

A Discussion with Local Legend

Sam J. D'Amico by Darrel Papillion

Sam J. D'Amico is a legend in the Baton Rouge legal community. He is well-known for his courtly manners, professionalism, legal acumen, and hard work, and, as many can attest, he has a reputation for being one of the best dressed lawyers of his day. Recently, he graciously allowed *Around the Bar* to visit his longtime office on Third Street, where he shared some of his experiences in the practice of law. D'Amico is 88 years old and is still actively practicing law in Baton Rouge. While his legal career began long before notebook computers, fax machines, and cellular telephones, his lessons for younger lawyers are timeless, and *Around the Bar* is pleased to share, in two installments, glimpses of a remarkable legal career that spans more than 60 years.



Sam D'Amico

Where did you grow up, Mr. D'Amico?

On the banks of False River, near New Roads. My father owned property near Parlange Plantation, and that's where I grew up. He owned a grocery store, and we had nine children — three boys and six girls. I was one of the younger ones. My legal name is Sam John D'Amico.

Where were you educated?

You won't believe this, but my first four years of school were in a one-room schoolhouse. We had one teacher who taught several grades. Later on, I went to Poydras High School, where I graduated in 1932. I started LSU that year, and in those days, you went to college for a couple of years, and then you started law school.

How many students were in your law class?

We started with 75, and about 25 of us finished. I finished school in 1938 and was admitted to practice that year.

What was it like starting a law practice in 1938?

Tough. Our country was still in a depression, so I started looking around for a place to open an office. At the suggestion of my good friends, Tom and J.P. Jewell from New Roads, I began my practice in St. Francisville, the second poorest parish in the state at that time, on October 1, 1938.

What was your first office like?

I was a sole practitioner. I handled whatever came through the door. My first office was in the Bank of Commerce building, less than a block from the courthouse. My rent was \$11.00 a month, and my telephone number was "2."

Your telephone number was "No. 2." How did that work? How many phones were there in St. Francisville at that time?

Well, there couldn't have been many if I had No. 2. You didn't dial a phone back then. The phone had a crank, and you turned the crank and rang the operator. The operator would connect you to the number you were calling.

What was your law practice like in 1938?

I had no secretary. I did my own typing. I believe I grossed something like \$11.00 after my first three months of practice. In the early years, I got most of the appointments in cases involving inmates at the state penitentiary at Angola who committed crimes while in prison. The three other lawyers in St. Francisville were happy to have me because I took that work off their plates. That is how I got started in the practice of criminal law, and I have actively practiced criminal law for more than 60 years.

When did you start practicing in Baton Rouge?

I started practicing in Baton Rouge in 1942, and I kept my office in St. Francisville for a few years after I started practicing here. My first office was off of Weller Avenue, and then I moved to the west side of Scenic Highway before coming downtown, where I have been for many, many years.

What kind of practice did you have when you first moved to Baton Rouge?

I had a general practice. Besides the criminal work I did, I handled sales, mortgages, and did civil litigation. I even did tax returns. In those days, people would line up outside the door of my office to have me complete their tax returns.

What was civil practice like in those days?

Very different from today. Civil practice has changed

tremendously over the past 50 years. For one thing, when I started out, depositions were extremely rare. Even if you wanted to take a deposition back then, you would have a very hard time finding a court reporter. Lawyers prepared their cases by talking to their clients and interviewing witnesses. You proved your case through the witnesses called to testify at trial. We did not exchange written discovery or take depositions the way lawyers do today.

Was that really the extent of discovery?

Pretty much. The Code of Practice had discovery provisions, but, by and large, we did not use most of the measures available. We would go down to the courthouse and see who the other lawyer had asked the sheriff to serve with a subpoena for trial, and we made sure we were ready for those witnesses. In fact, sometimes we wouldn't know who the witnesses would be until a day or two before the trial because most of the witnesses were local people who could be served on very short notice. It was not common in those days for lawyers to exchange witness and exhibit lists the way we do today.

What percentage of civil cases went to trial in the early days of your practice?

Most cases were tried, at least my cases. Settlement was not discussed the way it is today. If a settlement was going to be reached, it usually took place before the start of litigation. In those days, it was much simpler. If you sued somebody, you usually went to trial, and by the time you got to the courthouse, the battle lines were drawn. There was usually no settlement.

How many jury trials have you participated in?

