

LECTURE

A PROFILE IN PROFESSIONALISM: THE LIFE OF GIBSON GAYLE, JR.

*Hon. Gray H. Miller**

The legal profession lost a giant on September 16, 2016, and I lost a mentor, a friend, and a role model.

Gibson Gayle, Jr., the former managing partner of Fulbright & Jaworski,¹ died on that day. But, his legacy lives on in all of us who knew him, learned from him, and modeled our lives after him.

Because Gib exemplified the highest standards of our profession and service to others, he is the perfect subject for today's presentation on professionalism. I hope that each of you will embrace his example and model your professional and personal lives after his—you could not find a better example than Gib Gayle.

Despite all his achievements and all the accolades he received in over sixty-six years of practicing law, Gib was so modest and self-effacing that he referred to himself as a simple, ordinary Texas cowboy and country lawyer.²

* United States District Judge for the Southern District of Texas. Before joining the bench, Judge Miller was a partner with Houston's Fulbright & Jaworski law firm. He received his Juris Doctor from the University of Houston Law Center in 1978, where he attended part-time while working as a police officer for the Houston Police Department.

1. JOHN H. CROOKER, JR. & GIBSON GAYLE, JR., *Preface* to JOHN H. CROOKER, JR. & GIBSON GAYLE, JR., *FULBRIGHT & JAWORSKI: 75 YEARS (1919-1994)* V (1994). The firm Fulbright & Jaworski is now known as Norton Rose Fulbright following a merger with Norton Rose in 2012. Peter Lattman, *Fulbright and Norton Rose to Combine in Latest Law Firm Mega Merger*, N.Y. TIMES (Nov. 14, 2012, 3:30 PM), https://dealbook.nytimes.com/2012/11/14/fulbright-and-norton-rose-to-combine-in-latest-law-firm-mega-merger/?_r=0 [<https://perma.cc/ZNF7-D92Q>].

2. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr. for Houston Oral History Project (Nov. 5, 2007), <http://digital.houstonlibrary.net/oral-history/gibson-gale.php> [<https://perma.cc/TEK2-R3BZ>] ("I still refer to myself as a simply ordinary Texas cowboy, country lawyer, and that is all you will ever get me to claim.").

I think you will agree after this talk that Gib was many things, but he was never “simple or ordinary.”

In November of last year, I had the pleasure of hearing Professor Lonny Hoffman speak at the Federal Bar Association dinner about the changing face of law school education. In part, Professor Hoffman said:

We need to make it a priority to show students that being a good lawyer is, sometimes, just plain hard, and requires more than simply knowing where the courthouse is.

Among other things, it means balancing the heavy demands of practice with appropriate degrees of professionalism, humility and grace—certainly we should show them how the very best lawyers make it a priority to give back to others. To show them, in other words, examples of the kind of practice life they should be emulating.³

Professor Hoffman then described several prominent lawyers and Chief United States District Court Judge Lee Rosenthal as “models of professionalism, right here in our midst, yet, how many of our law students know of them? For too long,” he said, “there’s been an artificial and unnecessary wall between academia and the profession and it’s one that we just can’t afford.”⁴

I agree with Professor Hoffman, and I think that is one of the purposes of the Sondock Jurist-in-Residence program—to breach that wall and show law students how the best lawyers make it a priority to give back to others.

So, let me tell you about my model of professionalism.

Gibson Gayle, Jr. was born and raised in Waco.⁵ He served in the Army in World War II, and after the war, he completed a six-year joint degree program and graduated from Baylor Law School.⁶ After scoring the highest grade on the Bar Exam up until that time, he joined the Houston law firm of Fulbright, Crooker, Freeman & Bates as its forty-third lawyer in 1950.⁷ That firm is now known as Norton Rose Fulbright and has more than 3800 lawyers.⁸ It is one of the largest law firms in the world, thanks in no small part to Gib’s leadership as managing partner from 1979

3. Lonny Hoffman, Law Foundation Professor, Univ. of Hous. Law Ctr., Speech to the Federal Bar Association (Nov. 10, 2016).

4. *Id.*

5. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 1.

6. *Id.* at 1–2.

7. *Id.* at 2–3.

