

# End of Year Report

by S. Lester Tate III

“Everywhere in life, the true question is not what we gain, but what we do.” – Thomas Carlyle

*The bylaws of the State Bar of Georgia specify the duties of the president. One of the responsibilities is to “deliver a report at the Annual Meeting of the members of the activities of the State Bar during his or her term in office and furnish a copy of the report to the Supreme Court of Georgia.” Following is the report from 2010-11 President S. Lester Tate III on his year, delivered June 3 at the State Bar’s Annual Meeting.*

**T**hank you, Bryan Cavan, it’s been great working with you this year. I told Ken Shigley if I could do half as good a job for him as past president as you have done for me, I would be proud of myself. I really appreciate all that you’ve done for me this year.

Although it says in the program that I am going to give an address, I really don’t have an address. I just have a little talk, and it’s mainly just some words of thank you that I want to say. Every place I’ve gone this year, I’ve started out by thanking the folks for the opportunity I’ve been given to serve as your Bar president. I truly don’t believe that I have ever had anything that honored me as much as being able to represent 42,000 lawyers.

The other thing that I usually did in these talks to local bars was to tell the Smythe Gambrell story. Cliff Brashier asked me a moment ago, “How many of these

folks have heard the Smythe Gambrell story?” I said, “I don’t know, but I’m going to tell it again.” And I’m going to tell it because there’s nothing wrong with enjoying things again and again. After all, what if you could only sing a song one time? What if you could only read a book or watch a movie one time?

Cliff kind of baited me into doing that and one of the reasons that I came to like the Smythe Gambrell story so much was because Cliff laughed harder and harder every single time I told the story. I am also mindful that we pay Cliff a lot of money to laugh at the president’s jokes. So when he’s laughing really hard, Ken, he’s earning his money, just remember that.

But the Smythe Gambrell story became sort of a metaphor for my presidency. Some of you may remember Smythe Gambrell. He was known for having mandatory partners’ meetings at 7 a.m. on Saturday. He was president of the American Bar Association and was known to tool about Atlanta in his 1955 Cadillac with fins on the back.

One day in the mid-1950s, Smythe Gambrell was driving through Five Points one day with an associate sitting in the front seat. They came up to a red light, and he pulled a little bit too far up into the crosswalk. So he had to put the car in reverse and back up, then put his foot on the brake and wait for the light to change. Meanwhile, a car pulled up behind him. The light turned green and, always in a hurry, Mr. Gambrell floored the car, which was still in reverse, and “wham!” it hit the car behind him. Because he was ever the diplomat and expected a lot out of his associates, he reached in his pocket and took out a \$100 bill and told the asso-

ciate, "Go back there and see if you can settle this case," he said. "They might be mad at me."

So the associate hopped out and went to the other car, which was an old jalopy driven by a student from Georgia Tech. The student got out and saw that there wasn't a whole lot of damage to his jalopy and that there was a guy looking to give him a \$100 bill. Needless to say, the associate was able to settle the case pretty quickly. Meanwhile, Mr. Gambrell had sat there with his foot on the brake, looking in the rearview mirror at the ongoing negotiations. The associate came back to the car and said, "Mr. Gambrell, I've taken care of that." By this time, though, the light had turned red again, forcing them to sit through another cycle of the red light.

Perhaps because he was distracted by the negotiations, Mr. Gambrell had again neglected to put the car in drive, and when the light turned green, he floored the car again and "bam!" For a second time, he had struck the same car. He again took out another \$100 bill and handed it over to the associate and said, "See if you can take care of this one, too."

If you think about Mr. Gambrell holding his 7 a.m. partners' meetings, you know he was not the kind of guy that an associate would ask, "You dummy, have you put the car in drive this time?" So the associate decided he would try to help Mr. Gambrell out in such a way that wouldn't offend him. The associate went back to the other car, where the college kid was happy to see another \$100 bill coming his way. And after the second case was settled, the associate said, "Friend, we seem to be having a little trouble with our automobile here. Do you think you could back up just a little bit until we can get away from the red light?" The student looked at the \$200 in his hand and he said, "Hell no, buddy, I'm sitting here all day long. This is the best deal in town."



Photo by Sarah I. Coole

2010-11 President S. Lester Tate III addresses members and guests during the business portion of the Presidential Gala.

Now, I told that story at a bunch of local bar meetings as sort of a metaphor for what I thought Bar presidents were supposed to be doing, and that's keeping everything moving in the right direction. But it's something, like Mr. Gambrell, we all need help with from time to time. This year, I feel like we have accomplished a lot of great things. We have paid off the debt on the Bar Center five years early. That was a project that I first became involved in when I was 34 years old and got elected to the Board of Governors. The first vote I ever cast was to buy the building, and it was far from clear at that time that we could afford it. As we have moved forward over the years, we had to keep everything moving in the right direction. It wasn't anything I did. It was things that Bar presidents and other Bar leaders before me had done. I just happened to be the one that was privileged to carry the ball across the goal line.

