

WENDELL RORIE
DEC 6, 2007
The Diary

My legal journey with Herman Southall

The vinyl notebook, cracked with age and breaking at the spiral seams, labeled "1959 Desk Calendar ...and Diary" reflected the commencement of my legal journey with this area's most distinguished lawyer, Walton Herman Southall.

Born near Bennetstown, north of Lafayette in 1879, he attended Major Ferrell's School for Boys and started reading law and clerking about 1903 and practiced law in Hopkinsville for about 68 years. Known as the Dean of the local bar association, he developed a thriving practice, handling both civil and criminal cases.

He was a worthy adversary, with a great respect for the law, yet he could be tenacious and was his best with a jury eating out of his hand. He always had a sense of fair play and he particularly enjoyed counseling with young lawyers. "Never be harsh with a young lawyer who doesn't know where the court house door is." As Oglesby Soyar said, "The young lawyer will never forget it."

We had arrived from Nashville to a small apartment on Maplelawn Drive with a U-haul pulled by my wife's 1953 Delta 88, 9 week old twin girls and a \$65 dollar used Maytag washing machine. Bright eyed and bushy tailed for the law, I hit the street looking for a place to hang out a shingle. I already had interviewed with firms in Bowling Green, and Owensboro but I had decided to follow the

advice of Cecil Sims, a distinguished lawyer teacher at Vanderbilt - "Go home if you can".

James Hanratty, Commonwealths Attorney and former FBI agent and Oglesby Soyars both recommended I talk with Herman Southall. Located in the Old Armory building, (now Courthouse Annex), above the Alhambra theater, I climbed the three flights of stairs and turned left looking for W.H. Southall. I went in and Mildred Jackson, his secretary, was on vacation. As I viewed the green dangling night editor light, I got enough courage to call out "I want to see Mr. Southall."

"You what?" in a loud voice.

"I'm a lawyer and Im looking for a job".

Finally, Evelyn Hewell, Mr. Southall's niece, who had a severe hearing problem, let me in.

The shelves were lined with musty leather bound law books dating back to 1785. Baldwin's KRS, South Western Reporters and Martindale-Hubbell Legal Directories filled the walnut stained shelves.

The pine floor reeked of oil and tobacco spit. A brown and cream ceramic spittoon complimented the desk and a faint trace of tobacco juice graced Mr. Southall's lower lip. Dark green window shades were drawn to deflect the September sun. We were in a nest over the Alhambra marque looking down on the courthouse entrance. "A Cat on a Hot Tin Roof" was playing downstairs with

Elizabeth Taylor and Paul Newman. A partial twist of tobacco hung on a wooden peg, ready to be shared with Judge Smith.

Sitting erect behind a large mahogany desk was a large man. Well dressed in a wool suite and vest, a sparkling diamond stick pin and a gold chain and railroad pocket watch completed his attire.

After reviewing my credentials and family background, he got right to the point.

“Why do you want to practice law?”

“Well”, I muttered, “I think I can make a contribution”....I rattled on; “I like to help people in trouble”...What I really wanted to say was “If I don’t get a job and that \$65 washer blows a gasket or whatever, I’m going to be washing those diapers by hand!”

Well, “we have this extra room and you can use this Underwood typewriter”, as I was guided into an adjacent room, formerly the law office of Billy Clark, his step-son, who had died in 1957, and had “gone to hell in a handbasket”, according to Oglesby Soyars.

Later I learned that Oglesby Soyars had called Herman Southall, and told him that he would live another 50 years, if he would take me under his wings.

With no formal contract, not even a handshake, we commenced a 12 year relationship. There was never a partnership. I would do research, try cases with the Dean and occasionally, when his health began to fail, he would slip a

nitroglycerin tablet under his tongue and whisper to me to take over. I would take over the case in midstream before a jury and conclude same.

My rent was 12.50 per month and Mr. Southall paid all of Mildred Jackson's secretarial expenses for the first five years. At first, I lived on Guardian ad litem and Warning Order Fees and \$5.00 Deeds. Fee's began to trickle in and the Maytag did not blow a gasket.

My first capitol case with Mr. Southall involved Virgil Moore, charged with murdering a guard at Eddyville with a box cutter. Grady Ruff and myself were appointed for the defense by the Judge Ira D. Smith. Virgil Moore was in the Pen, because he had already killed a man. Mr. Southall was counseling us. He suggested a change of venue. We went to Eddyville to try to secure Affidavits from the townspeople stating that the accused could not receive a fair trial in Lyon County. All the citizens interviewed vowed that Moore could receive a fair trial- but they really wanted him electrocuted. Jobs at the Pen were prized, and the locals would never tolerate a prisoner killing a guard. Judge Smith, on his own motion, granted the change of venue, and a Christian County Jury gave Virgil Moore another life imprisonment. Virgil's father, from eastern Kentucky, paid Grady and me \$100.00 for saving his son's life.

When Billy Clark died he owned a pink 1957 Chrysler Imperial with extensive chrome tailfins. Mr. Southall inherited the beauty which was the talk of the town. One night, on the way home, a young policeman pulled Mr. Southall

over. Mr. Southall told me all about it the next morning:

“I thought you were going to have to bail me out of jail.”

“What are you talking about?”

Well this young policeman pulled me over on South Virginia and was going to arrest me for driving too slow. “Too slow?”