8. Obituary, *Gibson Gayle, Jr. (1928–2016)* HOUS. CHRON., www.legacy.com/obituaries/houstonchronicle/obituary.aspx?page=lifestory&pid=181452549 [https://perma.cc/9NYB-D8KE].

until 1992.⁹ He opened offices in Austin, San Antonio, and Dallas, and then he engineered what at the time was the largest and most successful law firm merger in history between Fulbright & Jaworski and the New York firm of Reavis & McGrath, which gave the firm offices in New York and Los Angeles.¹⁰ Just before retiring, he opened a Hong Kong office in 1990.¹¹

As far sighted as he was as a firm leader, he was also accessible to all the lawyers—including the most junior associate. I joined Fulbright & Jaworski in 1978 after serving nine years as a Houston Police Officer while attending undergraduate school at the University of Houston and law school here at this great law school, then known as the Bates College of Law. Gib made it a point to meet all of the new lawyers. He learned our names and never forgot them. He not only learned our names, but he knew the names of our spouses and children. He took an interest in us and cared about us. And not just the lawyers, but the secretaries, legal assistants, and all of the staff. I have never known anyone with such a caring and joyous spirit.

This was a real revelation for me after the military style rank structure of the police department. The lieutenants, captains, and higher ranks never talked to the lowly patrol officers. But here was the managing partner, former president of the State Bar of Texas,¹² when we would meet in an elevator asking, “Lawyer Miller, how are Joanne and the kids doing?” Gib had people skills like no one I had ever met.

But I want to focus the rest of this talk on Gib’s professional and civic leadership roles because it was in those roles that he achieved the greatest good and set the bar so high for those of us who aspire to follow his example.

At the time of his death, Gib had practiced law for 66 years.¹³ He was married to his college sweetheart, Martha, for sixty-eight

9. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 10.

10. *Id.* at 10–11; see CROOKER & GAYLE, *supra* note 1, at 152–53 (discussing expansions into the Dallas-Fort Worth area and San Antonio and noting that “[d]ecision-makers at Fulbright & Jaworski felt that with offices in Houston, Austin, San Antonio, and Dallas, a Texas strategy for the firm could be put in place that would result in a synergistic expansion of practice.”); *id.* at 161–72 (discussing the Reavis & McGrath merger, which took place on January 1, 1989); Linda Addison, Managing Partner, Norton Rose Fulbright, Remembering Gibson Gayle, Jr. (Sept. 21, 2016) (on file with author) (“In 1989, Gib spearheaded what was, at the time, the largest and most successful U.S. law firm merger in history, earning him a photograph on the cover of *American Lawyer* magazine with the headline, ‘Finally, A Smart Merger.’”).

11. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 12.

12. See Obituary, *supra* note 8.

13. *Id.*

years, and he had five children, eight grandchildren, and five great grandchildren.¹⁴

Professionally, Gib served in leadership roles in the American Bar Association, where he was Secretary, a life member of the House of Delegates, and—in his younger days—chair of the Young Lawyers Division.¹⁵ He served as President and Director of the American Bar Endowment and as a Life Fellow and Board Member of the American Bar Foundation.¹⁶

He was the President of the Texas Young Lawyers Association and the State Bar of Texas, Chairman of the Board of the Texas Bar Foundation, and a Council Member of the International Bar Association.¹⁷

He was inducted into the Texas Legal Legends Hall of Fame by the State Bar of Texas in 2010.¹⁸

Gib also had a connection to this law school. As a new associate, he was recruited by Dean A.A. White to teach a night class here.¹⁹ He served as an instructor from 1951–55.²⁰ After his retirement, he taught at University of Texas Law School as an adjunct professor from 1994–2002.²¹ He has a classroom at the University of Texas Law School named after him—the only person who is not a University of Texas graduate or full-time faculty member there who has been so honored.²²

Gib's list of honors is too long to detail in an hour long speech, so let me just hit the highlights before I talk about his civic involvement. Gib received the Dean's Award from the Law Center in 1997, the Leon Jaworski Award in 1992, and was Baylor Lawyer of the Year in 1967.²³ He was made a Knight of the Legion of Honor by the Republic of France in 2004, and he received the German Order of Merit in 2013.²⁴

14. *Id.*; see Blake Tartt, *Gibson Gayle, Jr. Receives the 2006 Outstanding Service Award from the Fellows of the American Bar Foundation* (Dec. 31, 2005) (on file with author) ("In 1948, Gib married his long-time sweetheart Martha Wood, the 1946 Baylor Homecoming Queen. Martha has been the loving inspiration for Gib's many endeavors, and without Martha, they would not have succeeded.")

