



**H. SOL CLARK** served on the Court of Appeals of Georgia, 1972-1976. He was born in Savannah, Chatham County, Georgia, on December 29, 1906.

He attended Savannah schools; was graduated from Cornell University with a B.A. degree in 1928 and Bachelor of Laws degree in 1930. He passed the Georgia Bar exam in 1929. His law practice and judicial tenure extends over a half century.

He married Matilda Shapiro on May 14, 1933. Born of this union were two children, Fred Stephen, a Savannah attorney, and Janet Marian, (deceased). His parents Ella and Sam Clark were immigrants from Vitebsk, Russia.

Affiliations: Art Academy; United Community Services; fund raising American Heart Association, March' of Dimes, United Jewish Appeal; Who's Who in America, South, Southeast, and World Jewry; Chairman, County Board of Public Welfare for 11 years; Assistant City Attorney 1943-1944; Georgia Industrial Loan Advisory Board; Chairman of the County Civil Service Board; 33d Degree Mason.

He established the Savannah Legal Aid Society; headed the State Legal Aid Committee as Chairman or vice-chairman for 25 years; Board of Directors National Legal Aid and Defender Association, only person receiving two highest NLADA awards; headed Georgia Legal Services program; Emory University created the summer intern Sol Clark Fellows; ABA A ward to Savannah Bar President; Harvard Law School Association of Georgia presented a plaque to him; known as "Mr. Legal Aid."

He was the first Hebrew to serve on an appellate court in Georgia and first Savannahian to serve on the Court of Appeals of Georgia. He was a member of the State Judicial Council; Georgia, ABA, American Trial Lawyers. Bar journals and reviews have noted the quality of his opinions as being literary, witty, and historical, with Mercer Law Review describing his impact on juvenile law as "more than any other jurist in the history of this state." He was selected in 1982 as the one lawyer in the U. S. for the American Bar Foundation 50-year award; the State Bar of Georgia created and presented him with its first annual "H. Sol Clark Award" to be given annually for efforts on behalf of poor people; coauthor with his son Fred of Settlements Law and Strategies (The Harrison Company 1981); president of Scribes and its director and book award chairman; National Law Journal called him Savannah's "folk-hero," a "garrulous judge" enjoying a "sophisticated practice" with his son's firm. He is a charter member, American Bar Foundation; Director of the American Judicature Society; Fellow, International Academy of Trial Lawyers, and director and dean; Fellow, American College of Probate Counsel; Fellow of the International Society of Barristers; founder of the Authors Court; acknowledged "one of Georgia's great judges," Maddox v. Queen, 150 Ga. App. 408, 412.

H. SOL CLARK, Savannah. *Judge*. Born Dec. 29, 1906 in Savannah, Chatham Co., Ga. Graduated from Cornell U., AB., 1928; LLB, 1930. Attorney. Jewish. Democrat. Mason; Elks; Eagles; B'nai Brith; Sigma Alpha Mu; A.B.A.; and numerous local, state, and national legal Assns. Asst. City Atty., Savannah, 1943-44; Chmn., Chatham Co. Bd. of Public Welfare, 1939-50; Mbr., State Industrial Loan Advisory Bd., 1955-60. State Judicial Council, 1975. Apptd. Judge, Court of Appeals of Ga., Jan. 3, 1972 (to fill unexpired term of George P. Whitman, res.); Elected in GE for term Jan. 1, 1973-Dec. 29, 1976, Res. (term expires Dec. 31, 1978).

Family details: Married May 14, 1933 in Chatham Co., Matilda Shapiro (born Feb. 13, 1908 in Chatham Co.) daughter of Abraham Shapiro (born July 8, 1879 in Ianovo, Russia; died Oct. 11, 1969 in Fulton Co., Ga.) and Lena Freedman (born July 23, 1888 in Novogrodok, Russia). Children: Fred S. (born July 10, 1936 in Chatham Co.) and Janet Marian (born Dec. 3, 1939, died July 15, 1959 in Chatham Co.). H. Sol. Clark is the son of Sam Clark (born Dec. 25, 1881 in Babinovitch, Russia; died June 8, 1955 in Chatham Co., Ga.) and Ella Raskin (born May 11, 1886 in Vitebsk, Russia; died Nov. 10, 1940 in Chatham Co., Ga.).

STEVEN SCHAIKEWITZ, *Law Assistant*.

JAMES M. GECKER, *Law Assistant*.

## **Judge H. Sol Clark**

Retired Georgia Court of Appeals Judge H. Sol Clark, 96, died Friday, January 17, 2003 at Candler Hospital. Having been admitted to the Georgia Bar in 1929, Judge Clark was the oldest active lawyer in Savannah and had been an attorney for more than 73 years. The Judge was the Honor Student of the Class of 1924 at the Benedictine Military School. He then spent six years at Cornell University where he engaged in extracurricular leadership activities, which resulted in his being honored by membership in the Sphinx Head Senior Society. As an alumnus of Benedictine Military School, Judge Clark was active in his support of the school. Benedictine recognized his activities in 1970 by awarding him the Benedictine Medal of Excellence. Judge Clark began the practice of law as an associate in the office of then Mayor Gordon Saussy. Subsequently, he was a partner in the firms of Hester, Lewis and Clark, and Brannen and Clark until Governor Jimmy Carter appointed him to the Court of Appeals of Georgia in 1972. He was the first member of the Jewish faith to serve as an appellate judge in Georgias history. While he serving on the appellate court, he was named as a member of the State Judicial Council. After five years of service in Atlanta, he reached the then mandatory retirement age of 70 and returned to Savannah to become a partner with his son, Fred S. Clark, in the firm of Lee and Clark, and thereafter, with his son in the firm Clark and Clark. During Judge Clarks professional career, he took an active part in the organized Bar. In addition to serving as President of the Savannah Bar Association in 1952, he was one of the charter members of the American Bar Foundation, a Fellow of the International Academy of Trial Lawyers for which he served as Dean in 1969, followed by three terms on its Board of Directors. He was also a member of the International Society of Barristers serving as Georgia Chairman. In 1979 he served as President of SCRIBES, the American Society of Legal Writers. In 1982, he was selected from all the lawyers in the county to receive the American Bar Foundations prestigious 50 Years Award. In 1999, the Supreme Court of Georgia designated Judge Clark "Amicus Curiae," for his distinguished service and contribution to the improvement to the administration of justice. On three occasions, the State Bar of Georgia honored Judge Clark with its Distinguished Service Award. The State Bar also created the H. Sol Clark Award, which is given annually for outstanding service in Legal Aid. Judge Clark was the first recipient of the award. Judge Clark established the Savannah Legal Aid Society and served as its president. He headed the State Legal Aid Committee as Chairman for 25 years. He also served on the National Legal Aid and Defender Associations Board of Directors. He was the only person to receive the two highest NLADA awards. The Harvard Law School Association of Georgia presented a plaque to him for his service naming him "The Father of State Legal Aid in Georgia." His other public offices included serving as Assistant City Attorney in 1943-1944 and Chairman of the Chatham County Civil Service Board. He was also a member of the State of Georgia Industrial Zone Advisory. Judge Clark served on the Board of Directors of the Telfair Arts Academy and United Community Services. He headed local campaigns for the American Heart

