

Oral History of STANLEY S. HARRIS
April 26, 2002

This is the second session in an oral history conducted under the auspices of the oral history project of the Historical Society of the District of Columbia Circuit. The interviewee is Stanley Harris, a lawyer in practice and in the judiciary, and the interviewer is William Ross. The date is April 26, 2002.

Mr. Ross: I wanted to ask you in this session about your period of private practice. I believe you were in practice with one law firm for eighteen years.

Judge Harris: Yes, actually a little over seventeen.

Mr. Ross: A little over seventeen. And that was Hogan & Hartson.

Judge Harris: Yes, sir.

Mr. Ross: That was one of the largest law firms in Washington at that time.

When was that founded, do you recall?

Judge Harris: The firm originally functioned as a proprietorship under Frank Hogan, and officially became a partnership in January 1938.

Mr. Ross: Could you describe the firm to me at the time you entered it?

Judge Harris: Well, at the time, I became the twenty-fifth lawyer in the firm. I might note parenthetically it now has 945 lawyers. I went to their partners' dinner just a very few nights ago at the Shoreham, and it was part of a retreat with partners from all over the world. Hogan & Hartson has eighteen offices now, and the large ballroom at the Shoreham was completely packed, including spouses, so it was a far cry from what I experienced. And the firm had indeed set twenty-five as a theoretical maximum, above which it did not wish to go. So, when I joined them, they thought that's as big as they wanted to get.

Mr. Ross: What was their practice in general?

Judge Harris: Well, Hogan & Hartson had the largest trial practice in town, which was headed up by Edmund Jones. They represented DC Transit, or Capital Transit, I forget which was the correct name back at that point. And they also at that time represented insurance carriers, such as Travelers and Liberty Mutual. So, they had a lot of trial work. I might say that later as Hogan & Hartson's billing rates increased, they priced themselves out of the insurance representation, which I resisted when I was a partner in the firm because I thought it was such a great way to train young lawyers in trial work, and being able to get young lawyers into court is not simple in law firms these days. But Nels Hartson did tax and trust and estate work; he headed that up. There was a significant tax department, headed up by Seymour Mintz, and George Monk also did a lot of trust and estate work, so I would say largely it was communications, which was the field that I went into, trial work, trust and estates and some antitrust work and that was principally it.

Mr. Ross: The more prominent partners at that time were the two named partners, or was Frank Hogan around at that time?

Judge Harris: Frank Hogan died in 1944.

Mr. Ross: So, in addition to Hartson, there was George Monk, there was Nubby Jones, there was Seymour Mintz --

Judge Harris: Arthur Phelan, Jim Rogers, Lester Cohen --

Mr. Ross: Who was the principal partner in communications?

Judge Harris: Duke Patrick --

Mr. Ross: Oh, I remember him.

Judge Harris: -- who had been the general counsel of the Federal Radio Commission and had then come to Hogan & Hartson, so Duke Patrick and Lester Cohen were the principal ones in the communications section at that time.

Mr. Ross: About how many lawyers would you say spent a substantial part of their time in that section?

Judge Harris: About six, six essentially full time.

Mr. Ross: What sort of FCC work did you specialize in?

Judge Harris: Well, at that point in time they were having comparative hearings for television channels which were allocated to different cities, and those channels obviously being quite valuable, there was more than one applicant for them in the major cities and there were a lot of comparative hearings going on to see which company as an applicant would become entitled to use a particular channel in a particular location. So, comparative hearings took up an awful lot of the work, along with related appeals taken from the allocation of a channel to one party.

Mr. Ross: Did you represent applicants for those licenses?

Judge Harris: Yes.

Mr. Ross: So, you were in competition with other applicants?

Judge Harris: That's correct.

Mr. Ross: That must have been an interesting and even rather exciting thing for a young lawyer to be put into.

Judge Harris: It was, in part, because of where I fit in the structure of the communications section. Everybody else was meaningfully more senior than I, which meant that

I was basically drafting pleadings for the commission and writing briefs in the Court of Appeals. And they deferred to me as far as arguing the cases in the Court of Appeals, so as a kid just a year or two out of law school, I was arguing cases in the United States Court of Appeals, which does not happen all that often.

Mr. Ross: Almost extraordinary. That gives you a real boost in a career, I think, if you survive it.

