

Foreword

Asa Rountree was a true Renaissance gentleman, in the very best sense of those words. His interests and talents were enormously broad. He was a dedicated father and husband. He loved to ski and play tennis. He was an artist and a prolific writer, and of course a great lawyer, and he brought passion, boundless energy, and garrulous good cheer to all of his work. He was a member of the American College of Trial Lawyers and an early founder of the Litigation Section of the American Bar Association.

Asa was a proud son of the South. He was born in Birmingham, Alabama, and graduated from the University of Alabama before graduating magna cum laude from Harvard Law School. He served in the Army in both the Second World War and the Korean War where he saw combat first as a rifle platoon leader and then as assistant battalion operations officer. He began the practice of law in Birming-

ham in 1954 with the distinguished law firm of Cabaniss & Johnson, where he became a partner. He was such an accomplished trial lawyer that Samuel Gates, the senior litigation partner at what was then Debevoise, Plimpton, Lyons & Gates, in New York City, recruited Asa in 1962 to join the litigation department at Debevoise where he again promptly became a partner.

Asa's clients loved him. Among those clients, he counted giants in the worlds of finance, government, accounting, publishing, and sports, to name a few. Asa would frown on naming any specific clients because, as he once explained, "public record is not necessarily public knowledge, and often clients do not like to have it bruited about that they are being sued. Nor does a client like a lawyer bragging about his representation of the client."

Asa represented his clients with tireless energy. His hours were legendary. He had a famous cot in his office, and he tried to reduce the amount of sleep that he really needed. He thought that if he could get along on less sleep, he could pack more into the day. One time Asa, as a leader of the Section of Litigation, attended the Litigation Section meeting in Hawaii. He traveled out one day, attended the meet-

ing the next day and then headed back to New York to return to client business. He had tremendous drive, a restless desire to accomplish all that he could in the very limited time that was available, and so he tried to stretch the day and crowd all that he could into that limited time.

Asa was a founding member of the Litigation Section and served in numerous leadership positions, including chair of the section from 1980 through 1981. In his final column as chair, Asa reflected on the work of the Section and described its activities as “acting responsibly and energetically to assure that the litigation process remains responsive to the needs of society.” He concluded “without equivocation that the trial bar is alive and well and is as independent and contentious as ever. As long as that be so, the Republic need not fear for its freedom.”

These are simply some of the objective facts of Asa’s practice of law. Even more important than the objective facts is the spirit with which Asa practiced law. Asa was always a gentleman. He was gracious and straightforward. He practiced civility in the days before civility became a compliment. He avoided Rambo tactics without sacrificing the best interests of his clients.

You could trust Asa's word. In negotiations, if he said something was unacceptable, you knew he would not agree to it. It was time to move on to something else. He was not prone to self-aggrandizement, bombast, or boasting. He had credibility because judges and adversaries knew that they could trust his word. If he said he would do something, he would do it.

But this graciousness did not mean that Asa would compromise his client's interests. He was tough when he had to be, even if that toughness was expressed in a soft voice and a Southern accent.

Asa lived and preached professionalism. In 1975, he wrote a legendary memo (which he later updated) to associates who worked with him. That memo is the centerpiece of this book. It details many of the things associates should do in representing clients zealously and professionally. What is so striking about the memo is its emphasis on unflinching dedication to the client's interests, even though the work may be difficult and involve personal hardship. The memo is also characterized by the refreshing writing and humor that we learned to love and expect from Asa. At one point, Asa defines a professional as "one who professes vows to a calling re-

quiring specialized knowledge and often long and intensive academic preparation.” With characteristic humor, Asa also provides an alternative definition of a professional: “a person who does a good job even when he doesn’t feel like it.”

The memo also reflects the personal sacrifices Asa was prepared to make in order to get the work done and safeguard the personal lives of the associates. With leadership comes even greater responsibility, and perhaps even greater work. At one point, Asa talks to associates about the possibility of night and weekend work: “If taking an assignment or meeting a deadline means that you will have to cancel personal plans that are meaningful to you — or, more important, are meaningful to a meaningful person, whether spouse, child, or otherwise — under no circumstances are you to cancel those plans without first consulting with me. There may be alternatives. Why, I may even do the work myself.”

One of the concluding thoughts in the memo is the following advice: “[L]ife is a broader tapestry than the practice of the law. There is a big, wide, wonderful world out there. Don’t miss it.” That surely is the Renaissance gentleman speaking.

Asa was a gentleman with everyone with whom he worked. He once commented that when he came to Debevoise in the early 1960s, a stenographer in the steno pool kept asking to be assigned to Asa, so Asa asked her why that was so, and she said “you’re the only lawyer who says thank you.” Asa’s booming laugh and infectious smile were joys for those who worked with him.

Here is how one of Asa’s former partners at Debevoise aptly described him: “Most important of all, it is fun working with Asa. Whether an issue is legal or ethical, business or personal, sticky or simple, he makes it fun. And one comes away comfortable with the analysis and the conclusion. There is a validity to Asa’s advice that is rooted not only in a sound analytical approach or a logical arrangement of pros and cons — many lawyers can fashion reasons for a position — but in that quality of character that knows what is just, fair, and honorable, that internal gyroscope we call integrity.”

Asa was a constant advocate for greater training and organization within Debevoise, and in the litigation department in particular. He attempted to attract small-case litigation to provide training opportunities for young lawyers, and he took mentoring very seri-

ously. He peppered his colleagues with numerous memos on how the firm and the litigation department could be improved. And if he could not convince others within the firm to follow his suggestions, he would at least implement his suggestions for himself and those who worked with him. Those memos are a gift to those who have followed him.

Throughout his tenure, Asa advanced his ideas with persistence but with genial good cheer and a thorough appreciation of the firm's culture. As he once put it, "My memoranda reflect an abiding interest in the firm's professionalism, in the high quality of the firm's work, and in the collegiality and informality of the firm's culture, a culture that made Debevoise a wonderful place in which to spend most of my professional career." Asa was being too modest; he failed to point out the fact that Debevoise was the place it was, in no small part due to the role that Asa played in making it so. He was one of the anchors of the litigation department, which became an ever-increasing part of the firm. He was responsible for bringing major clients to the firm and was one of the forces that helped to preserve the vigor and vitality of the firm while other firms with storied pedigrees did not survive.

When Asa retired from Debevoise in 1991, he returned to practice law in Birmingham and became a shareholder in the firm of Maynard, Cooper & Gale, where Lee Cooper, another former chair of the Litigation Section and a former president of the American Bar Association, was a senior partner. Lee Cooper has said that Asa's return to the firm was particularly important because of the role Asa played in sharing his wisdom with younger lawyers and mentoring them.

Asa helped to shape generations of lawyers through his example and his teaching. Each of us who was privileged to work with Asa has been influenced by him and carries on what he taught. The great joy of the memos collected in this volume is that they help to spread that wisdom.

Judge John G. Koeltl

Since 1994, Judge Koeltl has been a judge in the United States District Court for the Southern District of New York. Before that, he was a partner at Debevoise & Plimpton LLP. He practiced law with Asa Rountree at Debevoise from 1975 until Asa's retirement in 1991.