Association, March of Dimes, and United Jewish Appeal Board. He was active in Free Masonry having served as Worshipful Master of Zerrubabal Lodge # 15, F. & A.Ms during its centennial year and was the author of an edition of the Georgia Masonic Code. He was further honored by being awarded the 33\* Degree. Judge Clark was active in the Jewish community. At the age of 27 he became the youngest person to serve as president of the Jewish Educational Alliance. He served as Chairman of the United Jewish Appeal and headed various other charitable causes. He was a member of Congregation Bnai Brith Jacob Synagogue. Judge Clark is survived by his son and daughter-in-law, Fred and Nancie Clark, and three grandchildren, Jonathan A. Clark, Alison P. Clark and Robert S. Clark. The family will sit Shiva at the residence of Fred S. Clark. Graveside Services: 12:30 p. m. Sunday, January 19, 2003 in Bonaventure Cemetery, with Rabbi Avigdor Slatos, officiating. Remembrances: Arkin-Clark Garden Fund at the Jewish Educational Alliance, 5111 Abercorn Street, Savannah, GA 31405; Congregation Bnai Brith Jacob Synagogue, 5444 Abercorn St., Savannah, GA 31405; or Georgia Legal Services, 10 Whitaker Street, 2nd Floor; Savannah, GA 31401. Hubert C. Baker Funeral Home 7415 Hodgson Memorial Dr. Savannah Savannah Morning News, January 19, 200



H. SOL CLARK  
*Judge, Court of Appeals*

IN MEMORIAM

JUDGE H. SOL CLARK

DECEMBER 29, 1906 — JANUARY 17, 2003

JUDGE OF THE COURT OF APPEALS OF GEORGIA

1972 — 1976

MEMORIAL PRESENTED TO THE COURT OF APPEALS OF GEORGIA

DECEMBER 1, 2003

On December 1, 2003, the Committee which had been previously appointed by the Court of Appeals of Georgia to prepare an appropriate memorial to the life, character and service of the Honorable H. Sol Clark, deceased, late Judge of the Court of Appeals of Georgia, submitted the following report:

#### REPORT OF THE COMMITTEE

H. Sol Clark served as Judge of the Court of Appeals of Georgia five years, from January 3, 1972, until reaching his seventieth birthday on December 29, 1976. This public service was the capstone of a life devoted to his fellow man.

He was the only son and first of three children born to Sam and Ella Raskin Clark in Savannah. His parents were Jewish refugees from anti-Semitism in Russia, having come to Savannah in 1904 in pursuit of America's religious freedom. Typical of immigrant Jewish parents they sought for their children to become well educated.

Their son was the top honor graduate in his class at the Benedictine Military School, a Catholic institution in Savannah. He then went to Cornell University, receiving his A.B. degree in 1928 and his law degree in 1930. As a Cornell undergraduate his extracurricular activities on the campus brought him election to Sphinx Head, the senior honor society. His principal interests were with "The Cornelian," the school's yearbook of which he became managing editor in his senior year, and his fraternity, Sigma Alpha Mu, serving as head of that chapter for two terms.

Having passed the State Bar examination a year before his graduation, he returned to his native Savannah and began practice in June 1930.

His life in Savannah was marked by participation in every community activity. He served on boards of directors of organizations ranging through the alphabet from the Art Academy to the United Community Service. His prominence was such that he was listed in Who's Who in America and in Who's Who in World Jewry for many years both prior to and after his service on the bench.

Throughout his career he was encouraged and supported by his wife, the former Matilda Shapiro. Mat had been his childhood sweetheart and neighbor. Their marriage was one that was happy and compatible, lasting for 64 years from May 14, 1933, until her death on August 8, 1997. In addition to being an ideal helpmate, she was prominent in her own right. She took part in numerous Savannah communal and state activities. She served for some years on the State Board of Public Welfare, State Board of Family and Children Services, and other statewide committees as well as heading the Savannah Section of the Council of Jewish Women during its fiftieth year of existence.

In chronicling Judge Clark's life, it is appropriate to divide this report into separate phases: judicial, lawyer, citizen, and religion.

### JUDICIAL

When Governor Jimmy Carter selected Sol Clark as his first appellate judicial appointment, it made Judge Clark the first Jewish person in our State's history to serve on our appellate bench. When he was elected without opposition in the subsequent 1972 general election it marked another first: no Savannahian previously had been elected to the appellate courts. The only other lawyer from Chatham County to have thus served was Judge Samuel B. Adams, who had been on the Supreme Court for nine months in 1903 under an interim appointment.

During his five years on the bench Judge Clark wrote in excess of 650 opinions. All of them were noted for their literary quality due to his possessing a felicitous pen. He wrote with clarity and wit. Having been an inveterate reader, he sprinkled his opinions with literary references. Expressing his desire to acquaint bench and bar with the greatness of those who had served on the Georgia appellate benches, he introduced the practice of placing in footnotes historical details concerning those judges from whose decisions he cited.

Another personal quirk was his use of colorful Yiddish expressions. Typical was the case of *Williams v. State*, 126 Ga. App. 350, which commenced with the picturesque word, "chutzpah."

Another personal predilection was his use of alliterations. An example is *Banks v. State*, 132 Ga. App. 809, where he concluded his opinion with a paragraph containing 24 words with the letter "P."

Above all, he sought to make his opinion readable. Toward accomplish-

ing this he frequently would use opening sentences to capture the interest of the reader. An example of his opinions which illustrates this approach as well as his footnotes is *Brown v. Hilton Hotels Corp.*, 133 Ga. App. 286. Lawyers and judges often made him happy with the statement: "I really enjoy reading your opinions."

Although his opinions covered every area, it was a fortunate coincidence that many of the cases assigned to him involved the Juvenile Court Code of 1971. Following his retirement the writers of a Mercer Law Review article noted: "Judge Clark has clearly emerged as perhaps the most significant contributor to the orderly and compassionate development of laws protecting and advancing the interest of juveniles. As a result of the opinions which he has written, he has had a greater impact upon the course of juvenile law than any other jurist in the history of this State. He will be sorely missed." 28 Mercer L. Rev. 158.

The quality of his work was such that one of his opinions, *Seabolt v. Cheesborough*, 127 Ga. App. 254, was selected for publication in a book entitled "Twenty-four Dramatic Cases." This was the only judicial opinion that was included. The selection was the result of his expressed effort to write the facts of each case in the form of a story which highlighted the dramatic human elements.

His personality was such that he endeared himself to his colleagues. Because of his being so well liked, the State Law Department, for the first and only time in history, deemed it appropriate to provide a farewell function upon his resignation. Tributes were paid him by Governor George Busbee, Chief Justice H. E. Nichols, Chief Judge John Sammons Bell, and Attorney General Arthur K. Bolton. The climax was presentation of a letter from President-Elect Jimmy Carter which read as follows: "I regret I cannot personally be present today with your friends and colleagues but I certainly join with them in saluting you for an outstanding career as Judge on the Georgia Court of Appeals. Yours has indeed been a tenure of service in which we can all be proud." To this missive the President-Elect added a holographic postscript: "You made me proud of this appointment."

