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Interview with Bobby Lee Cook

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INTERVIEW WITH BOBBY LEE COOK

On March 7, 2009, the Georgia State University Law Review interviewed renowned trial attorney Bobby Lee Cook at his office in Summerville, Georgia. Paul S. Milich, Professor of Law at Georgia State University, conducted the interview.

The Georgia State University Law Review would like to extend our many thanks to Mr. Cook and his staff for graciously agreeing to help with this project.[*]

Paul Barsness
Editor in Chief

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PROF. MILICH: Bobby Lee Cook. When you say that name among Georgia trial lawyers and judges, you always get smiles, and if you're lucky, a few Bobby Lee stories, all told with an incredible degree of admiration and respect for one of the greatest trial lawyers in the State of Georgia. Bobby Lee Cook has been practicing law for sixty years and counting, and his law practice has taken him to cases in forty different states, seven foreign countries. Early in his career he served as a state legislator both in the House and in the Senate, and even served about four years as state court judge. But Bobby Lee Cook's greatest impact has been as a trial lawyer in the courtroom. We're going to visit some of his cases in this interview. But one cannot exaggerate the respect that he has among judges and lawyers in the state. He is a fellow in the American College of Trial Lawyers and has more awards and honors than I can possibly name. But he's not only known far and wide as being one of the ultimate country

[*] The Law Review would also like to extend special thanks to Cindy Perry for her tireless work in creating this transcript.

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lawyers, but also for his passionate devotion to civil liberties and to justice. Thank you, Bobby Lee, for giving us some of your time.

MR. COOK: Thank you very much Professor. I'm delighted to be able to participate in this.

PROF. MILICH: Let's start at the beginning. What made you want to be a lawyer?

MR. COOK: Well I started off — I didn't want to be a lawyer. I had a joint major in Chemistry and Classics. And World War II interrupted my college as it did about ten million other Americans and after returning from the Navy I decided that I wanted to do something that had a little more action in it than being a doctor. So my reasoning is not very romantic but I think I made the right choice. I've had a great sixty years.

PROF. MILICH: Did you have any mentor who showed you the ropes when you first started out?

MR. COOK: I did. I had two mentors, I guess you would say. One was an old lawyer here in this county. His name was Clovis Rivers. He had been in the Spanish-American War, he was a great lawyer, and his background was very fascinating. He knew all about Blackstone's Commentaries, about James Kent's American Commentaries on the law. He read Greek and Latin. He was a great friend of mine and I admired him very much. His picture is hanging in my office. He never wore a tie—he wore an old open shirt and the picture has a little pin here in his lapel, and you can just barely see it, it says 3 R's. That was Rivers, Russell, and Roosevelt. He was one of my mentors, and the other was a very preeminent lawyer from Rome, Georgia by the name of Graham Wright, who at that time was the Chairman of the Bar Examiners. Mr. Wright was looked upon as being the most accomplished all around lawyer in the state. He was a great trial lawyer. He was a great appellate lawyer. He was really a lawyer of the Renaissance. And he was a great friend of mine and

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was very helpful to me in the beginning of my career as well as Mr. Rivers.

PROF. MILICH: You have an outstanding reputation among the judges in Georgia and of course that's a benefit to you and to your clients in the courtroom. How did you cultivate that reputation?

MR. COOK: Well, I just—it's very simple—I didn't know it was that good. In any event, I have always had a great respect for the institution, for the judiciary. I've always attempted to abide by all of the applicable rules and regulations that have been in place, and especially, I think an important thing for lawyers that are beginning their practice, never attempt to mislead a judge, either factually or legally. Deal with the court straight up and if you make a mistake admit that you made a mistake. I think a lawyer's word and his integrity are essential to a successful law practice. As one judge said to me, some lawyers don't know it, but judges talk to each other about other lawyers and I know that's true.

PROF. MILICH: Let's talk about jurors for a minute. How do you gain the trust and confidence of a jury early in a case?

