

## ***George J. Mitchell Oral History Project***

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**Ralph I. Lancaster, Jr.**  
(Interviewer: Mike Hastings)

**GMOH# 098**  
May 8, 2009

**Mike Hastings:** The following is a recorded interview for the George J. Mitchell Oral History Project, an activity of Bowdoin College. The date is May the 8th, [2009], it's a Friday, I'm at the 1 Monument Square offices of the law firm of Pierce Atwood. The interviewee is Ralph I. Lancaster, I'm Mike Hastings, I'm the interviewer, and welcome.

**Ralph Lancaster:** Thank you.

**MH:** Could we begin, I begin a little bit formally, it's kind of a protocol that we follow, could you state your full name and spell your last name.

**RL:** Ralph I. Lancaster, Jr., L-A-N-C-A-S-T-E-R.

**MH:** And your date of birth and your place of birth.

**RL:** 5/9/30, Bangor.

**MH:** And your father's full name and your mother's full name.

**RL:** Ralph I. Lancaster, Mary Kelleher Lancaster.

**MH:** That's K-E-L-L-E-H-E-R.

**RL:** It is.

**MH:** Kelleher, okay. And I always ask first to tell me a little bit about your father, and a little bit about your mother. Can you give me a quick little profile of them?

**RL:** My father was born in Veazie, one of eight children, started college at the University of Maine, left in his first year, came to Portland, worked in Portland. My mother grew up on the St. Mary's side of Bangor. Her father was John "Lit" Kelleher, one-time mayor of Bangor. She was one of eight children. She died in childbirth in 1933.

**MH:** That's L-I-T-T?

**RL:** No, just L-I-T.

**MH:** L-I-T, Lit

**RL:** I don't know the origin of that name. I was raised by Charles Milan and Bridget Milan.

**MH:** I see. In Bangor, you spent your early years all in Bangor?

**RL:** In Bangor.

**MH:** What was that like?

**RL:** It was a wonderful childhood. They were indulgent people who were, oh, in their late sixties, early seventies when they took me, and neither one of them had graduated from grammar school but they had a real respect for education and encouraged me.

**MH:** I see. And what did they do?

**RL:** My Aunt Bridget was a homemaker, and my uncle ran the Bangor Exchange Hotel and the Great Northern on Exchange Street, two bars.

**MH:** Oh, okay, did that later become the Penobscot Hotel?

**RL:** No.

**MH:** No, that's not the one.

**RL:** No, it wasn't quite that classy.

**MH:** Oh, okay. I remember Penobscot Hotel when it wasn't very classy.

**RL:** Right. The Great Northern was a step below.

**MH:** I see. Went to local schools?

**RL:** Went to St. Mary's; John Bapst High.

**MH:** Now, when I've interviewed other people from Bangor, they usually tell me whether they were from the east side or the west side.

**RL:** East.

**MH:** East side, okay. There seems to be a real dividing line.

**RL:** Well in our lexicon, it was St. Mary's versus St. John's. We were in St. Mary's.

**MH:** In St. Mary's. Bangor High School?

**RL:** John Bapst.

**MH:** John Bapst, I see. And that was, John Bapst was run by whom?

**RL:** Xavierian Brothers and the Sisters of Mercy, and a never-never land between the two.

**MH:** Separate entrances, I suspect.

**RL:** Yes. And God help you if you were found on the girls' side without a legitimate reason.

**MH:** And what year did you graduate?

**RL:** Nineteen-forty-eight.

**MH:** Nineteen-forty-eight. What did you have, what kind of plans did you have after graduation, for after graduation?

**RL:** College, law school.

**MH:** Where?

**RL:** I didn't have, until my senior year, I did not have a destination in mind. I was tending bar in high school for my uncle.

**MH:** Hmm-hmm.

**RL:** And I would close the bar at midnight and go over to the *Bangor Daily News* and get him the morning paper. They always had a place where you put in little letters that had the scores of various teams, and Holy Cross had a very good record for football, basketball, and baseball, and so I made one application to Holy Cross; had to have the application form signed by the principal – made an appointment, went in to him, told him. He said, "Spell Worcester," I spelled Worcester. He said, "Okay, you're qualified," and signed it.

