

MINKEY

By Dicky Grigg

Mr. President, Fellows and spouses of the Academy. It is truly an honor to stand before you as Dean of the International Academy of Trial Lawyers, especially so on our 50th anniversary.

As any of the Dean's who have come before me can attest, this is a very difficult speech to make. It is not that I have not made numerous speeches in the past. In fact, I am known as the "go to guy" if you need a speech that does not involve substance. Broadus will tell you, if you keep your expectations low, I will meet them.

Peter John was a great help to me. I don't even know if he remembers, but at our meeting in New York, he told me to speak about something that was important to me, something that I was passionate about. I was off to a running start until Mary Gay rained on my parade. She gently explained that probably not everyone was interested in Texas Tech football. I did toy with using Coach Bob Knight's "Rules of Civility" for a topic, but decided the dean's address needed to be longer than a minute and a half.

The title to this address - "Minkey" – was chosen by former First Lady Lyn Parks. Lyn was of invaluable assistance to me in preparing this speech. In fact, Lyn was actually the "ghost writer" of this speech. If there are any parts of this presentation you find offensive, those are the parts written by Lyn - please take it up with Lyn.

According to Lyn, the "Minkey" was a legendary panther that roamed the Florida Everglades in prehistoric times. According to the mythology of the Seminole and the Hacksaw Indians, the illusive Minkey was the symbol of knowledge, of enlightenment. So Minkey seemed to be a fitting title because it is appropriate on the 50th anniversary of the Academy to pause a few moments and reflect on how the IATL has enlightened and enriched each of our lives.

One more thing before I venture into something I hope is substantive, (a high sea for which I have no compass) I would be remiss if I did not thank Mary Gay for her assistance in the preparation of these remarks. It is invaluable to have a bright, intelligent, educated editor who is willing to lovingly critique your work and give you constructive criticism. Like, "This sucks." "This idea is patently offensive." "This would insult the intelligence of a third grader." However, there are parts that Lyn and I slipped in after Mary Gay's final edit.

For the next few minutes let us reflect together on how the Academy has enlightened and enriched our lives.

If asked the question, "How has the IATL enriched your life?" Most, if not all of us, would readily respond – the friends we have made. Each of our lives has been truly blessed by the companionship and comradeship we share with the Fellows and the spouses that make up this organization.

I know I am joined by my brethren from the South when I say through the Academy we've discovered that not all Yankees are bad. Bobo Cunningham and I were discussing this, and we are not convinced that David Cleary is a typical human being, much less a typical Yankee.

This enlightenment has not been one-sided, not just South to North. I bet prior to joining the Academy, very few of you knew where Marshall, Texas was, or ever had heard of Caddo Lake.

I think each of you would agree that the Academy has broadened you culturally. We have benefited from experiences we could not have enjoyed had we not been with the Academy. We have taken private tours of famous places and museums. Tours conducted by curators or experts that are not available to the unwashed masses. We have enjoyed fantastic dinners in the Library of Congress, the Boston Museum of Fine Arts, Philadelphia Museum of Art, and Ellis Island. Speaking about culture, what about Marti Phillips and Ron Rouda? Ron is one of the few guys who could quit his day job.

Granted, some of us had very narrow cultural horizons and it did not take much to enlarge them. I was raised in West Texas where the main cultural experiences involved either high school football or religion. Cultural highlights were tent revivals with all-day singings and dinner on the ground. I had an interesting conversation with Katherine DeMarco on religion. I don't know what they teach at the Harvard Divinity School, but in West Texas, I learned two lessons. First, that God is love and if you cross him, you'll burn in hell. Secondly, that sex is the dirtiest, filthiest act you can commit so you should save it for someone you really love.

When you travel with the Academy, you go first class. Just having dinner was a new experience for some of us because in Texas you have breakfast, lunch and supper, but not dinner. Not only staying in a hotel instead of a motel, but getting a room all night instead of by the hour was a big deal. Wine with a cork was impressive.

As awesome and as enlightening as these cultural milestones have been, I would like for us to focus on the "International" aspect of the Academy, to reflect on how traveling around the globe with the Academy has enriched and broadened our knowledge of the world we live in.

All of us are now citizens of the world. Hal, it's still true that Lubbock is the center of the world, but the world now extends beyond the Great Plains, beyond the Red River, and beyond the Rio Grande. In order to be a "good" citizen, we have a responsibility to learn about other countries, to try to understand other cultures – to keep informed.

Through the IATL, we have a unique opportunity to become more informed citizens of this world, and therefore better citizens of the world. On traveling with the Academy, I'd like to share some observations with you.

I cannot take you back over 50 years or all of the wonderful trips the Academy has taken. But as I go over a few of the moments that were meaningful to me, think about some of the memories you treasure from your trips with the Academy. Events that, like Lyn's Minkey, have been enlightening.