MR. COOK: Well I think number one, I think it has a similar approach to what we just discussed. If a jury ever believes that a lawyer is misleading them on the facts, or on any element of the case, you better watch out because you're going to lose your case. If I have a problem in a case I usually address that problem in my opening statement, and I always try to stay away from anything that would give the jury the idea that I was trying to mislead them in any way.

PROF. MILICH: In a criminal case we all talk about the presumption of innocence. In your experience, do jurors start a criminal case with the presumption of innocence in their hearts and minds and, if so, how do you keep it there?

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MR. COOK: That's a good question that is subject to a lot of debate. I tend to think, and I want to think, that jurors *do* start with the presumption of innocence. But unfortunately in some high-profile cases, some cases where the publicity has been over-arching or extensive and the crime in and of itself is a horrible one, it is difficult for a jury to begin with the presumption of innocence. It's a very debatable question. I think lawyers such as you and I would like to think that it's always there, but I'm afraid it isn't always there.

PROF. MILICH: You mentioned opening statement. How do you approach opening statement?

MR. COOK: Well, to begin with I think an opening statement, to the extent that it is possible, needs to be a simplification of the issues in the case, and as I stated a moment ago, if I have a problem in the case, I think you need to lay that problem out and be honest with the jury in advance and it works to your advantage in the conclusion. I'm convinced, as many lawyers are convinced, that if you make a good opening statement then a jury has a strong leaning before hearing any evidence in the case, as to what their potential verdict will be. That's not to say in every case that that happens, but I think more often than not it happens in many cases. And I have been told that by jurors at the end of the case.

PROF. MILICH: You're famous for your cross-examinations. What advice would you give lawyers and law students about some of the basic rules of cross-examination?

MR. COOK: Well, I believe as Wigmore did, that the cross-examination is the greatest legal engine that's ever been devised for the discovery of the truth. I also believe that cross-examination in and of itself is almost the bulwark of liberty and justice. It is something that, as you know and we all know, cannot be learned overnight. But there are some fundamental rules—of course books have been written on the subject and we could talk about it—but there are some

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fundamental rules that are so important that we need to listen to them. Number one, you cannot ask open questions.

As an example of that, I was engaged in a major criminal case—a drug case in Jackson, Mississippi, fifteen or twenty years ago which had nine defendants, and nine lawyers. And I had just completed, without being egotistical, I had just completed cross-examination of a DEA agent, and by virtue of having his grand jury testimony delivered to me as Jenks material before the cross, I was able to completely destroy him and impeach his credibility beyond any doubt. One of the lawyers got up, after I had finished my cross and after I think he had been destroyed, and the first question that he asked the agent was, "Is there anything else that you want to tell us about?" And the agent came out like this and I said, "Objection!" and approached the bench and all of the lawyers were around the bench, the court reporter comes up, and the judge, the old judge was about as old as myself, and he sort of waved the court reporter back and leaned over and he said, "Ross, are you a damn fool? We don't want to try this case no more than once."

Also, I think more often than not some lawyers don't know when to stop. You need to know when to quit. And if possible you need to quit on a good line. Sometimes one of the best cross-examinations is to say to the witness "Mr. Jones, I have no questions, you can step down." That can be a very effective cross-examination. In my cross-examination, I never take my eyes off of the person that I'm cross-examining.

And lastly, one of the fundamental things, you've got to be terribly careful as to the manner in which a cross-examination is conducted. If you come to the conclusion that the witness is a liar or perjurer, or he's obviously attempting to be misleading, you can be pretty mean with him but there's an old maxim, and you know it very well, "if you're going to attack the King, then you better be prepared to kill him." And if you don't, you probably won't be too successful in the end result.

PROF. MILICH: I read about one of the cases that you tried earlier in your career, the murder case, in which one of the central

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issues was how many shots were fired from a gun. And apparently they had a witness, a state's witness, who was real sure on direct examination, and you arranged to have a friend outside the courtroom fire off a pistol a few times and then you confronted the witness and he could not recall how many shots were fired. So your trick worked. Does it usually work or does it backfire sometimes?