15. *Id.*

16. *Id.*

17. *Id.*

18. Norton Rose Fulbright, *Gibson Gayle, Jr. Biography* (on file with author).

19. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 3.

20. Norton Rose Fulbright, *supra* note 18.

21. *Id.*

22. Addison, *supra* note 10.

23. Norton Rose Fulbright, *supra* note 18.

24. *Id.*

2017]

JURIST-IN-RESIDENCE

1303

I have left out far more awards than I have mentioned, and you may be asking yourselves, “Why was Gib honored with all these awards?”

Let me digress and give some history.

It is a little known fact that the M.D. Anderson Foundation actually created the Texas Medical Center. Anderson, Clayton & Co., a cotton company, was the primary client of the Fulbright & Crooker Law Firm in 1919 when the firm was established.²⁵ Mr. Monroe D. Anderson, one of the founders of Anderson Clayton, never married, and in 1936 he had the firm set up the M.D. Anderson Foundation with the sum of approximately \$300,000.²⁶ The purpose of the foundation was “promotion of health, science, education, and advancement and diffusion of knowledge and understanding among people.”²⁷ Mr. Anderson and two lawyers from the firm, John H. Freeman and William B. Bates, would be the trustees.²⁸

Mr. Anderson made it clear to Freeman and Bates that after his death he expected them to do with the foundation what he would do if he were still alive.²⁹ Mr. Anderson died in 1939, and he left approximately \$19 million to the foundation.³⁰ He also left the two remaining trustees wondering what they should do with the foundation. Then in 1941, the Texas legislature passed a law setting up the first cancer hospital in the State of Texas.³¹ But, there was one major problem: the state did not have enough money to set up the hospital.³²

Freeman and Bates had spotted 134 acres of land across Main Street from Rice University.³³ The only building on the property

25. CROOKER & GAYLE, *supra* note 1, at 9, 16 (discussing Anderson, Clayton and the founding of the Fulbright & Crooker Law Firm). Anderson, Clayton was a partnership engaged in the cotton business that had moved from Oklahoma City, Oklahoma to Houston, Texas in 1916. *Id.* at 9. “In the late 1930s, that entity would become Anderson, Clayton & Co., but the lawyers who performed services for the client simply referred to it as ‘Anderson, Clayton.’” *Id.*

26. *Id.* at 45–46; see Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 5 (explaining “how the Anderson Foundation came about”); *Who Was MD Anderson?*, M.D. ANDERSON CANCER CENTER <https://www.mdanderson.org/about-md-anderson/facts-history/who-was-md-anderson.html> [<https://perma.cc/GXY8-32CX>] (“[I]n 1936, MD Anderson created the charitable foundation that bears his name and funded it with about \$300,000.”).

27. WILLIAM HENRY KELLAR, *ENDURING LEGACY: THE M.D. ANDERSON FOUNDATION & THE TEXAS MEDICAL CENTER* 69 (2014).

28. CROOKER & GAYLE, *supra* note 1, at 45.

29. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 5.

30. CROOKER & GAYLE, *supra* note 1, at 46.

31. RAY MILLER, *RAY MILLER’S HOUSTON* 156–57 (1982).

32. *Id.* at 157.

33. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 15.

was Hermann Hospital.³⁴ They thought this would be a good location for the new cancer hospital and maybe a medical center.³⁵ They thought that is what Mr. Anderson would do were he still alive.³⁶

The city of Houston had purchased that property from the Hermann estate with the idea of adding it to Hermann Park, and some prominent citizens objected to using the land for anything but a park.³⁷ So, Freeman and Bates had to finance an election authorizing the M.D. Anderson Foundation to purchase the property.³⁸ And they did—941 people voted in favor and 50 against.³⁹

So the Foundation bought the 134 acres for \$318,000 and created an entity called the Texas Medical Center, Inc.⁴⁰ The Foundation then **donated** the land to the Texas Medical Center.⁴¹ Then, Freeman and Bates approached the governor and the president of University of Texas and told them if they would locate the new cancer hospital in Houston and call it the M.D. Anderson Cancer Center, the Foundation would finance whatever was needed and give the new cancer center all the space it needed.⁴² In the 1940s, Freeman and Bates helped facilitate the move of Baylor College of Medicine from Dallas to the Texas Medical Center.⁴³