When I consider how traveling with the Academy has enriched my life, three areas stand out:

1. First, the unique opportunities we have had to enrich our lives – both culturally and educationally - by traveling with the Academy.
2. Second, through the IATL we have been fortunate to be in countries at truly extraordinary times, times of momentous change, at points in time when history was being made.
3. Finally, by seeing firsthand the legal systems of other countries, we should be extremely proud of the American legal system and the contributions we as lawyers make to our country.

Culturally, think of the many things we have done as Fellows that we could not have done on our own, or, for that matter, with any other group, such as: having a private tour of the Sistine Chapel – being able to contemplate the power and beauty of Michelangelo's masterpiece without the noise and elbows of a few thousand fellow tourists.

We had a private dinner in the summer palace of Peter the Great - in the same room where the Czars held elegant state dinners. The only difference being our evening was not presided over by Katherine the Great, but Ruth Ann the Great. Unlike Katherine, Ruth Ann did not have anyone executed, although she did send Broadus home early.

We have had dinners, and receptions in opulent private palaces throughout the world – Vienna, Lake Como, Florence, Rome, Buenos Aires – Tom Giradi's. We've been entertained by strolling minstrels- even the Beach Boys.

Speaking of cultural enlightenment, of broadening one's horizons, of being exposed to the real world, I took a tour of nightlife with Sally Hunter in Ho Chi Minh City and in Bangkok. I do not consider myself naïve in the ways of the world. I did not think I had lived a sheltered life. But I have never seen things like I saw on the Sally Hunter Oriental Night Life Tours. Sally is the main reason I am going to Japan – I encourage you that haven't to sign up for her tour.

In our travels we have had exceptional educational experiences. In most countries we have had the privilege of being addressed by the United States Ambassador. I don't know how many of you have taken a trip with the Flying Red Raiders, but I assure you no ambassador has ever addressed that group. I have been impressed with how candid they were with us and the insight they gave us into the obstacles and hurdles America faces in their respective regions.

In addition to ambassadors, we have been addressed by prominent leaders from our host nations. Not only national leaders in the legal profession, but political and business decision makers.

On George and Ruth Tompkins' trip to South America the Academy was addressed by the Minister of Justice of Argentina – the equivalent of our Attorney General. Mr. Ocampo was not exactly the equivalent of our attorney general because he did not require George to drape the art before he talked to us. In both Argentina and Chile the professional programs included justices from their respective Supreme Courts – the highest courts in each country. After the lectures, no tape recorders were confiscated.

Two of the most moving experiences I have ever had were on the cruise to Vietnam hosted by Bob and Marlene Josefsburg. Four Fellows who had fought for our country in Vietnam shared their emotions on returning. Suffice it to say, there were few dry eyes and no one doubted that it was much better go to Vietnam as a tourist in 1998 than as a soldier in 1968.

A few days later in Hanoi, U. S. Ambassador Peter Peterson spoke to the Academy. During the Vietnam War, Ambassador Peterson had been a POW – kept prisoner a few blocks away from the new hotel in which we were meeting at the notorious Hanoi Hilton. You could not help but respect his courage and to admire his willingness to return and help a country that had treated him so harshly.

Although Mikhail Gorbachev did not attend our meeting in Moscow as hoped, he did meet with Broadus in Florida – I promise, I was there. All of you would have been proud of Broadus. After Ruth Ann finally got through to him that we were meeting with Mikhail Gorbachev, not Nikita Khrushchev, Broadus did the Academy proud, Broadus had done his homework and knew Gorbachev's first job with the Communist Party was working in the grain fields. Talking through an interpreter, Broadus told Gorbachev that they had more in common than law degrees. Gorbachev looked puzzled and asked, "What?" Broadus said that he grew up on a farm driving a combine. Gorbachev's face lit up and he and Broadus started talking about what kind of combines each had worked on – "Did you ever work on a Massey Furgesen? Was yours self-propelled? Was it was pulled by a truck?."

Here you had a Broadus Spivey from Clarendon, Texas – whose only claim to fame prior to becoming a lawyer was going to the state finals in tractor repair - talking to a Nobel Prize Winner, a man whom I believe history will recognize as one of the two or three greatest men of our generation, talking, joking and laughing like two farmers drinking coffee at the Ranch House Café in Lubbock. Only through the Academy!

Second, as Fellows of the Academy, we have been fortunate to visit other countries at extraordinary times. We have been in countries that were in the process of revolutionary transformation; nations taking their first shaky, uncertain steps toward democracy; and nations experimenting for the first time in their history with the Rule of Law. The IATL has not only witnessed these truly historic events, but we had the privilege to hearing from people that played crucial roles in these changes.

