

ATTORNEY AT LAW MAGAZINE INTERVIEW: J. Gordon Cook — Renaud Cook Drury Mesaros, PA

By Jon Levy

Financial Facts in 1951

Car: \$1,800
Gasoline: 27 cents/gal
House: \$16,000
Bread: 16 cents/loaf
Milk: 92 cents/gal
Postage Stamp: 3 cents
Stock Market: 269
Aver. Annual Salary: \$4,200
Minimum Wage: 75 cents/hr

The National Scene in 1951

The first nuclear power plant is built by the U.S. Atomic Energy Commission.
Color TV introduced.
22nd Amendment to the U.S. Constitution, limiting the number of terms a president may serve, is ratified

Top Movies in 1951

The African Queen
A Streetcar Named Desire
An American in Paris
A Place in the Sun
Academy Award
Best Picture: All About Eve

Top Books in 1951

Hannah Arendt: *The Origins of Totalitarianism*
Hortense Calisher: *In the Absence of Angels*
Truman Capote:
The Grass Harp
Carson McCullers:
The Ballad of the Sad Café
J. D. Salinger:
The Catcher in the Rye

1951

**J. Gordon Cook is admitted
to the State Bar of Arizona
as Bar # 586**

Arizona in 1951

Population 785,000
City of Scottsdale is incorporated with a population of 2,000
Luke AFB re-activated
Five Maricopa County Superior Court Judges
Less than 400 active attorneys in the state



INDUSTRY ICON

Attorney at Law (AL): What would you say influenced you to become an attorney and how did you begin your career?

Gordon Cook (GC): When I was in law school I was married with one child and another on the way. I never intended on practicing law, but for taking one course that changed that. I took one course...it was called Statutes. And it wasn't a course on memory or memorizing, it was a course on logic. And when it came time for the final exam, I was the first one done and I got the only ace. And I thought well, I guess I can think.

So, then by coincidence, a lawyer I knew collaterally said "when you graduate, how about joining me in a partnership?" That didn't last very long because he didn't go in the direction I wanted so I went on my own and developed my own clientele. Then, I was asked in 1953 by Bob Renaud -- my mentor -- to join him and Theodore McKesson at McKesson and Renaud.

They were litigators and I learned to be a litigator. I had the benefit of five years apprenticeship and residency with (Renaud) in civil litigation. By 1958, I was fully trained... and I had success in the first trial I tried alone.

AL: You graduated from law school at The University of Arizona in 1951. What prompted you to go there?

GC: Well, it was the only law school in the state at the time and I had the G.I. Bill. And I was working my way through. Back then it was anybody could get in, but you had to survive the first year...and it went from there.

AL: Take us through the years then and explain how your career played out.

GC: Trials. By around 1968, I had already tried 168 cases to a jury verdict. I had a list of them that I lost, but I remember the amount. And I've probably tried another 120 or so since then also to a jury verdict. And I can tell you I've never seen

a jury do anything that wasn't justified in my mind. I've never seen a shock verdict. In addition, I have tried scores of cases that were settled during trial and many to the court.

AL: What would you say is your most memorable case?

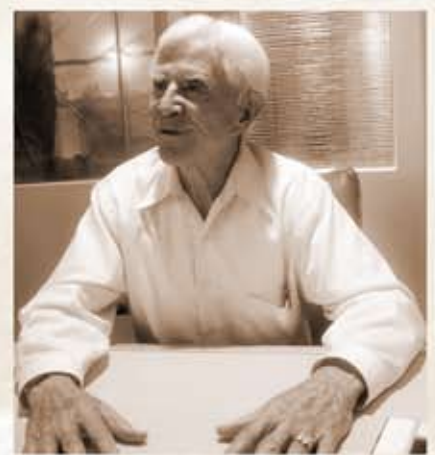
GC: A condemnation case of first impression, tried in 1963. They (the government) condemned a cotton farm. That was the most memorable experience in my life for a number of reasons. First, they had, at that time, the Agricultural Adjustment Act that had to do with commodities...cotton, peanuts, tobacco, rice and another commodity I can't remember offhand.

But, there was a provision in a pertinent Act that provided that if a condemned farmer had his property taken by the government, he could transfer the allotment.

