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## Thirty Years of Jack Sammons: An Appreciation Symposium Dinner Speech October 2, 2014

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**Thirty Years of Jack Sammons:  
An Appreciation  
Symposium Dinner Speech  
October 2, 2014**

**by Timothy W. Floyd\***

I have been asked to provide a brief overview of Jack's work and his career. Of course, that is an impossible task. No overview of Jack's career could be brief. He has had a long and productive career, and his work is still going strong. But Jack is not just prolific; his work is so wide-ranging that no *brief* summary could do it justice. Moreover, as many of you know, his work is sophisticated, complex, and not easily summarized.

If you want a comprehensive review, I will need at least an hour. Don't worry; that's not for tonight. There will be plenty of time to explore Jack's work in-depth tomorrow. Tonight, I will be brief. For the next few minutes, I will describe my own personal encounters over the years with Jack and his work.

But first, what a joy it's been to remember my times with Jack, to re-read many of his writings, and to think about how he's changed my own thinking. This feeling is not simply nostalgia. Jack's insights and ideas are as fresh and as needed as they were when I first encountered him over thirty years ago. My encounters with Jack do indeed go back over thirty years. For the first decade in the 1980s, those encounters were at a distance. I knew him by reputation, through his work only. But Jack had quite a reputation, even then.

I started in legal education as a clinical teacher in 1982. Our focus in the clinic where I worked was on preparing students for practice. We

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\* Tommy Malone Distinguished Chair in Trial Advocacy and Director of Experiential Education, Mercer University School of Law. Emory University (B.A., 1977; M.S., 1977); University of Georgia School of Law (J.D., 1980).

worked hard on defining our educational objectives. I discovered that the most significant writing that had been done on clinical learning was by Jack Sammons. Clinical teachers around the country told me that the best starting point for clinical pedagogy was Jack's work on lawyer competencies done at Antioch Law School in 1980.<sup>1</sup> We used that work in our clinic back in the mid-1980s. Although Jack has since decided that his project was somewhat misguided (for reasons we can talk about tomorrow at the Symposium), the work Jack did in the late 1970s on lawyer competencies has been enormously influential. The MaCrate Report of 1992<sup>2</sup> drew heavily upon that work. Even today, with recent changes to American Bar Association accreditation standards,<sup>3</sup> many are working to define lawyer competencies and learning outcomes, and Jack's work is still an excellent starting point.

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In the 1980s I attended a Continuing Legal Education program. I don't remember the topic of the program or any of the speakers—except one. As these programs almost always do, the program had an hour devoted to ethics. I remember that the ethics speaker was this guy, Jack Sammons, whose work I had relied upon. I don't remember what he talked about (if I had to guess, he may have said something about Aristotle, McIntyre, Hauerwas, and Bob Dylan), but I do remember noting that this guy was erudite, articulate, and fascinating. I should get to know this man.

In 1989 we moved from Georgia out to Texas Tech, without my ever meeting Jack. One of the courses I taught at my new school was legal ethics—Professional Responsibility. In going over the books on the subject, I discovered this little book called *Lawyer Professionalism*.<sup>4</sup>

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1. See H. Russell Cort & Jack L. Sammons, *The Search for Good Lawyering: A Concept and Model of Lawyering Competencies*, 29 CLEV. ST. L. REV. 297 (1980); H. Russell Cort & Jack L. Sammons, *The Search for Good Lawyering: Some Approaches to Resolving an Historical Debate*, 1 ANTIOCH L.J. 7 (1981).

2. See LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM—REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP, ABA (1992), available at [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/2013\\_legal\\_education\\_and\\_professional\\_development\\_maccrate\\_report.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report.authcheckdam.pdf). The MaCrate Report was one of the most influential studies of legal education in the past thirty years.

3. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, ABA (2014), available at [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html). The Standards were revised in 2014 to require law schools to define learning outcomes and to assess their success in meeting those outcomes.

4. JACK L. SAMMONS, *LAWYER PROFESSIONALISM* (1988).

That book was a revelation. What a breath of fresh air in a very dry landscape. At that time, Jack and I struck up a correspondence about the issues of that book and many other related themes. Jack helped me realize that legal ethics is a bigger subject than the ABA Model Rules of Professional Conduct, and that writing about and teaching legal ethics allowed me to focus on some of life's most important and interesting questions.