**MH:** I see, was, the bar you were in, was that at your uncle's hotel?

**RL:** Yes.

**MH:** I see, okay. I'll have to figure out where on Exchange Street that was.

**RL:** No, that was the, I was down in Pickering Square.

**MH:** Oh okay, all right.

**RL:** Which no longer exists.

**MH:** Right, right. So you go to Holy Cross, in Worcester. What interests did you pursue there?

**RL:** I was an English major, history minor.

**MH:** Did they have effectively a pre-law program for people, or you pieced it together yourself.

**RL:** No, no.

**MH:** I see, and you were there for four years?

**RL:** I was.

**MH:** And that brings us to roughly, what, 19-

**RL:** 'Fifty-two.

**MH:** 'Fifty-two, okay, and then you go to law school where?

**RL:** Harvard.

**MH:** Harvard. Was that a difficult choice?

**RL:** No, I just applied to one school.

**MH:** What a difference compared to today.

**RL:** Oh yes.

**MH:** Where everybody applies to so many.

**MH:** Yes.

**MH:** Did you like Harvard?

**RL:** Yes, I got a very good education there; made some very good friends. I roomed with Joe Califano, and he and I became very close.

**MH:** The *Law Review*?

**RL:** No, I played poker every night during my freshman year, and I missed *Law Review* by one tenth of a point, so I said “That was a snap,” and so I studied hard the next year and dropped two points.

**MH:** Oh, well okay. Did you go back to poker in your third?

**RL:** Yes. I’m a slow learner, but yes.

**MH:** Did you - Tell me about summers. High school, what’d you do, did you spend them in Bangor, working?

**RL:** I worked for my uncle, driving a garbage truck, doing roofing, all kinds of trades.

**MH:** And during college and law school?

**RL:** College I worked nights in a Coke factory.

**MH:** In Worcester?

**RL:** In Worcester.

**MH:** And law school, clerking, did you do any clerking?

**RL:** No, in law school I got married in my sophomore year.

**MH:** I see.

**RL:** Summer intern at Ropes & Gray.

**MH:** Ropes & Gray in Boston?

**RL:** Yes.

**MH:** Okay, I see. When you graduated from Harvard Law, was it right back to Maine?

**RL:** No, I graduated on a Sunday, and Monday I got a draft notice. I was old, married, my wife was pregnant. I called the Draft Board and they said, “You had an exemption for eight years. We’ve been waiting for you. You’re number one, and you’re gone.”

**MH:** This was in a draft board back in Bangor?

**RL:** Yes.

**MH:** Okay, and where did that take you to?

**RL:** Fort [Dix, New Jersey] for infantry basic, Fort Chafee, Arkansas for artillery basic, Fort Riley Kansas for the duration. I got all the glamour spots.

**MH:** So no overseas service.

**RL:** No.

**MH:** Did you consider that a worthwhile couple of years?

**RL:** No, no.

**MH:** No, no.

**RL:** I was the only lawyer in the division, and I was a clerk typist in the courts and boards section with a second lieutenant who didn't know anything about law. I got permission to live off base, but the master sergeant at headquarters was so irate about that that he made me show up two hours before I was supposed to show up, so I had to get up at three or four o'clock in the morning. I was working nights in a movie theater and selling encyclopedias on the weekends. So it wasn't the world's best experience.

**MH:** So you're there for two years?

**RL:** Two years.

**MH:** Is that, in the '50s that was the army hitch, anyway, wasn't it?

**RL:** Yes, '55 to '57. It was peace time.

**MH:** So you have one child by this point?

**RL:** Well by the time we headed back we had two.

**MH:** I see. How many children in all do you have?

**RL:** Six.

**MH:** Six. So, get me back to Maine.

**RL:** Three, four weeks before I'm due out, I got a call from the dean of the law school saying that a federal judge had just been appointed in Portland, they would like me to go and interview for the clerkship. I said, "Thank you, no, I've been starving for two years, I'm going to go somewhere and try cases, and I have no intention of going back to Maine." A week later he

called back and said the same thing, and I said, “What don’t you understand about ‘no’?” And that was the end of the conversation. Ten days later he called back and he said, “I’m going to level with you” – I had assumed he was leveling with me before – he said, “This is out of sync; the judge is a graduate of the law school; you’re the only warm body we can find to go, we want somebody to represent the school.” I said, “Okay, I’ll go as a personal favor to you, but I’m not taking the job.”