But, cotton was then king and all of the property that was worthwhile had a cotton allotment. And, so what didn't have a cotton allotment were farms that were not profitable, because the water was salty or the land was salty, or the cost of electricity was prohibitive.

So, I was faced with a situation where the judge who retired and ruled the farm could not be appraised as a cotton farm. And if the farm was appraised as what it was not, a grain farm, it would have a small value. Back in those days, that was the difference between more than \$1 million and \$300,000...it was big-time.

But, fortuitously, the case was tried by a wonderful visiting judge from Reno, Nevada named Bruce Thompson. Also, the smartest man I ever met, Bill Davis Sr., was my client's appraiser. We used summaries. His cross-examination was fun, because all I did was watch with pleasure. This was Judge Thompson's first jury trial case as a new federal judge. It was a defeat so I harped at him that it wasn't fair to appraise the farm as it wasn't and persuaded him to instruct the jury on a brand new theory that worked -- because it's fair -- which is to condemn it as a cotton farm and have the jury give it value of the right to transfer the allotment.



The jury verdict was \$1,025,000 and a value of one dollar for the right to transfer. It was more than my appraiser said. And it was a defeat for the government because they only wanted to pay \$300,000. The government appealed and lost.

AL: What advice would you give to the new generation of attorneys?

GC: If you can try as second Chair with a seasoned attorney, do it. When you go before a jury for the first time, it's almost like a football quarterback going in on his own for the first time. You just need to be stubborn, relentless, dogmatic. And you can't lose your cool in front of the jury. You need to know if you can think on your feet. That innate ability is the difference between the successful and unsuccessful trial lawyer.

AL: What impresses you the most about the new generation of attorneys?

GC: I'd say the same desire as the old generation plus their ability to use a computer for research and for case presentation of demonstrative evidence on large screens in the jury room that can be readily seen by them. That is far better than prior generations who had to use charts and so forth.

AL: What is one of the main differences you see with attorneys and practicing law today compared to when you started?

GC: Well, it's more cutthroat now. It was cutthroat then, but not outside of court. I remember trying a case in Kingman and myself and the other lawyer would absolutely try to kill each other in court and then we would bring our wives along and go have dinner together.

It was doing a job, that's it. You just do your job. I guess it's like a boxing match where you try to beat the guy in the ring and do your job and when the bell rings, it's done.

But, I'd say also that (current-day attorneys) don't try as many cases these days. Most of the cases that get tried are real short ones or real big ones. It's mainly that the insurance companies get scared of going to court, because they don't trust juries as I do and they are worried about the cost of litigation because of the expense of complying with civil

rules that can result in exclusion of evidence that should be received because of technicalities.

AL: You were one of the innovators and founding members of ALFA. Explain how that all came to be.

GC: Approximately forty years ago, at the request of a vice president of claims Insurance Company, the six firms formed were my firm, and firms from Denver, New York, Cincinnati, Texas and Kansas to share their expertise and save expenses by having qualified members take depositions for other ALFA members. The firms and those that joined realized that providing seminars to existing and potential clients on subjects of interest, at prime locations with social amenities that educate both the clients and lawyers, would create a pipeline for new business. The clients or potential clients who attended were those who assigned litigation. Usually, when there was a need of an ALFA firm in a particular location, they would use an ALFA firm or when they replaced a non-ALFA firm, they would replace it with an ALFA firm. What is wonderful about ALFA is the ability to call upon a designated ALFA member in a competent firm in almost every major city in the United States, Europe and Asia. I am proud to be one of the founders of such a wonderful organization.

AL: Do you have a couple of recent examples of using ALFA you can share?

GC: Personal examples within the past two months would be when I used an ALFA attorney in a Raleigh, Virginia law firm to provide me quick and emergency one-day service that was necessary to complete a transactional matter. I am also currently using the ALFA Los Angeles firm to provide me needed assistance in a malpractice case for subpoena duces tecum in the subpoena of a California witness.

AL: Finally, after 58 years of practicing law, what is the biggest lesson you've learned as an attorney?

GC: To be factually and legally prepared. I call it "in the trenches." Always pursue all factual and legal angles. That is the edge. My experience is this necessary work usually results in being more prepared than the other side, or if the other side is also prepared, you avoid a bad result because of being unprepared.