Here's a quick example: the article that gained me tenure at Texas Tech did not cite a single case or statute. It was a discussion of what legal ethics could learn from the theology of H. Richard Niebuhr and Reinhold Niebuhr.<sup>5</sup> Jack was very encouraging and helpful in my writing of that article when many others scratched their heads. Many of you know how helpful Jack can be with your scholarship. You also know that his comments are never simply "good job, keep it up." In fact, Jack never hesitates to tell you where you went wrong, usually with a cite to a specific page or footnote. He will always find ways to improve your work. His critiques on this article and others have consistently been the most helpful comments I received on my own writing.

During the 1990s, Jack and I were among a relatively small group of law professors who shared an interest in religious faith and legal ethics. I came to look forward to opportunities to be with Jack and discuss common interests; we attended several law and religion conferences at the law schools of Fordham and Hamline Universities. (Remember this is the 1990s, so we also spent a lot of time discussing the professionalism of Greg Maddux.)

One of the highlights of the 1990s was Texas Tech Law Review's Faith and the Law symposium issue.<sup>6</sup> Jack helped us with several contributors (including a couple of persons from Macon, Dan Edwards and Carl Buice, both of whom are lawyers and Episcopal priests). Many other people from around the country agreed to participate in part because they knew Jack and were impressed that he was one of the contributors. His paper for us was entitled: *On Being a Good Christian and a Good Lawyer: God, Man, Law, Lawyering, Sandy Koufax, Roger Maris, Orel Hershisier, Looking at the Catcher, and Corked Bats in The Kingdom (with a Brief Guest Appearance by Ty Cobb)*.<sup>7</sup> I am going to talk about

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5. Timothy W. Floyd, *Realism, Responsibility, and the Good Lawyer: Niebuhrian Perspectives on Legal Ethics*, 67 NOTRE DAME L. REV. 587 (1992).

6. Thomas E. Baker & Timothy W. Floyd, *A Symposium Précis*, 27 TEX. TECH L. REV. 911 (1996).

7. Jack L. Sammons, *On Being a Good Christian and a Good Lawyer: God, Man, Law, Lawyering, Sandy Koufax, Roger Maris, Orel Hershisier, Looking at the Catcher, and Corked Bats in The Kingdom (with a Brief Guest Appearance by Ty Cobb)*, 27 TEX. TECH. L. REV.

that essay in the morning. Suffice it to say for now that this may be my favorite law review article of all time.

Jack and I spent a lot of time in those days discussing the nature of our profession and legal ethics. For a good while, I was resistant to his views of the moral authority of our practice within the ancient tradition of rhetoric. But eventually, Jack, with the help of Alasdair MacIntyre and Stanley Hauerwas, persuaded me of the deep virtues of our practice. (He is quite skilled at rhetorical argument, you see.) Now, what is this talk of rhetoric stuff and what does it have to do with legal ethics and theology? We will talk about that, and much more, tomorrow.

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So far I have spoken of Jack's scholarship. Tomorrow's program will explore his scholarship in detail.

But Jack's work has been important in many more areas than his scholarship. Jack, as many of you know, was a principal architect of Mercer's Woodruff Curriculum. The designers of the Woodruff Curriculum decided to figure out what kind of lawyer they wanted to come out of law school and then design a curriculum to produce that kind of lawyer. That makes perfect sense, but you would be surprised how revolutionary—and rare—that still is. I was chair of our curriculum committee at Texas Tech at the time. We tried to do something like the Woodruff process at Texas Tech, and we failed utterly. We had the wrong people in charge. We should have brought in Professors Sammons, Lewis, and Creswell as consultants.

Jack Sammons is the reason we have such strong professionalism, public service, and experiential education programs at Mercer Law School. His commitment to legal services and access to justice for all goes way back; he was part of a remarkable generation of legal services lawyers in Georgia back in the 1970s. Jack was part of a team that included Mercer's own Nancy Terrill, Bucky Askew, Phyllis Holmen, John Cromartie, and the heroes of *Praying for Sheetrock*,<sup>8</sup> including Roy Sobelson and Don Samuel. Most of those people are still active in the access to justice movement in Georgia today. I see them regularly in that work, and they frequently ask about Jack and discuss their work with him those many years ago.

Jack has long been active on issues surrounding the death penalty. After I returned to Georgia in 2004, Jack and I worked together on the

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1319 (1996).

8. MELISSA FAY GREENE, *PRAYING FOR SHEETROCK* (1992).

American Bar Association Death Penalty Project Georgia Assessment Team and Report.<sup>9</sup>

Jack's service to the legal profession in Georgia is legendary. He was an original member (indeed, the inspiration for) of the Chief Justice's Commission on Professionalism, which was one of the very first and most influential of those bodies. He served faithfully on the Formal Advisory Opinion Board and the State Bar lawyer advertising committee. To list all of his service to this community and to the state would take a long time. Just take a look at his CV some time.