So I drove back, like *The Grapes of Wrath* in reverse, dropped Mary Lou and the two girls in Connecticut with her sister, came on to Portland, got here very early – I didn’t know Portland because, frankly, it was the pits when I was growing up and if you wanted to go somewhere you went to Boston and New York, you didn’t even drive through Portland. Got here too early. Wandered down to the Cumberland County Courthouse, the Cleaves Law Library; met the librarian, Ann Rich, and told her what I was doing. And she said, “Oh, I keep scrapbooks, would you like to read about the judge?” And I said, “Sure.” So I spent about an hour reading about Edward T. Gignoux, and I knew more about him by the time I got to him than he knew about me.

Went over for the interview, drove back that night and said to Mary Lou, “I don’t know what we’re doing with the rest of our lives, but if I can get this job, I want it.” And she said, “What changed your mind?” I said, “Wait ‘til you meet him.” And I got it.

**MH:** I see, so you were his first clerk?

**RL:** I was.

**MH:** In the, when I – briefly, in Washington, I worked for a stockbrokerage called J.W. Redmond, and Judge Gignoux’s nephew Phil was one of the stockbrokers there.

**RL:** Yeah, yeah.

**MH:** So he and I used to talk about Judge Gignoux, who by that time, this was 1972, was quite an accomplished jurist by then.

**RL:** Oh yes, jurist.

**MH:** But how long were you with Judge Gignoux as a clerk?

**RL:** It was a one-year assignment, at the end of the year I couldn’t get a job, I pounded the pavement. Couldn’t find a job. Nobody was hiring. So we were getting ready to go back, go to Boston, I still had an offer from Ropes. Didn’t want to. By that time we’d fallen in love with this place, and he very generously said he’d keep me on for another year.

**MH:** And the legal community wasn’t as large then as it is now.

**RL:** No, no.

**MH:** I mean were there, it was only one federal judge in the state, is that correct?

**RL:** Yes, yes.

**MH:** And big firms, were there any in Portland?

**RL:** No.

**MH:** No.

**RL:** There were no such things in Maine.

**MH:** How did – when I was working in Washington, D.C., I heard once that next to Washington, D.C., Portland had more lawyers per –

**RL:** Capita.

**MH:** - capita than any other city. How did it get from where it was when you worked for Judge Gignoux to that point?

**RL:** Smoke and mirrors. People ask me about that all the time. They look at the population of Maine, population of Portland, and they look at the number of lawyers in Cumberland County, and I say, “Smoke and mirrors,” because there is no way that there is enough business in this state to sustain the number of lawyers that the state has. Now they’re concentrated in Cumberland and York Counties, and to a certain extent in Bangor, but when you get into Piscataquis County, Oxford County, there aren’t many lawyers there.

Two things I think contribute to it. First, the now-quality of the University of Southern Maine Law School. The lawyers could go anywhere and the fact that these lawyers come, a lot of them from out of state, see what life here is like and want to stay. So you get a large expansion of solos and small firm lawyers, and that’s [a] substantial contributing factor I think.

**MH:** Did you end up starting your own firm, or did you go into another firm finally?

**RL:** No, the second year I was having the same problem, I was pounding the pavements. And it was an interesting experience. They didn’t have recruiting partners in those days, I called one senior partner at a firm that will be nameless and introduced myself, said I’d like to come down and talk to him. He said, “Why would I want to talk to you?” and hung up. Another senior partner said to me, “Well, you’ve got a very impressive resume, young man. You’re bright. We certainly would like to hire you, but we can’t pay you \$7000, we can pay you thirty-five hundred.” I said, “Well, I’m sorry, Mr. X, but I have a wife and two children and I need the money.” And he said, “That’s not my fault.”



And so we were getting ready this time to leave. Gignoux was not going to keep me on for a third year, when on a Friday afternoon Vincent McKusick, later chief justice, and Charlie Allen came down, closeted themselves with the judge, came out and invited me up on Monday. And it turned out that they'd done something very daring. They had, this firm, then Hutchinson Pierce, had hired a summer intern, something that had never been done in Portland before: offered him a job. He'd accepted, and then he got homesick for Pennsylvania and left them high and dry, and they were stuck. I got the job and I've been here fifty years.