Judge Harris: Yes, sir.

Mr. Ross: Could you tell me about your first argument?

Judge Harris: No, they sort of blur together at this point. That's back in the '54-'55 era, and I can't recall just exactly which one.

Mr. Ross: Were you calm as can be, or were you all charged up, or do you remember an incident, for example, in an interchange between yourself and one of the judges on the panel?

Judge Harris: One thing I remember rather vividly that I've since passed on to virtually every young lawyer whom I've had an opportunity to counsel, and that's been a lot because by a curious quirk I ended up becoming the key hiring person at Hogan & Hartson at a very young age. But I learned, and perhaps this may have happened to you also, in my first argument I prepared thoroughly and got in the cab to go to the courthouse and couldn't remember a thing about the case, and panicked, and then when I got up and started talking, just all of a sudden the cloud lifted and I was fine. So, I've since told other lawyers to anticipate a comparable reaction, but not to worry about it.

Mr. Ross: I guess there are lawyers that have that temporary amnesia and it

doesn't lift, which would be a dismaying experience. Did you enjoy the work?

Judge Harris: Very much. I liked the people with whom I worked. I found the subject matter interesting and enjoyed the clients that we had.

Mr. Ross: Can you remember a particular client or clients that you worked with that were most interesting to you, or stimulating, or the aspects of their representation?

Judge Harris: Well, I suppose the most interesting was the group that was assembled to apply for Channel 7 in Miami, Florida. It was a consolidation of quite fascinating people. It was Jack Knight, head of the Knight newspapers; Jim Cox, the head of the Cox newspapers; and a man named Niles Trammell, who was the former president of the National Broadcasting Company. And they got together to apply for that channel, and they were a wonderfully talented, interesting group of people with whom to work. And I still remember as a kid working on pleadings and having Niles Trammell, the former president of NBC, being around the office and saying, "Stan, can I make Xerox copies of that for you? Is there anything I can do to help out?" He was such a wonderful, down-to-earth guy.

Mr. Ross: That must have been, even then, a highly competitive situation because Miami was growing, and the market would have been, I assume, looked on as a very promising one.

Judge Harris: Yes.

Mr. Ross: So, there was a lot of competition?

Judge Harris: Yes, and we ended up winning in the comparative hearing, but later there was a member of the Federal Communications Commission named Richard Mack who apparently had been improperly influenced in some of these comparative television hearings. So

a cloud came over a number of the commission's awarding of channels and ultimately unfairly, in my view of course, because no lawyer likes to lose or thinks he should have. They ended up having the channel taken away from them after a hearing on possible *ex parte* influence.

Mr. Ross: That didn't touch the law firm, I take it.

Judge Harris: No.

Mr. Ross: It was something quite behind the scenes.

Judge Harris: Correct.

Mr. Ross: Our oral history project is quite interested in reactions, contemporary reactions to government process. When you had gotten your feet wet and felt that you knew the commission, knew its personnel, and knew that seeing the commissioners working and seeing the interactions, the commission with Congress and the administration, what kind of a view did you have of that commission at that time?

Judge Harris: I had a good view. We are what we are, and fortunately I've always been one of these people who treats the street sweeper just as I treat the president of a company. I mean to me everybody's the same, so I had good natural relations with the members of the staff at the commission, who seemed to appreciate that, got to know members of the commission in a favorable way. One, Bob Lee, asked me if I would leave the firm and come be his legal assistant for a while. I did not do that, of course, but I thought by and large, it was a fine group. We did represent an organization called Capital Cities Broadcasting Corporation from its inception, and Capital Cities ultimately grew enormously and ended up acquiring American Broadcasting Company. I might interject that at some point ABC offered me the job as its general counsel, but I turned that down because I didn't want to move to New York. Capital Cities was then headed

up by a man named Frank Smith, who was the business manager of Lowell Thomas of news fame. And Frank, and I'm afraid he's still correct, although he has long since died, made the comment to me one day, he said, "Stan, you're a great lawyer, but there's one thing wrong with you." And I said, "What's that?" He said, "You still believe in Santa Claus." And what he meant was that I believed the commission and every other body would be deciding things on the merits and proceeded with that assumption. Frank was indicating that everything was not always decided on its merits.

Mr. Ross: Were you disabused to that idea in time, or did you carry it through all the way through?