I honestly can't answer that. People ask me that all the time, but most people don't realize that when I started out, there were very few jury trials. Most trials were bench trials. I learned the Code of Practice at LSU under Henry George McMahan, and he really discouraged us from asking for jury trials. Back then, you really concentrated on building your record for appeal. If the trial judge didn't see the case your way, you would take an appeal and let the court of appeal

sort it out. Ultimately, the judgment would become final one way or another, and that would be the end of it.

Who were the lawyers you remember having cases against years ago?

I remember when there were no big firms in Baton Rouge. I remember when Breazeale and Sachse was a two-lawyer firm. I remember when Mr. Wilson joined them. There have been lots of good lawyers in Baton Rouge. I had many cases against Mr. Breazeale and Mr. Sachse and also against Mr. Porter and Mr. Brooks at the Taylor, Porter firm. They were all fine lawyers. They represented the banks, corporations, and other institutions, and when I filed a civil case, I usually heard from one of them. I also handled plenty of cases against Calvin Hardin, who was a very fine lawyer.

Most lawyers in Baton Rouge know that you and Louis Curet have been partners for a long time. How long have you been practicing together?

Louis and I have been together since 1950. In the beginning we were not partners, but after he finished law school, he had to honor a commitment to Uncle Sam. We formed a partnership to provide continuity of service to his clients and I serviced his clients while he was away. When he returned, he became an expert in the law of successions. He has handled some very large successions in his career. We have practiced together for a long time, and I have enjoyed working with him very much.

I understand that you have had the same secretary for more than 50 years. Is that true?

Legal Nurse Consulting & Expert Witness Location

Michelle Cascio, RN, EMT, CLNC
 Medical Record Review / Organization / Reports
 Med-Line Services / Timeline / Spreadsheets
 Research / Trial-Deposition Assistance
 Expert Physician-Nursing Testimony Referral

Diversified Case Analysis, LLC

Post Office Box 81294 • Lafayette, LA 70598
 (337) 948-1877 • E-mail: MCascioRN@msn.com

Louisiana State University

**Legal
 Studies
 Program**

Paralegal Program Approved by
 the American Bar Association

*Helping lawyers find
 paralegals & legal secretaries
 for full-time,
 part-time, permanent,
 and short-term employment*

For more information about
 our placement services,
 call LSU Legal Studies
 at (225) 578-6760.



LSU is an equal access opportunity university

...k. Faye Killingsworth came to work with me in 1950, and she works with me to this day. My grandson, Danny, also works with me as an assistant now.

...is it true that you still have every file you have opened as a lawyer?

That's not true anymore. It was true up until about five years ago when Mr. Curet and I discarded some of our older files — about three carloads of files. I believe it is very important for a lawyer to keep client files, particularly if you do successions work. Recently, I had a client ask me to handle a somewhat related succession of a relative, and it turned out that my office had done this other succession about 40 years ago, so I was able to retrieve my office file, and it made my work a lot easier. Now, I do have five filing cabinets at home that contain my very first files — cases I worked on between 1938 and 1950. When Mr. Curet and I formed our partnership, I boxed up my older, separate files and stored them at my home.

What advice do you have for today's young lawyers?

I would remind them that there is no substitute for dedication, hard work, and maintaining the highest

standards of integrity. They should never let their clients lead them astray. I've represented lawyers who have been in trouble, and oftentimes the cause of the lawyer's problem was his failure to get rid of a shady client. I've had clients tell me that they wouldn't show up for trial. I used to tell them, "I don't know where you'll be, but I'll be at the courthouse waiting to try your case." Sometimes, they'd ask me, "Can't you be sick or something?" I always told them, "No. I feel fine. I'll see you at the courthouse." People will try to get you to do things. I don't mind telling you that I've been offered bribes twice in my career, but you have to remember the lessons your parents taught you. We all know the difference between right and wrong, and when people ignore that difference, they get in trouble.

The next installment of Around the Bar's interview with Sam D'Amico will feature his remembrances of some of the many Baton Rouge lawyers (including several judges) who began their careers in his office, more Baton Rouge and Louisiana legal history, a complete explanation of the origin of D'Amico's trademark jeweled collar pins, and more.

