

1 SHREVEPORT BAR ASSOCIATION
2 MEMORIAL & RECOGNITION CEREMONY
3 October 28, 2021
4
5
6
7

8 IN MEMORIAM: HARRY DAVID SIMMONS
9

10 Presented by: Mr. B. Trey Morris
11
12
13
14

15 Proceedings held at First United
16 Methodist Church, 500 Common Street,
17 Shreveport, Louisiana, on the 28th
18 day of October, 2021.
19
20

21 **FILED**
22 **OCT 28 2021**
23 *Dianne Doughty*
24 **DIANNE DOUGHTY**
25 **CHIEF DEPUTY CLERK OF COURT**
26
27

28 Reported by:
29 Lisa H. McClure, CCR
30 Official Court Reporter
31 Notary Public
32

28 OCTOBER 2021

(WHEREUPON. . .

the following proceedings were had:)

MR. MORRIS: I'm Trey Morris. I was asked to speak for Harry Simmons. I was asked several times today what I would say when I got up here, and I'll tell you the same thing I told them: Harry told me in our first jury trial together, I said -- I was very excited to tell everybody I tried a jury trial. I said, "well, Harry, what are you going to say in the closing?" And he thought about it a second and said, "I won't know until I hear it." And he was serious. And he gave a hell of a closing.

Harry was a natural. He loved the law. He was born in 1940 in Winnfield. His brother was Kermit Simmons, who goes by Mickey. He's a legend over in Winnfield. He was married for 56 years to Grace. He's got three kids. That's how I came into the story. His only boy, Chip, is my best friend. Laura and Ginger both have worked at the firm, and so has Chip. It was a family operation.

Harry was a little bit different in how much he loved the law. You've heard people say "Oh, he loved the law." Harry had a drawer full of insurance contracts. He thought that was good reading. Every now and then you would go in his office and he would have one out and he'd be studying it. He loved the way different insurance contracts would read. So if I had a new insurance company he would say, "Make sure

1 you give me the contract. I'll put it in the
2 drawer." He really did enjoy that.

3 As a young lawyer, I probably would not
4 have had a job had it not been for Chip saying,
5 "Let me call my dad and see if I can get you a
6 job." He called me back -- we were in school
7 down at LSU together -- and he said, "I got you
8 an interview." I said, "All right. That's good,
9 an interview is a good start." He said it's
10 going to be at the hog belly trial.

11 Eron Brainard showed up at that
12 interview. I think Mickey was there and Harry
13 was there, and we interviewed while the hog
14 belly trial was going on. And I've still got
15 the T-shirt from that weekend. It was a heck
16 of a deal. It said no cameras allowed, you
17 can't really talk about it afterwards, but
18 that's something Winnfield does.

19 I went to clerk in Caddo, and he gave
20 me a job afterwards. And Harry's big deal of
21 mentoring young lawyers was, "You should start
22 with law." If you asked him a question, he
23 would say, "Son, why don't you start with law?"
24 It was a very tough process for me to learn at
25 the time.

26 what he meant was go look at the
27 statutory law, and then after that, read case
28 law, and then come ask the question. Well, I
29 was hard-headed. It was easier just to go to
30 Harry and say, "Why don't you tell me what this
31 is?" Harry was the slowest typer in the world.
32 And if you asked him a question and you needed

1 to start with the law, he would turn to his
2 keyboard and start typing it into westlaw, and
3 you had to sit there. And if you tried to get
4 up, "No, sit down. I told you where to start.
5 You can watch me do this."

6 And he had two fingers, and he would
7 have to look kind of over his eyes at it. He
8 was really, really slow. And I finally realized
9 he's doing that for me. He's telling me to quit
10 asking him these questions. He's making it
11 really tough on me.

12 So now I have these young lawyers that
13 I teach, and they come in and I say, "You've
14 got to start with law." I am constantly
15 repeating things Harry said to the young
16 lawyers.

17 So insurance defense. I did some
18 insurance defense back then, and it's because
19 of Harry. Harry would have all his files around
20 his office laying on the floor, because we didn't
21 have it on a computer back then. It was in these
22 brown folders.

23 And as a lawyer would work on them,
24 the adjuster or somebody would call you back
25 and give you a report, you would just lay it on
26 the floor. And it would start going around
27 your office, around your desk and on top of it.
28 Every now and then I got to go in and find the
29 wood on my desk, clean the files off.