Gib joined the M.D. Anderson Foundation Board in 1980 and became President in 1990.⁴⁴ He was also a member of the M.D. Anderson Board of Visitors and a former Chair of the Baylor College of Medicine Board of Directors.⁴⁵ He served as a life member of the Board of Directors of the Texas Medical Center.⁴⁶ Gib was most proud of the work he did in the Texas Medical Center, which he thought was as responsible for the growth of Houston as anything else.⁴⁷ The Texas Medical Center and M.D. Anderson Cancer Center are known and respected around the world. Gib Gayle played a leading role in the growth and development of the Medical Center and M.D. Anderson. And, upon

34. *Id.*

35. *Id.*

36. *Id.* at 5.

37. MILLER, *supra* note 31, at 159.

38. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 15.

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.* at 15–16.

43. MILLER, *supra* note 31, at 159.

44. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 15.

45. Norton Rose Fulbright, Gibson Gayle, Jr. Biography (on file with author).

46. *Id.*

47. Interview by Dr. Joseph Pratt with Gibson Gayle, Jr., *supra* note 2, at 18.

his death, he donated his body for medical research.⁴⁸ So, even in death, Gib serves as an example of selflessness.

As all of us native Houstonians like to point out, “Houston” was the first word spoken from the surface of the moon.⁴⁹ But to many people all over the world, “Houston” is the first thing that comes to mind when they receive a diagnosis of cancer or have some other significant health issue.

A simple, ordinary Texas cowboy and country lawyer helped make that happen, but few people know of his contributions and accomplishments because, above all, Gib was a humble man who never wanted any recognition for what he did. As Harry Truman once said, “You can accomplish a lot if you don’t care who gets the credit.”⁵⁰

In fact, when Baylor Law School wanted to name a reading room after Gib, they had to do so over his strenuous objection. Dean Toben said of Gib, “His name, attached to our home, is a fitting, but inadequate recognition of a man who stands a little taller than the rest of us and does so with a much too generous measure of humility . . . The simple name ‘Gibson Gayle’ will always shine brighter than the rest in the annals of law.”⁵¹

As law students and lawyers, you may sometimes ask yourselves, “Can I be a good person and still be a good lawyer?” When this question was put to Bill Powers, the former dean of the University of Texas Law School, he always replied, “Look to Gibson Gayle. He is one of the nation’s outstanding lawyers and one who can look back on his professional life and his personal life with pride.”⁵²

Don’t you want people to say that about you? I know I do, and it is because of Gib Gayle that one day, I hope people will.

The late Blake Tartt, Gib’s friend and long-time colleague, said this about Gib when Gib received the outstanding service

48. Charles Hall, Retired Partner, Norton Rose Fulbright, Address at the Gibson Gayle Jr. Funeral Service (Sept. 21, 2016).

49. Actually, the first words spoken when “[a]t least one of the probes hanging from three of the footpads” of the Lunar Module had touched the surface of the moon were spoken by Buzz Aldrin who said, “Contact Light.” *The First Lunar Landing*, NASA, <https://www.hq.nasa.gov/alsj/a11/a11.landing.html> [<https://perma.cc/X8Q8-R5S2>] (annotated transcript of lunar landing). Aldrin made this call at 20:17:40 GMT on July 20, 1969. *Id.* A few moments later, after some more technical discussion, Neil Armstrong said into his voice-activated communication device, “Houston, Tranquility Base here. The Eagle has landed.” *Id.* It is this official communication from the surface of the moon that elicits pride in every native Houstonian.

50. Bill Murphy, Jr., *10 Times You’re Better Off Saying Nothing at All*, INC. (May 8, 2014), <http://www.inc.com/bill-murphy-jr/10-times-youre-better-off-saying-nothing-at-all.html> [<https://perma.cc/CGJ8-X74N?type=image>].

51. Blake Tartt, *supra* note 14, at 2.

52. *Id.*

award from the Fellows of the American Bar Foundation in 2006: “Gibson Gayle, Jr., is the lawyer we all hoped to be when we enrolled in law school. If there were more Gib Gayles practicing law today, the image of the lawyer would need no further enhancement.”⁵³

So, as someone who was privileged to practice law with Gib Gayle and call him not only a mentor, but a friend, what did I learn from this extraordinary man?

