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GEORGIA STATE UNIVERSITY LAW REVIEW

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IN MEMORIAM: BOBBY LEE COOK

The editors of the *Georgia State University Law Review* dedicate this Issue and respectfully offer the following tributes to Bobby Lee Cook, a friend of the Georgia State University College of Law and an inspiration to many in the Georgia legal community.

*Ed T.M. Garland** & *Don F. Samuel***

Occasionally, we celebrate an attorney who inspired a generation of lawyers. But rarely do we celebrate a lawyer who inspired multiple generations of lawyers. Bobby Lee Cook inspired members of the Greatest Generation, Baby Boomers, Generation X, and Millennials.

In many respects, he was “old school”: trying murder cases in the mountains of Georgia and relying on defenses that are not in the books. Defenses like, “He needed killing and my client did it” (result: not guilty). Or “He called my client a son-of-a-bitch, so of course my client shot him” (result: not guilty). During one closing argument, he repeatedly implored the jurors in his rhythmic cadence to conclude that a witness lied about his client over and over, to which a juror finally stood and responded, “That’s right, Bobby Lee.”

But he also excelled in complex white-collar cases (civil and criminal), not the least of which was springing C.H. Butcher in a multi-million-dollar fraud case in federal court in Chattanooga (involving the largest failure of a banking institution in U.S. history at the time). And his legendary representation of the Rockefellers in their

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struggle to be adequately compensated for the State taking their land on Jekyll Island. And his representation of Georgia teachers in their class action case to seek relief (and money, too—lots of it) in the teacher’s pension case. Those of us who were lucky enough to practice with him also learned that Bobby Lee Cook knew how to set a fee, and the client paid the money he demanded—lots of it.

But it was not just his victories that inspired so many of us. He was a friend; a teacher; a mentor; someone who invited younger lawyers to work with him in cases; a bon vivant; a rascal; a fighter (literally); as tough as the hickory trees on the mountains of his beloved Chattooga County. His ferocious cross-examinations left witnesses in tears, opposing counsel’s strategy in shreds, and his clients walking out of the courtroom to freedom. Some judges fumed. More chuckled in admiration. And when Bobby Lee Cook walked into a courtroom, many judges were inspired to “all rise.” His neighbors throughout north Georgia knew where to go when trouble arose (“I’m going over the mountain to see Bobby Lee Cook”). Over the decades, people from all over the country would go over the mountain to see Bobby Lee.

There was never any hesitancy in his advocacy for his clients. It did not matter who they were, or where they came from, what they looked like, or sounded like, or what they did. He was going to fight like hell. And along with his clients, the criminal defense bar and the entire criminal justice system in Georgia will forever be the beneficiary of his spirit of advocacy.

We have never met a prosecutor who disliked him. Perhaps they are all just such good losers. Or maybe they just enjoyed the show, even though they were constantly cast in the role of Hamilton Burger, the foil for Perry Mason’s lawyering. One prosecutor reported to us, “When Bobby Lee left the courtroom, you were missing your socks, but your shoes were still tied.”

Also, we admire his collegiality with all of the defense bar and his willingness to provide advice to the next generation of lawyers, whether on a phone call or sitting in trial representing co-defendants. He invariably referred cases or offered co-counsel status to new

members of the bar not just in Chattooga County but throughout Georgia.

But for us, it was the perpetual stories that he told whenever we got together. We seriously doubt that all of those stories were true from beginning to end, but his ability to improve on a story was also how he defended people for whom the evidence was, shall we say, plentiful (just need to embellish a little bit; add a fact here and there). But he could tell a story! The stories Bobby Lee told involved witnesses dying of a heart attack during his withering cross-examinations, prosecutors who were too stupid to realize they had been “had” by one of his patented maneuvers, and judges who, well, likewise.

