

Booth remembered: an 'in person' guy

JASON W. GRAHAM

Dean Booth of Miller & Martin died Wednesday at age 74 of cancer. Jason W. Graham, a longtime friend, wrote this piece in Booth's memory.

DEAN BOOTH WAS an old-school Southern gentleman. When I interviewed with him 17 years ago, he was the only person, partner or associate, who offered me a cup of coffee and asked if I had to go to the bathroom. Not that anyone else was rude, but Dean was always the host and always thinking of his guest. He was a model of professionalism and taught me that despite the fact that we litigators fight for a living, we should always follow the litany of teachings from the Bible even in litigation: Do unto others as you would have them do unto you, turn the other cheek, but for the grace of God there go I, and don't talk to snakes in trees. The one or two times I strayed from this advice, I regretted it.

Dean was an "in person" kind of guy. He would email and talk on the phone, but he valued face-to-face discussion and interaction. As my mentor, he would take me to lunch, depotions, deep-sea fishing, court, poker night, wine tastings, and many wonderful lunches at both dives and country clubs. I would go to New York with Dean on business, and the maître'd at whatever fancy restaurant we went to would invariably know him by name. But so would the security guy at the courthouse. Dean got along with everyone and was very down-to-earth. He'd get right on the floor and play with my kids at a barbecue dinner at my house one night and politely remind me of my table manners at a black-tie dinner the next. One time we were having lunch at one of his favorite restaurants, Bone's, after he had just visited my new office and learned of my recent coffee roasting hobby. The waiter, who knew Dean by name, of course, asked if we wanted any coffee after our meal. Dean looked up and deadpanned, "Your coffee is not good enough for Mr. Graham."

Dean was a man of stories and storytelling. He was direct in the sense that he always told you exactly what he was thinking, but he was indirect in the manner that he told it. Being a child of the '70s and '80s and a total nerd, I, along with a number of fellow associates, once engaged in tagging all of our senior partners with a "Star Wars" moniker that fit their personality. Dean was, of course, Yoda. He spoke in metaphor, knew everyone and everything, and had an uncanny intuition that would make you believe in "the Force."

Now, as a senior partner myself, I find myself telling "Dean stories" to my young associates on a regular basis. Dean would never tell you that you made a mistake, but he would embark on a tale that would eventually get you to understand not only that you had made a mistake, but how to fix it and prevent it from recurring. I am reconstructing some of these stories from memory, and I am sure I am paraphrasing liberally.

Dean on client development: "Client development is like trying to stay alive by eating fish that you catch yourself. In life, it is not fishing, it is not catching fish, but it is eating fish that is important. People think you can just 'know people,' be connected, or just 'be a good lawyer' and get clients. They don't get it. Getting a client is not the hard part. You have to attract



Jason Graham and Dean Booth on a fishing trip, one of many outings they enjoyed together. PHOTO COURTESY OF JASON GRAHAM

the client, sign him/her up, bill your time, send a bill and collect fees. Otherwise you are just casting into the trees. See, if you want to eat fish (i.e., cash checks sent by clients), then you have to learn to fish. There is a lot more to it than just reeling in big fish and squeezing a lemon. On extremely rare occasions, fish will just jump in your boat, but normally, if you want to sustain yourself by eating fish, you have to: (1) buy beer the night before, (2) put beer on ice before going to bed, (3) set alarm clock, (4) wake up real early, (5) make coffee, (6) make breakfast, (7) drink coffee, (8) eat breakfast, (9) make and pack lunch, (10) put more ice in the cooler, (11) add lunch to beer in the cooler, (12) hitch the boat to the truck, (13) put gas in the boat and the truck, (14) check tackle boxes and poles and put them in the truck, (15) drive to the bait shop, (16) buy bait, (17) drive to the dock, (18) put the boat in the water, (19) park the car, (20) motor out to your favorite spot, (21) open beer, (22) drink beer, (23) drop anchor, (24) bait hook, (25) kiss your bait, (26) cast, (27) reel in untouched bait or naked hook, (28) repeat steps 21-27 a gazillion times, (29) pick up anchor, (30) move boat to new favorite spot, (31) drop anchor again, (32) repeat steps 21-27 a gazillion more times, (33) curse the fish, the weather, the boat and the bait, (34) make one last cast, (35) finally get a bite, (36) set hook, (37) finally reel in fish, (38) net or gaff fish, (39) remove fish from line, (40) put fish on ice, (41) open beer, (42) drink beer, (43) maneuver boat back to dock, (44) get boat back on trailer, (45) drive home, (46) gut and clean fish, (47) wash and cut lemon, (48) rub fish filets with salt and pepper, (49) place skillet on stove, (50) turn on stove, (51) place pat of butter on skillet, (52) place fish fillet on skillet, (53) flip fillet at appropriately timed intervals, (54) place cooked fillet on plate with side dishes you have also just cooked, then (55) squeeze the lemon and eat the fish." Then Dean would look at you over his glasses and say, "Oh, and while you are finally eating fish, you will be complaining to your wife that when Dean was teaching you how to fish, he never mentioned water spouts, dolphins chasing the boat and eating your hooked fish before you could get it into the boat, birds' nests in your reels, losing your rig in the rocks, getting seasick, or running out of beer.... Making a living from clients has just as many steps and just as many opportunities to lose your dinner. It just ain't that simple." Dean told me a variation of this story when he took me deep-sea fishing about 10 years ago in the Gulf of Mexico out of Panama City with Captain Hank. I am positive I've missed a dozen or more steps, but I