Darrel Papillion is a member of the Publications Committee and a partner with Moore, Walters, Thompson, Hoover, Thomas, Papillion & Cullens



Vince Fornias
Attorney, Spaht, Weaver & Blitzer

Your Baton Rouge Mediation Professionals

For dispute resolution
services contact MAPS

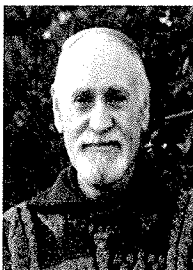
3850 N. Causeway Blvd., Suite 400
Metairie, LA 70002
(504) 831-2141 • (800) 443-7351
(504) 837-2566 Fax
Email: resolutions@maps-adr.com
Website: www.maps-adr.com



James S. Holliday, Jr.
Attorney at Law



Hon. Freddie
Pitcher, Jr.
Phelps Dunbar



John Reginald Keogh
Keogh, Cox & Wilson

Mediation Arbitration

maps

Professional Systems, Inc.

GAIL'S GRAMMAR

Beware the AutoCorrector! This convenient feature of most modern word-processing programs automatically fixes our typing mistakes.

For example, if one types **teh**, the computer changes it to **the**. Unfortunately, though, the AutoCorrector isn't as familiar with legal terms as it should be. My computer thinks **tortious** should be **tortuous**, **peremption** should be **preemption**, and in pari materia should be in pari material.

A quick computer search showed that even the Louisiana Supreme Court has been afflicted by the AutoCorrector gremlin. See, e.g., *Nicholas v. Allstate Ins. Co.*, 99-2522 (La. 8/31/00), 765 So.2d 1017, 1022. Proofread carefully to be sure that you aren't the gremlin's next victim.

Thanks to Judge Bob Downing for suggesting this topic.

Fax ideas for future "Gail's Grammar" columns to 342-8942, call Gail at 342-0956, or e-mail her at Gstephenson@la-fcca.org.



Gathered together are a number of Sam J. D'Amico's past law clerks. Seated are John Aydele, Louis Curet, Sam J. D'Amico, Faye Killingsworth and John "Rusty" Olds. Standing (left to right) are Brenda Creswell, Robert W. Tillery, Bill Weatherford, Judge Mike McDonald, Judge Mike Caldwell, Lewis Unglesby, Jack Whitehead, Wick Cooper, Henry Bernard, Judge Melvin Shortess, Robert "Bob" Leake, Jack Dampf, Bryan Bush and Frank Gremillion. Killingsworth has been D'Amico's secretary for the last 50 years.

A Man of Great Influence — A Closer Look at Sam J. D'Amico (Pt. II) by Darrel Papillion

This is the second installment of a two-part interview of Baton Rouge lawyer Sam J. D'Amico. Mr. Sam, as he is affectionately called by so many members of the local bar, has practiced law in Baton Rouge for nearly 64 years. The yellowing pages of the Southern Reporter and Federal Supplement contain scores of Mr. Sam's cases — interesting cases involving alleged cattle rustlers, homicides and other criminal cases, personal injury cases and more. But, as good as his reported cases are at telling the story of his career, Mr. Sam's words do a better job of capturing the essence of his storied career. *Around the Bar* is proud to present this second installment of its two-part interview with Sam D'Amico.

ATB: *Who do you recall being really good lawyers in Baton Rouge many years ago?*

SD: Mr. Porter and Mr. Laurance Brooks of the Taylor, Porter firm were both outstanding lawyers. Pat Wilson of the Breazeale, Sachse firm was also a fine lawyer. And, Calvin Hardin, my dear friend who is deceased now, was a master — just a great lawyer.

ATB: *What makes a great lawyer, Mr. Sam?*

SD: Well, take Fred Benton, for instance. He was a master — a genius in the practice of law. Fred could take any point, on either side of the case, and make a winning argument. I believe the great lawyer finds a point of law and seizes upon it. It also takes hard work. I don't mind telling you, I've stayed at work until four o'clock in the morning and got up at all hours of the night to come to the office. You've got to apply yourself.

ATB: *It is a well-known fact that you have helped train some of the finest lawyers in Baton Rouge. Who are some of the young lawyers who worked with you?*

SD: I don't know that I trained them, but I have had over 30 young lawyers work with me over the years. Of course, Louis Curet has been with me the longest, but [Retired First Circuit Court of Appeal Judge] Melvin Shortess was another one of early

ones. Some of the others were [United States District Judge] John Parker, [First Circuit Court of Appeal Judge] Mike McDonald, Jack Dampf, [19th Judicial District Court Judge] Mike Caldwell, [former East Baton Rouge Parish District Attorney] Bryan Bush, John Aydell, Jack Whitehead, Wick Cooper, and many others. Lewis Unglesby is a really good lawyer, and he was one of my favorites, but I have had a lot of good lawyers come through here. They were all, for the most part, fine young men, and I am happy to have had a chance to work with them.