Take the Evidence Code legislation that we passed during this year's session of the General Assembly; we had worked on that for about 20 years. In fact, it first passed the Georgia Senate when Gov. Nathan Deal was president *pro tem*, so we've been working on

that project for a long time. And in fact, last year we got down to the two-yard line and we couldn't get it across the goal line. But I was privileged this year by virtue of all the support and all the things that other people had done to be one of the ones to help carry the ball into the end zone.

We have done that, not just with our Evidence Code, but also with the statewide jury bill that you heard Chief Justice Carol Hunstein talk about. We had to reboot our public defender system. That had kind of gone awry and was not what anyone really envisioned. I was very grateful to be able to work with Rep. Rich Golick, who is not here today, and Bryan Cavan, who was a huge part of that project. Some people within the Bar said, "Why is the Bar supporting this bill?" It's because it's a first step toward trying to get adequate funding for the public defender system. And before the Legislature adjourned, Rep. Golick and Rep. Edward Lindsey introduced a proposed Constitutional amendment, although I don't yet know if that's the direction the Bar wants to go in, for dedicated funding. So the folks that we've been able to work with down there are good to their word. They're trying to help us,

and we're trying to help them. We've been moving in the right direction thanks to a lot of help from a lot of people.

We have also been able to continue to serve Georgia's students, over 10,000 this year, who come through our Journey Through Justice program at the Bar Center. The students go to a mock law school in the morning followed by a tour of the Law Museum. They sometimes get up at 4 o'clock in the morning to come to the State Bar to learn about the third branch of government and judicial independence. After participating in the program, a student wrote the Bar and said he had an epiphany about what he wanted to do with his life. He said after going through the Journey Through Justice program, he had decided he wanted to be a bailiff. But he had a backup plan, too. He said if that didn't work out, then he wanted to be a lawyer.

The Journey Through Justice program is made possible because we have what I consider to be a state capitol-quality building. It is a building that people feel has a lot of gravitas; it has a lot of meaning. When kids come there, they feel like they have gone someplace special. And because we had so many kids coming through the Bar Center, we were getting to the point where we weren't able to service lawyers on the third floor. Fortunately, we received a grant from the Commission on Continuing Lawyer Competency for half a million dollars, and we have now built out the sub-basement so we can continue to service the kids as well as the attorneys. So again, we've been able to keep things running in the right direction, but not because of anything I've done, but because of things other people have done.

I think it's probably customary when you're on the way out the door to give some words of advice, or criticisms, and I'm certainly going to take advantage of that opportunity. What I want to tell you is that I firmly believe, having gone to Southern Conference of Bar

Presidents meetings and National Conference of Bar Presidents meetings that your State Bar is a leader in the United States. For example, a report compiled by the Washington Economics Group this year showed the economic cost to Georgia when the courts were not fully funded. We were able to roll that report out at an American Bar Association meeting in February in Atlanta. Bill Rankin of the *Atlanta Journal-Constitution* wrote an article about it, and I wrote an op-ed piece. Rep. Wendall Willard and I went on "Primetime Politics" on public television and spoke about the report. This report and the attention it attracted were key in building public support for the judiciary this legislative session. Because of our success, I received a call from the National Conference of Bar Presidents. They wanted me to come to talk to their task force on judicial funding about what other states can do in order to advocate legislatively for better judicial funding.

We are a leader. We have a great Bar. Sometimes there's a tendency to look at the Bar and take the attitude that we're going to fix something whether it's broken or not. It reminds me of what Sen. Richard Russell once said about Hubert Humphrey. "Hubert's a nice guy. I've served in the Senate with him, but he's the only man I know who's got more solutions than America's got problems."

There are plenty of things that we can do to improve our Bar, but at its core level it functions well. We have some of the lowest dues of any Bar in the country. We have some of the most effective programs of any Bar in the country. And we have programs that other Bars are striving to emulate. So my advice to you is work hard, be progressive, try to do new things, but don't ever change the essential character of what we have as a State Bar, because by and large we're getting it right. And we're getting it right because of the leadership we have; we're getting it right because of folks like Cliff Brashier. You

know virtually anybody could look good as president listening to Cliff Brashier, and that's a fact that I think all past presidents will agree on with me.

That's what I have to say about the Bar, but I think maybe at this point what I'd like to do is take a moment for what might be considered just a point of personal privilege to say a word of thanks. As I've said to you before, and I shared with you last year when I took office, nobody in my family had ever gone to college, much less been a lawyer. So at the ripe old age of 23, I found myself working on Capitol Hill for Congressman George "Buddy" Darden, and I think I probably had the highest paying job that anybody in my family ever had. I certainly had the only job in Washington that anybody in my family had ever had. And yet somehow, somewhere within me was the idea that I really, really wanted to be a lawyer.

