

ATTORNEY PROFILE

A CONVERSATION WITH GEORGE MORTON

By: Erasmus Young

On December 13, 1991, **George W. Morton** was awarded the Governor's Award, the KBA's highest honor, in recognition of his status as a "lawyer's lawyer." My mission, should I choose to accept it, was to provide you, devoted reader, with a profile of this remarkable attorney.

WOW! My first DICTA assignment: an interview with George Morton. I felt like Jimmy Olson (and I was tempted to say "jeeppers" a couple of times during the interview). You can't beat this for excitement your first month on the job.

George Morton's office is really more of a workshop (i.e., you are not overwhelmed with a huge mahogany desk and overstuffed leather chairs). Everything is functional. He uses a couple of large tables rather than a desk, and what little is hung on the walls is unobtrusive. The surroundings are comfortable. (Read: No one with an Italian suit need enter.) It is very easy to imagine George Morton with a big cigar cradled comfortably between his lips, as indeed one was when I arrived.

Anyway, I really enjoyed the interview. Mr. Morton is indeed a "lawyer's lawyer," and a sure bet to be an all Madden selection. (Please note that DICTA budget cuts precluded the use of scratch-n-sniff paper. I had hoped that the aroma of his cigar could be duplicated to give you, devoted reader, the full flavor of the interview.)

DICTA: If a movie were made of your life, who would play you?

GM: John Candy.

DICTA: If that's the case, what anecdote would highlight the film?

GM: Probably the time during the FDIC-CCK litigation when I and all of the defendants'

counsel traveled to San Francisco to depose the wrong guy.

DICTA: Who were your role models when you began to practice?

GM: **Frank Fowler, Clyde Keeton, Frank Montgomery,** and **Warren Kennerly** would certainly be on that list. They weren't specialists - just competent trial lawyers. They did everything well.

DICTA: It sounds as if you're not thrilled with the amount of specialization which seems to be required these days.

GM: I'm not. I enjoy the variety of a general civil practice, and I couldn't stand to do the same thing over and over again. I understand why specialization is required today, but I think that specialists may sacrifice some of their perspective in taking such a narrow focus.

DICTA: How about the variety of a general criminal practice, now that the public defender crisis has blossomed? We all know how painful that can be.

GM: I'll do it, just like we used to in the old days. But criminal law has become too technical, and an overloaded and ineffective criminal justice system has resulted. I suppose, like most of us, that I'm not competent to handle criminal cases anymore, but I'll get whatever help I need and just do it. I don't have the answer to the larger problem, that's for sure.

DICTA: I see your cigar box, but where is your computer?

GM: I don't have one, although I see how important they have

become. If I were starting out today, I'd certainly be into all of that. However, I think that our reliance on computers and all of the new technology tends to breed sloppiness. Lawyers used to be more careful, simply because they had to be. You just couldn't re-do a document over and over again. I think you also knew your case better. You took handwritten notes on key documents. Now we rely on mountains of copies, most of which never get read anyway.

DICTA: Besides seeing John Harber's picture in every issue of this fine publication, what trends do you see in the law which you'd like to change?

GM: The system is no longer predictable. With notice pleadings, you never get surprised with the facts. On the other hand, you never know the other side's theory of the case. Discovery is completely out of control, and far too expensive. Unfortunately, I see many clients with good cases who simply can't afford to bring the case to trial due to potential discovery costs. The other thing that troubles me is the concept of equal justice. Because of our emphasis on "fairness," we've lost sight of the fact that the judicial system is designed to resolve disputes. Fairness is a highly subjective standard. In a given case, the result may not always be fair to all. However, if it's a predictable result, the system works better for everyone in the long run.

DICTA: You've been described as obstreperous. Are you?

GM: Yes, I suppose so, but I think that's an outgrowth of the days when the practice of law was more of a fraternity. We fought hard for our clients, but we cooperated with each other. There wasn't the rudeness you sometimes see today. It was

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better for the client and for the profession.

Dicta: One last question. Do your best Johnny Carson and tell me what you see for the future of the profession.

GM: Lawyers are no more than "privileged servants." Many of us have forgotten that. We

really have a rare opportunity in that we get to see how things work at all levels of society. I don't know if it'll happen, but I'd like to see more awareness of the fact that we truly are privileged. If that happens, I think we'll be much better servants, and the

public will take note of that.

GM: "How about a cigar?"

Dicta: Thanks, but no thanks. The Dicta staff might regard it as a bribe, and my career would be over.