When the Atlanta Bar Association joined with the Cornell Club of Atlanta in 1977 to honor Judge Clark, President Jimmy Carter wrote a letter for the occasion which included the following: "Although it will not be possible for me to be present personally, by this letter I would like to join with you and the many others who are participating in this tribute to an outstanding human being, lawyer, and jurist. Among the appointments which I have made in the past six years, none has given me greater pride and satisfaction than my appointment of Sol Clark as judge of the Court of Appeals of the State of Georgia."

Judge Clark served for one year as representative of the Court of Appeals on the State Judicial Council.

A significant contribution and indicative of the love which Judge

Clark had for the Court of Appeals of Georgia was his preparation of a history covering the first 70 years of its existence. This material was used in the pamphlet history of that court published in 1978.

Judge Clark's resignation and departure from the bench were universally regretted as he had proved himself to be one of Georgia's better appellate judges. After he left the Court, one of his colleagues, then Chief Judge Braswell Deen, in quoting from one of his opinions described him as "one of Georgia's great judges." *Maddox v. Queen*, 150 Ga. App. 408, 412.

### LAWYER

Before his appointment to the bench, Judge Clark practiced law for more than 42 years in Savannah. After two years as a solo practitioner he formed a partnership in 1932 with Joseph C. Hester and Emanuel Lewis, known as Hester, Lewis & Clark. With changes in personnel, this firm was continued for 40 years until Judge Clark was appointed to the bench. By that date it was known as Brannen & Clark. During 28 years of that period his partner was Perry Brannen. When Judge Clark left, the other partners were sons of the two senior partners, they being Fred S. Clark, Perry Brannen, Jr., and Frank P. Brannen.

His practice covered every phase, but he was best known as a trial and appellate advocate and for his work in legal aid. He also served as assistant city attorney in 1943 and 1944.

As a trial lawyer he was honored by being named a fellow in the International Academy of Trial Lawyers. He served as dean of this prestigious organization in 1969 following several years on its board of directors. He was also a fellow of the International Society of Barristers. Both organizations later honored him by making him a Judicial Fellow. After returning to practice in 1977, the Academy honored him again by election to its board of directors for two terms.

His services were particularly noteworthy in the area of legal aid. After founding the Savannah Legal Aid Office in 1946 he served for 25 years either as chairman or vice chairman of the State Bar Legal Aid Committee. He thus became known as "Mr. Legal Aid of Georgia." He was recognized as the creator of the Legal Services Program when a statewide system was established with federal and state funds in 1970 after he had persuaded the Georgia Bar Association to sponsor this program. He served several terms as a director of the National Legal Aid and Defender Association. He was the only individual to have been awarded the two top honors conferred by that organization, these being the Reginald Heber Smith Award and the Arthur von Briesen Plaque. The certificate which accompanied the first award reads, "In recognition of his pioneering Legal Aid work in behalf of clients, community, and the legal profession, and for his abiding concern for the cause of Equal Justice."

His work in the cause of making legal services available to the poor was recognized by the State Bar of Georgia in 1983 with the creation of its annual "H. Sol Clark Award." The plaque reads:

### THE STATE BAR OF GEORGIA

In Recognition of the Outstanding Service  
to the Bar and to the People of Georgia  
Through His Many Years of Faithful and  
Persistent Efforts to Provide Free Legal Representation  
to those Unable to Afford Counsel

Presents

H. Sol Clark

With Its First Annual  
H. SOL CLARK AWARD

To Be Given Annually and in Perpetuity in His Name  
to the Individual Who Best Exemplifies His  
Efforts on Behalf of Poor People

In 1952, he served as president of the Savannah Bar Association when the organization under his leadership was given the Award of Merit by the American Bar Association.

In the field of probate law he was a fellow in the American College of Probate Counsel and subsequently a Judicial Fellow in that group.

He authored articles for law publications, and these brought him election to Scribes, the American Society of Writers on Legal Subjects. Following his return to practice he became president in 1979 and thereafter served as chairman of its Book Award Committee. He wrote articles which were published in the American Bar Association Journal, Trial, New York State Bar Journal, and Georgia State Bar Journal. In 1981, together with his son, Fred, he co-authored *Settlements — Law and Strategies*, one of the series of books known as "The Law in Georgia." A revised edition was published in 1989 titled "Georgia Settlements Law and Strategies."

In the organized bar his contributions to the profession were such that he was named one of the ten original Georgia Fellows upon the creation of the American Bar Foundation. This organization further honored him in 1982 after he had returned to practice by selecting him from the entire nation to receive its coveted Fifty-Year Award. The eminence of this honor is such that the tribute is stated as a supplement to this biographical sketch.

Emory University in 1968 created summer internships which were designated as "Sol Clark Fellows." He also served four years on the board of directors of the American Judicature Society. Upon returning to practice he resumed his active participation in the Georgia State Bar. He served on

numerous committees. His most signal service was his creation in 1980 of the Authors Court for which he was officially designated as "Founder."

In 1971, the Harvard Law School Georgia Alumni Association awarded him its plaque "for outstanding service to the Bar of Georgia."

After retiring from the bench, Judge Clark returned to active practice in Savannah. He joined the firm which his son, Fred S. Clark, had formed with Edward H. Lee, known as Lee & Clark. In 1987, this firm was dissolved, and he and his son continued as Clark & Clark until Judge Clark's death on January 17, 2003.

Beginning with his eighty-sixth birthday in 1992 he prided himself as being "the oldest active practicing lawyer at the Savannah Bar."

A highlight of his professional career occurred at the 1993 State Bar Annual Meeting. On two successive days Judge Clark was honored. On the first day he was given the Nestor Award from the Georgia Legal History Foundation. He was only the fourth attorney thus recognized. The next day he was given the State Bar Award for Distinguished Service to the Legal Profession. On both occasions, the audience gave him lengthy standing ovations.

At the time of his death, he had practiced law for almost 73 years.

#### CITIZEN

Judge Clark loved Savannah. He showed his devotion by participating in every community activity. Among these were service as a member of the Chatham County Civil Service Board for four years and chairman of the Salvation Army Advisory Board for two years.

He was a board member of numerous organizations including Telfair Academy of Arts and Sciences, Boy Scouts, Mental Health Association, American Red Cross, and United Community Services. He was particularly active in fund raising campaigns for health organizations. He headed the first Southeast Georgia campaign for the State Heart Association. As chairman for the March of Dimes he led in raising the largest sum ever produced in Chatham County for a similar drive up to that time.

Recognition of his devotion to his community came through such awards as the Benedictine Medal of Excellence and the Brotherhood Award of the National Conference of Christians and Jews. Among other honors was an Honorary Doctor of Laws from John Marshall Law School of Atlanta.

He was chairman for many years of the R. J. Nunn Trust Fund which administered that charity for the benefit of the Georgia Historical Society, Young Women's Christian Association, Female Orphans Home, Society of Cincinnati, Scottish Rite, and Zerubbabel Masonic Lodge.