MR. COOK: Well, that's a long time ago and I remember the incident, but I don't know that I would recommend that in many instances. It has been my experience over the years—as you say, it worked—and, if it works that's good. But if it doesn't work, you're really in deep trouble. I think the fundamental rule to abide by—and that would be pretty consistent in any advice—is don't do an experiment unless you absolutely know that it will be successful. So in answer to your question I probably made a mistake in doing that. But fortunately, it did work.

PROF. MILICH: With today's law students we tell the story of Mr. Darden's attempt to have O.J. put on the glove in the case that everyone remembers. One, of course, that backfired terribly.

MR. COOK: Absolutely. And it really had very little to do with the case, as you know. But it was the seminal reason, one of the seminal reasons in my opinion, that he got an acquittal.

PROF. MILICH: You've represented a lot of unpopular clients in your career. Earlier in your career you represented Don West who was a local publisher, who was a victim of the anti-communist hysteria at the time. How did the community respond to that representation, and how did you respond to that?

MR. COOK: I have been fortunate—this is a small community, it's an odd community, and this particular area here has an interesting historical background contrasted to the rest of the state. We were settled—these four counties were settled—primarily by Scotch and Irish and people ask me, "How is everything up your way?" I tell

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them it's about the same, that you talk to 100 people and you get 120 different viewpoints. But I never really had a great deal of trouble with that. I had a friend call me when I was representing West, and he said, "Does that create a problem for you?" And I said "No, it's not a problem for me." I said, "If I can't represent Don West and live in this community and be respected, hell, I'll get into another line of work." I'm reminded, and I remind some lawyers, talking about the subject that you just addressed, about Lord Erskine who was the greatest forensic lawyer, or barrister, in England, of his time. Tom Paine was indicted for libeling the crown and Erskine was appointed by the court to represent him, and represent him he did. [Paine] had published the second part of the *Rights of Man* and after Lord Erskine had been pummeled in the high societies that he traveled in, and criticized highly, he made a rather compelling statement that I remember, and it went something like this—it might not be an exact quote—he said, "Whenever there comes a time when a barrister who sits regularly in this court refuses to stand between the crown and the accused because his cause is unpopular, that is the time when the liberties of England are at an end."

PROF. MILICH: Let's talk about a few of your cases. Let's start with the Matthews case, also known as the Marietta Seven. You represented seven defendants in a brutal murder case.

MR. COOK: Terrible.

PROF. MILICH: You lost the case because of the testimony really of one witness who it was later discovered was lying through her teeth, was sleeping with one of the detectives, and was using drugs provided by the police. The prosecutors hid multiple documents from you that would have destroyed her credibility. Ultimately you finally got relief through the federal courts, and Judge Moye wrote the opinion in that case, a scathing opinion, about the prosecutorial conduct and the police conduct in that case. How do you retain your faith in the criminal justice system after a case like that?

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MR. COOK: Well, we kept going. I believed as well as other lawyers that were involved in the case that what we were doing was right. We believed in the total innocence of our clients, and I had the feeling—the deep born feeling that ultimately we would prevail. And it is an accolade to the system that we did prevail. But it's a lick, it was a bad lick, but commenting on that case, the terrible thing, as you and I should sit here today, we were able to go into the federal court in a habeas action. I seriously doubt, with the constraints that have been placed upon the great writ of habeas corpus today, I can tell you that I don't think if this had happened today and had been affirmed by our state supreme court as it was, I doubt that I could get into the federal court and prevail because the great writ has been seriously and irreparably damaged by several decisions of the Supreme Court. But it was a fascinating, fascinating case.

PROF. MILICH: How long was it from the first trial until you got Judge Moye's decision?

MR. COOK: Three or four years. And the interesting thing about that case is, after the conviction in the state court, and after being affirmed by the Supreme Court, there was no money available. I spent over $50,000 of my own money. I'm not talking about my time; I'm talking about actual monies that I spent in getting to the end of the line in this case. But it was a fascinating case and a case that makes you feel good.

PROF. MILICH: That's right. Let's talk about the Bobby Hoppe case. The former Auburn football star. You tried that one. Was that in Chattanooga?

