

Remarks of John Robbins Wester
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North Carolina Bar Convention
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In the weeks since I learned of this nomination, I've drawn instruction from the example of Yogi Berra as he concluded the eighth grade. Yogi's teacher, a kind-hearted lady, called him in to review his end-of-year tests. "Yogi, you're a sweet young man, but there are times when I wonder if you *know anything*. Yogi answered: "Ma'am, most of the time, I don't even *suspect* anything.

Well, I never suspected any of this.

I thank Clark Smith, Judge Jane Harper, and Edwin Speas for their generous remarks just now – and most of all for their friendship.

I appreciate Professor Robinson Everett's coming to this morning's event and sitting with me. A remarkably fine law professor, Professor Everett represents members of the Duke Law School faculty whose guidance I have depended on and will forever remember.

I am most grateful to my family – both branches. First, my biological family whom Eddie was kind to introduce a few moments ago. They are the lights of my life.

And I am grateful to the rest of my family—the members of Robinson, Bradshaw & Hinson. They have encouraged and nurtured me as only a family

knows how to do. And their tolerance and indulgence of me threaten to burst the meter.

A beautiful beach beckons you, so I'll get out of your way. I do so recalling a vignette that came to mind as Judge Harper was speaking with you a short while ago. And I hope this serves as some rebuttal to the suggestions this morning that I walk into a courtroom always armed and ready to deliver.

We were seven or eight years into the *Hyatt* litigation. The case had gone all the way up to and back from the Supreme Court, with several stops in the Fourth Circuit. I thought we must be finished. We continued to hear, however, disturbing reports that disabled citizens in North Carolina were not receiving proper determinations of their disability claims. We brought a motion to enforce against the Secretary of Health and Human Services, and Judge James B. McMillan—a president of this Association almost 50 years ago—summoned all of the lawyers to his courtroom.

Within 30 seconds of the words “God save this Honorable Court,” Judge McMillan asked the following question:

What do you see, Counselors, in the rulings of this court, or the higher courts, that permits the defendant—a cabinet officer one step below the President of the United States—to continue her practices toward the citizens of this state pursuing their disability claims?

Ever alert to nuance, I thought we were ahead.

The lead lawyer from the Justice Department, there to argue for the Secretary, proceeded to speak about “all that he could see.” This was an erudite and able lawyer, mind you, and he saw first one thing and then another, and then another.

As this went on, Judge McMillan’s face seemed to become more vivid in color, and his ears—which had this uncanny capacity to twitch—seemed to be twitching full time. Then, he turned his chair toward me. And he asked: “Well counselor, what do you see?”

Your Honor, I have been taking notes about all that my opponent can see, and I have been listening closely. But, just a moment ago, I looked up and I believe I saw—may it please the Court—I believe—I saw—Elvis.

And, if you will check with my opponent, I feel sure he has seen him too.

The proceedings went on, but I shall not. I leave you with that episode, because it brings to mind a feeling I have at this moment. If we could harness the energy and talent assembled in this room this morning—if we could harness the energy and talent of our profession represented by those in this room this morning—who knows what we might see, together, in the days ahead.

Thank you for this high honor.