He was an active Mason. Both in recognition of his work in that fraternal

organization and because of the fact that he was an outstanding citizen he was awarded the Thirty-Third Degree by the Scottish Rite.

#### RELIGION

Judge Clark was a devout Hebrew. He believed in and practiced the enduring values of the Jewish faith. He sought to live his life in conformance with Hebrew ethical standards. As such he exemplified the spirit of *g'milleth hesed*, the charity of grace and favor that asks no thanks.

He was president of the Jewish Educational Alliance and of the Bnai Brith Jacob Synagogue Brotherhood. He served as vice-president of the Savannah Jewish Council. He was chairman of a community committee which developed a plan for joint synagogue education of Hebrew children by the Bureau of Jewish Education. In 1948 as chairman of the United Jewish Appeal Campaign a record sum was raised for Jewish charities.

In 1958, he was named Savannah's Jewish Man of the Year. In April 1973, the Savannah Jewish Community paid tribute to him at a special function in recognition of his contributions through service to the community with particular emphasis on his having been the first Jew to serve on an appellate bench in Georgia. He was a member of both the Orthodox Synagogue Bnai Brith Jacob and the Reform Temple Mickve Israel.

#### SUPPLEMENT

When Judge Clark was awarded in 1982 the American Bar Foundation Fifty-Year Award, the organization published this sketch of the recipient's career as of that date:

Fellows Fifty-Year Award, 1982

Judge H. Sol Clark

For over a half century, Judge H. Sol Clark of Savannah, Georgia, has been eminent as a lawyer, an appellate judge, an author, and a citizen who has provided leadership and dedicated service to his community, state, and nation. He has been a tireless advocate, a scholar of the law, one always dedicated to the improvement of the judicial system, and a participant and contributor not only to the legal profession but to all walks of life.

During his professional career he has taken an active part in the organized bar. He was one of the charter members of the American Bar Foundation and has served as a director of the American Judicature Society. He is a fellow of the International Academy of Trial Lawyers, having served on its board of directors for three terms and as its dean in 1969; a fellow of the American College of Probate Counsel; and a fellow of the International Society of Barristers. In 1979, he served as president of Scribes, the American Society of Writers on Legal Subjects. In 1980, the State Bar of Georgia honored him as founder of the Authors Court.

In order to appreciate Judge Clark's many outstanding achievements, they are chronologically divided here into three periods — before, during, and after his service on the Court of Appeals of Georgia.

#### 1929 – 1971

Prior to obtaining his law degree from Cornell University in 1930, Judge Clark passed the Georgia bar examination in 1929, having previously received his A.B. in 1928 from Cornell. Returning to his native city of Savannah, he became a leader in our profession while simultaneously achieving a reputation for dedicated service to his community. He served on boards of numerous organizations ranging through the alphabet from the Art Academy to the United Community Services. He was chairman of fund raising campaigns for the American Heart Association, March of Dimes, United Jewish Appeal, and others. Ever since he was a young man he has been listed in *Who's Who in the South and Southeast*. His prominence has also been such that he has been listed in *Who's Who in World Jewry* in every issue since that publication was commenced.

His public service activities include having served as chairman of the Chatham County Board of Public Welfare for 11 years, as assistant city attorney in 1943 and 1944, as a member of the Georgia Industrial Loan Advisory Board, and as chairman of the Chatham County Civil Service Board. He has also been active in fraternal organizations and is a Thirty-Third Degree Mason.

During this period, Judge Clark became especially interested in the field of legal aid. After establishing the Savannah Legal Aid Society in 1946, he served either as chairman or vice chairman of the State Legal Aid Committee for 25 years. For many years he also served on the board of directors of the National Legal Aid and Defender Association. He is the only individual to have received the two highest awards given by the National Legal Aid Association. He led the organization of the Georgia Legal Services Program, Inc., which had been providing legal services to indigents through offices located around the state for ten years. In 1966 Emory University honored him by creating summer legal aid internships whose recipients are designated as "Sol Clark Fellows."

In 1952, while Sol Clark was president of the Savannah Bar Association, that organization received the ABA award as an outstanding local group, and in 1971 he personally was awarded a plaque that read: "In gratitude for extraordinary service rendered to the legal profession in the State of Georgia" by the Harvard Law School Georgia Alumni Association.

#### 1972 – 1977

In December 1971 Judge Clark was appointed to serve as a judge of the Court of Appeals of Georgia by Governor Jimmy Carter. As such, he

was the first Jewish judge to serve on the appellate bench in Georgia [and subsequently] the first Savannahian to be elected to the appellate courts of Georgia. Judge Clark also served on the State Judicial Council. During his five years on the bench he wrote more than 650 opinions that were noted for their literary quality and scholarly research. The August 1975 issue of the Georgia State Bar Journal remarked that his opinions have been "innovative in style with footnotes containing either witty trivia or historical references."

Although his opinions have covered diverse legal topics, many of the cases assigned to him involved the newly enacted Juvenile Court Code. Following his retirement, the writers of a Mercer Law Review article noted: "Judge Clark has clearly emerged as perhaps the single most significant contributor to the orderly and compassionate development of laws protecting and advancing the interests of juveniles. As a result of the opinions which he has written, he has had a greater impact upon the course of juvenile law than any other jurist in the history of this state. He will be sorely missed." 28 Mercer L. Rev. 158.

At the time of his retirement, tributes were paid to him by then President-Elect Jimmy Carter, Georgia's Governor George Busbee, Chief Justice H. E. Nichols, Chief Judge John Sammons Bell, and Attorney General Arthur K. Bolton. His history of the Court of Appeals of Georgia was published in 1978.

#### 1977 – Present

Upon reaching the mandatory retirement age of 70 in December 1976, Judge Clark resumed a full-time law practice in his son's firm, Lee & Clark, in Savannah. He also has renewed his active participation in the organized bar by accepting important committee assignments in both state and local bars. In addition, he has discussed his judicial experience in speeches made before local bar associations and civic bodies throughout the state.

In 1978 as president-elect of Scribes, he undertook to enlarge its activities, which he in fact did the next year as president. He also served on that organization's board of directors and as chairman of its important Book Award Committee.

He has been a prolific writer on legal subjects since leaving the bench, having had articles published in numerous legal journals. His most recent writing was, as co-author with his son, Fred, *Settlements — Law and Strategies*, one of "The Law in Georgia" series.

Judge Clark is a lawyer "for all seasons." As a jurist on the Court of Appeals of Georgia his record was truly outstanding. For over 50 years he has exemplified the best of professional dedication, both as a lawyer and as a jurist. His life has been one devoted to all that is good.

Respectfully submitted:

Irwin W. Stolz, Jr., Chairman

Fred S. Clark, Esquire  
 President Jimmy Carter  
 Honorable Braswell D. Deen, Jr.  
 Honorable George T. Smith  
 Honorable William LeRoy McMurray  
 Steven Schaikewitz, Esquire  
 Honorable B. Avant Edenfield  
 Honorable Frank S. Cheatham, Jr.  
 Honorable Perry Brannen, Jr.