Well, first and foremost, I learned that you **can** be a “good person” and a good lawyer. But, as Blake Tarrt said, you have “to put the proper administration of justice and the well-being of the public and your clients ahead of your own self-interest.”⁵⁴

As some of you may know, my path to the federal bench was not a conventional one. In fact, I describe myself as “the accidental jurist.”⁵⁵ I spent the first nine years of my working life—from age 20–29—in public service as a Houston Police Officer. But I knew I did not want to make law enforcement a career. It was my father who suggested that I apply to law school.

It was only in my last year of law school that I began to consider what kind of law I wanted to practice. I knew I did **not** want to practice criminal law. I had gone to the United States Merchant Marine Academy after I graduated from high school for about a year and a half during which time I spent six months at sea. I took the one admiralty course that the University of Houston Law Center offered back then and liked it. So I decided that I wanted to be an admiralty lawyer. I knew Houston was a major port and that there was a large admiralty practice here. Most of the larger firms—Vinson & Elkins, Baker Botts, and Fulbright & Jaworski—had admiralty departments, and there were several smaller firms that also did maritime work.

Because I was working full time, I did not clerk or intern when I was in law school. So, I had no idea what lawyers actually did, but I had faith in my ability to learn. After all, I had already learned how to be a ship’s officer and then a police officer.

But first, I had to get a job. Although my grades were in the top 15% of my class, I doubted that the big firms would be interested in interviewing an older night student who was a police officer without any moot court, mock trial, or law review credentials on my resume.

53. *Id.* at 1, 3.

54. *Id.* at 3.

55. Gray H. Miller, *The Accidental Jurist*, 4 HLR: OFF THE REC. 15 (2013), <http://www.houstonlawreview.org/wp-content/uploads/2013/03/3-Miller.pdf> [<https://perma.cc/K6JE-6MT3>].

So, here is where luck played a major role in my future. At that time law students signed up for On Campus Interviews manually by student number. Those with the lowest student numbers were allowed into the room where the sign-up lists were arranged on tables first. Since I had attended University of Houston as an undergraduate, my student number followed me to law school. So, during that recruiting season in my last semester of law school, I had a student number that was lower—by far—than any other law student. That meant that I signed up first, and I was able to get on the schedule with all the firms I wanted: Vinson & Elkins, Baker Botts, Fulbright & Jaworski, and Royston Rayzor Vickery & Williams—the oldest admiralty firm in the greater Houston area.⁵⁶

Baker Botts decided not to interview me, but I got interviews with all the rest. During my interviews, I emphasized my experience at the United States Merchant Marine Academy and the six months I spent at sea.

The Vinson & Elkins lawyers I interviewed with were very polite, but I think they wondered how I had gotten an interview with them. They did not offer me a job. Royston Rayzor offered me a job in their Galveston office—not something I was interested in. But Fulbright invited me for an office interview with the head of the admiralty department and several other partners.

After that interview, Fulbright offered me a job as an associate in the admiralty department at the grand salary of \$20,000—\$3,000 more than I was making as a police officer.

Once hired, my immediate ambition was not to be fired. I joined the firm in June 1978 right after graduation, studied for and took the Bar Exam in July, and breathed a huge sigh of relief when I got notice in November that I had passed.

The best part of my new job was the lawyers I worked with and the partners who mentored and trained me.

When I joined the firm in 1978, Kraft Eidman was the managing partner.⁵⁷ I do not recall ever meeting or talking to him. He was an intimidating presence and not approachable by young lawyers.

In 1979, Gib Gayle became the firm's managing partner.⁵⁸ When Gib joined the firm in 1950, he wanted to be a trial lawyer like Leon Jaworski, but Jaworski had other ideas.⁵⁹ He saw the

56. See *Firm History*, ROYSTON RAYZOR, <http://www.roystonlaw.com/about-history> [<https://perma.cc/AH4Y-BUQ4>].

57. CROOKER & GAYLE, *supra* note 1, at 147.

58. *Id.*

59. Email from Murray Fogler to Gray H. Miller (Dec. 20, 2016) (on file with author).

potential in Gib and encouraged him to get involved in bar activities and firm management.⁶⁰ Gib put his ambitions to be a trial lawyer aside, and the law firm and our profession are both better for his selflessness.⁶¹ As managing partner, Gib knew everyone's name, talked to them, asked about their families, and took an interest in even the most junior associates. Many people describe those years at Fulbright like a family. The firm's reputation—it was then known as Fulbright & Jaworski—was enhanced as a result of Leon Jaworski's service as the Watergate prosecutor after Archibald Cox was fired.⁶²

As a young lawyer, whenever I said I was an attorney at Fulbright & Jaworski, people would always ask, "Is that Leon Jaworski?" It filled me with professional pride and, I think, it enhanced my stature to answer, "Yes, it is."