**MH:** Wow. And the company has grown from that small beginning to, you say how many lawyers?

**RL:** I was the seventh lawyer; we're now about 130.

**MH:** Hundred and thirty. How many offices?

**RL:** Portland, Augusta, Portsmouth, Concord, Boston, Washington, so six.

**MH:** Whenever I speak with any lawyer in Maine and ask them what their firm specializes in, they say, "Everything." Is that true here as well?

**RL:** We don't do domestic relations, by choice. We will, if it's a major client or an officer of a major client and they insist, we will do it. I do it, but nobody else in here will do it. We don't do any routine criminal work; we do white collar crime.

**MH:** Hmm-hmm.

**RL:** Beyond that, yeah, we do everything.

**MH:** I see. And your practice, your specific practice, what do you do?

**RL:** I try cases.

**MH:** You try cases. And did you always know that's what you wanted to do?

**RL:** Yes.

**MH:** I see, so you're the litigator?

**RL:** No, I'm a trial lawyer.

**MH:** Trial lawyer, okay, all right.

**RL:** Litigators know how to file motions.

**MH:** All right.

**RL:** Trial lawyers know how to try cases, and I try cases.

**MH:** Try cases. Now, Senator Mitchell was with a different firm.

**RL:** Jensen & Baird.

**MH:** Jensen & Baird. That would be considered a smaller firm than this one.

**RL:** Yes.

**MH:** Do you have any, do you ever do things with them or against them or-?

**RL:** Oh yeah. Maine is still a small state, and we know the Bar in the state. That firm is an active, smaller firm but has an active practice, and we work with them and against them all the time. One of the major attractions of practicing law in Maine is: a) the quality of the lawyers; and b), the integrity of the lawyers; and c), the fact that they are all, for the most part, nice people.

**MH:** The law school here, based in, University of Maine Law School is now in Portland.

**RL:** Yeah.

**MH:** But it started out in Bangor didn't it?

**RL:** Well there are two sources. One was the, yes, there was a law school up in that part of the world, and then there was the Peabody Law School down here, and both of them sort of petered out. And then following the Second World War, two returning veterans who were also lawyers decided to create a law school for themselves. And things were easier in those days; you don't have the dispute like you do with the Husson situation now.

**MH:** Hmm-hmm.

**RL:** And they founded a law school. And it limped along to a point where the Bar decided that it either had to kill it or support it, and decided, happily, to support it. And with funding and the support of the University of Maine, they got in a former Harvard Law School librarian who was able to build an extraordinary library because he knew librarians across the country, and a fellow named Ed Godfrey, who came from New York as the first real dean of the law school, and that combination turned the corner. And so now we recruit at the University of Southern Maine Law School on the same level as we recruit at Harvard, Yale, Columbia.

**MH:** Do you, you connected with that law school at all?

**RL:** I was the chair of the board of visitors for some time, yes.

**MH:** I see, I see. And did you ever do any teaching?

**RL:** No. I go out there – I should amend that. I was out there last month giving a talk on the Gulf of Maine case, but I don't have a regular course.

**MH:** Tell me about, we have, how many federal judges do we have currently in Maine?

**RL:** One, two, three, and Gene Carter is now senior, so we've got three active judges, Judge Singal, Judge Hornby, and Judge Woodcock, we have two magistrate judges, and we, and Gene Carter is sort of semi-retired. You can take senior status as a federal judge.

**MH:** I see.

**RL:** And that's what he's done.

**MH:** Can you tell me a little bit how we evolved to that number?

**RL:** Well, for years it was, I forget who the first federal judge was here, but up through Peters and then Clifford and Gignoux, there was one judge; sat in Portland; sat in Bangor. And Washington makes the decision on the number of judges based on the docket and a number of other factors, the size of the state and the number of lawyers, et cetera, and at some point somebody decided in his or her infinite wisdom that we qualified for a second judge. But Gignoux used to sit in Bangor and Portland. We'd go up to Bangor, and actually he preferred to stay in a motel in Brewer and we walked to the courthouse.

**MH:** Did you really, across the old bridge?

**RL:** Yes, exactly.

**MH:** Must have been useful to him to have a Bangor native as his clerk at that point.

**RL:** Well, I never asked him that question. But he was an extraordinary man, very qualified.

**MH:** What made him stand out?

**RL:** His intellect, his fairness, his judgment – which is a word that is missing too much these days, particularly in Washington – and his compassionate nature. He was a strict adherent to the law, but he had a large heart.

