

Q&A With Hal Dockins
October 5, 2023

Tell me a few words about your early days: where you were born, what your parents did for a living, which college you attended, etc.

I was born on the campus of what is now Alcorn State University in Lorman, Mississippi, where my father was the registrar and a financial officer. My mother was a secretary there and my grandfather was a professor who eventually became president of the university. I attended college at Drake University in Des Moines, Iowa, did graduate studies at Atlanta University, and attended law school at Mississippi College School of Law, where I was the first African-American male to become a member of the Law Review.



What motivated you to become a lawyer?

I am not sure what motivated me to become a lawyer. I didn't know many lawyers growing up but the law was a natural fit for me to do something about the horrible things happening around me in the Deep South at the time.

What was your first involvement in the dispute?

My first involvement with the dispute between the O'Keefe's and the Loewen Group began when Jerry O'Keefe called to ask me if I could help with some problems he was having with the Mississippi State Insurance Commissioner's office in Hinds County, Mississippi. I believe a member of the Tom and Mike Espy family referred him to me.

What was your first impression of Jerry O'Keefe?

My first impression of Jerry O'Keefe was his extraordinarily statesmanlike demeanor and his lack of hesitation about hiring me as his lawyer. He treated me as a confidante and friend as long as I knew him. I admired his fairness and his sense of right and honor. I loved the way he treated my family.

Tell me how you found Willie Gary and decided to recommend him for the case.

I first heard about Willie Gary and his extraordinary trial record and commitment to underserved communities (what he calls the least of these) in the late 1980s, when I was approaching 10 years

into my law practice. I kept one of his promotional photos, Rolls Royces and all, on a coffee table in my private office. I met him personally when he was the keynote speaker at a Magnolia Bar convention, which is an association of primarily African-American lawyers in the state of Mississippi. He was the most charismatic person I had ever met. His speech nearly blew the roof off the convention banquet. When I introduced myself to him he acted like we were lifelong friends, one of his special gifts.

Any other early impressions of Jerry O'Keefe?

Jerry asked me to help him with the Loewen case after I was able to hold off the Mississippi Insurance Commission. I was with a firm that was not interested in the case at the time. I asked him to be patient and when I left my firm, I would review the case, and would figure out a way to handle it. I immediately recognized the case's value. After I left the firm, I called Jerry promising I would revive the case, which had been dormant for a few years. I was able to convince him to allow Mike Cavanaugh and me to fly down to Florida and convince Willie Gary to try it with us partly because I was convinced Mike Allred was the wrong co-counsel to take the case to a Hinds County Mississippi jury in front of Judge James Graves, whom he had managed to antagonize during all of our pre-trial skirmishes.

What are your most vivid memories of the case?

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My most vivid memories about the case are the camaraderie among the lawyers, Willie's leadership, and our dedication to winning it for Jerry and the O'Keefe family. The more we were around Jerry and the more we learned about him as a man, the more dedicated to him we became.

Going into trial, did you think your side would win?

Yes, I knew after we went to Vancouver for depositions. I grew to understand Ray Loewen's arrogance when coupled with our trial team under Willie's leadership would prove to be a winning combination.

It was a long case, what would you say were the key turning points?

I think the turning point in the case was Loewen's strategy to paint Jerry as a dishonest businessman, and Loewen's being so very arrogant toward Willie and our trial team. When Ray Loewen took the stand and began playing games, I knew it was a wrap and we had them.

A lot has been written about the how the Loewen team—and Ray Loewen in particular—miscalculated before and during the trial. How do you think they miscalculated?

I think the racial dynamic was icing on the cake, but Jerry's fairness as a mayor, his war record, and his statesmanship set everything in motion for our win. The racial element only proved just how despicable the Loewen Group was at all levels and against all people. Loewen miscalculated

the Hinds County jury's ability to understand the factual implications and willingness to do the right thing.

Do you remember where you were and your reaction when news of the \$500 million verdict was announced?

I was sitting in the courtroom between Lorenzo Williams and Mike Cavanaugh when the jury verdict came in. I started out writing out the zeros at the end of each element of damages in the case, but eventually I put my pen down when the reality of what we had done hit me.

This case went all the way to the NAFTA tribunal and became a case study in international law and corporate finance. Did you have a sense at the time that it would be such a big deal?

I did not have a sense of the international implications of the case, but I was not surprised by Loewen's tenacity in refusing to accept the verdict. The trial process had infuriated him, and we could often hear him berating his legal team at the top of his lungs during breaks.

Recent studies have shown that scores of industries are now more consolidated than ever. Big companies like Amazon and Walmart set prices. Did this case change your perspective regarding how such companies change the American economy?

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Not a lot other than to make me realize how many corporate decisions are made that have very little to do with fair market value and delivering goods and services to consumers.

The film has a number of messages and themes. What is the one lesson or message you believe is the most important?

That a fair judge and the jury system are the last bastions of justice, and therefore just about the only avenue for American citizens to level the playing field with large or international corporations.

How does it feel to have a Hollywood movie star portraying you?

It feels great to have such a fine actor playing me in *The Burial*. I was concerned I'd be stereotyped or cast as a yokel. Although I haven't seen the movie, I'm satisfied my legacy, such as it is, is in good hands.

Is there anything we have not covered—funny or poignant things you saw or heard?

I have many funny recollections about the trial, because we were always laughing and joking and poking fun in between the long, serious preparation and trial moments. One story Willie really loves to tell, which is partially true, is about the first day of trial. Loewen's chief lawyer walked

over to me and handed me a written settlement offer of \$12 million. Jerry had sent Mike Cavanaugh and me to Cincinnati nine months before with a \$6 million demand, which they refused.

I walked over to Willie and handed him the settlement offer, rather pleased. He looked at it, tore it up and threw it in the garbage! He claims later that he caught me in the courtroom later pasting the pieces of the settlement offer together. I want to go on the record as saying this is not true, but I have to admit I did consider it.

Another memory that stands out is I wrote a note to Willie complaining about Mike Allred irritating the judge and jury while Willie was out preparing witnesses. Bob Parenti opened the note and left it out on our counsel table where Mike Allred read it, and was furious at me. I believe he even threatened to leave the team.

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He was very kind to me and my family from Day One, and he never wavered in public or private.***

Later at our hotel, Willie tried his best to get me to apologize to Allred for the sake of trial team unity but I steadfastly refused and I may have even cursed under my breath. Willie grabbed me and we began wrestling and running back and forth through the hotel lobby and restaurant area, which was filled with people, checking in or dining.

We must've wrestled and chased each other back and forth around the hotel lobby area, jumping over bar rails for maybe 20 to 30 minutes until we both gave up. I beat him up pretty good. Needless to say I never apologized and Mike Allred never left the trial team. It was really funny and crazy now that I look back at it. Willie always claims he beat me up but the reality is I beat him up.

Final thoughts?

Jerry became such a towering figure in my life. It's still painful we lost him. He was very kind to me and my family from Day One, and he never wavered in public or private. I'll never forget him.