“But I gave him a good talking to and let him go.”

We had a substantial client that had a Nashville girlfriend on the side. His wife discovered his amorous adventures and we were engaged to settle the alienation of affections case. I drove the pink Chrysler to Nashville accompanied by Mr. Southall and Curtis Brasher, First City Bank. After lunching at the Rathskeller in the basement of the old Maxwell House, we ventured to the girlfriend’s lawyer’s office, and after extensive negotiations made a settlement of \$50,000.00. On the way back on old 41A, I wrecked the pink Chrysler when someone pulled across our path. Fortunately, no one was seriously hurt and we were able to drive on to Hopkinsville. However, I was the talk of the town for wrecking Mr. Southall’s slick Imperial.

In the early 60's, we were involved in a Criminal Case in the Christian Circuit Court:

A woman was sitting on the witness stand, and Mr. Southall, in his cross examination, bellowed out:

“Did you, or did you not, on the night of June 23rd have

sex with a member of the Twilight Riders on the back of a motorcycle in Keelings Apple Orchard?!"

She thought for a few minutes, then said "What was that date again?"

Young lawyers come to town in clusters and five of us, all born in 1931, started to practice about 1958. Tom Soyars, Grady Raff, Jim Reid, Sam Fletcher and myself. We would play basketball in the Old Armory Building and labeled ourselves "the fabulous five". All were members of the Athenaeum Society except Sam Fletcher. Saturday night the wrestlers took over in the gym, which was later converted into a Circuit Courtroom for Judge Edwin White.

B.H. Henard, a legendary member of the Athenaeum Society, known for his unique papers and equally brilliant comments was the Prosecutor in the Police Court and during World War II he was captured and held a prisoner of war by the Germans. Mr. Southall filled in for Jack Henard as Prosecutor during the war years and they became good friends and worthy adversaries.

Later, Ella Duncan was charged in Police Court with Practicing Medicine without a license. It seems that Robert White had Rheumatism, and Ella was operating a massage business. She contracted with Robert to rub him. Robert had agreed to pay Ella with a large, fat hog. The rubbing and massaging did not

cure Robert, and he refused to deliver the hog to Ella. Ella sued Robert:

Jack Henard was the Prosecutor

Herman Southall was the defense counsel.

“Ella, do you realize you must have a license to practice medicine in this Commonwealth?”

Ella shot back: “Mr. Henard, I talked with Mayor Lackey and he said, “as long as your work holds up, you don’t need a license”.

Mr. Southall never took a vacation except for an occasional fishing trip to the Current River and a month long trip to Canada.

His fishing buddies were Pettus White, Phil Chappel, Harry Keach, and W.B. McKenzie. Fishing guides and cooks were engaged for a month. Food supplies and liquor were purchased. Mr. Herman did not consume much liquor, usually measuring his bourbon like medicine, with a teaspoon. Mrs. Willie Southall did not approve of the Alcohol, and one time Mr. Southall and his fishing buddies were headed to the White River, and Mr. Herman was sneaking out a Fifth of Yellowstone when he broke the bottle on the concrete steps at his home on South Virginia Street.

Before his death in 1972 he gave me his fishing tackle and his law books that date back to the first published law books in Kentucky. The Shaving Mug with the gold letters W.H. Southall was acquired at Evelyn Hewell’s tag sale.

Motion hour was held on Saturday morning at 10:00 a.m. and Judge Ira D., Smith expected everyone to be there, especially the young lawyers, for the assignment of appointed cases. The docket was called, trial dates assigned or cases were continued amid jockeying among the lawyers to get the cases set for trial or dismissed.

McGee versus Twilight Riders was called at least a dozen times, and Judge Smith would methodically lay over the case. Mr. Southall and Judge Smith shared a common spittoon by the witness stand and occasionally a plug of tobacco, all to the dismay of his opponents. When he had a big trial, Mr. Southall would arrive at the courthouse early to renew old friendships with the Jury and to entertain them. He was a master studying human nature, and other lawyers, along with the general public, would go to the courtroom to observe him.

Before his death, the County Official built a pedestrian walkway connecting the courthouse annex to the courthouse. I could walk from my office into the Circuit Court room. Jack Henard immediately labeled it "Rorie's Ramp", a complete waste of taxpayers money. Due to declining health, Mr. Southall never used the pedway.

Mr. Southall possessed those qualities that are most to be desired in an attorney- a thorough knowledge of the law, including the exceptional ability to research a particularly difficult problem; the power to advocate, forcefully and with great persuasiveness, the interest of his clients, while at the same time never

failing to be fair and courteous to his adversaries and at all times mindful of the higher duty he owed to the court and to the law; and an unimpeachable integrity that admitted of no compromise with legal or ethical wrongs.

My 50 year journey leaves me with musty old law books, with heavy pencil marks, faded old newspaper clippings, a tackle box with prized plugs and a couple of Shakespear reels, a gold lettered shaving mug and unforgettable memories of a treasured walk with W. H. Southall.

Wendell H. Rorie
Athenaeum Society
December 6, 2007

Athenaeum members mentioned in this paper:

Ira D. Smith

Oglesby Soyars

Tom Soyars

Grady Ruff

James Reid

Wendell Rorie

B.H. Henard

Herman Southall

Curtis Brasher

Edwin White

Pettus White