The firm had just begun a litigation training program patterned after the National Institute of Trial Advocacy's program for all of us "baby lawyers." We were taught all the basics of litigation by the top trial lawyers in the firm. The course lasted six months and culminated in a mock trial.

This training and the mentoring I received from the partners and senior associates I worked with, coupled with the talks by Gib Gayle, Leon Jaworski, and other partners, gave me the foundation for ethically and professionally practicing law. I still remember many of the principles they instilled in us. Here are a few:

(1) When dealing with other lawyers—your word is your bond. Other lawyers could always trust you to keep your word.

(2) Always be prepared.

(3) Never ever mislead the court. If you cite a case for a proposition of law, the judge would always be able to rely on that.

(4) Always show respect for our system of justice, including judges and other attorneys.

(5) Always give back through bar association work and other civic activities.

Gib was a role model during those years—always the consummate professional, heavily involved in bar activities (as were many other partners), and working tirelessly to make the Texas Medical Center the world-class medical center it is today.

60. *Id.*

61. *Id.*

62. CROOKER & GAYLE, *supra* note 1, at 147 (discussing how Jaworski left the firm to become the Watergate special prosecutor); CARL WOODWARD AND BOB BERNSTEIN, ALL THE PRESIDENT'S MEN: THE GREATEST REPORTING STORY OF ALL TIME 333 (1974) (discussing Cox's departure as special prosecutor).

At the same time, Gib was running one of the largest law firms in Houston with his patented personal touch.

I never saw Gib without a smile on his face. He was not just proud to be a lawyer—he enjoyed it, and he enjoyed life.

During my career at the law firm, I tried to follow Gib's example. Since I went to a Jesuit high school, I knew that Gib was what St. Ignatius Loyola called, "a man for others."⁶³

I tried to be the best lawyer I could be. I worked hard to get along with the lawyers on the other side of my cases, and I think I mostly succeeded in that. I was always prepared and loyal to my clients, and I gave them my best advice, even if it did not match what they thought about their case. I was supportive of my partners and modest in my own accomplishments. I tried not to work on weekends and spent time with my wife and two children because I had already missed a lot of their growing up, working full-time and going to school for nine years.

Although I was not drawn to bar work, I did spend time on civic activities, such as the boards of Harris County Mental Health and Mental Retardation Authority and the Texas Department of Mental Health and Mental Retardation.

I enjoyed my career as a lawyer, but after twenty-eight years of practice, I began looking for a new challenge. In 2003, when Judge David Hittner announced that he was taking senior status, I knew what I wanted to do. There had not been an opening on the federal court in Houston in ten years, and at age fifty-four, I knew this was my opportunity.

Senators Hutchison and Cornyn would make the recommendation to President George W. Bush for this opening, and they had a committee to screen applicants and narrow the field, since there were quite a few lawyers interested in the appointment. There were many prominent lawyers on this committee, including my partners Linda Addison and Gib Gayle.

63. Father Pedro Arrupe, Address to the Tenth International Congress of Jesuit Alumni of Europe, *Men for Others* (July 31, 1973). Father Arrupe's speech was an update of the early Jesuit ideal of being "helping souls" and draws heavily upon one of Saint Ignatius's most famous prayers:

Lord, teach me to be generous.
Teach me to serve you as you deserve,
to give and not to count the cost,
to fight and not to heed the wounds,
to toil and not to seek for rest,
to labor and not to ask for reward,
save that of knowing that I do your will.

Ten Elements of Ignatian Spirituality, LOYOLA PRESS, <http://www.ignatianspirituality.com/wh-at-is-ignatian-spirituality/10-elements-of-ignatian-spirituality> [<https://perma.cc/9XWP-QMYL>].