And did I mention Bob Dylan and baseball? We don't have time for me to go into those subjects tonight, but Jack and I did together witness the last game managed by that true professional Bobby Cox. We had front row seats (a gift from his daughter Sorrell—thanks Sorrell!). This game was, of course, a frustrating loss to those accursed San Francisco Giants. But after the game was over, the Giants interrupted their own celebrations and came out of the dugout and onto the field and gave Cox a standing ovation. People often say that "professionalism" is an elusive concept. Jack would be the first to tell you that role models are crucial to understanding professionalism. Bobby Cox was a true role model within his own practice.

Even in Jack's retirement, our interactions continue. Just last month, in a project with bar leaders, we were dealing with a difficult subject and the positions were contentious. As part of this discussion, the subject of unauthorized practice of law came up. In the process of researching the scope of unauthorized practice in Georgia, we discovered a Formal Ethics Advisory opinion<sup>10</sup> that was directly on point. It was particularly well-reasoned and well-written, and the opinion was very helpful to the resolution of this dispute. Remembering that Jack had served as a member of the Formal Ethics Advisory Opinion Board, I thought I saw Jack's hand in it. The following sentence appeared in the opinion: "Lawyers, as professionals, are ultimately responsible for maintaining the quality of the legal conversation in both the prevention and the resolution of disputes."<sup>11</sup> I wonder who wrote *that*? Of course, that sentence could only have come from the pen of Jack Sammons. We later confirmed that Jack did indeed author that opinion.

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9. *Evaluating Fairness and Accuracy in State Death Penalty Systems: The Georgia Death Penalty Assessment Report—An Analysis of Georgia's Death Penalty Laws, Procedures, and Practices*, ABA (2006), <http://www.americanbar.org/content/dam/aba/migrated/moratorium/assessmentproject/georgia/report.authcheckdam.pdf>.

10. State Bar of Ga. Formal Advisory Op. Bd., Formal Op. 00-2 (2000), available at [http://www.gabar.org/barrules/handbookdetail.dfm\\$what=rule&id=466](http://www.gabar.org/barrules/handbookdetail.dfm$what=rule&id=466).

11. *Id.*

Now, in virtually every project I've been engaged, in every scholarly area I wished to pursue, in pretty much everything I've been interested in and worked, Jack was already involved—and had done it before and had done it better. But the converse is not true. Jack may have been involved in almost every area I have worked on. But I certainly have not done everything Jack has. I don't play the blues harmonica. (Have you heard him play? He's really great; in fact, I think you can find evidence of that on Youtube if you know where to look.) I have no desire at this stage in life to engage with Heidegger. And as much as Brazilian music seems fascinating, I don't expect I'll ever write an article about Samba.

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When you consider our common enterprise of legal education, it is helpful to think of legal education as a circus. That's a pretty good metaphor for what we do. Among the prancing poodles and the strutting ponies, the dancing bears and the fierce lions, among the funny cars and the sad clowns, Jack is the circus elephant. He is a giant among us. Like an elephant, he is larger than life, and he cannot be ignored. Elephants are highly intelligent and they have very long memories. Elephants have a quiet dignity, and they exude confidence and calm in the midst of turmoil. Elephants are faithful in relationships; they are known to be persistent and committed to their group.

For many years, I have been honored to be that fellow in the circus whose job it is to follow behind the elephant. I have been fortunate to deal with all that he leaves behind for us. And who am I to complain? At least it's show business.

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Even though Jack and Laney have now retired to Vermont, I am still following Jack. When he retired last year, I moved into his office. And I've got to tell you, his spirit is somehow still in that space. Sometimes I hear Jack's voice, whispering in my ear (or just inside my head). Most of the time, that's a good thing; one could not have wiser counsel. Of course, those of you who know Jack won't be surprised that sometimes he points out how my liberal assumptions are getting in my way: how they are corrupting my commitment to the internal ethics of our practice. That's okay—that's a voice I need to hear.

Now, I am pretty sure that my following Jack around has come to an end. We have no interest in retiring in Vermont. On the other hand, I should have learned by now that my role in life is to follow Jack. Jack

and Laney, perhaps one day as you look out your window into those snowy woods, you shouldn't be surprised to see that Daisy and I are moving into the house next door.

To Jack Sammons: Scholar, Teacher, Lawyer, Mentor, and Friend. Peace and Blessings to you and your family, for all the days of your lives.

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