MR. COOK: Chattanooga.

PROF. MILICH: He was brought to trial thirty years after the alleged murder.

MR. COOK: Yeah.

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PROF. MILICH: That must have been interesting, trying a case that far in the past. But you got him acquitted.

MR. COOK: That was one of the fascinating things about that case that interested me, from the standpoint of getting into it. Of course, I had good counsel in Chattanooga—local counsel—but I don't think that I had ever heard of a case being that old, and it had some very interesting issues in it. I had a judge, a circuit judge, who was on the bench at that time that testified that he knew the deceased during his lifetime, and he knew about his background and his qualities of violence, and he said when he was killed a sigh of relief went up in north Chattanooga.

PROF. MILICH: Christopher Dragoul. Interesting case. Like out of a John Forsythe novel. You have a manager of an Italian bank in Atlanta. He basically authorized billions of dollars in loans to Saddam Hussein's Iraq during the Iran-Iraq War. And ultimately the bank and the Department of Justice and the British government, everybody says he was a rogue banker and acted without authorization and, was ready to string him up with several hundred charges. And you weren't buying it. I think his father approached you to try to get him to withdraw a guilty plea.

MR. COOK: That is right.

PROF. MILICH: Tell us a little bit about how you attacked that problem.

MR. COOK: Well it was an interesting problem. I knew nothing about the case at the time. I had read a little bit in the paper about it. But the background in the case was very interesting. At that period of time, for the past eight or nine years our government had been the best friend that Saddam Hussein had ever had. We were supplying him with technology, we were supplying him with every possible concept of weaponry that he needed because we hated the Iranians. And we were hoping that he would win the war.

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The raid on the local bank, the BNL—the Banca Nazionale del Lavoro—the Italian bank with a branch in Atlanta, was not made until just a few days after desert storm. After the first Iraq War. And up until that period of time, we were doing everything that we could, other than fielding troops, in order to help Saddam Hussein. And it was my feeling, and the feeling of a hell of a lot of other people in this country and in the UK, that the money that was being loaned which they said was off the books—it might have been off the books—was being done with the knowledge and the consent and the direction of the American government operating through the CIA, and through the MI6 in England. I got into the case and, after talking to Dragoul, who incidentally had dual French and American citizenship, I was convinced that that was exactly what was happening. Because when Dragoul, when he had decided to enter his plea, it was required as a condition by the Justice Department that he would be continuously debriefed by lawyers from Justice in Washington, about four or five of them, for a period of four or five weeks. And it was during that period of time that I was contacted and got into the case.

What was happening, as per Dragoul, was that they were telling him that, in order to get any assistance from Judge Shoob, he had to say that the American government and the British government and the Italian bank did not know anything about what he was doing. That they were all, you know, off the books. And he said, "Well I can't do that." And then he said, "Well Judge Shoob will see through that. He won't believe that." And they made one or two of the lawyers, whose names will go unmentioned at this time, say, "Well, oh we'll take care of that." And when he told me that, I said, "Like hell they'll take care of that. Not with Marvin Shoob, they won't take care of it." But that was the background of the case. And the more we got into it, the more I was totally convinced that this fellow was being hung out to dry without any reason at all other than the fact that Saddam Hussein had started the war in Kuwait. But it was a fascinating thing.

And I might say that I was not the only one that came away convinced that I was right. Judge Shoob and many others were

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convinced that I was right. And after that case ended I was invited to go to England and sit with Sir Jeffrey Robertson, who was a very esteemed barrister, and a counterpart of that case that was tried in the Old Bailey. That was the case of Crown v. Matrix Churchill, which is a corporate name, and Paul Henderson. And for two weeks that trial went on which had some of the same characteristics and principles involved. And at the end of that trial, and it was a real trial, it was not a motion to set aside a guilty plea, the judge directed a verdict against the Crown. At the time when they indicted Dragoul and several others, they also indicted an Iraqi with the name of Dr. Safaa. Dr. Safaa was the oil minister under Saddam Hussein. And they were trying to get Dr. Safaa back, and Dr. Safaa hired me. But they never got him back. I met with him two or three times in Amman, Jordan, at King Hussein's palace, along with Tariq Aziz. Got a little fee out of it.