Judge Harris: I still believe in Santa Claus. My hope springs eternal for the goodness of man.

Mr. Ross: It's a useful psychological state if you want to practice law on a decent level. Lee was on the commission a very long time.

Judge Harris: Yes.

Mr. Ross: I believe he served as a commissioner on an independent agency longer than any other person.

Judge Harris: I think you're probably quite right in that.

Mr. Ross: I remember reading that somewhere.

Judge Harris: And he had a great sense of humor.

Mr. Ross: He was a consummate, I have to be careful with my words, he was very politically adroit in a good sense, knowing where all the skeletons were and where all the power lay in a situation, and I suppose was a fine public servant.

Judge Harris: Yes, I think so.

Mr. Ross: What was the atmosphere like, and I'm going to, I should say parenthetically we get into this all the time these questions of confidentially -- I know you'll be acutely aware of that, but they are very interested in details about law firm culture and the feel of the experience and how it's changed over time. And so, I'll ask you some searching questions, and you'll have to demur at times, or you'll say I can only talk about that in this way. But, one of the real strengths of this process is you can get details out on the historical record which would never get into a book between hard covers. Who ran the firm when you came in?

Judge Harris: The firm was run by its three-member executive committee made up of Nels Hartson, Edmund Jones and Duke Patrick.

Mr. Ross: And, did you have underneath, did you have a democratic process where the partners would confer, and to what extent was the law firm, how was it structured in terms of making decisions?

Judge Harris: The executive committee pretty much ran it, and as a youngster, if there was friction at the higher levels in the firm, I never sensed it. I thought it was a wonderful group of people that all pulled together for the good of the firm, and it saddens me to talk to some of my contemporaries who've continued to practice during the thirty years or so that I've been on the bench to see that some of that collegiality and pulling for each other has been lost. I remember one striking illustration. I tried when I had any kind of a lull in the communications work to work for other sections in the firm, and I helped out different sections, and I did a major piece of work in an antitrust case in which Pillsbury was our client. And the antitrust section was headed up by Joe Smith, and one day I got a telephone call from Joe Smith, who asked me to

come to his office and he introduced me to the general counsel of Pillsbury, and said to this man, whose name was Bradshaw Mintner, "I want you to meet the young man who did that piece of work that you liked so much." Well, today I can't conceive of a top partner in a law firm bringing in a young associate and introducing him to the client and saying this is the kid that did that work for you.

Mr. Ross: Right. There was a division in the firm at that time between a partner and an associate.

Judge Harris: Correct.

Mr. Ross: Were all of the partners what were called equity partners in the law firm?

Judge Harris: Yes.

Mr. Ross: And in a partners meeting, associates didn't attend.

Judge Harris: That's correct.

Mr. Ross: How many associates did you have?

Judge Harris: My best recollection is that it was split about half and half between partners and associates.

Mr. Ross: Did most of the associates advance to the partnership?

Judge Harris: Yes, and in part, of course, I think that's one of the striking differences between law firms such as the ones with which you and I grew up and the ones of today. If you take Hogan & Hartson at 25 and liken it to a pyramid growing, almost inevitably if you worked hard and had ability, you would rise to the top of the firm because the base would widen as more lawyers came in. Today these kids who join a law firm with 900 lawyers let's

say, I think the average stay of a new associate at these firms is something like, I was told the other day, it's something like two years. They cannot really grow and stay with the firm because the firms do not grow exponentially the way they did before.

Mr. Ross: That's an area I want to get into, because parenthetically I'm very interested in looking at the bar experience from 1953 to 1971, for example, and the changes in the practice of law during that time. I know you're looking back at it from the perspective of some years, but you would have a lot to say about it. Did the firm have a billable hours standard?

Judge Harris: No.

Mr. Ross: Did you bill on a time basis, or periodically or a combination? How did you bill your clients?

Judge Harris: I could only speak for the communications section, all of that was done just on a hourly basis.

Mr. Ross: On an hourly basis.

Judge Harris: And, for example, with Capital Cities Broadcasting Corporation, which I mentioned, it was a new company in the field, although it became enormously successful and I unfortunately didn't buy its stock, but the firm carried and didn't send it any bills for a couple of years until it really got its feet on the ground and firms could do that and did.