John B. Miller, Esquire  
 Frank W. Seiler, Esquire  
 A. Paul Cadenhead, Esquire  
 Honorable John Sammons Bell  
 Honorable Phyllis Kravich  
 Aaron Buchsbaum, Esquire  
 Erwin A. Freidman, Esquire  
 Malberry Smith, Jr., Esquire  
 Kirk M. McAlpin, Esquire

REMARKS BY

IRWIN W. STOLZ, JR.

Former Judge, Court of Appeals of Georgia

There is little I can add to that which appears above except personal feelings and observations. By any measures Sol Clark was a great man—a great lawyer and judge, a gentle soul, a witty, accomplished writer, and a dear friend.

Prior to his appointment to the Court of Appeals I was asked for an opinion in view of the fact that Judge Clark would be able to serve only five years due to the mandatory retirement law. My reply was that I would rather have Sol Clark for five years than anyone I knew for twenty. Sol's five years on the Court left a legacy that few will equal and none will exceed.

Later, when I had the good fortune to be appointed to the Court, my office was next to Judge Clark's or just across the hall during our joint tenure. As a young lawyer and judge I regularly sought the benefit of his advice and wisdom. It was always graciously and generously given. We had lunch together at least three times a week and discussed everything from cases to baseball to Watergate. I am proud to say we were friends and colleagues.

REMARKS BY

FRED S. CLARK

Attorney at Law

I am Sol Clark's son. I was born and raised as Sol Clark's son. As an adult, I continued to be known as Sol Clark's son and I imagine for the rest of my life I will be known as Sol Clark's son. That appellation brought me minor disadvantages (the least transgression I did anywhere in this city (Savannah) while I was a minor got to my parents before I got home) and a lot of benefits (the most beneficial of all is the inheritance of a good name).

An English teacher once said, after having assigned me a theme to write about someone, that a better paper is one which contains diatribes rather than plaudits. This presentation will contain only plaudits, and as his son, hopefully I can indulge myself without being offensive to the memory of the Honoree and his friends.

The Talmud, containing statements of ancient rabbis and scholars, says that a man is judged by the example he sets for his children. Of course, the only way to make a determination of the father's qualities is if the children follow his examples.

My father was my pride and my hero throughout my childhood. I frequently would spend the day in his office and many times went with him to the courthouse. Lawyers came up to him and greeted him by name and he responded similarly. When I was introduced, the lawyers made it a point of calling me by name. They frequently asked if I was going to be as good a lawyer as my father. One lawyer in particular would tell me that if I became a lawyer, I would be better than my father. Walking to and from the courthouse or going with him to lunch or on an errand, I would see him greet and be greeted by people practically every step of the way. He called them by name as did they call him by name. I wanted to be just like him when I grew up.

I was raised in a loving home. My sister and I were always invited to bring along friends when we went on family weekend excursions. Our friends were always welcome into our house. My parents knew our friends and called them by name. In the late afternoons when my father would come home and see me playing ball in the street with my friends, he would come and be the catcher in baseball or half-rubber or throw the football with us. He attended our activities. When my sister died of a congenital heart condition at age 19, my parents stayed together through that stressful time and continued until the time of my mother's death at age 89. They had been happily married for 64 years.

Both of my parents loved to read. When I was a young boy, my father would take my sister and me as well as our friends to the library on Saturday afternoons. Some of my friends who went with us always reminded my parents of that as adults and expressed their enjoyment of those occasions.

My father was a voracious reader even as a boy. His sisters told me of two examples of this. His mother wanted him to play the violin. She bought him a violin, sheet music, and a music stand. He diligently learned one composition, and when he was called in to practice the instrument, he played that work, which he had memorized, repeatedly with the music on the stand in front of him. He was not reading the music, however. The music was used to cover the book that he had on the music stand and which he was concentrating on.

He also was recognized by friends and neighbors when he would walk on the sidewalk with one foot on the curb and one on the street while reading a book. He did this because he wanted to concentrate on the book he was reading and, in that way, would know when he reached the next street and had to look to cross the street.

My father attended Benedictine Military School in Savannah where he became a legend. He graduated with one of the highest averages in the history of the school, above 96. In those days, all students had to attend religion classes, even if they were not Catholic. The legend has it that although he was Jewish, he won the medal for the highest grade in the religion class. I learned that his classmate, Julian Corish, was correct when he would tell people that Sol Clark got more Catholic boys passing grades in religion class than many priests. His contributions to the school were recognized when as an alumnus he was awarded the Benedictine Medal of Excellence.

As so many judges and lawyers know, my father was known not only throughout the state, but was recognized nationally and had friends throughout the country because of his abilities as a lawyer and his work in legal aid. I inherited that interest in legal aid and conceived of the idea and, with the assistance of my father and E. Smythe Gambrell, worked with leaders of the Athens Bar Association to organize the Athens Legal Aid Society. Although the school records reflect the Legal Aid Society as having been started in 1967, it was actually started in 1961 and the only employees were volunteer law students. We were given an office in the Clarke County Courthouse, and all of the participants got experience in interviewing clients and learning what the practice of law would be like.

Although I was offered an opportunity to work in Atlanta with a law firm there headed by a close friend of my father's, I wanted to return to Savannah, which I did. I began practicing with his firm, then known as Brannen, Clark & Hester. The firm was very successful and very active in trial work, and I began my training as a trial lawyer. What is significant about this aspect is that at that time there were lawyers who practiced with their fathers and stories of others before them whose fathers were so overbearing that the sons were never given enough responsibility to develop properly as lawyers. My father's training of me as a trial lawyer consisted of him allowing me to sit next to him for an entire trial and

App.)

thereafter having him sit with me during my first jury trial. Thereafter, I was trying cases.

An illustration of the significance of his interest in my development occurred during the end of my second year of practice. I was offered the position of Assistant U. S. Attorney in Savannah. At that time, there were only four Assistant U. S. Attorneys in the Southern District of Georgia. One handled Augusta and Dublin, one handled only real estate, and two of us and the U. S. Attorney handled trial work. The offer came in by telephone from Donald Fraser, the U. S. Attorney. His invitation went like this: Donald Fraser — "Fred, I want you to come over here and help try cases." Fred Clark — "What do you mean?" Donald Fraser — "I want you to get away from your father and work with me." Fred Clark (still perplexed) — "How do you mean?" Donald Fraser — "I want you to be Assistant U. S. Attorney." I told him I would have to discuss it with my father.

At that time, my father was the busiest of the lawyers in the firm and I was primarily assisting him. Both of the senior partners said that I should not take the position because my father needed me and I was developing properly.

My father was the last one with whom I discussed this because he was in a conference during those couple of hours. When he came in to find out that I wanted to discuss the offer with him, he replied immediately, "You must take it! It would be wonderful for your career." Later in the conversation he said to "be sure to tell Don Fraser that you and I have a good relationship professionally." I communicated these messages to the U. S. Attorney, and his reply was, "I know you have a good relationship with him. However, this will give you an opportunity to make a name for yourself."