The committee selected a small number of applicants to interview, including me. Gib and Linda recused themselves from my interview, but in the end the committee recommended three of us to the senators. Each of us had personal interviews with the senators, but before they could make a recommendation to the President, Judge Keith Ellison came up from Laredo and filled the vacancy, and none of the three of us wanted to go to Laredo.⁶⁴

I thought the window for me had closed. But, eighteen months later, Judge Ewing Werlein took senior status, and the three of us who made the final cut thought that one of us would be chosen to fill this vacancy. But, the senators had other ideas. They decided to open up the application process all over again. This meant another application and another interview with the same committee. This time the committee recommended four top candidates, the top three from the last time plus one more.

I thought that the other three candidates were all more qualified than I was, but I later realized that I had something in my background that they all lacked—nine years of law enforcement experience.

After the four of us interviewed with the senators, I got a call the next day while I was at the airport preparing to fly to Whistler for a short vacation. Senator Hutchinson and Senator Cornyn told me that they wanted to recommend that President Bush nominate me to fill the vacancy. I was overwhelmed, excited, and, to be honest, a little intimidated. I had always thought I was qualified to be a federal judge—now I was about to find out if that was true.

I know that Gib Gayle had a big role on that committee. Most of the lawyers looked up to him and admired him. As usual, he never took credit for the committee's recommendation, but I know his endorsement of my qualifications played a big role in my appointment.

After I was appointed, whenever I saw Gib, he always complimented me on my decision to return to public service. Coming from a man I admired and wanted to emulate, this made a big impression on me.

64. Judge Ellison was nominated by President William J. Clinton on January 26, 1999, and he was confirmed by the Senate on June 30, 1999. Federal Judicial Ctr., *History of the Federal Judiciary, Biographical Directory of Federal Judges: Ellison, Keith P.*, <http://www.fjc.gov/servlet/nGetInfo?jid=2822&cid=999&ctype=na&instat=na> [https://perma.cc/V5XN-8XVM]. He moved from the Laredo Division of the Southern District of Texas to the Houston Division in 2005. Mary Flood, *Judge's Taste for Art Adds Color to Houston Court*, HOUS. CHRON. (Aug. 25, 2008, 5:30 AM), <http://www.chron.com/news/houston-texas/article/Judge-s-taste-for-art-adds-color-to-Houston-court-1768690.php> [https://perma.cc/E38U-BMV8].

I don't pretend that my civic and professional activities come anywhere close to Gib's. He still inspires me to participate in activities like this program. I do this because I want law students and new lawyers to know that our profession is one of service—service to others and service to the community.

After twenty-eight years of practicing law, I am grateful that I can end my career—as I began it—in public service.

One of the best things about being a federal judge is the opportunity to mentor law students and new lawyers. We hire judicial interns—many of them from the Law Center—during the spring and fall semesters and the two summer semesters. So we have law students working in chambers all year. This is the first opportunity many of them have to see how the law actually works. They work closely with the law clerks and get to observe trials, hearings, and other court proceedings. I will usually bring the interns back into chambers to discuss what they have seen in the courtroom and give them advice and answer their questions. This is a rare opportunity for law students, and it gives me a chance to impart much of what I have learned about being a good lawyer to a new generation of lawyers.

Let me describe a couple of the things that interns had a chance to see in trial.

I always ask the lawyers and everyone in the courtroom to turn off their phones. In a Medicare fraud trial, one of the defendants had his phone turned on at the defense table, and it rang during trial. My law clerk, sitting closer to the defendant, sent me an instant message, "I cannot believe that his ringtone was the theme from the movie *The Sting*."⁶⁵ Luckily for the defendant, the jury did not hear it. Unluckily for him, he was convicted.

In another criminal case, a character witness was testifying for the defendant when we heard a buzzing sound coming from the witness stand. I asked the witness, "Is that a cell phone?" He said, "No, it's my ankle monitor." It turns out he was on probation.

The lesson there was sometimes no character witness is better than a bad character witness.