**MH:** Had he been a trial lawyer, or a litigator before?

**RL:** No, he had never been in a courtroom before, and the closest he had come was a

bankruptcy proceeding for Scarborough Downs. His selection was an interesting one, because there were two principal contestants for the job. One was Jim Reid who was a state court judge, and the other one was Peter Mills, who was the U.S. attorney. The two senators were in two corners, one was supporting Mills and one was supporting [Reid] and they were both Republicans.

**MH:** Mills had actually worked for Margaret Chase Smith, if I recall correctly.

**RL:** Exactly, exactly, and they both had, in my opinion, serious limitations, which I won't get into, but neither one of them should have been in. They were at an impasse, and Herb Brownell came to Portland and said to Fred Scribner, who was then the senior partner in this firm and general counsel to the Republican National Committee, among other things, "What are we going to do?" And Scribner said, "If I were you, I'd go down to Verrill Dana," which is a competitor firm here in Portland, "I'd go down to Verrill Dana and talk to a man named Ed Gignoux, because I think he would be a terrific federal judge." And Brownell said, "Has he got any trial experience?" He said, "No, but that won't bother the -"

**MH:** Brownell being the attorney general of the United States at the time.

**RL:** Exactly. And Herb Brownell went down, talked to Gignoux, came back and persuaded the two senators that they were never going to get either one of their choices appointed, and they agreed on Gignoux, and his only reservation was that he didn't think that the job would keep him busy enough. And Brownell assured him – of course Gignoux told me this – that if the dockets weren't heavy enough here, they would send him around the country to keep him busy, and they did do that.

**MH:** Where did he sit in other places?

**RL:** Well his most famous one was the Chicago Seven trial in Chicago, but he sat all over the country. The first place we sat was in the Southern District of New York. He was staying in a downtown hotel. I didn't have that much money so I was staying with a friend, a law school friend, and taking the subway down. And the first morning we had pretrial conferences – it was a case involving Petrillo and the musicians union, and we had a large number of the bar, and the finest bar in New York, all these gray beards sitting in there. And Gignoux is sitting on the bench and we finished the pretrial conference and he said, "Well I'm sorry we're not able to adjust this matter, we'll start trial on Monday at eight o'clock." And there was a shock reverberated across, and they put their heads together and then they obviously bearded the oldest, grayest-haired man, and he stood up and he said, "Your Honor, most of us motor in from Connecticut and our chauffeurs aren't available at that time, and could we start at 11:00?" And Gignoux said, "Eight thirty." And we started at 8:30, the first one. By the time we finished, we sat there for a month, by the time we finished the courtroom was packed every day with courthouse people who came to watch him.

**MH:** Wow. But didn't he sit also in the islands or someplace?

**RL:** Oh, everybody in those days sat in Puerto Rico if they were in the First Circuit.

**MH:** Oh, is that the way it works?

**RL:** Puerto Rico's in the First Circuit, and they're still doing that.

**MH:** Okay.

**RL:** You'll find them down there.

**MH:** I remember at some point somebody saying that when he was the sole judge, that when he was down in Puerto Rico, the place just pretty much closed down here in Portland.

**RL:** Yeah, but he handled that docket very well. It was interesting, when I first reported to him he said, "Ralph, I have a confession to make, I've never read the Federal Rules of Civil Procedure." And I said, "Your Honor, I have a confession to make, neither have I." Because I was coming back to Maine, and at that time I was in law school, Maine had the old forms and didn't have the Rules, and so Professor Scott, who taught civil procedure, taught the old forms – Trover, Conversion, the rest of those – and so that's the way I was trained. While I was in the army they passed the Rules of Civil [Procedure], so I had never read them. So the two of us started out on an even keel.

**MH:** But now, by mid-'70s it became, the load became very heavy?

**RL:** Yes.

**MH:** So what role did you play in getting that second judgeship?

**RL:** Oh, I made a few calls.

**MH:** You made a few calls, I see. I was working at the Judiciary Committee at the time and I remember you made a few calls to me. I was a young man and I was very impressed.