ATB: *You have a reputation for being a “clothes horse,” and I was told to ask you about your tailor.*

SD: Well, when I got into the practice of law in 1938, we were in the midst of a depression, and no one had any money, but, finally, when I started to do well, I got a tailor. I had a great tailor, Jasper Millelli, who came to this country from Italy. He made all my clothes. He had a tailor shop in the old Istrouma Hotel not far from my office. I represented him, and, over the years, he started putting me into nice clothes. Unfortunately, he passed away some years ago.

ATB: *Do you still have your clothes custom made?*

SD: Well, ever since my tailor died, I get my suits at Cohn Turner. Jasper Millelli got me used to wearing silk suits, and I promise you if you ever wear a silk suit in the summer time, you’ll never wear wool again. It’s the most comfortable thing in the world. I took some of my friends — Calvin Hardin and Emile Rolfs — to see him. He was great. I really miss him.

ATB: *Several Baton Rouge lawyers I called to help prepare for this interview suggested that I ask you about your trademark collar studs. Is there a story there?*

SD: There’s no story. It’s very simple. Collars don’t stay down. I don’t like button down collars because I have found that a buttoned collar always rolls. I hate those celluloid collar stays that go inside a collar almost as much as a button down collar, but you need something to keep your collar down. Many years ago, I started wearing these collar pins, as I call them, because I find that they do the best job of keeping my collars the way I like them. Over the years I have had a lot of them made. I have all kinds now. I wear black stones with black suits. I use the ruby stones with blue suits, but I don’t wear those as much as I once did because they are rather large.

ATB: *Which ones are you wearing today?*

SD: I’m wearing the diamonds today.

ATB: *These days, most lawyers I know seem to not wear a coat and tie, unless they are in a court room. How do you feel about the legal profession “going casual”?*

SD: I may be old fashioned, but I don’t like it. I believe it is undignified, but our culture has changed. I will not go to the courthouse without a coat and tie, even if it is just to get an order signed, no matter how hot it is outside.

ATB: *I know that you also continue to wear hats. Tell me about your hats.*

SD: I still wear hats. I’ve always thought a hat was a badge of credibility and dignity. I believe lawyers should wear hats.

ATB: *How many hats do you own?*

SD: I’m sorry you asked that. I have at least a dozen.

ATB: *Which variety do you have more of — straw or felt?*

SD: About equal, but I need to get rid of some. I don’t know how much you know about hats, but I have some hats that are 50 years old. I have one really fine hat, made in Italy, that is about that old.

ATB: *What do you do to keep current with the law?*

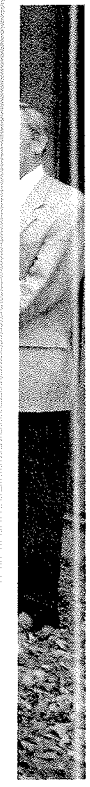
SD: (Laughter). I read Maraist. (More laughter). Really, that’s one I don’t miss. I used to do a good job of reading the advance sheets. Don’t get me wrong — I wasn’t like Calvin [Hardin]. Calvin would read the whole thing. You can’t read all the advance sheets anymore. There are too many cases these days. But, I still review the advance sheets and read the cases that relate to my practice.

ATB: *What CLE programs do you like to attend?*

SD: I haven’t been to a CLE in forever. I enjoy going to seminars, and I used to enjoy teaching them, but I haven’t been to a CLE in a long time. I am exempt from CLE. When mandatory continuing legal education came into being, I was grandfathered in.

ATB: *What do you do for fun?*

SD: I used to fish and hunt, but I don’t do much of that anymore. I have really slowed down my recreation



...s, Faye
...e Mike
...“Bob”

...was a
...Fred
...se, and
...great
...it. It
...ou, I’ve
...orning
...to the

...d train
...ho are
...ou?