During the rest of my career as Assistant U. S. Attorney and in private practice, I tried a wide variety of cases. My father frequently would come in unobtrusively and sit in the back of the courtroom to observe me. There were many times when I wanted to run to him for help, but obviously refrained. The only instance was when he sat with me in behalf of the client while I defended successfully the only hijacker of a commercial airliner who was acquitted.

As a lawyer, my father was recognized for his abilities by membership in the International Academy of Trial Lawyers where he served as dean and as director, the International Society of Barristers, American College of Probate Counsel, and Scribes, an organization of writers of legal subjects of which he became president. These are all organizations where membership is by invitation to only those achieving the high standards of the profession.

My father is known locally as having an exceptionally good general practice which includes trial work. This trial work was primarily defense work, though he won a \$130,000 verdict in a death case which stood as a

record in this Court for approximately 15 years or until more recent verdicts were rendered of about \$950,000, \$225,000, and \$250,000 in federal court and over \$1,000,000 and \$450,000 in superior court. I am well aware of the verdicts and of records being broken because I participated in the trials in which these verdicts were awarded. I hope it does not detract from my reputation that I represented the defendants in those cases.

He served as a judge on the Court of Appeals. Having been appointed by then Governor Jimmy Carter, he was the first appellate judge from Savannah and the first Jewish person holding that honored office. When Jimmy Carter was elected President, the New York Times singled out Judge Clark as representing the high caliber of Carter's judicial appointments while Governor. He is well known by those who read his opinions that he established himself as an appellate pundit.

When at the age of 65 years he went on the bench of the Court of Appeals, he then had been practicing law successfully in Savannah for more than 42 years.

Throughout his opinions are found compliments to the attorneys upon the excellence of briefs. This provided encouragement to the advocates toward recognition of the thesis which he quoted in *Waters v. Groover*, 138 Ga. App. 276, that "If better briefs are written, the courts will produce better decisions."

By considering each appeal from the standpoint of the attorneys, he would discuss each point raised by the losing advocate. Counsel would observe that their arguments had been given full consideration which furnished some solace to the losing party.

Frequently, his opinions would go beyond the specific points when he would use the phrase, "for benefit of bench and bar." Therein he would summarize or clarify the law.

Of all the encomiums paid my father at the time of his retirement from the bench, he was most proud of the words placed on the plaque presented him by his fellow judges: "With deep affection and appreciation to H. Sol Clark, Judge, Court of Appeals of Georgia, Retired, for his exemplary service as an active judge on this court from his colleagues privileged to serve with him."

In his latter years whenever there was some incident that affected him, including the diagnosis that he was losing his eyesight because of macular degeneration, I expressed my concern. His reply was always, "I am ninety \_\_\_\_ years old. I have lived a good life. I will be alright." He did indeed live a good life.

His record as one who seeks to be judged as a success by his examples is now before you. But while judging Sol Clark highly, let me give you another saying from the Talmud, "Blessed is the father who has a son who

is proud of him . . . but more blessed is the son who has a father of whom he is proud."  
I have always considered myself fortunate to be more blessed.

REMARKS BY

BRASWELL D. DEEN, JR.

Chief Judge, Retired, Court of Appeals of Georgia

All acknowledge that H. Sol Clark was a gentleman and a scholar. He was a kind man possessing sterling qualities of unimpeachable character and impeccable integrity. He walked justly and loved fair play and justice.

The prophet Micah points out the three requirements of man: "to do justly, and to love mercy, and to walk humbly with thy God." Sol met all of these three tests of a man. He loved justice, principle, and precedent, but sprinkled his many noteworthy opinions with a touch of mercy. Shakespeare's Judge Portia noted: "The quality of mercy is not strained. It dropeth as the gentle rain from heaven Upon the place beneath: [I]t is twice blest; it blesseth him that gives and him that takes. . . . [I]t becomes the throned monarch better than his crown. . . . The attribute to awe and majesty, Wherein doth sit the dread and fear of kings; But mercy is above this sceptred sway. . . . It is an attribute to God himself." Sol's many colorful opinions reflected research and right conclusions of both the facts and the law.

Sol was a mentor to this writer. After he retired from the Court he went back to work with his son, Fred, as an attorney, in his beloved Savannah. I had the pleasure of visiting him at this office during his senior years of practice. He was still most active, and the comments he made in *Emory University v. Williams*, 127 Ga. App. 881, 886 (1973), are an echo of his own life: "Pablo Picasso is still painting at 90; Leopold Stokowski is still conducting at 90; and Pablo Casals is still playing the cello at 95. Cf. Cicero wrote his immortal *De Senectute* at the age of 86." This writer cited many cases and authors over the years and Bleckley and Clark head the list.

There are two kinds of people, and H. Sol Clark, he, is of the very kind, that all of us, would like to be; Whose works and deeds outrun their words and talk so far, That more than what they may sometime seem, they truly are; And, may the many contributions and achievements, and great memories of his life continue to shine forth like a bright and beautiful morning star!

## REMARKS BY

WILLIAM LEROY McMURRAY, JR.

Chief Judge, Retired, Court of Appeals of Georgia

It was my distinct honor and privilege to have served on the Court of Appeals of Georgia with Judge H. Sol Clark until his untimely mandatory retirement at age 70 at the zenith of his intellectual endowment.

Judge Clark has endeared himself in the hearts of the citizens of this state. He was always a gentleman, a kind man who never spoke an unkind word nor did an unkind deed. He was a gifted and compassionate jurist of unsurpassed judicial qualifications. His tenure on the Court of Appeals of Georgia was characterized by his integrity, his courage, his sincerity of purpose, untiring capacity for hard work, his inherent ability to interpret the law with clarity, and his unending search for truth.

Judge Clark's opinions, published and recorded for posterity and in perpetuity, are courageous, profound, artful, and scholarly. His character was above reproach and his honesty, loyalty, and integrity unquestioned.

Judge Clark demonstrated his profound concern for the protection of the rights of litigants and their counsel. His humility is exemplified by his being affectionately known in an endearing way to his fellow Georgians as just "Sol."

In honor of the inspiring memory of this great and dear human being, we say "Shalom."

## REMARKS BY

STEVEN SCHAIKEWITZ

Staff Attorney, Supreme Court of Georgia

I first met Judge Clark in chambers on a hot summer day. I had just finished law school and was intimidated by the prospect of meeting an appellate court judge, especially one as learned and esteemed as Judge Clark. I was led into his office and he rose to greet me. He was robust and energetic, but he was not a big man physically. He was dressed simply — white, short sleeve shirt, no tie. He pointed to a chair and I sat down stiffly, opposite him. My discomfort must have been obvious. He smiled and we engaged in small talk. He quickly put me at ease. I went on to work for Judge Clark for three years, and always remained at ease in his presence.

