is easier to use on the larger surface of a tablet. You can play against the computer in either an “easy” game, “intermediate” game or “advanced” game. Games like Scrabble are helpful in keeping the mind sharp, plus they are fun . . . except the “advanced” game (for me, anyway).

**Beat the Traffic**

![Beat the Traffic](image2)

This is an app that you can use on your smartphone when traveling. It somehow shows you a map of where you are and shows you what the traffic is like where you are going. I am told that it “knows” where people’s cellphones are and if there’s a large congestion of cellphones in one spot, it means there’s a bad traffic jam there. I don’t know if that’s how it works, but it sure made my trip back from Destin a lot quicker.

**Louisiana Courts (LA Courts)**

![Louisiana Courts](image3)

This app lists every courthouse in Louisiana, state and federal, and gives you access to a map of how to get there. It also has the LSBA’s Attorney Directory, all of the Louisiana and federal court rules, including the local rules, the Rules of Professional Conduct and the Code of Judicial Conduct, and access to PACER.
Glazed Cinnamon Scones Recipe
Recipe & photograph by Crystal Paine
moneysavingmom.com

Scone Ingredients:
2 cups flour (unbleached)
2 teaspoons baking powder
1/2 teaspoon baking soda
1/2 teaspoon salt
1/2 cup butter
1 egg, separated
3 Tablespoons honey
1/3 cup buttermilk (or 1/3 cup milk mixed with 1/2 teaspoon of lemon juice)

Crumb Topping Ingredients (can be adjusted to your liking):
1-2 Tablespoons turbinado (or sugar)
1/2 teaspoon cinnamon

Glaze Ingredients (can be adjusted to your liking):
1 cup powdered sugar
1-3 teaspoons milk (enough to make a glaze)
1/2 teaspoon vanilla

Directions:
- Preheat oven to 400 degrees. Combine flour, baking powder, baking soda and salt. Cut in butter until mixture is crumbly.
- Separate the egg white and yolk. Set the egg white aside.
- In a separate bowl, mix egg yolk, honey and buttermilk (or milk/lemon juice mixture). Add to the dry ingredients and stir until just combined.
• Form dough into a ball on a floured surface. Roll or pat out to half an inch in thickness and eight inches in diameter. Cut into eight equally-sized pieces.
• Transfer to a greased baking sheet. Whisk the egg white until froth forms and brush over the tops of scones. Mix turbinado and cinnamon together and sprinkle over egg-white-topped scones.
• Bake at 400 degrees for 10 to 12 minutes.
• Mix together powdered sugar, milk and vanilla until glaze forms. Drizzle over scones after they bake.
Great Job on Seasoning

Editor:
I just wanted to let you know that, in my 42 years of receiving LSBA publications, I am enjoying Seasoning more than any other that I can remember. Keep them coming! I appreciate your efforts.
Lonnie Stanga
Metairie

Remembering a Past LSBA Brochure

Editor:
A seasoned lawyer might remember a project of the Louisiana State Bar Association from the mid-1980s. Under the leadership of Bernie Alsobrook and Lukie Smith, the Bar Association prepared *“A Reporter’s Guide to Legal Terms and Procedures.”* I was cleaning out some old files and ran across this brochure. I mailed a copy to the LSBA for the archives, purely from a historical perspective. I hope it refreshes the memory of other seasoned lawyers.
Leslie J. Schiff
Opelousas