

In Memoriam: E. Barrett Prettyman Jr. '53

Every year for decades in the life of this law firm, new lawyers and law students working in the Washington office were treated to the same ritual. On the appointed day they would gather in an office conference room, and E. Barrett Prettyman, Jr. would walk into the room. Barrett would look at the assembled group, smile, and say,

“What would you like to hear about? I could talk about the time I smoked cigars with Fidel Castro at Ernest Hemingway’s house in Cuba. Or the time I took John Lennon’s deposition. Or when I hitchhiked across the United States. Or fought with the Ninth Army in World War II. Or worked for three Supreme Court Justices. Or taught Sidney Poitier how to play Thurgood Marshall. Or when I took a sabbatical and body-surfed around the world.”

And every year for decades, the astonished young lawyers would always answer,

“Everything.”

It is with great sadness that I must tell you that our colleague and friend Barrett died last night.

Barrett joined then-Hogan & Hartson in 1955, after attending the University of Virginia School of Law and clerking for three Supreme Court Justices. At the firm, Barrett established the firm’s specialized appellate practice – the first one of its kind in the country. And except when called upon for government service, he was with the firm for his entire career. During that time he mentored generations of our litigators with rigor and warmth, including the current Chief Justice of the United States, John G. Roberts, Jr. He served as a Fellow of the American College of Trial Lawyers, President of the American Academy of Appellate Lawyers, President of the PEN/Faulkner Foundation, and was an award-winning mystery writer; in 1962, his book *Death and the Supreme Court* won an Edgar Allen Poe award.

Barrett represented major clients in litigation matters throughout his career, focusing over the years on appellate advocacy and on developing the firm’s appellate practice. He argued 19 cases before the Supreme Court, conducted significant trials nationwide, and handled matters before a wide variety of U.S. agencies and departments.

Barrett was a stalwart advocate that lawyers in all firms and practices should provide pro bono work to those who cannot afford legal services. As the first elected president of the unified District of Columbia Bar in 1972, Barrett made providing pro bono services a priority, a mandate every successive D.C. Bar president has followed ever since. Barrett also served on the firm’s Executive Committee when it established the first full-time practice dedicated to pro bono work.

Barrett was the consummate client service lawyer. His client roster included Truman Capote, John Lennon, Katherine Anne Porter, Eudora Welty, and other notable names in the arts, as well as leading business firms and individuals ranging from General Motors and Lloyds of London to the Aga Khan. But the many lawyers who grew up as professionals under Barrett’s watch learned that his dedication to clients was complete, whether they were celebrities or impoverished. During the almost three decades that he led the team that represented Florida death-row inmate John Ferguson, he personally visited and regularly corresponded with the client and his family, drafted

and edited countless legal filings, and left no possible argument unexplored. The State of Florida ultimately took the life of John Ferguson in August 2013; Mr. Ferguson had lived for 37 years following his death sentence, with Barrett as his lawyer for most of that time.

Barrett also answered the call to service of his country. He fought with the Ninth Army during World War II. He left the firm to serve as Special Assistant to the U.S. Attorney General and Special Assistant to the White House during the Kennedy Administration. In 1961, he helped arrange for the release of more than 1,100 prisoners taken captive in Cuba after the failed Bay of Pigs invasion, travelling to Cuba to meet with President Fidel Castro to secure the release of the prisoners, who were home in time for Christmas.

Barrett also served as Special Counsel to the House Ethics Committee during the “Abscam” investigation, and served full-time, without compensation, as the Inspector General of the District of Columbia.

After an early career as a newspaper reporter, Barrett earned his law degree from the University of Virginia in 1953. He then clerked for Justices Robert Jackson, John Harlan, and Felix Frankfurter, where he contributed as a law clerk to cases of lasting significance, including the decision and de-segregation decree of *Brown v. Board of Education*. He described himself as “fascinated by the business of persuasion ... How you articulate the points that you choose to make, and what points you choose to leave out, the personality that goes into it – I find all of that absolutely fascinating.”

One of Barrett’s favorite stories, however, was one he did not learn of until years after the fact. He would tell it this way:

“After I served in the Supreme Court and interviewed at Hogan & Hartson, the partners held a meeting to vote on new associate admissions to the firm. When my name came up, every one voted ‘yes’ except for Nelson Hartson. They all questioned him, pointing out that I had done well in Law School and had clerked for three Justices. He replied,

‘No dice. His old man is a Judge, and if Barrett doesn’t work out, we’ll never get rid of him.’”

Nelson Hartson was outvoted.

Barrett’s death is a tremendous loss. It would not be possible to count the current and former firm lawyers and staff, and members of the larger legal community, who were profoundly influenced by Barrett, both personally and professionally. We are so grateful for the countless contributions Barrett made to all of us at Hogan Lovells, and the profession, and for his inestimable intellect, charm, wit, and style.

There will never be another like him.

-- Hogan Lovells CEO Stephen Immelt

[Read E. Barrett Prettyman’s oral history.](#)