

REMEMBRANCES OF JIMMY ROBERTSON

*Leslie Scott**

Jimmy Robertson taught me two law school classes, one in 1979 and the other in 1981. The class in which I gained a deeper appreciation of him as a person and as an attorney was the latter, Corrections Law, and not the much less captivating Civil Procedure. Though it was clear from his teaching of both classes that Jimmy was a person of uncommon intelligence and depth, it was during the Corrections class, offering the opportunity for all of his students to accompany him on a trip to Parchman Penitentiary where he met with one of his pro bono death row clients, that I began to truly admire Jimmy and learn from his example about the kind of attorney I wanted to be.

While I had decided years before that I wanted to become a lawyer in public service, Jimmy's unwavering dedication to the defense of indigent death row clients supplied me with my first real life example of what that kind of service could really mean. Because of my admiration of Jimmy as a lawyer and an intellectual, I was pleased that after law school we continued our connection as fellow attorneys and as friends, a friendship bolstered by the occasional sharing of meals when either of us was in the other's hometown, that always included deep and interesting conversations for which I had few other outlets.

* Leslie Scott graduated with honors from the University of Mississippi School of Law where she served on the editorial board of the *Mississippi Law Journal*. She practiced law in both public service (Assistant Attorney General, City Attorney for the City of Jackson and Assistant Secretary of State) and in private practice for 35 years before retiring in 2017 to the mountains of North Carolina.

Along the way, Jimmy became Justice Robertson and eventually I was able to enter my own version of public service, with Jimmy's unwavering faith in me and support for my abilities a constant source of encouragement and comradeship. I remember well during these years how much I looked forward to every Mississippi Supreme Court "hand down" day to read Jimmy's wonderfully written, well-reasoned and often controversial opinions.

To this day, my very favorite among the many insightful opinions he authored concerned a misdemeanor conviction for headlighting deer. I have shared this opinion with many who are not attorneys or not familiar with Jimmy's work as a jurist. This opinion is not only well written and well-reasoned but in my humble opinion, it is a work of art (because it reads like a novel). Just listen to the first paragraph of the opinion:

Headlighting deer is a sorry form of human behavior made unlawful by the wildlife conservation laws of this state. The deer, usually a doe, hit with blinding light stands stupefied and is slaughtered. In addition to his unsportsmanlike conduct, the poacher operates at night and endangers others each time he fires. He is of Snopesean genre.¹

Jimmy's dedicated and honorable service on the Mississippi Supreme Court presented him with a moral struggle between his duty as a jurist and his devotion to the anti-death penalty cause, a struggle nobly resolved, though never comfortably, in favor of abiding by his oath as a judge. I remember several discussions we had about this and how he felt when voting to affirm death sentences when the appeals presented no legitimate grounds for reversal.

I moved to Jackson in 1987 and once there, Jimmy and I continued our friendship with more frequent opportunities to catch up in person. I remember well one evening when he asked me to meet him at our favorite watering hole, George Street Grocery. He had sounded a bit downbeat. When I inquired, he reminded me that a man whose death sentence he had voted to affirm was to be executed at Parchman that evening. At George Street, Jimmy wondered aloud whether he would be welcomed if he joined those

¹ Pharr v. State, 465 So. 2d 294, 296 (Miss. 1984).

attending a candlelight vigil against the execution being held at the Governor's Mansion. With encouragement, he decided to attend, and I joined him. When we arrived, we lighted candles and stood with the attendees, many of whom approached him warmly. All knew that in spirit he was friend and not foe. That was one of the most memorable times I ever spent in Jimmy's company.

Over the remaining years of our friendship, after Jimmy left the Court, he and I had occasions to work together on a few of our mutual "causes." When I was at the Secretary of State's office, Jimmy was asked to join the Secretary's Business Law Advisory Group. The biggest project the group took on was the much-needed reform of the Mississippi Administrative Procedures Act. Jimmy threw himself into this work as he did any cause in which he strongly believed. He not only served on two Task Forces studying and ultimately recommending an overhaul of our law (outdated by decades when compared to the then current American Law Institute's Model Act) but he drafted the very lengthy piece of legislation to accomplish this update (long only because of the large number of laws it impacted). As a part of this work, Jimmy also took the time to travel with me to visit several key legislators, in their districts and at the Capitol, in efforts to win approval for this much needed reform. This multi-year effort is only one example of Jimmy's dedication to volunteer service to improve the laws of our state for its citizens.

The Lawyer as Hero, a remarkable guide for attorneys that Jimmy authored that was published in 1983,² had an enormous impact on me when I read it as a very young attorney. I reread the article recently and it is as relevant, necessary, and inspiring a reading today, if not more so, than it was on its publication over 40 years ago. In the article, I am most moved by Jimmy's recitation of parts of Walt Whitman's 1856 poem "Song of the Open Road" which he cited in the article's final paragraphs describing what Jimmy stated is the road all lawyers are called upon to tread.³ In it, Jimmy writes that Whitman recognizes "that which is basic to our law and to lawyering", when Whitman references in his poem the "profound lesson of reception", that we owe minorities, the felon, the diseased,

² See generally James L. Robertson, *The Lawyer as Hero*, 53 Miss. L. J. 431 (1983).

³ *Id.* at 468.

the beggar, the drunkard and others not often accorded respect.⁴ Finally, Jimmy ends his article as follows:

These and all others our law respects. These and all others are among those whose dignity and worth are sacred. These and all others lawyers are called upon to accept and to serve. And when they do so, against all adversity, without regard to self, employing all honorable means, lawyers are indeed among society's heroes.⁵

I can think of no better language to describe Jimmy's legal career than this challenge he set for all lawyers. In all these respects, Jimmy not only met but exceeded his challenge. His dedication to these principles and his conduct as a heroic lawyer are sorely missed today.

⁴ *Id.* (citing Walt Whitman, *Song of the Open Road*, in LEAVES OF GRASS 223 (1856)).

⁵ *Id.* at 468-69.