

# PUBLICATION

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## Non-Litigation Things

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I have been given the impossible task of putting my feelings and thoughts about Dad into words for this edition of the Trial Newsletter. It would be easy to reminisce war stories – of which there are many: Dad's ability to remember the names of jurors; legendary cross-examinations; cases that were so important or crazy that nicknames were assigned: the "Gorilla Woman Case;" the "Green Ice Case;" the "Tobacco Case;" the "Tiny Towns Case;" and the "Water Case" – just to name a few; and famous clients from rock icons Jerry Lee Lewis and Paul McCartney, to rappers Three Six Mafia. But these stories – as amazing as they are – are not what come to mind today. Dad was, by all accounts and by any measure, a great trial attorney, and he will most certainly be remembered for that (don't call him a "litigator"). But Dad possessed other qualities that are equally deserving of mention and honor. Here are just a few:

- Dad was a great law partner. My use of the word "partner" rather than "shareholder" is intentional. Dad viewed everyone in Baker Donelson as his partners – lawyers, paralegals, assistants, runners, staff ... everyone. Dad was loyal to his partners. Dad was also loyal to his law firm – even when it was not in his personal interest. He believed mentoring young lawyers was an obligation and responsibility. His door was always open. It is one thing to be a skilled lawyer. It is another thing to be a great law partner. They are not the same.
- Dad embodied integrity. His word was his bond and he expected the same from others. Promises made were kept – period. Even if the circumstances changed and the promise was no longer convenient. Nothing disappointed Dad more than when someone violated his trust.
- Dad loved to teach – maybe more than practicing law. He could teach about the law, literature, religion and life. He taught at the University of Memphis Cecil C. Humphreys School of Law for more than 20 years. He taught at Temple Israel for decades. He taught judges, juries and other attorneys for 60 years. And, he taught everyone by his example.
- Dad had an uncanny ability to conjure up a quote that was always perfect for the situation: "A speech need not be eternal to be immortal;" "How sharper than a serpent's tooth;" "There is one God that is Lord over the earth, and one captain that is lord over the Pequod." His sense of humor was biting dry but always delivered with affection: "Sorry you lost that bet and had to wear that tie today."
- Dad was a man of faith. Much of what Dad did and believed was a direct reflection and outgrowth of his faith. While he was proud of his Jewish faith, Dad had deep respect for and curiosity about other faiths.

While I could continue by mentioning Dad's love of wine, golf, Moby Dick, Sherlock Holmes and Shakespeare, it is fitting to end with family, because nothing was more important to Dad than family. While you saw Leo Bearman arguing motions and trying cases, we saw Dad picking up his father for work every day, waltzing with his grandchildren, telling jokes that were so bad he couldn't finish them without laughing, attending ballet

recitals and smiling at his great-granddaughter. Dad was a great lawyer, but he was a better son, brother, father, grandfather and great-grandfather.

I am aware that this is the Trial Newsletter, so it is fair to ask: Why is so much of this article focused on "non-litigation things?" The answer is this: "non-litigation things" – family, faith, friends, wine, literature, golf and teaching – were the foundation upon which Dad built and maintained his legal career. "Non-litigation things" enhanced Dad's abilities to connect with and relate to anyone on any level and present complicated concepts in a way that judges and jurors could understand. "Non-litigation things" informed Dad's sense of loyalty, respect for the law and belief in giving back through community service and pro bono work. "Non-litigation things" gave Dad a more complete understanding of the human condition and, in its simplest form, what we lawyers do is communicate with and persuade other humans, whether they be clients, opposing parties, judges, jurors or other lawyers.

So, if you took away the "non-litigation things," would Dad have been a great lawyer? Absolutely. But he would not have been Dad – and Dad, personally and professionally, was so much more than a great lawyer. That is a worthy goal for all of us.