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Reminiscing with John Kecker

BY JOHNSON HOR

In any discussion of Northern California's legal giants, John Kecker is sure to be included. A founding partner of Kecker & Van Ness, he is a nationally recognized trial lawyer, advocacy instructor, former Independent Counsel Staff for *U.S. v. Oliver North*, and, more recently, defense counsel for Frank Quattrone and William Lerach. He recently spoke about his life and the law at the Lawyers' Club of San Francisco.



Kecker

Marine Lieutenant John Kecker was born in North Carolina and grew up in a suburb of Washington, D.C. where he "never even thought about being a lawyer." He attended Princeton in the early 60s, joined ROTC and upon graduation *cum laude* was commissioned an officer in the U.S. Marines. As an infantry platoon leader he served in Vietnam, where his left elbow was shot off in 1966. He came home to be treated at the Bethesda Naval Hospital.

Lying in the hospital bed, he thought about the future. Because of his injury, he could no longer serve his country as a Marine. What could he do now, at the age of 22? One possibility was law school. He learned that at Yale Law School there was an associate dean who was a "Southern army guy who loved Princeton." What's more, "at that time, if you graduated from Princeton, you could get into Yale Law School."

So, with his left arm still in a sling, Kecker went to see Dean Jack Tate at Yale. He learned that Tate had lost an arm to cancer, and the two conversed extensively about eating and washing oneself with one arm. At the end of the conversation, Tate told Kecker: "You're in."

Lawyers' Club of San Francisco

Focusing on the needs of solo practitioners and small firms

In 1946, three San Francisco attorneys, Al Spivak, Gerald D. Marcus and Burton J. Goldstein, had a problem. They all believed that the existing county bar association overlooked the needs of attorneys in small firms and of solo practitioners. Resolving to address these concerns, they formed a new bar association, calling it The Lawyers' Club of San Francisco.

While the membership makeup has evolved since 1946, The Lawyers' Club today continues to focus on the needs of individual attorneys in either the public or private sector. Past presidents of the Lawyer's Club have included top trial lawyers such as Rob Cartwright, Sr. and LeRoy Hersh, as well as the Honorable Vaughn Walker and the Honorable Diane E. Wick.

Among the club's many innovative programs and events is the annual California State Supreme Court Luncheon where the justices of the California Supreme Court are honored. This tradition began in 1948 when the Club's Board of Governors threw a party to "roast" some friends on the bench. It is being held this year on April 29 at the Fairmont San Francisco. Tickets are available online at www.lawyersclubsf.org/scl.html.

On April 21, the club will present a panel on the "Civil Rights in America Today," featuring Associate Justice Joseph Grodin (retired), former Dean and Professor Jesse Choper of Boalt Hall at U.C. Berkeley, and U.S. Attorney Joseph Russinello.

Integrating the Tennessee Bar

Kecker described his own staggering ignorance and exuberant confidence – traits that he noted frequently accompany youth. For example, while he was at Yale's Law Library, he and another law student,

Mel Watt, talked about starting a two-person firm that was "going to raise hell." As the two law students perused the Martindale Hubbell law directory, they learned that the Tennessee bar was not integrated. They went nuts.

Kecker exclaimed, "We're gonna go down to Tennessee to integrate the bar – suing whomever to raise hell. Sue them for everything! We're gonna integrate that bar!"

A law professor overheard their rant and intervened: "Do you two even know what integrated means?"

"No."

"It means integrated into state government."

Women as lawyers

"I was planning to talk about the lessons I've learned," Kecker told his Lawyers' Club audience. But in planning his speech he thought that audience was going to be new lawyers. "Now, I'm a bit worried . . . I have people [here] I have known for 38 years – bob wallach since he was President of Bar Association in 1975; John Youngquist . . . when I came here in 1971, he was a big, snarly U.S. attorney on the dark side while I was in the U.S. Public Defender's office and we crossed swords several times. Tony David, here, I've known forever, and Harriet Ross – she was one of the five women practicing law in San Francisco in those days.