**RL:** I am persistent, if nothing else.

**MH:** And so I guess it was President Carter appointed the second judge –

**RL:** Yes.

**MH:** - in Bangor, and he appointed George Mitchell, who was U.S. attorney.

**RL:** He did; he did.

**MH:** He wasn't judge for very long.

**RL:** And the rest is history. No, George was a judge about six months.

**MH:** Six months. Were you surprised when he gave up the federal judgeship to take that Senate position?

**RL:** Yes and no. That's a lifetime appointment, you have permanent tenure in effect, and you have wonderful benefits. When you qualify to take senior status you get the same, absolutely same benefits. You have an office; you have a secretary; you have clerks; and you don't have to do a thing if you don't want to. Most of them who stay active do continue to carry on cases. But knowing George, and I don't want to suggest that I knew him well, George was a politician at heart, number one; and number two, the role, the judiciary role is confining. If you live long enough, as I have, most of your contemporaries, you know most of the judges personally by first name because you practiced with them. But when you meet them it's, "Your Honor." I was trained to stand up when they walk in the room. It's out of respect for the office, and the social contacts just stop.

I can remember one night walking home, we were in the west end and I walked to work, and I met Jim Reid – now, I'd known Jim forever – I met him in the street, "Hi, how are you? You sitting down here?" "Yes." "Where are you going?" "Oh, I'm going back to the motel and I suppose I'll have a sandwich or something." Well, you know, other circumstances I would have said, "Come on home and have dinner." Couldn't. Just couldn't. Now, it wasn't because Jim would have done anything or I would have done anything, but it was because of the perception. It just didn't seem right. I would no more have called Judge Gignoux and asked him out to lunch after I left. I just wouldn't do it.

**MH:** Hmm-hmm, right.

**RL:** And so your circle of friends narrows. If you're on a multi-judge court you better like them, because they're the people you're going to be dealing with all the time. And Maine is very careful about that. So I think George would have, if he had stayed, I think he would have found it very, very confining.

**MH:** It's been suggested in a couple of Clinton-era biographies that he was offered a position on the Supreme Court.

**RL:** Yes.

**MH:** One of them suggested he was offered it twice.

**RL:** Hmm-hmm.

**MH:** And it's interesting that he didn't take it. Do you think it's for the same reasons?

**RL:** I do. I think that by that time he had become very successful and very well known. I think that if the opportunity had been right, George might have run for president because I think that would have appealed to him. But George has been very, very successful, as you know, and I think he would have found it confining. Not in the same sense that Souter finds it confining.

**MH:** Hmm-hmm.

**RL:** But I think he would have found it confining.

**MH:** Cycling back to your own practice, if one goes to Augusta there's a very active Pierce Atwood office there.

**RL:** Yes.

**MH:** And a number of the lawyers are involved in lobbying roles or representing clients before state government. Did your practice involve any of that?

**RL:** Once. I told them here that if I had to do it again I would leave the firm. Lobbying was not the kind of thing that I liked or I was interested in. Any more than politics was something I like or was interested in.

**MH:** Did you ever consider vying for a judgeship yourself?

**RL:** The way the question is put to me, the answer is no.

**MH:** Because you don't vie for judgeships.

**RL:** That's right.

**MH:** That's right, that's probably not the way I wanted to put it actually. Did you ever, would you have been interested in a federal judgeship had it been offered to you?

**RL:** The answer is no.

**MH:** Hmm-hmm.

**RL:** There's a subjective assumption in that question.

**MH:** Very good. Tell me, when you look at your career in Maine, over fifty years you say, how's the landscape changed for a lawyer? I mean, do you think that it, you've said that for the most part the lawyers that operate here in the state are good people, and, you know, what, have you been alarmed at all by the way the law has changed in Maine over the last fifty years?

**RL:** By the way the law has changed, or the practice of law?

**MH:** Practice of law, practice of law.

**RL:** Not alarmed, but it is not the same as it was when I started. When I started, the entire Bar was very small, and of course because I was in court with Gignoux for two years I sat in on every case that was tried, I knew most of the trial lawyers in this state on a first name basis and then – I’ve tried cases all over the state, I’ve tried cases all over the United States, but I’ve tried cases all over the state and so I knew the lawyers on a first name basis. And I can say that with one exception in fifty years of practice, I have never had a lawyer in Maine go back on his word.

