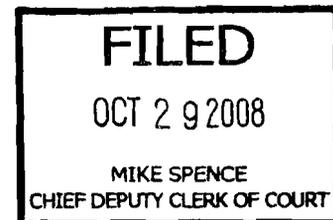


MEMORIAL FOR

CLEVELAND CUNNINGHAM BURTON



PRESENTED AT THE MEMORIAL AND RECOGNITION CEREMONY
HELD IN THE FIRST JUDICIAL DISTRICT COURT
OCTOBER 29, 2008
UNDER THE AUSPICES OF THE
SHREVEPORT BAR ASSOCIATION

MAY IT PLEASE THE COURT:

Your Honors, family members, friends and fellow members of the bar:

I have 300 ticks of the clock to say what needs to be said -- but mostly what my heart wants to say. If I don't finish on time please be forgiving.

There are probably only a few here today who remember Cleve as a practicing lawyer. And even fewer who knew that he went from the University of Arkansas to Harvard Law School. His service in World War II interrupted his time at Harvard. First Lt. Burton ended up the war in Tokyo. Once I related to him that I had heard that General MacArthur wanted only men over six feet tall to be sent to Japan and I asked, "So, how did you get there?" He grinned and said, "They needed some brains to go with all of that brawn."

Except for family members, I believe I was Cleve's oldest acquaintance. After Harvard, in '46 or '47, he came to LSU to study code courses in order to pass the bar exam. As they did at Harvard, he wore a coat and tie! One day, in the break room, a particularly boorish guy was critical of Cleve's fancy attire. Cleve gave him a cutting retort about his probable ancestry and they were about to get into it. Since the guy was about a foot taller -- it didn't look fair. So I pushed between them (all of my post-war-165-pounds-of-coiled-spring-steel) and suggested he "do me" first, then Cleve. The

dispute ended without blows being struck. We were close friends for the next 60 years or so.

His law practice began at the Hargrove, Guyton firm. Then he associated his practice with the Lunn, Irion firm for twenty-five years and was involved in a mixture of causes, i.e., bankruptcy, anti-trust, medical malpractice and tax law. The matter that gave him the most satisfaction was entitled Watson v. Employers Liability Assurance Corp. He took the case after it had been lost in district court and the Fifth Circuit and won it in the U.S. Supreme Court. (Cite: 77 Sup. Ct. 166). At that time, he was six years out of law school.

His last active law practice was in the Attorney General's Shreveport office. His service there was the subject of a funny e-mail from Mills McCawley -- which I'll get to in a minute.

Cleve was a really unique, interesting fellow. We had an "Early Morning Walking Group" that met every morning at 6:00. When you walk with a guy for a fast 3 miles/6 days a week for 20 years -- you become well-acquainted. (A year or so ago he said "You all walk too fast" -- and he dropped out.) Some of the walking group folks are here today.

Cleve possessed a droll wit, a very sharp mind, and an encyclopedic memory. And he loved to debate -- on any subject -- the vagaries of the law, the politics and politicians of the moment or the latest best-seller. And here we are only six days away from THE ELECTION DAY of THE CENTURY -- and Cleve isn't here for our usual coffee shop debate!

He did -- on rare occasions -- get seriously angry. One such occasion was related in that e-mail to me from Mills McCawley shortly after Cleve died:

During the years when we were close, the most anger he ever expressed at me was after he learned that the Attorney General was not supporting his proposal that the State sue all the milk producers in Louisiana for price fixing.

He stormed into my office exclaiming, "McCawley, you said if I took this job, I would be free to go after anyone abusing the consumer protection laws without political interference! What have you got to say for yourself?"

"I lied to you, Cleve."

Taken aback, he said, "You what?"

I repeated, "I lied to you."

His veins popping out under his collar, he examined me closely, "Why would you lie to me?"

"Because I knew you wouldn't take the job if I told you the truth."

He growled, turned and stormed out.

And then, once, he got mad at me. The meanest trick on Cleve happened at a walking group birthday breakfast party. A well-endowed lady (of our walking group) had a skimpy bikini beach photograph made at Biloxi. I got a copy of it and had her inscribe on it: "To Cleve, With Love" or words to that effect as a birthday present. When he opened the gift at our breakfast table, Cleve said, "I can't show this to Edith." My wife (lying through her teeth) said -- "Oh Cleve, don't worry. I already showed it to her." So when he went home -- and Edith saw the photo -- for the first time. . . . Our man was on the spot. (It was years later before I was forgiven.)

Then there was the big billboard on the overpass coming into downtown from Line Avenue. It said, "Cleve is 80 years old today. Call him -- number so and so." His phone rang all day and he couldn't figure out why. He put the blame on several other folks before he narrowed it down to me.

Fifty-odd years ago Cleve was visiting a friend in the hospital when (as he put it)

this “cute as hell doctor” came in dressed in her doctor whites and bright red high-heeled shoes. It was love at first sight. We all applauded when he talked Dr. Edith Rigsby onto the altar. Sidney Cook (the elder) used to visit with the walking group at McDonald’s on Saturday mornings. His best needle into Cleve was “You did your best day’s work when you married Edith.” After Edith died, Cleve lived alone in their big house and got more and more lonesome. Two years or so ago, his cousin, Julia Mobley, invited Cleve to move to Texarkana -- so she could “look after” him. While she provided a super-place for him there in Texarkana, he still divided his time between cities and it was in his driveway, at the mailbox, that he slipped on a stick, fell and broke his hip. At 86 years old, that quite often has a bad outcome. In Cleve’s case, regrettably, it did.

Memorials are not made solely from marble or stone. They can be as ephemeral as a passing thought that enriches the moment, bringing a smile or a tear. John Donne,¹ in his *Meditations*, wrote that, “Any man’s death diminishes me, because I am involved in mankind.” Because so much friendship and love existed, the passing of a close friend like Cleve causes all of us who were close to him to be especially diminished.

Cleve is survived by his brother, King Burton, Julia Mobley and her children, plus other cousins, nieces and nephews.

We have lost an old friend who fits the Latin phrase “Sui Generis.” None of us is likely to meet anyone remotely resembling our dressed-up, dapper, warm and loveable friend. He is and will continue to be sorely missed.

¹Meditation XVII, the Devotions upon Emergent Occasions (1624), most famously quoted in Hemmingway’s “For Whom The Bell Tolls.”

Your Honors, I move that this memorial be spread upon the minutes of the First Judicial District Court, and that copies be sent to the members of his family.


Tom Stagg