

Reflections on a Legal Legacy

Chief Judge Ann Bailey Smith

“Atticus put his hand on Tom’s shoulder as he whispered. Atticus took his coat off the back of his chair and pulled it over his shoulder. Then he left the courtroom, but not by his usual exit. He must have wanted to go home the short way, because he walked quickly down the middle aisle toward the south exit....”

Someone was punching me, but I was reluctant to take my eyes from the people below us, and from the image of Atticus’s lonely walk down the aisle. ‘Miss Jean Louise?’ I looked around. They were standing. All around us and in the balcony on the opposite wall, the Negroes were getting to their feet. Reverend Sykes’s voice was as distant as Judge Taylor’s:

‘Miss Jean Louise, stand up. Your father’s passin’.’”

From “To Kill a Mockingbird” by Harper Lee

My dad, John Bailey, was an attorney. He was my hero for so many reasons, including his unusual path to becoming a lawyer. He’s always in my heart but he’s been on my mind a lot lately because I’m now the age he was when he died of lung cancer complicated by leukemia. I remember feeling cheated when he died, that he should still be on this earth for at least a couple of more decades. I definitely feel that way now that I’m his age. I’ve always felt like Charles Dickens cogently summed up April 1988 for me when he wrote in “A Tale of Two Cities,” “It was the best of times, it was the worst of times....” as I became a mom for the first time on April 30th, but lost my dad seventeen days earlier. The worst day of my life and the best day of my life took place within a mere seventeen days of each other.

My dad was the oldest of thirteen children born in the Portland neighborhood of Louisville. He excelled in elementary school; as a result some of the administrators of St. Xavier High School approached his parents to encourage them to send him there. With so many children they were unable to afford the tuition. The administration lined up a job for him to offset his tuition; everyday after school he went to a bowling alley to set up the bowling pins for the bowlers. He graduated from St. X in 1940, paying his way by working at a bowling alley for four years.

Within two years he was drafted and sent to fight in World War II from 1942-1946. He earned the rank of Master Sergeant and served in the Twelfth Armored Division until he received his honorable discharge on January 27, 1946.

Upon his return to Louisville from the war, he went to work at Standard Oil Company as a secretary in its legal department. There was a scandal of some sort that involved one of the attorneys which caused additional responsibilities to be given to my dad. As time went on, my dad’s employers decided it would be beneficial to the legal department if he went to law school. One of the lawyers contacted the Jefferson School of Law and arranged for my dad to audit the night classes. While my dad was a student there, the Jefferson School of Law merged with the University of Louisville’s School of Law. The fact that my dad was auditing classes must have been lost in the shuffle of the merger because he received notification from the law school that he had satisfied the credits needed to graduate. So,

graduate he did. And he continued to work in Standard Oil’s legal department, but now with a law degree.

He married, had three children and worked Monday through Friday in the Starks Building enjoying lunch each day at the Colonnade. All was well until about 20 years after he graduated from law school when the powers-that-be at Standard Oil decided that my dad needed to be a licensed lawyer to remain in his job in the legal department. So, while working full-time at Standard Oil, he began studying on his own for the bar exam. He attempted to teach himself subjects that were covered on the bar exam but that weren’t even offered in law school 20 years earlier. He struggled with passing the bar exam (who wouldn’t 20 years after being in law school) so he signed up to take a bar review course in Lexington. I don’t know if a bar review course wasn’t offered in Louisville or if it was and just didn’t accommodate his work schedule, but my dad worked all day and then drove to Lexington each evening for the bar review. He was the sole financial supporter of our family of five, so taking time off from work to study for the bar exam was not an option. His extraordinary efforts and determination paid off as he received word that he had passed the bar exam.

He continued to work in the legal department at Standard Oil (eventually Chevron) until his retirement on June 28, 1985, having been employed there for 39 years and two months.

I practiced law at the Public Defender’s Office for three years before my dad’s retirement. When I was in trial, he would walk over to the Hall of Justice to watch whenever he could. I loved having him there in the courtroom with me. Sometimes we didn’t even have a chance to talk, but it was just nice knowing he was there pulling for me. Although he loved working for Standard Oil, he told me that he did have some regrets after watching my trials that he had not been a litigator. In going through his papers after he died, I found newspaper clippings of my trials that had been reported in the *Courier Journal*.

My path to law school was the traditional one of high school then college then law school. My dad’s path was high school, fight in Europe for four years defending his country, and then return to Louisville to eventually go to law school. His law school experience must

have been so much richer than mine because of his World War II years. I thought I had time to ask him if he thought this was true... But I did not. I do not know what his plan was when he started in Standard Oil’s legal department — maybe he was just so relieved to have survived the war (he lost a younger brother in that same war) that he didn’t have a long-range plan. But fate stepped in and led him to law school. And he was my inspiration for pursuing a legal career, for which I will be forever grateful.

Chief Judge Ann Bailey Smith presides in Division 13 of Jefferson Circuit Court. ■



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