Mr. Ross: Yes.

Judge Harris: In fact, I remember after a couple of years when a very significant bill was sent to Capital Cities for about two years' work, the head of the communications section, Duke Patrick, realized later that a significant block of time had not been billed for, and so sent a supplementary bill for, as I recall, about \$35,000 or \$40,000 and a question was raised by the

client as why this was suddenly being added, and Duke Patrick's response was, "What's ten pounds to a horse?" meaning that the addition to the bill was so relatively minor, why were they complaining.

Mr. Ross: You have to have a good relationship with a client. So, you would submit your time records and they'd be incorporated in the billing, along with the firm's other costs, and you told me that you worked on pleadings, you worked on appellate briefs, you were allowed to argue a number of appellate cases.

Judge Harris: As well as cases before the FCC.

Mr. Ross: Before the FCC. And you saturated yourself in that industry.

Judge Harris: Yes, sir.

Mr. Ross: One of the characteristics of this kind of practice is you have to know the industry as well as you know the law.

Judge Harris: Yes, sir.

Mr. Ross: And that's a part of its interest rather than, say as if you were a litigator and you have one case in one industry and another in another and it's -- did you find that absorbing, being a part of this rapidly moving chain of events in the development of communications?

Judge Harris: Yes, very much so, and I remember a big hearing over the question of whether a transmitter for a television station permissibly could be moved from one place to another, which required getting into the technical end of it to a very high degree, far more than my knowledge permitted me to function, but working with the radio engineers. This, of course, is not unique to communications law, all lawyers who get into technical areas have to do this, but

I remember writing one pleading on the propagation characteristics of certain transmitters under certain circumstances and writing a very erudite pleading, which a year later I could not even understand. I had learned it enough to be able to deal with it, but then couldn't retain it.

Mr. Ross: Lawyers have to empty their minds out. Would you say you were given a lot of responsibility almost from the start?

Judge Harris: I would say it was almost extraordinary. Duke Patrick, head of the communications section, had a great deal of faith in me and also was at the point in his career when, I think, he didn't want to get into a lot of the details, and so the two meshed together to result in my having a unique amount of responsibility at a young age. I also learned though that some of the senior folks with whom young lawyers deal often were willing to have a fresh mind make a decision for them, so that they didn't have to make one. I remember at one point we were representing CBS, and the general counsel of Columbia Broadcasting System, a man named Julie Brauner, telephoned Duke Patrick to get an answer and Patrick was not there, and he talked to me. I explained that Duke Patrick was not in, and could I take a message, and he said, "No, I just want an answer to this one question," and laid it out and he said, "What do you think?" and I told him, and he was very happy and did what I said. I thought he wanted somebody else to be able to tell him what to do, so that if it worked or didn't work, he didn't have to make the decision himself as to which route to follow.

Mr. Ross: You must have had a lot of self-confidence, a lot of confidence in yourself.

Judge Harris: Yes, I like to think without being burdened with any undue ego, but I did have confidence in what I was doing.

Mr. Ross: And that projected, it projected to your partners and to your clients.

Would you say that that characteristic of yours which is clear today was a help to you in law practice?

Judge Harris: Yes.

Mr. Ross: That's the kind of softball question that you can hit out of the stadium.

Judge Harris: An illustration of how law practice was at the time -- when I came with Hogan & Hartson, obviously just a kid out of law school, although I had spent a couple of years in the Army before going to law school, but at that time when people would apply to the firm, a given letter applying for a position as an associate might go to Partner A, then the next letter would be given to Partner B, and the next letter to Partner C, and so there was an inconsistency in how job applicants were handled. After observing that, I went to the executive committee, and I said in today's legal climate a firm cannot function this way, it's got to be centralized from a standpoint of processing applicants to be able to hire the best possible young lawyers we can get. And much like the Army, they said, "Fine, you do it." And so, for quite a number of years, I, as a fresh-scrubbed kid, was the key person in hiring new associates at the firm.

Mr. Ross: What were you looking for as a new lawyer? What were the qualities that you were seeking -- how would you characterize it?