We didn’t put things in writing, but things were much more casual in those days. I could take a call from a judge on a Saturday saying, “What are you doing today?” “Nothing.” “Want to go fishing?” and go fishing with him and have him rule against me on Monday. I could walk down to the courthouse and walk into his chambers without saying hello to the secretary on the way by.

**MH:** Hmm-hmm.

**RL:** Because [of] the trust that the lawyers and judges had in each other. Now of course you can’t get into the courthouse without going through security, when the money permits them to have the marshals down there, and the judges are behind closed doors. Lawyers are much more careful about putting things in writing with one another than they were before. And the entire trial landscape has changed. Now very few cases actually go to trial. That’s a combination of the judges’ dislike of trying cases, [ ] mandatory ADR – alternate dispute resolution – and the fact that clients do not want to try bet-the-farm cases. They want to settle and minimize the risk. So it’s very difficult for us to get training for our younger lawyers in the actual trial of cases, and that’s true across the country.

**MH:** Do you think that the education that our young people receive, in middle school, in high school, in college, prepares them effectively to be good trial lawyers today?

**RL:** No, I don’t think that, well -

**MH:** I’m talking about public speaking and -

**RL:** You’re talking about fundamentals?

**MH:** - and the ability to wage an argument.

**RL:** Yeah, yeah. I can only speak to the lawyers in this firm, and they are, I can say without reservation, very, very bright, very articulate, and their analytical abilities are very good. But most people who graduate from law school don’t even know where the courthouse is. They don’t begin to learn what to do until they get in the law firm. And of course now that we really can’t get them to try cases on their own – when I started, I was in court every single day, every



single week of the year. I would finish a trial, pick up a new file, start another one. And that experience is just not available to anybody today.

**MH:** How do they get it? I mean, do they have to go and work for the assistant U.S. attorney or something like that?

**RL:** Yes, yes, they either have to go into the U.S. Attorney's Office or the D.A.'s Office, or they have to go down and volunteer with pro bono matters, and those are not very good experiences. And they don't have the supervision that we had. Of course I didn't have any supervision, but the younger lawyers who came behind me were, you know, they'd go to depositions with us. They'd watch us do the depositions. They'd go to trial with us. They'd sit in the courtroom and work and actually take witnesses. Doesn't happen today.

**MH:** At a firm like Pierce Atwood, how do you mentor the younger associates? Do you have a partner who's assigned to that task?

**RL:** We have, every partner is charged with mentoring associates who are assigned him. We have a responsible attorney, that is the attorney who is responsible for the client and the matter, and then an associate, or associates depending on the size of the matter, will be assigned to it. And that lawyer is responsible for the mentoring, the training of the lawyer, the associate, in that particular area. Beyond that, we are encouraged to mentor the associates generally, socially; encourage them to be active in their communities.

**MH:** I have one question I've been very anxious to ask you, and it part it's because your career has spanned fifty years. What do you think about advertising and lawyers?

**RL:** Let me tell you a story. When the O'Steen, Bates versus O'Steen [Bates v. State Bar of Arizona] case first came out, and [Warren E.] Burger authored it, he came to an ABA meeting, I was then in the House of Representatives, I was active in the ABA in those days, and he gave a scathing talk about lawyer advertising. And I said to him afterwards, "Chief Justice Burger, how could you be so irate about something you authorized?" And he said, "I expected that lawyers would exercise restraint." And I did everything I could to keep from laughing in his face. I mean, I think advertising is abhorrent, I think it's terrible, even tasteful advertising. But it's here; I mean we're not going to do anything about it.

**MH:** And everybody seems to have to do it, to a certain degree.

**RL:** One way or another.

**MH:** Yeah, yeah. I have a friend who is one of the federal judges here, and he told me many years ago, before he became a judge, how distasteful he felt it was, and I haven't had a conversation with him since he was appointed, but -

**RL:** I'm sure he would feel the same way.

**MH:** This has been very interesting, thank you, I've enjoyed the opportunity to talk with you.

**RL:** Well I've enjoyed the opportunity to talk with you. I don't know why, forgive me, but the interview didn't seem to be much about George, and, but I'm happy to chat with you. Nice to meet you.

**MH:** Thank you very much.

End of Interview