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## James D. St. Clair 1920-2001

MARCH 10, 2001

Our partner James D. St. Clair died on Saturday, March 10, 2001. One of the preeminent lawyers of the twentieth century, he was our leader, our standard bearer and our role model. He will be deeply missed as a colleague, a partner and a friend.

A eulogy by managing partner Bill Lee and excerpts from other obituaries are provided below.

### **Eulogy by William F. Lee**

When I arrived at Hale and Dorr twenty-five years ago, there was a living legend named Jim St. Clair.

And, I remember being told very early on that I would not be able to miss either the man or the legend.

Indeed, I was told that when I first saw him enter a room -- whether a courtroom, a conference room or a living room -- he would fill the room.

He would fill the room with his presence, his character, his generosity, his integrity and his dignity.

And that is what he did every time he entered any room, anywhere.

That is what he did for each of us whose lives he entered.

That is what he has done today.

He has filled this room today with those who have been blessed to have known Jim St Clair.

We know that there is not a person here who does not think Jim left us before his time.

There is not a person here who would not have wanted one more case, one more meeting, one more conversation, one more day with Jim.

In fact, I know that when Jim arrived in heaven, St. Peter certainly said, "Mr. St. Clair, what are you doing here? It is too soon."

And, Jim -- always being Jim -- would smile and respond "Whatever."

For nearly three decades, I had the privilege of being Jim's partner, his mentee, his student, and later his friend.

Being Jim's colleague and friend had many benefits.

But none was greater than the chance to meet and get to know the real

source of strength behind the man.

That was a person named Billie

His best friend

His companion

His confidant

His strength

His foundation

They were a couple and a team -- inseparable and both as much a part of Hale and Dorr as the other.

Approximately fifteen years ago, I was sitting in my office on a Friday evening and who appears but Billie.

She tells me that she is here have dinner with "Jimmy" but that first she wants to talk with me.

In fact, she tells me she wants to take a walk -- so, of course, I do.

As we walk, she tells me that she has been talking to my wife, Leslie, and she is worried that I am working too hard.

And she says that I need to remember that at the end, and I quote, "People will remember not what you did, not whether you tried and won another case, not whether you had another client, but, instead,

they will remember who you were. Were you a good father, a good husband, a good partner and a good friend."

And then she told me to go home, because it was time for her to have dinner with Jim.

Well, Billie you were only half right.

In the case of Jim we come together to remember both.

Not only do we remember and celebrate what he did -- for it was immense and unforgettable.

But also come together to celebrate just who he was.

What he did was to simply become and be one of the preeminent lawyers of the twentieth century.

He was, as his friend, and perhaps his only peer, Jerry Facher, has said: "simply the best trial lawyer in America."

He entered the national consciousness in 1954 when the legendary Judge Charles Wyzanski authored and published an opinion that announced to the world that there was a special lawyer in Boston named Jim. St. Clair.

As Judge Wyzanski said:

*"James D. St. Clair, in his thoroughness of preparation, economy of effort  
choice of emphasis, quality of examination and cross examination,  
presentation  
of arguments, analysis of the law, courtesy to parties, witnesses, opposing  
counsel and the Court, and that indefinable distinction which breeds  
excellence,  
can stand comparison with any lawyer who had appeared before me.  
With becoming deference to his seniors, but with unflinching courage in  
examining witnesses, in meeting opposing arguments, and in resisting  
what  
he regarded as unsound rulings from the bench, he set a model not likely  
to  
be surpassed."*

And, it has not.

Jim's character, judgment, talent and integrity -- everything the judge had identified -- put him at the center of every major national issue for the next 40 years.

As so wonderfully recorded in "Point of Order," Jim and Joe Welch were the Hale and Dorr team that represented the Department of the Army in the Army-McCarthy hearings.

With Jim at his side, Joe Welch's excoriation of Senator McCarthy for his cruelty, recklessness, and abandonment of any "sense of decency" was the beginning of the end for McCarthyism.