30 But those files -- I said, "why do you
31 leave these things laying all over the floor?"
32 And he said, "Each one of those files is worth

1 about \$1,500 to \$2,500 a year that you can
2 charge to do anything on them. You just have
3 to go over them every now and then and report
4 on them. So I step over these things every day
5 and I can tell that adjuster, 'I've been going
6 over these files.' Like that one over there,
7 that one has been there for 25 years. That
8 plaintiff lawyer won't get rid of it. He keeps
9 redoing it and I keep having to give the report,
10 so I keep walking over it. That's been a good
11 file."

12 I was a hothead, and I think most
13 lawyers are. They're going to come out and
14 they're going to win every case, until they find
15 out the world's really not like that. But I
16 would get letters from other lawyers and they
17 would fire you up a little bit. Some people
18 would just write a little bit of venom in the
19 letter, and you would take that letter and you
20 would go start typing it.

21 And I would go tell Harry and he would
22 say, "why don't you let that letter sit there
23 today and write back tomorrow?" You would come
24 in the next day and you wouldn't feel quite the
25 same. Without Harry, there's no telling how
26 many letters I would have written back which
27 should have never been written. So I tell
28 lawyers the same today.

29 He was big on telling me, "You don't
30 need to let everybody know that you know the
31 law. Just be quiet. Let other people act like
32 they know the law. we'll sneak up on them."

1 And I think that's good advice. They would
2 find out I didn't know that much when I tried
3 to express how much I knew.

4 Harry was one of those guys that he
5 didn't say it unless he knew that law said that
6 exactly. He believed in the law. He didn't talk
7 about the law unless he knew it. There's so many
8 lawyers you can ask about the law, and they'll
9 give you all these opinions.

10 I used to do that and Harry would say,
11 "why didn't you just tell me you don't know?"
12 Now my wife and I share that saying. We both
13 say that to each other every time we're asked a
14 question. It's because Harry said that. It's
15 so much easier just to let people know you don't
16 know the answer, but look it up. That was his
17 great lesson.

18 He had a long-time secretary, Candy.
19 After Harry quit, she quit because she didn't
20 want to work for me. He told me that was the
21 reason. Candy and I loved each other, but
22 Candy would -- you would start stacking your
23 secretaries up back in those days with folders,
24 and they would be next to their computer. They
25 would start to get a bigger and bigger stack.
26 And I said, "Harry, she's not doing any of my
27 work. We're getting behind."

28 And he said, "well, you're pulling on
29 the wrong end." I said, "what do you mean?"
30 He said, "well, you keep telling her. You're
31 the one getting on to her. I've been studying
32 the legal secretary now for forty years. You

1 don't know how to deal with this." I said,
2 "what do you mean?" He said, "You've got to
3 give them a half day off on Friday and it will
4 all disappear." I said, "That's ridiculous.
5 She needs to do it." He said, "No, watch this:
6 Candy, if you get all that done, you can have
7 half a day off Friday." That stack would be
8 gone in three hours. I was like, "I don't
9 know how you do that."

10 And he just loved watching how people
11 did things and what made them tick, and he got
12 more excited about answers of people than
13 anything. He just loved studying people like
14 fish in a goldfish pond. It was just fun to
15 see his take on things. And I still tell my
16 staff, I tell them if you get all this done,
17 I'll give you a half day on Friday. It still
18 works.

19 Harry had the secret to marriage. He
20 had to always cook at least one night a week.
21 And I'd walk in and say, "what are you doing?"
22 He'd say, "I'm cooking." He's looking up
23 restaurants to stop by on the way home and
24 bring his wife food. One night it was always
25 his cooking.

26 So you've got to cook for your wife.
27 You've got to give your secretary a half day
28 off on Friday. You write the letter the next
29 day.

30 And he was big on -- he would get
31 fractious, like other lawyers do. And the
32 secretary is very good at knowing when they are,

1 so they close the door so nobody would go in
2 there and get hit with that. I ignored it
3 and I would go in and he would get all over
4 me. But the next day he would always say, "I
5 was fractious. I apologize."

6 I got a call from Mike Hubley and he
7 said, "Harry wrote me a mean letter." Because
8 everybody knew Harry to be nice. He was never
9 a mean guy. I said, "Oh, he's probably going
10 to write you another one and apologize for
11 being fractious. That's his role, and he does
12 it."

13 And Mike called two days later and he
14 said, "He wrote that letter. I got it. That's
15 one of the best letters I ever had." It's nice
16 to see somebody able to apologize when they
17 treated somebody wrong, and that's kind of the
18 way Harry was.