PROF. MILICH: I've read several versions of the story about some critical documents that were passed to you right before the hearing.

MR. COOK: My wife was with me—we were staying at the Ritz-Carlton downtown. And one night I was slipped a document under the door that was in Italian and there was a note on it saying it's pretty important. I had it translated promptly, and it was a transcription of a conversation that happened at the White House between the Italian ambassador and various people at the White House which said, in effect, they were trying to put the damper on this case. Saying this thing has got to be a terrible embarrassment for the Italian government because the bank, the Banca Nazionale del Lavoro, really was an arm of the Italian government. It was owned by the government, somewhat like our banks are about to be.

PROF. MILICH: The loans that Christopher made were—a lot of them were guaranteed by the United States Department of Agriculture.

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MR. COOK: USDA. That's right.

PROF. MILICH: They were supposed to be to buy grain and what not.

MR. COOK: That's right. That's right.

PROF. MILICH: And Judge Shoob said you did the cross-examination of Arthur Wade, who is an investigator for USDA.

MR. COOK: I remember Mr. Wade.

PROF. MILICH: And Judge Marvin Shoob said that was the best cross-examination he had ever seen.

MR. COOK: I'm flattered.

PROF. MILICH: What was so special about that?

MR. COOK: Well I don't know. I thought I had done a lot of them that were better than that. But he was sort of a patsy. He wasn't the smartest fellow that I'd ever cross-examined. I was stunned at the fact that an investigator of his qualifications, or lack of qualifications, could have been heading up this intensive affair. Actually, it involved over $5 billion, and he was the lead investigator. I put him on the stand first. I hope he remembers me, but it was an interesting cross-examination.

PROF. MILICH: Do you remember how long it was?

MR. COOK: Several days. I'd guess probably three days.

PROF. MILICH: Probably had to be pretty hard for him to get up in the morning.

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MR. COOK: Of course Judge Shoob is a great judge. And he has not only the intellect, but the guts and the courage to do what he perceives to be the right thing to do. And nothing intimidates him.

PROF. MILICH: He was the right judge for this case.

MR. COOK: He was the perfect one for it. But he's that way in any case, you know. He was that way with the Cuban detainees, and that's been some time ago. I was not involved in any of those.

PROF. MILICH: And the Fulton County jail.

MR. COOK: Oh, absolutely. Absolutely. And it would take someone like him in order to do what he has done. But, he's a great judge and a great friend. Always has been. Marvin and I go back a long way.

PROF. MILICH: Let's talk about the C.H. Butcher case, another bank fraud case.

MR. COOK: C.H. is a good fellow.

PROF. MILICH: Up in Tennessee.

MR. COOK: Up in Chattanooga.

PROF. MILICH: And one of the biggest bank fraud cases in American history. No one said you had a chance of winning that case. His own brother had already pled guilty. How did you pull that one out?

MR. COOK: Well, C.H. had been to two lawyers other than myself. And one of them was in Miami, but I can't remember his name. And he made an appointment with me and we were sitting in this room one evening and he told me about the case. And I said, "You've got a very difficult case." I said, "You've got a hard row to

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hoe. Do you want to try it?" He said, "Yeah, I want to try it." He said, "The other lawyers have told me that you can't try it." I said, "C.H., you can try anything." I said, "Your chances—if I was making a guess about your chances—would be less than twenty-five percent." But I said, "There's never been a case that you couldn't win under the right circumstances." And I said, "You've got to know that it is difficult, and I can't promise you anything other than just what I said." He said, "Hell, let's try it." I said "Well, you know, get up the money." And he did. But he was—it was an interesting case and we had an interesting judge. Judge Higgins. Thomas Aquinas Higgins, who was out of the middle district from Nashville. And Judge Higgins is still living. He was a great judge. Lasted about six weeks, and C.H. testified in the case that he had no intent to defraud anyone, and made what I have described as probably the best criminal witness that I've ever had. He was an extremely bright fellow. Came across real good. He appeared to have no sophistication, but he was a pretty sophisticated guy. And they went out and promptly acquitted him—as I recall 25 counts, I think that's what it was—on all counts. The judge was so surprised, and it's the only time I've ever seen a Judge do it, and I'm not critical of Judge Higgins because I admired him very much. He polled the jury.