He was my mentor. I came to know him as a lawyer's lawyer, a judge's judge. He loved the law. He loved to labor in it. He loved to study it. He arose early and arrived in chambers by 7:00 a.m. He would remove his hat ("an attorney should wear a hat," he often advised) and coat and immedi-

ately set to work. He was not one to waste time. "Work is a habit," he said. And work he did. He would sit at a manual typewriter, nestled in a corner of the library where he could easily reach for the latest volumes of the Court's decisions. We shared that library. It was all of 7' x 17'. He was at one end. I was at the other. Later when each judge was able to hire an additional clerk, we all three crowded into the library, with Judge Clark banging out opinions on the old-fashioned typewriter, and his clerks buzzing along on IBM Selectrics. It could get quite tumultuous, and I would marvel at his powers of concentration. He would work away, with hardly a break, until 11:00. That's when he went to lunch. "When you get to work at 7:00," Judge Clark would say, "it's time to eat by 11:00."

I was never one to arrive before 9:00 a.m. Once, however, I happened to come in extremely early. I waited eagerly to see what Judge Clark would have to say to his early bird. I looked at my watch at 7:00 — no Judge Clark. At 7:02 — still no Judge. A minute or two later, I heard the door open. Judge Clark came in, looked at me, uttered a simple apology for being "late," and went to work.

He would work on his opinions until 4:00 p.m. Most would have called that a full day, but not Judge Clark. That's when he attended to his voluminous correspondence, dictating letters until 5:00, when he finally tired and left for the day.

Other judges often sought Judge Clark's input and advice. If they happened to approach him while he was working, he would remain seated at his typewriter, reply directly to the question asked, and wait patiently for the questioner to leave. One time, a judge approached Judge Clark with a question and the two judges engaged in a lively legal discussion. When the discussion came to an end, Judge Clark was ready to return to work, but the other judge was not ready to leave. Judge Clark began to fidget in his chair. The fidgeting turned into squirming, but the hint went unnoticed. After a while, Judge Clark stood up, looked at his watch, and thanked the judge for coming by. When the judge left, somewhat miffed, Judge Clark calmly returned to his typewriter and the work he loved.

He worked his opinions again and again, seeking just the right word, the right phrase, the right citation. He took great pride in his opinions, and it showed. They were scholarly, but always readable, and often with a touch of humor, a Yiddishism, an alliterative phrase, or a historical note. Above all, he strived to reach the right result, to remain true to the law and do justice for the parties.

In the years I worked for Judge Clark, I never heard him raise his voice or utter a harsh word. And I never heard him speak badly about anyone. He was a legal scholar and an erudite jurist. He was also a kind, gentle man, a gentleman, a mensch. He treated everyone, judges, law clerks, secretaries, and lawyers, with respect and kindness. This was Judge Clark's greatness. He rose to the heights of his profession and was admired

for his wisdom and scholarship. At the same time, he was loved for his humanity.

REMARKS BY

B. AVANT EDENFIELD

Judge, United States District Court, Southern District of Georgia

Much can and should be written about Judge Sol Clark. His contributions to our profession, our government, and to the advancement of civilization should be celebrated. Indeed, he served his nation, his state, his community, and his profession, as few others have. His love of language and his love and kindness to people are the attributes I remember most vividly.

When I began the practice of law in 1958, our small firm in Statesboro was employed to represent a buyer of real estate in Savannah. The purchase was to include an entire city block of small parcels that had been used over the years as mercantile establishments. I was assigned to examine the title that we were asked to certify. The various parcels had from time to time, been subdivided, consolidated, the object of land line disputes, bankruptcies, tax sales, and other proceedings that vex real estate lawyers. The title work would have been difficult for any lawyer, and it was most intimidating for one just beginning practice.

Fortunately, most of the sellers were represented by H. Sol Clark. I did not know him, nor of his reputation, yet I was gravely concerned about making an error or having some older lawyer take advantage of my lack of experience and my ineptness. After many torturous hours in the records room of the Chatham County Courthouse, I went to see Mr. Clark, whom I viewed as an adversary.

I explained to him the many difficulties I was encountering with the titles, i.e., similarities of names, gaps in the titles, etc. He extracted a file from his records and invited me to examine it. Alas, all the pieces of the puzzle fell into place. Moreover, he reviewed my work, found that some of it was deficient, and discreetly helped me rectify my mistakes. At the closing he extolled my hard work to my clients and made me appear a far better lawyer than I was. My clients rewarded me with a good fee and, most importantly, with their approbation. That was the beginning of our 46-year friendship.

That incident framed my impression of what an older lawyer was and should be. Indeed, I know of no one who abided by this personal code of helping other lawyers more than H. Sol Clark. Over the years, I learned from many other lawyers, many of them my peers, about occasions when they, too, had been the recipients of the kindness and generosity of this

remarkable man. His appointment to the Court of Appeals of Georgia was warmly received. Merit and goodness had been recognized. The lawyers in Savannah and Southeast Georgia were elated. They knew best the man, the judge, the lawyer.

Judge Clark's writing style on the Court of Appeals was erudite, refreshing, often humorous, and always scholarly. He was an excellent speaker, and the speaker of choice at bar association meetings and civic clubs. He used these occasions to teach lawyers and laymen about the law, our history, and their government. His theme usually was equality under the law. If any person fails to receive equal justice, we are all the losers. His commitment to those accused of a crime and without the economic resources to obtain legal representation lasted the almost three quarters of a century that he was a lawyer. His addresses were uniformly humorous, entertaining, and educational. Sir Edward Coke, the great English jurist, said, "There is no jewel in the world comparable to learning." Sol Clark was always a keen student.

He, on occasion, accepted my invitation to address our new citizens at court naturalization ceremonies. He was a first generation American, whose parents emigrated from Russia. His talks on these occasions were inspirational. I recall his story of his father's naturalization, when his father returned home with a framed certificate of citizenship and stated to the family: "Today I am an American, it is the happiest day of my life."

Judge Clark was an excellent lawyer and a worthy adversary. It was my pleasure to associate with him on several cases, and his presence gave me great comfort and provided assurance to my client. His ability to work hard for so many years and to help others, including those who were without financial means, education, or social connections, endeared him to a generation of lawyers and nonlawyers.

Perhaps these words from Pope's Essay on Man capture the spirit of my feelings: "An honest man's the noblest work of God. Thou wert my guide, philosopher and friend."

REMARKS BY

FRANK S. CHEATHAM, JR.

Senior Judge, Superior Courts of Georgia

I first became acquainted with Judge Clark as a young lawyer. He was the founder and president of the Legal Aid Society of Savannah. As I understand it he was also the father of legal aid in Georgia. When he enlisted my services and told me of his goal to build an organization to provide legal assistance to people who needed such help but could not afford to retain a lawyer I got my first view of a man who, although a busy and

successful practicing attorney, saw a need and was willing to give his time and talents to solve it.

We became friends although separated in years as he was considerably older than me. As fate would have it, we later became political opponents in a race to fill a vacancy in the State House of Representatives. We remained friends after the election. As a matter of fact when he was being considered to fill a vacancy on the Court of Appeals of Georgia I had the pleasure, along with many others, to endorse his appointment.

I would suggest that Judge Clark can be best described by observing that not only was he an outstanding lawyer and jurist, but he was a gentleman of the old school.

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REMARKS BY

PERRY BRANNEN, JR.