In 1994, when Ray and Audrey Tam led the Academy to China, new Chinese lawyers and judges were eager to learn about the American legal system. The powers-that-be in China had finally realized that in order to prosper in the world community, China would have to embrace the Rule of Law. Talking to these new lawyers in China, the concept of the Rule of Man as opposed to the Rule of Law became very real to us. No longer was the Rule of Law a theoretical legal concept discussed by a boring law school professor, but a reality. We met with men and women that were struggling to write laws and establish legal precedents that we have taken for granted for 200 years.

Thanks to the Academy's China Program and to Ray and Audrey Tam, the Academy is really having an important impact in China. We are influencing the formation of the legal system in

China. The men and women we bring to our homes are writing, enacting, and enforcing the laws that will govern China in the years to come.

In 1994, the Academy was in Hong Kong as the British were making preparations for the transition of Hong Kong to China. We were addressed by the Consul-General and the Attorney General of Hong Kong. They candidly discussed the legal and political challenges of the transition that would be occurring soon. They were very honest about their doubts and misgivings as to what the future would hold for Hong Kong.

When we returned in 1998, Hong Kong was no longer a British protectorate, but a Special Administrative Region of China. This time we were addressed by the U. S. Counsel General, the highest ranking representative of the U. S. government in Hong Kong. It was fascinating to be able to learn about one of the most important historical events of our time from people who had participated in the transitions. As the British had done before, the U. S. Counsel General expressed his fears for Hong Kong's future. A few weeks ago his fears became a reality as the Rule of Man trumped the Rule of Law and China refused to recognize democratic reforms promised Hong Kong.

In 1993, Wayne and Patsy Fisher hosted the IATL in the Czech Republic. A few short years before our visit, only a block from our hotel in Prague, the "Velvet Revolution" brought about the bloodless overthrow of the communist regime. The people of Czechoslovakia had recently participated in the first democratic elections in their history. It was an exhilarating time in the Czech Republic because the people we met were experiencing freedom and democracy for the first time in their lives. The President of the Czech Bar Association, a man who played a major role writing the new constitution for the Czech Republic, discussed the development of the legal practice following the Velvet Revolution and the overthrow of the Communist regime.

I remember back then being stunned when told the Czech tort system capped damages on wrongful death cases at \$2,500. After Tort Reform in Texas, that doesn't sound all that bad.

For many of us perhaps the most inspirational trip taken by the Academy was with Ron and Carole Krist to South Africa in 1999. In Cape Town, five South African attorneys who were on the front lines of the war against Apartheid, were initiated as Fellows in the Academy. One of these men, Milton Seligson, is here with us today. Each of these men had played a leading role in the peaceful transition of South Africa from Apartheid to democracy for all people of their country. I do not exaggerate when I say that these men are the Thomas Jefferson's, the James Madison's of South Africa; men who had stood shoulder to shoulder with Nelson Mandela as he fought for justice and freedom for all South Africans. In generations to come, when South African children study their history, members of this Academy will be listed among their country's Founding Fathers.

Finally, by seeing firsthand the legal systems of other countries, we should be extremely proud of the American legal system and the contributions we as lawyers make to our country.

In China, one of the most frequent questions asked by Chinese lawyers was to explain about the O. J. Simpson trial. It was in progress at the time we were there, and they were watching it on

TV. In all due respect to Lawyer Cochran, I couldn't explain it. But the point is, how many of us know anything about a trial going on in China?

We were told that in China, charges were brought against a citizen by the local Communist party. The accused would be afforded another member of the party to represent him, and the trial would take place within a week or two. The trial would last a day or so, and the judges would be the hierarchy of the local party. If convicted, there would be no appeal and if sentenced to death; the execution would be the next day. No matter how you feel about the Simpson trial, aren't you thankful that we have the system we have?

Two years ago we were in Russia – another country experimenting with the Rule of Law – taking its first tentative steps toward democracy. The former Soviet Union had a constitution that was similar to ours in many ways. It guaranteed the right to a fair trial, but it was only a piece of paper. Trials in the Soviet Union were "show trials" with the outcome pre-determined. Soviet citizens were subject to the whims of the powerful in the Communist Party, to arbitrary enforcement of these laws. They had plenty of laws, but no legal system, no independent judiciary, no lawyers to make the system work.

On the pre-trip to Moscow, Tom Murray took Neal Kraemer, Bob Hall and me to meet Boris Topornin, Director of the Institute of State and Law of the prestigious Russian Academy of Sciences who was initiated into the Academy when we returned to Russia that summer. He told us that some of the provinces were experimenting with jury trials on criminal cases, but they were having problems. It seems some of the juries were finding people not guilty.

