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Sixty Years Later: The Colorful Career of Leo Bearman

Authors: David L. Bearman

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In the inaugural issue of the Trial Spotlight, we pay homage to a star, Leo Bearman Jr., a widely respected and leading trial attorney in Tennessee. Leo started practicing law with his father, Leo Sr., in 1960. Twenty years later, the Leo Bearman Law Firm merged with Heiskell Donelson Adams Williams and Kirsch to expand the latter's services to include litigation. Thirty-eight years after the merger, Leo Bearman remains a highly sought-after attorney, valued by clients and colleagues alike for his considerable wisdom and skill. My name is David Bearman, Leo's son and law partner for the past 22 years. I sat down with Dad to talk about some of his more memorable cases and clients.

DB: As a trial lawyer, you've handled all kinds of cases.

LB: Yes, products liability, medical malpractice, legal malpractice, banking matters, insurance company regulatory matters and insurance defense, statutory and constitutional disputes, personal injury, property issues, business disputes, intellectual property.

DB: Are there any events that happened in the courtroom that stick out in your mind?

LB: I was representing a large truck manufacturer in a product liability case. In order to show the jury how the tie rod worked, we built the front-end of a truck in the courtroom. It allowed the jury to see how turning the steering wheel caused the tires to move. In another case, I recall when an attorney came to court to argue against my motion for summary judgment. The attorney had not filed his response, but brought it with him to the argument. He handed it up to the judge without stapling it together, explaining that his response was late because he had been very busy. The judge threw the brief into the air – all the pages flew apart and fell to the ground – and said, "If you were too busy to file it, then I'm too busy to read it." Another fond memory is when one of our Circuit Court Judges took the bench on Halloween in a gorilla costume. He kept it on the entire morning while he went through his docket. I also remember allowing a client to wear sunglasses while testifying because his eyes were bloodshot from drinking.

DB: You have represented some well-known people. Who stands out?

LB: I represented Paul McCartney on an immigration matter. Never got to meet him in person, but I did get an autographed album. I represented Jerry Lee Lewis. His plane was strapped down at the airport. The wind was so strong that it lifted the plane from its mooring and it crashed into another plane. I also represented a famous television wrestler from Memphis when he was accused of assaulting a spectator. When I was cross-examining the plaintiff, he admitted that one evening he was watching my client wrestle on television and got so mad at him that he pulled out his gun and shot his TV. The judge persuaded the plaintiff's attorney that the trial should not continue.

DB: What are some of your largest or most complex trials?

LB: We represented a tobacco company in a trial that lasted several weeks. At the time, several tobacco companies had settled cases or had gone to trial and lost. We tried the case and obtained a defense verdict. Another lengthy trial involved a patent dispute. In that case a doctor sued our client, a medical device company, for royalties relating to a device he had invented. That trial also lasted several weeks. We represented the City of Memphis in a case challenging the constitutionality of an annexation statute passed by the Tennessee legislature. That was a complex case involving statutory construction and various provisions in the Tennessee Constitution. If the statute was constitutional, it would have significantly restricted the City's ability to grow and would have jeopardized its financial condition. Fortunately, we convinced the Tennessee Supreme Court that the statute was not constitutional. For the past 14 years, we have represented the City of Memphis and its utility company in a water rights lawsuit filed by the State of Mississippi involving the aquifer that serves as the City's sole public water supply. The case is pending in the United States Supreme Court. Mississippi is asking for hundreds of millions of dollars and for a declaratory judgment requiring the City to switch its water source to the Mississippi River.

DB: You were also involved with the prosecution of James Earl Ray after the Martin Luther King assassination.

LB: Judge Preston Battle was presiding over the *Ray* case. I was the youngest of six attorneys asked by Judge Battle to act as Amicus Curiae Counsel. Our job was to advise His Honor on legal issues that impacted the criminal trial, such as the enforceability of gag-orders. Judge Battle wanted the trial to be fair and was very concerned about the safety of everyone in the courtroom.

DB: I think it's only appropriate that we end this interview with the story of the Gorilla Woman case.

LB: When the Mid-South Fair was in town, there was a big tent in the middle of the parking lot where you could see the Gorilla Woman. People paid some money, went into the tent and sat on benches. In the tent, there was a big cage with a woman sitting in it. When everyone was seated, the lights started to flicker and the tent got very smoky. During the excitement, the woman magically turned into a gorilla – which was obviously a person dressed up in a gorilla suit. The announcer told the crowd to stay calm because the bars are made of steel. Then, the gorilla came up to the front of the cage and started bending the bars like she was going to escape. The crowd panicked and ran out screaming. The plaintiff, who was among the crowd, tripped on a concrete parking bumper as she fled. At her deposition, she testified that she believed that the woman in the cage actually became a gorilla and, therefore, was justified in running from it. It never went to trial.