Finally, we had a trial where one of the lawyers would object to testimony as follows: "Objection, misstates prior testimony,

65. *The Sting* is a 1973 movie about a young con man teaming up with another con man to seek revenge for his murdered partner. Paul Newman, Robert Redford, and Robert Shaw starred in *The Sting*, which won seven Oscars. *The Sting*, IMDb, imdb.com/title/tt0070735/ [<https://perma.cc/3XFF-3GJ5>]. Marvin Hamlisch won the Oscar for best music, scoring original song score and/or adaptation for the song *The Entertainer*, a song written by Scott Joplin and conducted and adopted by Hamlisch. *Oscars 1974: The Music of Marvin Hamlisch—Scott Joplin and The Sting (1973)*, MARVIN HAMLISCH (Feb. 28, 2016), marvinhamlisch.us/news/film-the-sting-scott-joplin-and-the-sting-1973 [<https://perma.cc/XKH6-TBYA>].

leading, lacks foundation, irrelevant.” That is the objection you make when you don’t know what the objection really is. You will not be surprised that I denied that objection every time.

So, for those of you thinking about applying for internships, I encourage you to apply. Not all trials are so entertaining, but interning is a great learning experience.

Mentoring law clerks—again, many from the Law Center—is also something I enjoy. The law clerks serve as the judge’s lawyer. We develop a close, professional, and personal relationship. And out of this comes a friendship that lasts long after the clerkship is over. We stay in touch, and former clerks often call for career advice.

Of all the responsibilities that come with my job, I think mentoring is one of the most important.

I am grateful to the Law Center for asking me to speak here today. I am a great admirer of Justice Ruby Sondock. Justice Sondock was appointed to the 234th District Court of Harris County in 1977, just a year before I began to practice law.⁶⁶ At that time, all the judges in Harris County were men.⁶⁷ I had the pleasure of appearing before Justice (then Judge) Sondock several times, and I always found her to be well prepared and all business.

Later, as you know, Justice Sondock was appointed to the Texas Supreme Court in 1982, making her the first woman to serve as a justice in a regular session of the court.⁶⁸ After serving out the term of the late Justice Denton, Justice Sondock returned to her district court bench.⁶⁹ After retiring from the bench, Justice Sondock turned her formidable skills to mediation. She became the go-to mediator for lawyers with difficult cases—or difficult clients. I also had the pleasure of mediating cases with Justice Sondock. She always had the reputation of telling the clients and the lawyers **exactly** what she thought about the case.

We are all grateful for Justice Sondock’s exemplary public service. It is no mystery why she—like Gib Gayle—is also a “Texas Legal Legend.”⁷⁰

And speaking of being grateful, another mentor of mine, Judge Royal Ferguson, once told me that the secret of success in

66. Angela Dorau and Brenda Gunn, *Women in the Law*, 61 TEX. B.J. 86, 87 (1998).

67. *Id.*

68. *Id.*

69. *Id.*

70. See State Bar of Texas, *Texas Legal Legends*, <https://www.texasbar.com/Content/NavigationMenu/AboutUs/StateBarPresident/TexasLegalLegends/default.htm>, to learn more about our Texas Legal Legends.

2017]

JURIST-IN-RESIDENCE

1313

life is gratitude.⁷¹ The State Bar grants us a license to do what no one else can do—represent clients and help them obtain justice. We should be very grateful for that.

John F. Kennedy said, “We must find time to stop and thank the people who make a difference in our lives.”⁷²

All of us have been mentored, helped, and even pushed by lots of people. Take time to thank those people. Those you thank will really appreciate it, and it will make you feel great as well.

Gratitude is being thankful for what we have. Although we may not have everything we **want**—we have everything we **need**.

So, I am grateful for the example of Gibson Gayle. There are many other Houston lawyers who can be held up as examples of professionalism: Jim Sales, Harry Reasoner, James Baker, Leon Jaworski, and Justice Jeff Brown, but, to me, Gib Gayle is the gold standard. His legacy is one of conviction, compassion, and commitment. We should all try to follow his example. No doubt we will fall short, but in trying perhaps we can come close to being that simple, ordinary Texas cowboy and country lawyer that Gib always claimed to be, but never was.

Thank you.

71. Judge Royal Furgeson, Jr., served as a federal judge in the Northern District of Texas, Dallas Division, for over eighteen years. *Faculty*, UNT DALL. C. L. <https://lawschool.unt.system.edu/faculty> (last visited Mar. 6, 2017). He is now the founding dean of the UNT Dallas College of Law. *Id.*

72. Dave Kerpen, *15 Quotes to Inspire Your Sense of Gratitude*, INC. (Nov. 19, 2014), www.inc.com/dave-kerpen/15-quotes-to-inspire-your-sense-of-gratitude.html.