In South Africa, International Fellow Dikgang Moseneke gave a moving presentation on his years of imprisonment on Robben Island. The youngest prisoner on Robben Island, he was imprisoned for writing a theme as a schoolboy that was critical of the government. While in prison, Dikgang came under the influence of fellow prisoner, Nelson Mandela, and obtained his law degree. Rather than become bitter and hardened, he and others like him left prison determined to peacefully change South Africa, determined not to seek revenge from the society that had treated him so wrongfully, but to reconcile with his oppressors for the good of his country.

George Bizos, a Fellow in the Academy, who had represented Nelson Mandela in one of his sham trials, recounted years of fighting apartheid before biased and prejudiced judges, knowing that each time he announced "Ready Your Honor," the result was a foregone conclusion. His clients would lose because their skin was black. When asked how he could keep going, George Bizos said that what kept him going was the hope that eventually his clients would, "win in the court of public opinion." Because of men like George Bizos, finally, they did win.

All of us have had trials where we were home-towned by a judge, but I cannot imagine practicing in a system like this. Unlike George Bizos, I do not believe I could have kept going.

South Africa called itself a democracy – it had a constitution, an elected legislative body, an active court system. It had a legal system founded on the same legal principles as ours – English common law. The problem was that until men of courage like our five new members changed

the system, the law only served and protected those whose skin was white. Eighty percent of the population was oppressed by the law.

What about the Academy in today's world? I have never returned from a trip abroad not feeling truly grateful that I am an American. But on my return from every trip there are always things that I am not proud of; some things that cause me to feel a little guilty, how we Americans take so much for granted - our material blessings, our democratic society, our freedom; how unconcerned and uninformed many Americans are about the rest of the world; and how cavalier many of us are about what the rest of the world thinks.

This is a very perilous attitude as our world becomes smaller; a very dangerous way of looking at a world where events that occur in the far corners of the globe have a direct effect on our daily lives.

In the early 60's, I worked in the summers on my Uncle Charlie's farm. I would go with him to drink coffee at the local gin near Shallowater, Texas. The main topic of conversation was the weather and griping about how welfare – paying people not to work - was ruining America. I always found it ironic that every farmer there was being paid more by the government not to plant cotton than was being paid in welfare to all the poor in Lubbock. The only foreign country ever discussed was Oklahoma and that was usually restricted to OU football. A few years ago, I represented a co-op in Levelland, a small town near Lubbock. The topics of conversation while drinking coffee was very different. They were talking about OPEC and the price of oil, about drought conditions in Russia, and how important it was for the price of their grain that China retain Most Favored Nation status. The world has truly changed in the last few years.

At a time when we need friends and allies more than ever, America's image abroad is becoming increasingly negative. A recent poll conducted in Europe and the Middle East by the Pew Research Center found that discontent with and distrust of America has intensified over the last two years. Support for America that was at an all time high after 9/11 has now fallen to an all time low. Of European countries surveyed, only the British had a favorable opinion of the U.S., and it had dropped from 75% to 58%.

Another alarming finding of the poll was that America is losing credibility. Great Britain was the only country surveyed where a majority believe the United States-led war on terrorism is a sincere effort to reduce international terrorism. In all other countries surveyed, people believe the United States' true motives were to control Mid East oil, to target unfriendly Muslim governments, to dominate the world. Large majorities, not only in the Middle East, but in Europe, believe American leaders deliberately lied about weapons of mass destruction in order to invade and occupy Iraq.

Whether or not these perceptions are correct is not the issue, the fact is that people throughout the world do not trust America and the sentiment is growing each day.

All of us know what happens in the courtroom when – rightfully or wrongfully – a jury doubts our sincerity, when the jurors do not perceive us as credible; when they believe we have lied to them.

What is the future of the Academy in the next 50 years? Socrates said, "The unexamined life is not worth living." I threw that in because Scotty told me that in a substantive speech you need to cite at least one philosopher. Incidentally, Socrates said that when he was a visiting professor at Texas Tech.

As Fellows of the International Academy of Trial Lawyers it is important for us to continue to examine the world, to continue to take advantage of unique educational opportunities afforded to us by the Academy, to strive to be informed citizens of the world, and to continue to be goodwill ambassadors for America.

Here at home, we must continue the struggle so ably fought by Fellows of the Academy over the last 50 years to insure that the American legal system remains the best in the world, to continue to critically examine our country through intellectually stimulating programs like the ones we have had this week, and continue to critically examine our legal system. Through traveling with the Academy, I have formed a firm conviction that what makes America truly great is not our military might, not our economic prowess – but our legal system. If America is to remain the greatest country in the world, it will be because of her legal system. Our system of jurisprudence is superior to any other in the world – not because of constitutions, not because of written statutes and regulations, not because of judicial precedents - it is superior because of the lawyers that make it work - because of lawyers like you.

In closing, I would like to leave you with this one thought, "A cheetah is a very, very fast animal, but a bird dog in the back of a pickup is faster."

Thank you