PROF. MILICH: He polled the jury? He couldn't believe it.

MR. COOK: He polled the jury. But talking about that trial. When we were selecting the jury, we had an old lady on the jury that was about my age—my age now. She was 81 as I recall, and they said, "Better get rid of that old lady. We don't like her." Well I said, "I sort of like her." I said, "She's got a little twinkle in her eye. I believe she'll be alright." I said, "I'm going to overrule you. I'm going to keep her." And we did. And we had a veteran, a Vietnam veteran, and they wanted to get rid of him. I said, "Hell, I'm going to keep him too. I sort of like him. I can talk about that war." I said, "I tried a case in Vietnam." We kept both of them, and at the end of the trial we walked out in front of the courthouse and were covered in pretty much publicity from all over the southeast. They had television

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cameras set up outside. The U.S. attorney thought he had the case won because he was down there. He was all dressed up—had him a new Brooks Brothers suit, shoes shined. And of course his assistants were trying the case, you know. He wasn't trying it. He was going to make a statement, you know, after they kicked me around pretty bad. And he didn't go out in front of the courthouse. He went out the back of the courthouse, and I go out the front. And I am making a little talk in front of the cameras and the little lady, the little 81 year old lady—and this is a true story, it's not a lawyer story—came up to me in front of the cameras and grabbed me around the neck, kissed me and said, "Mr. Bobby Lee I just wanted you to know I was with you from the first day." I said, "Well, I appreciate that."

PROF. MILICH: Now have you ever used jury consultants or any of these kinds of things for picking your jury?

MR. COOK: I never have. I probably should have, but I never have. I haven't had that much faith in jury consultants. Pretty preposterous. The selection of a jury is certainly not a science. I don't even know that it's an art. Many times you do an extensive voir dire and juror number one here answers all of the questions perfectly. The way I would have wanted him to have answered in order to satisfy my side of the case. But yet I keep on looking at this fellow and something tells me that even though all of the answers were good that I'm afraid of him. I'm just not convinced that he's the right person and I strike him.

PROF. MILICH: Like instinct.

MR. COOK: Instinct. Gut instinct. I have always done that. And, you know, you have to read people as much as you can. Of course you have all of these people that say, you know, leave an Irishman on the jury, and strike someone of Germanic descent, you know, take all Episcopalians.

PROF. MILICH: Oh there are books and books and books on this.

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MR. COOK: Oh, absolutely.

PROF. MILICH: And a whole cottage industry out there. You've been practicing sixty years now. What changes have you seen in law practice over that time?

MR. COOK: Well I've seen a tremendous amount of change. Number one, when I began practicing law, the criminal law—civil rights, basic constitutional rights—had been virtually on a holiday for decades. You would walk into a courthouse in Georgia or Alabama or Tennessee in the late '40s and up until through the '50s, no women served on a jury in Georgia until the middle '50s. Black were completely unable to serve. In Georgia, we were the only—up until the '60s, the middle '60s—we were the only state in any English speaking jurisdiction where a defendant was not able to testify in his own behalf. We had the Unsworn Statement Law. You were not subject to cross-examination. You were not subject to direct examination, and the judge would tell the jury that they could believe the defendant's unsworn statement in preference to the sworn testimony—believe it in part, believe it in whole, or reject it in whole. We had the county unit system. We had all sorts of problems.