caught more fish on that trip than I had ever caught in my life.

Dean on subject-matter experience: Around my second or third year of practice, Dean asked me to find the answer to a complicated federal income tax question. I respectfully told Dean that I was not a tax lawyer and that tax was the only course for which I earned a "C" in law school. Dean looked over his glasses at me and deadpanned: "Do you have a law license? Do they still give out actual licenses? See, your license says that you are a lawyer. It does not say that you are a particular type of lawyer. You are supposed to know the law, or failing that, find and read the law and figure out the answer. Are you a lawyer? The Internal Revenue Code is a law; it's a statute. Go figure it out." I did. And I learned from this experience that I wanted to be a general

practitioner, like Dean. It was my "failure" to specialize that allowed me to open my own full-service law firm seven years ago. Dean on work product: Early in my career, I turned in a "draft" brief to Dean. He called me into his office a few hours later, again looked over his glasses at me while holding the brief, and asked me ominously, "Is this really your best work?" Terrified, I responded that I had worked hard on it, but that I was sure that if I spent more time on it I could make it better. He handed it back to me. I would work late chasing research rabbit trails and re-proofreading and fine-tuning. I left the revised brief on his chair close to midnight. First thing the next morning, I was summoned to Dean's office again and was asked again whether this was really my best work. I was crushed. I could sense his disappointment. I begged for one more chance to make it perfect. He handed it back to me with a disapproving look. I spent all day on the brief and did not even bill my time. Finally, at the end of the day, I handed him what I thought was the absolute best brief I had ever written. He took it from my hands and demanded again to know if this was my best work. In my trepidation, I did not catch on that he had not looked at it yet. I assured him that I was positive this was an excellent brief and that the client should win. He smiled wryly and said simply, "OK, I'll read it now."

Dean Booth is a big part of the reason that I am the lawyer that I am. I know there are a lot of other lawyers out there who would say the same thing. He was a mentor, a friend, a model to many. He will be greatly missed. ☹

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Judy Blackwell
Senior Associate



Stephen Hasner
Managing Partner



Tracee Benzo
Partner



Jonathan Johnston
Associate

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<p>ATTORNEYS</p> <p>Stephen R. Hasner, Esq. Tracee R. Benzo, Esq. Judy A. Blackwell, Esq. Jonathan M. C. Johnston, Esq.</p> <p>OFFICE MANAGER</p> <p>Erin Tankersley</p>	<p>PARALEGALS</p> <p>Pirosa Merritt Pam Hulsey Cecile Barnhill Whitney Williams Mystical Studaway Melodi Burgess Kimberly Prewitt</p>	<p>CLIENT RELATIONS MANAGER</p> <p>Nicole Reid</p> <p>MARKETING MANAGER</p> <p>Daniela Montealegre</p> <p>ADMINISTRATIVE ASSISTANT</p> <p>Date Cunningham</p> <p>FILE CLERKS</p> <p>Faith Lipham Jordan Mapper</p>
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www.hasnerlaw.com

Atlanta
(678) 888-4878

Savannah
(912) 234-2334