And it continued for Jim for the next three decades.

In the 1960's, he was called upon to represent the Boston School Committee in the school busing controversy.

In the height of the Vietnam era, he defended the Reverend William Sloane Coffin who was brought to trial on charges of conspiracy to encourage draft evasion.

And, in 1973, he was called upon to represent President Nixon in the Watergate matter, perhaps the most important issue of our time.

He was, of course, the only person intimately involved with the President who wrote no memoirs, gave no interviews, and breached no confidences.

He returned to Hale and Dorr to assume the defense of African American defendants charged with crimes in such a racially charged atmosphere that bodyguards accompanied him to court.

In the 1980's, he represented the State of Maine, the State of South Carolina, the Town of Mashpee and others in the highly controversial Indian land claims cases.

And, in 1991, he chaired the "St. Clair Commission" which investigated the Boston Police Department and triggered critical changes in how

the department was organized and managed and resulted in innovative concepts such as community policing.

These are the public matters we heard and read about. But there was never any client, any matter that was too small, too trivial or too unimportant for Jim.

He often said to me, "Everyone deserves a lawyer."

I would respond, "But everyone does not deserve Jim St. Clair."

And he would say, "Why not?"

As a lawyer, he was everything you have heard.

Always courteous

Always respectful

Always brilliant

And never ruffled.

In fact, one August a decade ago, I went to see Jim.

Labor Day was approaching, and we had three trials scheduled for the

Tuesday after Labor Day in three different locations.

I was apoplectic. I was panicked.

I went to see Jim and said, "What do we do?"

He said, "Billy, the Tuesday after Labor Day will come, and we will only be in one place."

I never had the courage to ask him which one.

But what Jim did is only the surface of the story.

Indeed, what he did was only a reflection and manifestation of -- as Billie would say -- who he was.

And, who he was is what we saw and got to see at Hale and Dorr.

We saw not only the Jim St. Clair who was

Our leader

Our trial lawyer

Our partner

Our colleague



Our teacher.

In fact, for those of us in litigation, we had Jim and Jerry -- the Willie Mays and Ted Williams of the trial bar.

But we also got to see much more.

We saw the Jim St. Clair who -- when things went wrong -- always took responsibility personally and never blamed others.

We saw the Jim St. Clair who -- when things went right -- always gave credit to others.

We saw the Jim St. Clair who -- when a case was over -- went to see all members of the team personally to thank them for their personal sacrifice.

We saw the Jim St. Clair who was the first to take the dance floor -- with Billie, of course -- at any Hale and Dorr event.

We saw the Jim St. Clair who -- at every Hale and Dorr event -- would visit with every person in the room and take a moment to talk to him or her.

Indeed, at every holiday party, where everyone from Hale and Dorr would come, Jim would move from person to person wishing each the best for the holidays.

We saw the Jim St. Clair who commuted in a yellow jeep with Jerry Facher until they rolled it over.

We saw the Jim St. Clair who came to pick me up at my house in his new red Jaguar with his new touring cap and decided the client could wait while he took my wife for a ride around Wellesley with the top down.

We saw the Jim St. Clair who would drive seventy miles an hour with an ice cream cone in one hand and tell us to fasten our seat belts because there a lot of crazy drivers on the road.

We saw the Jim St. Clair who celebrated the end of a grueling trial not with a drink but with an ice cream sundae.

We saw the Jim St. Clair who would leave any time and any place because Billie said it was time to go.

We saw the Jim St. Clair who always had a moment for his colleagues to talk about any issue, any time, any where.

And we saw the Jim St. Clair who believed with all his heart that being a lawyer was about a profession, not about making money.

Once, when we were changing compensation systems at Hale and Dorr, Jim and I were traveling, and he said to me "Do you understand this new system?"

And I said, "Yes."

He said, "Do you understand the old system?"

And I said, "Yes."

He said, "Do you understand the differences?"

And I said, "Yes."

And he said, "Good. Then I can ask you if I ever need to know."

He never did.