We had no protection under the 4th Amendment until *Mapp v. Ohio*. In Georgia we had an interesting situation. When we had the Justice of Peace, who were supplanted by the Magistrates of today, you could get a search warrant—the state would have a search warrant issued—and the justices of the peace were on a fee basis. And the law provided that if the Justice of the Peace issued the search warrant, and found probable cause, he got a fee of $10. If he didn't find probable cause, he didn't get a damn thing. So the Supreme Court in *Connelly v. Georgia*, of course, corrected that. But all of that's changed, you know, where we've come from. But I think more especially that maybe with all of the problems that we had in those days, in the '50s and '60s, we hadn't heard the clarion call of *Gideon* on so many things. But even with all of the problems that I just addressed, I think probably that lawyers were a little bit nicer to each other. And we liked each other a little bit more than we do today.

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I see examples of what I would refer to, for lack of a better term, as maybe a lack of professionalism—a lack of ordinary civilities. I know that for the first twenty-five years of my law practice if a lawyer had asked me to sign a stipulation extending time within which to file a pleading, I would have been insulted. And he would have not asked me to. Our word would have been sufficient on that. We don't do that anymore. We don't accept that anymore. So we're not as nice as we used to be.

PROF. MILICH: One other change that's been occurring—there's always been politics in selecting and electing judges.

MR. COOK: Absolutely.

PROF. MILICH: But we've seen a change now with national interest groups coming in. Not so much to elect somebody as judge, but defeat them—get them off of the bench.

MR. COOK: Absolutely.

PROF. MILICH: Is there a better way to appoint and elect state judges?

MR. COOK: Well, I recognize everything that you have said as being a problem, and I have witnessed that problem twice on our Appellate Court. Number one was Leah Sears and the other with Carol Hunstein. Both of whom I admire very much and who are personal friends of mine. But even given the problems that we have, I would still rather have the elective process than to have someone like Sonny Perdue making the appointments.

PROF. MILICH: You think it affects judges—the fact that even the Superior Court judge, knowing that he's got to stand for election and that an opponent may say, oh, you know, "He's soft on crime," and these kinds of things?

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MR. COOK: Well, I hope not. I hope not in most instances. I remember something that Bill Dudley said one time. You know they continually jumped on him. They were going to impeach him every year, you know, and he made the statement that judges must be strong stock. I'd still rather elect them at this point.

PROF. MILICH: I remember when Carol Hunstein was running and—you know her very well—and she's not exactly soft on crime. I mean, she can be quite a tough judge.

MR. COOK: Oh, well she's tough as a pine knot.

PROF. MILICH: So it was almost laughable to see these commercials . . .

MR. COOK: Oh absolutely.

PROF. MILICH: . . . saying that she was soft on crime. If you read her opinions, she's usually very, very tough.

MR. COOK: Exactly, and not only that. What made that thing so palpably unfair was that Wiggins, in his career as a lawyer, had done nothing. He had done nothing. He had not achieved any academic esteem. He had never tried any cases, you know, just a political appointee of some sort. I don't remember what he did. But I told someone that didn't know Carol very well that they're going to be pretty tough on her. And I said, "Now look, you don't know Carol Hunstein very well. She's just got one leg, but she is a tough cookie." And she is. And she's a good person, a real good person.

PROF. MILICH: You represented a lot of powerful personalities—Tungsten Park, Burt Lance, C. H. Butcher, the Rockefeller and Carnegie families. What advice do you have for lawyers in terms of how you handle clients who are used to basically making the decisions and having their own way?

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MR. COOK: Well if they want to make a decision they don't need to hire me, if it's a legal decision. I've never had that much of a problem with people, you know. I remember what the lawyer in Chicago said. His name was Jensen and he was representing Blagojevich. He withdrew and he made the statement which I thought was rather classical. He said "I don't expect a client to do everything that I tell him to do." But he said, "Hell I expect him to listen to me." So, that's sort of where you come from. But a long time ago—it's been about 25 years ago—we had a congressman in this district, his name was Larry McDonald. He was a Democrat by name, but really, he was what they call a blue dog democrat. He was something farther to the right than that. But he was a delightful fellow. He was a doctor. If he came in and sat down and we were talking, and you didn't get into the politics of the thing, you'd say, "Well he's a charming fellow." And he was. But if you got into politics, you know, you get a different viewpoint and all. They made a case against him when he was in Congress for having a lot of guns out in Kennesaw where he lived. He thought the communists were coming, you know, and they were going to air jump.