19 Jury trials. I've started doing more
20 and more jury trials, and I wish Harry was still
21 there to tell me some of these things. But I
22 would ask him, "what do you do in a jury trial
23 in closings if you don't really have that good
24 a case?" He said, "well, nobody listens to
25 closings anyway. They've already got their
26 minds made up before you get to closing. You've
27 got to do it before then."

28 All right. what do you do when you
29 have a bad witness? And Harry would say, "well,
30 you've got to find a spot on the ceiling when
31 the other side is talking." I said, "what do
32 you mean you've got to find a spot on the

1 ceiling?" He said, "If you look up at the
2 ceiling and you stare at it and you start
3 really getting into that ceiling, that entire
4 jury will be more interested in what you are
5 trying to see in that ceiling than anybody
6 talking in that trial."

7 So I walked in on Gary Bowers and him
8 trying a case. When Gary had a good witness up,
9 I'd look up there at Harry, and darn if he ain't
10 looking at that ceiling, staring at it, and
11 everybody is looking up at the ceiling. I said,
12 "That does work." I wasn't going to do it until
13 I saw it.

14 His other trick was he would spill
15 water on his tie. You know, you usually have
16 these water things in the courtroom, and he would
17 go and get water. And the jury would watch him
18 come back. And he kind of had a belly on him,
19 and that tie went down, and he would take that
20 cup and drip and it would spill water on his tie.

21 Well, then he started trying to look at
22 that water and stare at it, and you could see he
23 was so interested in seeing where that water was
24 on his tie the entire jury would stare at it.
25 They wouldn't be hearing anything going on
26 because now he spilled this water on his tie.

27 Those old lawyers would trick you.
28 Nobody does that kind of stuff anymore, and it's
29 awesome. It's back in the days where people
30 tried cases. There was no mediation. There was
31 no Code of Evidence.

32 My very first trial, I won it, and it

1 was against Tommy Johnson. He objected to
2 everything. We barely won it. It was for
3 Willis-Knighton. It was a big client for me.
4 You remember those days. Judge Victory was
5 over there for some of those.

6 Anyway, I won the case, but he appealed
7 it. And I thought, "I'm going to lose this darn
8 appeal. I've never written an appeal in my
9 life." And Harry said, "Do you want me to do
10 that appeal for you?" I said, "Man, I would
11 love that. I don't really know the Code of
12 Evidence as well as you do." He said, "I'll do
13 it."

14 He wrote a one-page brief and it said,
15 "All relevant evidence is admissible. If it's
16 relevant and it comes in, you've got to consider
17 it." And I said, "That's not what the law is.
18 There's all these exceptions to that, Harry."
19 And he wrote that and I thought, "We're doomed."

20 And the answer came back in a 23-page
21 opinion by Harmon Drew where he scolded Tommy
22 Johnson and said, "All relevant evidence is
23 admissible. Of course it should have been
24 considered." And that's what was brilliant
25 about him.

26 Young lawyers talk about everything.
27 But when a lawyer really knows what he's talking
28 about, it gets into this precision point deal.
29 He said, "This is the issue in the case," and
30 he always knew that. As a young lawyer I
31 thought, "No, you've got to talk about all of
32 this." Now to the young lawyers in my office

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

I say, "Oh, no, no. You've got to go to this spot."

But it was Harry's guidance and him pointing and teaching me that made me the lawyer I am today, so it is awesome to be able to get up and speak for Harry. He did so much. Thanks.

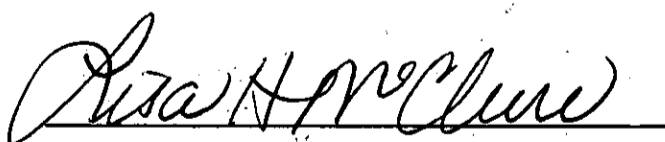
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

COURT REPORTER'S CERTIFICATE

This certificate is valid only for a transcript accompanied by my original signature and original required seal on this page.

I, Lisa H. McClure, CCR, Official Court Reporter and Notary Public in and for the State of Louisiana, employed as an official court reporter by the First Judicial District Court for the State of Louisiana, as the officer before whom these proceedings were taken, do hereby certify that the foregoing was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board or by the Supreme Court of Louisiana, and that I am not related to counsel or to the parties herein nor am I otherwise interested in the outcome of this matter.

SUBSCRIBED AND SWORN TO on this the 29th day of October, 2021.



Lisa H. McClure, CCR
Certificate Number 91248
Notary Public 3727