So, if you were about 150 miles west of here, in Columbia, 26 years ago, you would have seen a guy, a skinny 20-something who had quit the best job he ever had and packed everything he owned in a U-Haul trailer to go to law school. My hope was just that I'd get through and I'd be able to be a member of the Bar one day. I made it through, and in 1996 I was privileged, after practicing law in Atlanta for about three years and hanging out a shingle and being a sole practitioner for about five years in Cartersville, to get elected to this Board of Governors to represent the Cherokee Judicial Circuit.

When I came to the Board, I was 34 years old; I had a 4-year-old daughter and a 7-year-old son. That 4-year-old daughter graduated from high school two Friday nights ago; my son is already in college. But to you, members of this Board and members of this Bar, I think that I owe everything, because you have helped me raise my kids. You have referred cases to me; you have given me opportunities that I would never, ever have had, had I not

## Thank you for all you've done to me, for me and for my family over these years, I can never thank you enough. Thank you very much.

been elected to this board; had I not packed that U-Haul up and gone to law school all those years before. And there simply are no words that I can say to you to thank you for the opportunities you have given me.

I think when you look at what we all have in common, because we all come from different walks of life, we all come from different practices, but there is one thing that I think is very important to every lawyer. When you see a lawyer like Wendall Willard, and I'm going to do the math, Wendall, I was 4-years-old when you were admitted to the Bar, and when I look at somebody like Wendall and the passion that he still has for practicing law, I know that passion is really a passion for justice; that you want people to be treated right, that you want to have a government and a court system that makes sure that people get treated right.

Martin Luther King said that "the moral arc of the universe is long, but it bends toward justice." And yet Martin Luther King's own life shows us that rarely does it completely bend toward justice in one person's lifetime. As lawyers what we try to do each and every day is to reach up and bend that arc of justice just a little bit closer for each individual that's out there, for each one of our clients. But if I could commit the sacrilege of quoting Toby Keith at the same time I quote Martin Luther King, I can tell you what a difficult job that can be. Toby Keith said, "Justice is the one thing you should always find, but you gotta saddle up your horses and draw a hard line." So the work of trying to get justice is sometimes very, very difficult, and you do have to work very hard for it. And as for me, and I think for most lawyers, we realize you're not always going to get justice, but that it's part

of the fight for justice that gives you that feeling, that passion to go on.

I think sometimes about the great scene in the movie "To Kill a Mockingbird," when Atticus Finch had lost his case. He didn't get justice, and as he walked out of the courtroom and all of the African-Americans were gathered up in the balcony because they weren't allowed to have access to the courtroom floor. Atticus' children were also there, and the reverend looked down and he said to Atticus' daughter, "Ms. Scout, stand up, your father is passing." So even though he had failed in the cause of justice, people knew what a fight that he had made and they respected him for it.


I don't know if any of you have ever read the "Spoon River Anthology;" it's a set of poems written by a guy named Edgar Lee Masters, who's probably not very well known for being a lawyer, although at one point he was Clarence Darrow's law partner. It tells the story of people speaking from the grave in the small fictional town of Spoon River, Ill. Not surprisingly, a lot of those folks are lawyers. They tell how they died; they tell what life meant to them and they tell things about other folks in town. One of my favorite characters, but yet sort of one of the scarier characters to me, is a small-town lawyer by the name of Jefferson Howard. Howard is one of the lions of the bar at Spoon River, and he talks about his life there. The poem starts out:

My valiant fight! For I call it  
valiant,  
With my father's beliefs from old  
Virginia:  
Hating slavery, but no less war.  
I, full of spirit, audacity, courage  
Thrown into life here in Spoon  
River,

And he goes on and talks about all the fights he's had as a lawyer. Fights with bankers and merchants and how they hated him but feared him because he was a lawyer. He talks about raising his children in Spoon River and at the end of the poem he talks about how he died:

Then just as I felt my giant  
strength  
Short of breath, behold my children  
Had wound their lives in stranger  
gardens—  
And I stood alone, as I started  
alone  
My valiant life! I died on my  
feet,  
Facing the silence—facing the  
prospect  
That no one would know of the  
fight I made.

That, I am afraid, is the fear of every small-town lawyer, that you've made the fight but that nobody knows the fight you made—that you don't have your Atticus Finch moment. I am proud to say today that I know the fate of Jefferson Howard is not my fate because the people gathered in this room know the fight I've made because you've stood there toe-to-toe with me; you made that fight with me, you have done it every day since I was admitted to the Bar in 1987; since I came on this Board of Governors in 1996.

Thank you so very much for standing toe-to-toe with me to make this fight. Thank you for all that you've done to give me this opportunity. Thank you for all you've done to me, for me and for my family over these years, I can never thank you enough. Thank you very much. 



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