Most of all we knew the Jim. St. Clair who cared deeply about the profession

deeply about the community

deeply about his Firm

deeply about his partners

and, most importantly, deeply about his family.

As some of you know, my Dad, the other mentor in my life died a month ago.

One of my greatest pleasures was that Jim, Billie, my Mom and my Dad

became friends.

My Dad viewed Jim as his friend, and Jim viewed Dad as his.

When my Dad died my daughter Maggie wrote a letter to my Mom which had this quote from Ralph Waldo Emerson on what success is:

*"To laugh often and much, to win the respect of intelligent people and the affection of children, to earn the appreciation of honest critics and endure the betrayal of false friends, to appreciate beauty, to find the best in others, to leave the world a bit better, to know even one life has breathed easier because you have lived. This is to have succeeded."*

By this or any other standard Jim was a success.

A success as a lawyer

A success as a partner

A success as a friend

But, most of all, a success as a father, a father-in-law, a grandfather and a husband.

He will forever fill the rooms of our lives.

### **Obituary from Washington Post - March 12, 2001**

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James D. St. Clair, 80, a pillar of the Boston bar who made notable appearances before Congress and the federal courts in an effort to save President Richard M. Nixon from the scandal of Watergate, died March 10 at a nursing home in Westwood, Mass. Death followed a long illness.

Few lawyers have faced greater challenges than confronted Mr. St. Clair as the president's attorney in 1974 with the drumbeat of Watergate revelations mounting, his client increasingly beleaguered, and ominous talk circulating of constitutional crisis.

On July 8, 1974, he appeared before the Supreme Court to contend that the president was shielded by executive privilege from the efforts of Watergate Special Prosecutor Leon Jaworski to obtain the notorious Watergate tapes. Ten days later, Mr. St. Clair made his final arguments before the House Judiciary Committee as it prepared articles of impeachment against Nixon in connection with the notorious 1972 break-in at Democratic National Committee headquarters.

One of the members of the committee, Caldwell Butler, was later quoted in "The Final Days," by Bob Woodward and Carl Bernstein, as crediting Mr. St. Clair for a "masterful presentation" that would have carried the day had the panel been a jury.

But the committee voted articles of impeachment, the Supreme Court ruled

in the historic case of United States v. Nixon that the tapes would have to be surrendered, and Nixon resigned in August.

Years later, another member of the impeachment panel described Mr. St. Clair as his hero, one whom other lawyers might well emulate. Former representative Robert F. Drinan (D-Mass.), a Jesuit priest, wrote in the newspaper Legal Times in 1996 that Mr. St. Clair "did what lawyers are supposed to do -- tell your client to obey the law and maintain inviolate the confidences of your client."

Twenty-two years after Nixon resigned, Drinan wrote, "Mr. St. Clair continues to refuse to write, speak or even refer to his role as counsel" to the former president.

In their book, Woodward and Bernstein wrote that Mr. St. Clair, who had long been a lawyer with the firm of Hale and Dorr, was unmatched in trial preparation and "was reputed to be a courtroom wizard."

Before Watergate, he had been in Washington in the 1950s as an assistant to Joseph Welch in representing the U.S. Army before the Senate investigating panel led by Sen. Joseph R. McCarthy (R-Wis.)

Mr. St. Clair was born in Akron, Ohio, and graduated from the University of Illinois. He received a law degree from Harvard in 1947 after studies that were interrupted by Navy service in World War II.

During more than 40 years at Hale and Dorr, he dealt with many high-profile assignments, including some in which his time was donated. In one criminal defense case, bodyguards accompanied him to court. In a 1984 interview with the Boston Globe, he declined to disclose the advice he gave

Nixon but said, "I approve of the fact that he did resign in the national interest."

Survivors include his wife, three children and eight grandchildren.

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### **New York Times Obituary - March 12, 2001**

WASHINGTON, March 11 - James D. St. Clair, the Boston lawyer who represented President Richard M. Nixon in the Watergate scandal, died on Saturday at a nursing home in Westwood, Mass. He was 80.