There will always be lawyers we admire; lawyers we wish we could emulate. For so many reasons: dedication to pro bono work; persistence in securing the release of a falsely convicted person; brilliant appellate work; breath-taking cross-examinations; and formulation of a long-term strategy in a case that seemed hopeless, to name just a few. But at the top of the pinnacle (or over the mountain), forever, there will be only one Bobby Lee Cook.

*Roy E. Barnes**

Once in a lifetime a lawyer comes along who is so accomplished in his craft that we remember and talk of him long after he left us. Such it is with Bobby Lee Cook.

I first met Bobby Lee Cook almost fifty years ago. He was a seasoned trial lawyer. I was a green assistant district attorney. My first murder case had Bobby Lee as opposing counsel. Though I won the first round, he prevailed on appeal. He taught me the first lesson of the practice of law—a case is not over until all the appeals are exhausted. Bobby Lee accepted the toughest of cases, and he was in them for the duration. More often than not he prevailed. As we left the courtroom after that first trial, Bobby Lee asked me how long I intended to stay on the wrong side of the practice, meaning prosecuting, and I told him

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not too much longer. He told me to stay in touch, and I did. So began a friendship that lasted until his death.

In a case in which Bobby Lee associated me, we were representing two career burglars. We each represented a different one so that we could get two crosses and two arguments, another thing Bobby Lee taught me. We tried to plea the defendants for short time, but the district attorney said he was going for the maximum twenty-year sentence because they were recidivists. On the day we were to strike a jury, Bobby Lee was running late, and with waiting jurors, Judge Hames was becoming impatient. All of the sudden, the door in the back of the courtroom opened and Bobby Lee appeared in a green plaid suit, green shirt, green tie and green shoes. It was the most God-awful outfit I have ever seen. He came in and sat down at the table with our clients. As he sat down, I asked Bobby Lee if he had a light switch on those colors so they could be toned down. Then he said, “Son, sometimes you want the jury to look at you and not your client.” Another lesson learned. We tried the case for a couple of days, and then Judge Hames called both of us into his chambers and told us he was not going to sit through any more of our shenanigans and asked if we would accept two years for our clients. Of course, we said yes, and Bobby Lee succeeded in another case.

I last visited Bobby Lee a week or so before his death. His mind was strong, but his body was frail. We talked, as old trial lawyers will do, of past trials and triumphs. He said when I got up to leave, “You are like me. When you can’t stand in front of a jury anymore you will die like me.” I thought of that on the way home, and almost every day since then. It was the last lesson Bobby Lee taught me.

*Judge Charles A. Pannell, Jr.**

Delightful and enjoyable are two words that describe Bobby Lee Cook in the courtroom and outside of it. He always kept opposing counsel, and sometimes the judge, stressed. You did not nod off when Bobby Lee was in the room. I had heard of Bobby Lee years before I

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met him. He served in the Georgia Legislature with my father in the late 1940s. My father always said, “Bobby Lee Cook has more brass than a barrel of monkeys.” The Cook and Pannell families are both from North Georgia and have a history in the legal profession.

I first saw Bobby Lee in action in the U.S. District Court in Rome, Georgia. It was 1971, and he was defending a criminal case brought under a statute making the theft of long-distance telephone service a federal crime. It was the first prosecution under this statute in the country. His clients had climbed a telephone pole in Dalton and spliced into the telephone line of a residence. Unbeknownst to the defendants, the phone was the private line of a GBI agent’s residence. Bobby Lee was impressive and loud defending his clients, but they were convicted.

Through the years, I have helped him defend a mutual client, as District Attorney, I prosecuted some of his clients, and I have presided over his clients’ trials in superior court. He endorsed my name and recommended me for my position on the U.S. District Court for the Northern District of Georgia.

Bobby Lee’s representation of clients was aggressive, his word was good, and his interest in and courtesy toward younger lawyers was always sincere and appreciated. He took his work seriously, but not himself. He never forgot where he came from and loved Chattooga County and Northwest Georgia. God Speed, Bobby Lee.

IN MEMORIAM
BOBBY LEE COOK



1927–2021