Judge Harris: Well, maybe I might answer in part by explaining how I happened to go to Hogan & Hartson. At the time I was -- my mother and father were divorced when I graduated from law school, and I gave serious consideration to practicing in New York where my mother had a sister and a brother-in-law to whom she was very close. I thought that she might be

happier there, and certainly there are a lot of legal opportunities in New York. I interviewed firms in New York. I had written to Hogan & Hartson, and I had gotten the kind of a letter back that typically is a turn-off. It said we don't have any openings, but if you're ever around, we'd be delighted to talk to you. Well, I took that communication at face value and assumed they didn't have anything. One of my close friends was Paul McArdle, who was at Covington & Burling, having practiced in New York, and I'd made arrangements to meet Paul McArdle at the Old Ebbitt Grill one afternoon at the end of the workday. Paul McArdle, of course, became a Superior Court Judge and was just a superb all-around lawyer, probably the best lawyer Covington ever had that didn't become partner in the firm. But I must confess I went to the Old Ebbitt Grill, and I got the Evening Star, and I sat down because it was early, and I believe I had a beer as I sat there and read the paper. It was still two hours before I was going to meet Paul McArdle. And I thought this is silly, I'm not going to sit in this bar for two hours. Hogan & Hartson said to come by if I was in the neighborhood. I was only a half block away, so I called Edmund Jones, who had written me that letter and went by basically sort of to kill time, and walked out with an offer and then met Paul McArdle later and said, "What's wrong with Hogan & Hartson?" He said, "What do you mean?" I said, "I just went in there, and they interviewed me and made me an offer." And Paul said, "In my opinion, it's the best firm in town. Grab the offer." Of such little things are careers shaped.

Mr. Ross: They certainly are. When you came into that firm, it was not customary, almost universally not customary, for quality law firms to hire many, if any, women, and I'm not putting the focus on Hogan & Hartson as such. I'm thinking about the overall practice in the District of Columbia, which is one of the things perhaps our oral history could

reflect. Did you consider women applicants seriously?

Judge Harris: I don't recall any. In my law school class at Virginia -- I entered there in the fall of 1950 and graduated in '53 -- I don't think we had -- I remember one woman on the Law Review. There were a handful of others in the class, so that purely as a matter of statistics, there were so few women lawyers that there were very few women applicants for a given law firm.

Mr. Ross: Was there a woman associate during the early years working with you?

Judge Harris: No. I don't believe the first female associate joined the firm until the '60s.

Mr. Ross: When you considered applicants what were the things that in practice you focused on, for example, like personality and quickness of mind, and what were the things you looked at?

Judge Harris: I suppose I've been kidded a little bit about starting a bit of a revolutionary idea at Hogan & Hartson. I had the feeling that somebody could be a very nice, likable person and still have a lot of talent, so I looked for people with the requisite talent and credentials, but then thought hey, if we're going to hire them, it ought to be somebody that we're going to like working with and that our clients are going to like having them work for them, and so I put a lot of emphasis not just on academic achievement and intellect but on the whole person.

Mr. Ross: You didn't hire by résumé?

Judge Harris: Correct.

Mr. Ross: I remember I was in on one of the committees. I was a senior partner

words “pernicious oversimplification,” I think it took about eight seconds to find the location of that language that I anguished over for hours and hours trying to find.

Mr. Ross: Do you remember the Decennial Digest?

Judge Harris: Yes.

Mr. Ross: Going back and back and back.

Judge Harris: Yes, and I also remember, as doubtless you do, too, the number of times that I felt that Providence had led me to just the right thing because research just was not that precise, and sometimes you would just stumble across exactly what you wanted, and you didn't know really quite how you had gotten to it.

Mr. Ross: And then there was the dread thought that you might not find the thing that was there despite diligence and being advised about it in an oral argument or in somebody else's brief. When did you become a partner, roughly?

Judge Harris: By the time I became a partner -- of course the partnership track was longer in those days, and I always felt quite well compensated, but by the time I became a partner, the firm had gone to a two-tiered partnership track. They had the so-called limited partners and equity partners, and I first became a limited partner and then a full partner with a couple of years in between. My best recollection is that it was eight or nine years before I became a partner.

Mr. Ross: So, it would have been the turn of the 1960s, probably '61, '62, something like that.

Judge Harris: Yes. I paid very little attention to that which may seem odd, but I always felt that things were going very well with the firm, that things would work out. I never

felt as though I was falling behind in any way and so I was perfectly happy and didn't keep track from a chronological standpoint as to what was happening.