In a half-century as a trial lawyer, Mr. St. Clair developed a reputation as a dignified, courteous, highly competent adviser to a wide range of clients who spanned the political spectrum.

In 1954, two decades before Watergate, Mr. St. Clair served as an assistant to Joseph N. Welch, the fabled Boston lawyer who, as counsel to the United States Army, criticized the tactics used by Senator Joseph R. McCarthy in investigating suspected Communists.

Mr. St. Clair represented the Rev. William Sloane Coffin in 1968, when Mr. Coffin, then chaplain of Yale University, was accused of conspiring to counsel young men on how to evade the draft.

He represented the Boston School Committee in a lawsuit filed by black parents trying to desegregate public schools, and he represented Maine and South Carolina and the town of Mashpee, Mass., in cases involving Indian land claims.

In the early 1990's, he investigated the practices of the Boston Police Department at the request of Raymond L. Flynn, who was then the mayor.

In 1974, Mr. St. Clair was criticized by some people for defending Mr. Nixon. They said he helped the White House maintain a pretense of cooperation while actually withholding evidence from the special prosecutor, Leon Jaworski, and the House Judiciary Committee.

But Mr. St. Clair insisted at the time that he was representing the office of the presidency, not Mr. Nixon as an individual.

"I don't represent Mr. Nixon personally," Mr. St. Clair said in an interview. "I represent him in his capacity as president."

Mr. St. Clair was regarded as an old-fashioned barrister, an advocate unattached to any cause, ready to take on any client.

"Lawyers don't have the luxury of picking and choosing cases in which they believe," Mr. St. Clair said after he was named special counsel to President Nixon in January 1974. "You should not identify personal ideologies with the lawyer. Then you would only have a regurgitation of ideologies rather than, hopefully, an objective analysis of the issues."

Mr. St. Clair's description of his professional role neatly complemented a major theme of his most famous client's defense. Mr. Nixon said he was fighting to preserve the presidency, not himself.

As Mr. Nixon's chief defense lawyer, Mr. St. Clair tried to discredit the testimony of the president's principal accuser, John W. Dean III. While



acknowledging that Mr. Nixon had made politically damaging statements in tape-recorded conversations with White House aides, Mr. St. Clair insisted that the president had not committed any crimes.

"Not once does it appear that the president of the United States was engaged in a criminal plot to obstruct justice," Mr. St. Clair said in sending transcripts of the conversations to Congress in April 1974.

Mr. St. Clair argued the case of the United States v. Nixon before the Supreme Court on July 8, 1974. He asserted broad claims of executive privilege, urged the court to avoid "political questions" related to Watergate and said the justices should stay their hand until the impeachment process had run its course.

In a unanimous decision 16 days later, the court methodically demolished Mr. St. Clair's arguments and unanimously ordered President Nixon to surrender 64 White House tape recordings needed by the special prosecutor for the trial of the president's top aides. One of the tapes included evidence linking Mr. Nixon to a conspiracy to obstruct justice. He resigned from office on Aug. 9, 1974.

James Draper St. Clair was born on April 14, 1920, in Akron, Ohio. He received a bachelor's degree in 1941 from the University of Illinois and graduated from Harvard Law School in 1947 after serving as a Navy officer for three years, from 1942 to 1945.

He joined the Boston law firm Hale & Dorr in 1949 and became a partner in 1954. For more than 25 years, he taught the techniques of trial practice to students at Harvard Law School.

Mr. St. Clair is survived by his wife of 56 years, Billie, of Wellesley, Mass.; three children, Peggy and Thomas, of Wellesley, and Scott, of Waban, Mass.; and eight grandchildren.

Colleagues said Mr. St. Clair was always a gentleman in court, and they noted that he did not exploit his Watergate experience or write a memoir.

One of his law partners, Jerome P. Facher, said: "He was courtly and courteous, but a vigorous advocate. You don't see that style anymore."

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