"There were no women judges. Judge Patel was the first," Kecker recalled. He noted how it was a male-dominated profession and that firms spoke about the serious issue of sending women to appear before a judge when some judges were chauvinists. "Boom! A lot has changed over the years – women in law schools, women in law firms. The difference between then and now is huge. The legal



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profession [today] is much more reflective of everybody – which I think is a great improvement. The bad part is lawyers marrying lawyers – too many two-lawyer couples . . .”

On drug deals and trials

Remarking on changes in the law and society, Keke recalled that drugs were rampant in San Francisco in the 70s. From his days in the public defender’s office, Keke recalled the DEA boasting about how they got a drug dealer from the Mission District to come to the DEA’s building, walk right underneath the DEA’s sign on the tenth floor, go into the office and enter the interview room – to do a drug deal. The dealer was clueless. Finally, the agents told him that he was under arrest and asked the dealer, “Do you know where you are?”

Keke loves trials. He loved them even more years ago, when “you went in, picked the jury, tried the case, settled on instructions and you were done.”

What he hates about the practice of law today are the endless depositions and the obnoxious counsel who make a never-ending number of objections. He opines that today’s legal process is “. . . ridiculous. Everyone files papers and in the process kills trees for two weeks before we can have a trial.”

On technology

Keke finds technology to be “a mixed blessing.” In those pre-computer days, people did most of their editing on a yellow legal pad prior to typing anything because “if you had to change something, you had to retype it,” Keke said.

“The bad part [of technology] is that everything has become so fast. Now someone sends you an e-mail and wants your response to this request. Five hours later, if you haven’t responded, they say, ‘You’re ignoring me.’ In the old days, you used to be able to take time to think. If you needed to send a letter to somebody, you would take time to think about the letter. Then you would type it. You’d look at it again, and then send it out.”

In those days, Keke explained, it took longer to do things. Preparing pleadings required more intellectual effort than it does today. “Actually, [it took] much more thought than this spewing out [today] of lengthy pleadings.” Keke noted that the legal opinions of old English judges that were no more than two paragraphs long. “Reproducing pleadings consisted of writing them out and then blotting them.”

Private practice

In the mid-70s Keke, along with Steve Kipperman and Joel Shawn, formed Kipperman, Shawn & Keke. Of the partnership he said, “No business, no prospects, didn’t make much money, but had a great time.” Kipperman was “an absolute genius” who taught Keke civil practice. Shawn was famous for defending some of the first draft-dodger cases. Together, they sued anyone and anything that came along, from the Golden Gate Bridge to the DEA and CIA.

One case that stood out in Keke’s mind involved a client charged with killing a San Quentin Guard. The client was in solitary confinement. When Keke

and Kipperman went to visit their client, they were jerked around by the warden and guards. Keke and Kipperman filed a lawsuit against “the Warden and Goons 1 through 25.” However, the trial court judge requested that they amend their complaint to read “Does 1 through 25” because “you can’t call them goons.”

Keke left the Kipperman firm in 1978 to form a practice with his Yale classmate, Bill Brockett. Bob Van Ness joined the firm a year later, leading to Keke & Van Ness. The firm today maintains a high-level criminal and civil practice and has about 70 employees.

And the Iran-Contra affair

From 1988 to 1989, Keke took a leave of absence from private practice to serve as lead prosecutor in the trial of Marine Lt. Col. Oliver North. As an Ex-Marine, Keke was outraged by North’s circumventing a direct order from Congress in the Iran-Contra affair. The New York Times reported that in his closing arguments Keke “invoked the Bible and Hitler in painting Mr. North as a habitual liar.”

While he won convictions on three of the criminal counts against North, many considered the mixed verdict a draw. Keke admitted, “I wasn’t a very good prosecutor. Technically, all my questions were leading questions. I didn’t think like a prosecutor. All of our witnesses were North’s friends.”

Mr. Hor is a member of the California and US Supreme Court Bars, and on the board of the Lawyers’ Club of San Francisco. email: support@johnsonhor.com.