PROF. MILICH: The black helicopter.

MR. COOK: The black helicopter. I've got his permission—he's dead—but I had his permission to tell this. He came to see me. They made a case against him and he said I want you to represent me. And I said, "Well Larry, I'd be glad to do it, but it could be a very serious thing. We have two things we've got to get out of the way for me to represent you." I said, "Number one, you've got to—we've got to agree on a fee and get it paid. And number two, your philosophy—your interpretation of the Bill of Rights—is so bad that if I utilize that in my representation of you," I said, "in spite of everything I could do, you'd probably end up in the penitentiary." And he said, "Well Bobby, you do whatever is necessary." I said, "Well you know, that's a funny thing. That's what they all say." But it's the same thing, you know, with everybody. It doesn't make any difference how conservative they are when their ox is being gored or in the ditch.

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They always want all of their rights. And they are troubled if they don't get them.

PROF. MILICH: Like many lawyers in your generation, you've done a lot of pro bono work.

MR. COOK: Absolutely. I think it's one of the things that we are obligated to do. I feel strongly about it.

PROF. MILICH: A lot of lawyers—busy lawyers today—try to rationalize that if they write a check to their local Legal Aid Society they're doing their pro bono.

MR. COOK: That doesn't do it. Ask Emmet Bondurant.

PROF. MILICH: Yeah, Emmet does a lot.

MR. COOK: Yeah, of course he does. Course he does. Great lawyer.

PROF. MILICH: You think it's just important to the satisfaction of being a lawyer that you dedicate part of the time to pro bono?

MR. COOK: Absolutely. Absolutely. I think that over my lifetime—not legal lifetime—I would conservatively say that I've given ten percent of my time to pro bono work. Still do, in fact. If you practice law in the country, you do a hell of a lot of pro bono.

PROF. MILICH: Whether you like it or not.

MR. COOK: I have never in my life charged anyone that would come into my office and say, "Well Mr. Cook let me ask you something," for consultation. Not in my whole life.

PROF. MILICH: Now your daughter, Christina Cook Connelly, is a lawyer and a judge in Walker County.

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MR. COOK: Well she's a judge in this circuit. This is the Lookout Mountain Judicial Circuit, consisting of this county—which is Chattooga—Walker, Dade, and Catoosa.

PROF. MILICH: And then your grandson Sutton Connelly is going to graduate from Georgia State this May. Did you encourage both of them to be lawyers? Or is it just in their DNA?

MR. COOK: Well, I have not encouraged them in the beginning to be a lawyer. I have certainly encouraged him at this point, after he made that decision. I have tried to be helpful and to encourage, and I talk to him three or four times a week. But to that extent only. I think it's a terrible mistake to push a kid into an area that they have not decided that they wish to go in. And I have another grandson who is trying to get into law school.

PROF. MILICH: A long line of Cooks and Connellys.

MR. COOK: Sutton's brother.

PROF. MILICH: Oh is that right?

MR. COOK: Well you have a great law school. And I say that not to flatter you, but a very fine school, and I'm happy that it's there. I'm happy that you're there.

PROF. MILICH: I appreciate that. Last question. Of all the things that you've accomplished in your legal career, is there one that you're most proud of?

MR. COOK: Oh I don't think so. That's a hard question that you would have to think about. I don't think so. I can say without reservation that, in the period of time that I have been privileged to practice law, it's been a grand and delightful experience. If I had been born rich, which I was not, I would have been willing to have paid in

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order to have had the experiences and the pleasant times that I have had. With all of the problems that the system has, I'm totally convinced—and we talked about this earlier, about losing faith in the system—about how you retain it, your faith in the system. With all the problems that we have I am convinced, beyond any shadow of a doubt, that we still have the best that there is and we must continue to improve on it.

PROF. MILICH: Well thank you very, very much for spending this time with us. And the state of Georgia has been very fortunate to have someone like you in our courtrooms and sharing your experiences with law students and lawyers around the state.

MR. COOK: You're very kind.

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