Mr. Ross: Did you continue to work at communications, primarily, during this period, or did you broaden out?

Judge Harris: I continued to work in communications despite occasional forays into antitrust and personal injury cases and helping out the trial section now and then and just trying to broaden my knowledge basically and be of help to other parts of the firm that needed help. But, then after thirteen years of concentration in the communications field, a very unusual thing happened in that our principal energy client, El Paso Natural Gas Company, became dissatisfied with the senior partner who had been in charge of their work and there were a couple of other lawyers who had been doing it, and they were not satisfied with the whole package, and because the president of El Paso at the time was a man named Howard Boyd, who had been a Hogan & Hartson partner, rather than simply taking their business elsewhere, El Paso told the firm that if the firm would reconstruct its power section, not with kids but with partners, that they would stay with the firm. And I was among those, along with Jerry Collins, who is now with Williams & Connolly, and Frank Reifsnyder had been doing power work, so Frank Reifsnyder and Jerry Collins and I became the newly constituted power section of the firm. In retrospect, I put the good of the firm ahead of my own interests, and it probably was a mistake for me to have done that because the communications section kept calling on me for help from time to time, and I had to become expert in a new field which was probably more technical on a day-to-day basis than the communications field was. At the time I was the only person who happened to have been a member of the Federal Communications Bar Association and the Federal Power Bar

Association, and I sort of drove myself up the wall trying to keep up with two federal regulatory fields simultaneously.

Mr. Ross: I can imagine, particularly those two. So, you represented the pipeline, El Paso. Would you get involved in pipeline rate cases before the FPC?

Judge Harris: Yes, the work was basically before the FPC, but much as had happened to me in earlier years when there were comparative hearings for the right to use a particular television channel, there were competitive hearings for authorization to build a particular pipeline. Pipelines, of course, are massive and expensive, and I remember one very long comparative hearing between Transwestern Pipeline Company and El Paso Natural Gas Company that took months to try as to which was going to build a very, very major pipeline from Texas to California.

Mr. Ross: This would involve hearings before FPC trial examiners?

Judge Harris: Correct, administrative law judges.

Mr. Ross: Were they called administrative law judges then?

Judge Harris: They were not. You're quite correct. Hearing examiners.

Mr. Ross: And interaction with the staff. Do you remember the general counsel of the commission during those days? I know I'm pushing you on that.

Judge Harris: I do not.

Mr. Ross: Is there any FPC lawyer that stands out in your memory, someone you tried some cases with or otherwise became familiar with?

Judge Harris: Well, I remember one younger lawyer who had gotten into the field at about the same time I did, Fred Moring, who later became one of the founders of Crowell &

Moring along with Took Crowell, whom I had known since law school. Charlie Shannon was one of the deans of the power bar at that point in time, which had an odd twist in that the home in which I grew up on Hillbrook Lane in Spring Valley later was purchased by Charlie Shannon for his family.

Mr. Ross: Fred became an associate in our law firm and worked with me in the utility section for many years and had quite a success afterwards. I knew Charlie quite well.

Judge Harris: A number of lawyers in that field at that time were with Texas firms, and I'm hazy on who they are.

Mr. Ross: Right. If you look back over time, if someone were to ask you, let's say, to write a piece on comparing law practice in 1953, that era, and comparing it twenty years later, which is when you left the practice to go on the bench, what would say were the differences? And answer this in any way you want and in as much detail as you want. What were the changes in your law firm? I know they would have come about more or less imperceptibly over time in many cases. You almost don't notice them, but they cumulate.

Judge Harris: Well, it's difficult to answer because I think when we're young we adapt so well to whatever we find ourselves in and I absolutely loved the early days of Hogan & Hartson, the people, the work and everything about it. We went from 25, since I was the twenty-fifth, I can remember that number, and I forget the number when I left, whether it was 80 or 90, but even at those numbers which are small by today's standards, you no longer could really get to know everybody in the organization well and you didn't have the feeling of total law firm camaraderie which is so great when a firm is smaller. One thing I remember is standing at the elevator through the years on a Friday evening, and in the early days at Hogan & Hartson, if you

were going down on the elevator with a particular friend and were going to a dinner party that night, you were virtually certain that that particular lawyer was also going to be there, and you could say, "I'll see you later." And, then as the firm got bigger you knew that there would be a lot of selectivity exercised in social functions, and so you had to be very discreet about what you were going to be doing that night if it involved somebody else from the firm. But no organization can stay the same. You either are going to grow and succeed or you're going to shrink and fail, and the firms like Hogan & Hartson and Covington & Burling were all growing and succeeding and the atmosphere within them was changing.