...ve had
...e years.
...ne the
...Appeal
...f early

over the past few years. I like spending time with my family. I have eight children, 25 grandchildren, and 28 great-grandchildren. I love spending time with them. I usually have lunch on Mondays with my daughter Suzette. On Tuesdays, I have lunch with my son Skipper and members of his family. On Thursdays, I eat at the Piccadilly with whomever shows up — I usually get a fair number of guests from my family on Thursdays.

ATB: *What do you feel is your biggest accomplishment?*

SD: I don't know. I know I helped make a lot of jurisprudence. I never would give up. I never hesitated to take an appeal and get a reversal of an unfavorable trial court decision if I thought I could. I have yet to have a judge apologize to me for ruling against me, so I never thought twice about taking an appeal, if I thought I had a chance.

ATB: *I was told to ask you about Shorty Williams' pistol.*

SD: I still have it. It's the weapon in a case I handled years ago. I used to keep it in my office, but I keep it at home now. Shorty Williams was accused of shooting a guy in a bar. It was a very exciting case I tried in front of Judge Holcombe.

ATB: *Do you have many mementos of that type?*

SD: I have some. I have the more significant ones. I regret that I did not keep more mementos from the cases I handled over the years.

ATB: *Who is the most prominent person you have ever represented?*

SD: That is a hard question to answer. I have represented many prominent people — a lot of whom I cannot identify because of the attorney-client privilege. I have represented judges, sheriffs, district attorneys, and some very wealthy people as well. So, to say who is the most prominent, I can't really say.

ATB: *Overall, how would you say the practice of law has changed over the many years you have been a lawyer?*

SD: It really is not what it used to be. There was more respect among lawyers for one another. Younger lawyers don't seem to have the same respect for the court that lawyers had years ago. I see lawyers sitting while addressing the court. I would never do

that. You have to recognize the dignity of the judge's office.

Mr. Sam D'Amico is an inspiration to generations of lawyers in Baton Rouge, and his advice to lawyers, particularly young lawyers, is timeless. He is the quintessential lawyer's lawyer, an example of professionalism and integrity. He has endowed the Baton Rouge legal community with a rich legacy in the form of his considerable body of legal work, his example, the many young lawyers he helped train (including several who became judges), and his large family. We can all learn a lot from Mr. Sam.

Darrel Papillion is a member of the Publications Committee and a partner with Moore, Walters, Thompson, Hoover, Thomas, Papillion & Cullens.



"Preventing Attorney Burnout"

from page 10

In conclusion, I refer you to a wonderful article written by Christine Corcos, an Assistant Professor of Law, right here in our fair city at the LSU Law Center, in which she suggests "exploiting one's own interests and talents, and when necessary, acquiring additional skills to enhance them, or inventing an entirely new discipline to take advantage of them"¹⁶ to avoid burnout. I guess I did the right thing taking on this writing assignment. Now, if I can only create a market for a well-compensated recreation advisor. Right after my nap.

¹ "Are You Close to Burnout?"; Musick, Janine Latus; *Family Practice Management*, April, 1997.
² "Managing Burnout . . . With Holistic Mindbody Tools"; Bohorquez, Elizabeth, R.N., SRN, CPH; *Savosota Hypnosis Institute Library*.
³ Musick, id.
⁴ Musick, id.
⁵ Bohorquez, id.
⁶ Bohorquez, id.
⁷ Musick, id.
⁸ "Nothing Thwarts Burnout Like a Healthy Dose of Rage"; Clifford, Stephanie; *Business 2.0*; August, 2001.
⁹ Bottled Blessings Flower Formulas, Job Burnout
¹⁰ Burnout Prevention and Recovery; <http://web.mit.edu/afs/athena.mit.edu/user/w/c/wchuang/News/college/MIT-views.html>.
¹¹ Burnout Prevention and Recovery; id.
¹² Musick, id.
¹³ Bohorquez, id.
¹⁴ Bohorquez, id.
¹⁵ "Natural Speed 1!"; Gorkin, Mark, LICSW, for the Small Business Association; http://www.stressdoc.com/Stress_burn.htm
¹⁶ "Avoiding Lawyer Burnout: or, Don't Just Play a Lawyer in Real Life, Try Playing One on TV"; Corcos, Christine; <http://faculty.law.lsu.edu/ccorcos/lawctr/lawycareers.htm>.

Stephen C. Poss, a member of the Publications Committee, is a solo practitioner.