Mr. Ross: As you observed it, your relationships with your fellow associates and the younger partners were in the very early years collegial and pleasant, I take it from everything you've said?

Judge Harris: Yes.

Mr. Ross: And did you feel that the atmosphere, culture of the firm, particularly among the aspiring associates, changed over that period?

Judge Harris: Gee, I'd have trouble answering that. We began to get to the point at which some associates were going to be weeded out, which contributed to some internal unhappiness that we typically had not had except very rarely before, and then, of course, as we got bigger, the questions of partnership shares and their allocation became more controversial and political, not in the Republican/Democrat sense, but in who's going to be running the firm so that some friction set in that had never been there before.

Mr. Ross: When I was a younger associate -- I started out in '51 -- and never gave much of a thought at all to whether you go to another, say, another more senior, associate or

lawyer in the firm and say I'm on the deadline, I've got this problem, I'm having this difficulty and pick his brain. I noticed in my own law practice as the years passed that the feeling of complete freedom, willingness to do that and help somebody out or be helped out tended to change. Did you have that experience?

Judge Harris: I would say yes, that that did grow. In part it was a function of having more specialized sections within the firm, so that there were more and more of the lawyers to whom you would not be likely to go in any event because they weren't working in a field that could be of help to you or that you could share. But I think that was a phenomenon that developed.

Mr. Ross: One of the comments I've often heard from lawyers of our generation is that over time, particularly in the period from 1970 until 2000 or 1990, a lot of the fun went out of the practice of law for them, and I've often wondered whether that was because they were aging or whether the practice of law was changing. Do you have a thought about that?

Judge Harris: Difficult to pin it down because of the factor that you quite accurately mentioned. We can't always isolate one from the other, but the consensus seems so strong that the practice of law has changed so dramatically in its orientation towards the bottom line as opposed to doing a good job for your client whether you got well compensated or not.

Mr. Ross: Let me ask you a couple of more specific questions. If Hogan & Hartson adopted a billing standard for associates and partners for that matter, when did they do it?

Judge Harris: By that, you mean number of hours, minimum number of hours that would be expected?

Mr. Ross: Yes.

Judge Harris: They certainly did not while I was there, and nonetheless, there were some occasional frustrations that would crop up. I, for example, was asked to be the Red Cross blood donor coordinator, which would take a reasonable amount of time. I was the key person for many years in associate hiring. Those things and others that escape me but an occasional *pro bono* case, where you'd help out someone who had no money, would detract from the number of billable hours that you could have and I'd find occasionally someone would say, you haven't got as many billable hours as somebody does. I'm doing all these other things for the firm. For a long period of time that didn't matter. Then, gradually the amount you were billing began to become more and more important, but we did not go to a minimum number of billable hours, which I think is an abomination, and I think for one thing it invites virtual fraud in having young lawyers exaggerate their time, which to me is little more than stealing from clients, charging them for more time than you actually spent.

Mr. Ross: We had an associate, a young woman, an able young woman. I was talking to her about her billable hours and some other associates. She was explaining to me just how she did and what she did and so on, and she said, "Then, when I go to the bathroom I charge that to ---." I said, "Why ---?" She said, "I don't like the assistant general counsel I work with." I had nothing to say about that.

Judge Harris: Well, of course, in some situations you could take Hogan & Hartson and Seymour Mintz and our tax department as an illustration. Seymour was a superb tax lawyer and if you would go to Seymour with a tax question, I might spend fifteen minutes with him and I would charge the client fifteen minutes, and Seymour would charge the client an hour.

Mr. Ross: Sure.

Judge Harris: Well, it was probably worth it to the client.

Mr. Ross: But it interrupted him and got him off other things.

Judge Harris: But Seymour would go home at 6 o'clock, and I would go home at 11 o'clock at night, and his chargeable hours would end up being more than mine.

Mr. Ross: Sounds like you're doing something right there from my perspective anyway. We are getting towards the end of the tape.