Chief Judge, Superior Court of Eastern Judicial Circuit

My memories of Judge H. Sol Clark are as varied as my relationships with him from associate, partner to long-time friend. He was always a mentor to younger lawyers, who benefitted from the wisdom of many years of experience. He constantly encouraged younger lawyers and set the Savannah standard for long hours and hard work. He thoroughly enjoyed all aspects of the practice of law and the clients he served. He was never happier than when he was at work.

Judge Clark's accomplishments are a matter of record and I will not recount them here. However, several personal observations would seem to be in order. Judge Clark had a genuine interest in people beginning with a love of his family. He delighted in knowing facts about acquaintances. Often, he would address a person using the full name when others would not remember the middle initial. He knew the Savannah connection and would inquire about family members. He made people feel special and important. His love of people extended to the children for whom he saved foreign stamps.

Finally, I would note his genuine love of the law itself. Judge Clark could usually be found in our law library. He delighted in copying passages from law books by typing on a Royal upright manual typewriter. As a judge on the Court of Appeals, he would retire to his corner of the library where he would type opinions on the same typewriter.

The passing of Judge H. Sol Clark marks the end of an era for Savannah and the State of Georgia. I consider it a privilege to have known him.

REMARKS BY

JOHN B. MILLER

Attorney at Law

It is a distinct honor and privilege to join in memorializing the life of H. Sol Clark, friend, lawyer, retired judge of the Court of Appeals of the State of Georgia, and a pioneer champion of charitable legal services in Georgia.

Upon moving from the Macon Bar to the Savannah Bar around 1952 (upon the recommendation of my good friend Griffin B. Bell), one of the early signs of Savannah's graciousness was the sincerity and warmth of the greeting and acceptance accorded to me by H. Sol Clark, a leader of the Savannah Bar, modest and unassuming, yet radiating intellectual strength and professional confidence which made him immediately outstanding in any group. As an adversary I found Sol to be quietly aggressive and tenacious in pursuit of his goals and the representation of his clients. As a friend he could always be counted upon to lend you his support. In the community he was both a servant and a leader. He was sensitive to the needs of the general public who were unable to employ legal counsel. He not only personally assisted the indigent but devoted substantial time and talent to creating the organized legal aid program not only in Chatham County but statewide.

On a lighter note, one of Sol's principal assets was his wife Matilda ("Mat"), who at the age of 85 landed an 85-pound game fish off the Florida Keys — one for the Guinness Book of World Records. Mat knew and jealously protected the best trout and bass fishing drops along the Savannah coastal waters. Sol knew when he was beat and gave her no competition.

During the relatively short time that Judge Clark served on the Court of Appeals of Georgia he wrote decisions with brevity, clarity, and deep judicial insight. In the case of *Williams v. State*, 126 Ga. App. 350, an enterprising and audacious burglar broke into the sheriff's office in Jenkins County taking from the evidence room a collection of pistols, rifles, and shotguns held for evidence in a coming trial. The convicted defendant's appeal was reversed by a unanimous court on the ground of insufficient evidence, Judge Clark writing for the court. Judge Clark used the term "chutzpah" to describe the crime. In the first footnote, he described this expressive Yiddish word: "the classic definition of chutzpah is that quality enshrined in a man, who having killed his mother and father, throws himself upon the mercy of the court because he is an orphan." Subsequent opinions of the court have found this a most appropriate term to apply in a given situation.

"Sol, God led you through an outstanding career of legal and judicial

servanthood. You have left a record which is a challenge and an inspiration to future generations."

REMARKS BY

FRANK W. SEILER

Attorney at Law

Sol Clark was always very kind to young lawyers. Shortly after I started practicing with Bouhan, Lawrence, Williams, Levy & McAlpin, I had been sent down to argue some demurrers that McAlpin had filed in a case that we were defending for an insurance company. You remember the demurrer . . . a relatively useless part of our procedure that accomplished little more than taking up time and generating fees. No wonder they got rid of it! My opponent was a crafty plaintiff's attorney who argued vehemently against my position. It was a close question. I thought I had done my homework. The judge announced that he would take a short recess and then return to the argument.

Sol Clark had been sitting in the courtroom waiting his turn to argue another case. Before the judge adjourned for the recess, Sol had placed a note on my desk which simply read, "look at this case," and he provided a citation of a Supreme Court of Georgia decision. Needless to say, at the break I ran to the judge's chambers, grabbed the book, looked up the case, and low and behold, it was directly on point with what I was arguing. With this valuable help I won the point, but I always felt that Sol was entitled to half of the fee!

Another incident involving Sol occurred during the twilight years of the late Judge Frank Scarlett of our United States District Court. Judge Scarlett loved Sol Clark.

This time I was the spectator in the courtroom while Sol Clark made an impassioned opening statement to a jury in a case that he was trying before Judge Scarlett. When Sol concluded his opening and was on his way back to the table, Judge Scarlett, who had listened very carefully to everything Sol was preaching, waved off opposing counsel and addressed Sol Clark, "Sol, can you prove everything you said in that opening statement?"

Sol Clark replied, "I think I can, Your Honor."

Judge Scarlett said, "Well, if you do, I'm going to direct the verdict for you and go back to Brunswick."

This shocked the other side so much that I believe they settled the case at lunchtime over in Walgreen's Drug Store. It didn't take long for the story to get passed around among the Savannah Bar.

Sol Clark was indeed a wonderful lawyer and a great man.

REMARKS BY

A. PAUL CADENHEAD

Attorney at Law

Sol Clark of Savannah died January 17, 2003, at the age of 96, after more than 73 years as a practicing attorney and serving as a judge on the Court of Appeals of Georgia.

Professional colleagues remember Judge Clark as an enlightened mind, able attorney, and studious judge. But his contributions go beyond the bounds of the legal profession, although many of his community involvements are closely associated with his legal training and career.

By any standard this 96-year-old man was an old attorney, but also by any standard he was an invigorated practitioner whose energy surpassed that of colleagues decades younger. The local press quotes a superior court judge as opining that Sol "was one of the hardest workers I have ever seen." My memory confirms that. When he lived in Atlanta during his tenure on the Court of Appeals he arose before daylight and walked to the court from his apartment at the Landmark Apartments. But he was also very observant. Several times he told me that Atlanta is blessed with sunrises as beautiful as sunrises anywhere on the globe.

Sol was the first member of the Jewish faith to serve on appellate courts in Georgia. His unique ability is confirmed in that then Governor Jimmy Carter, a self-proclaimed "born again Christian," in 1972 appointed him to that high judicial post. His appointment was a credit both to appointer and appointee, affirming that our system of justice and those who administer it embrace all faiths and backgrounds.

Beyond his legal and judicial career Sol was champion of the underprivileged. In 1946 when Sol had been practicing only 17 years he established the Savannah Legal Aid Society and served as its first president. He assisted in starting similar societies in other cities in the state. Today Legal Aid Societies are recognized as necessary in the administration of justice and enjoy support in community budgets, contributions from charities, and support from the legal profession. For 25 years Sol served as chairman of the State Legal Aid Committee. Indeed, he deserved and received the title of "Father of Legal Aid in Georgia." Recognizing this the State Bar of Georgia annually presents the H. Sol Clark Award to a lawyer recognized for serving people in need.

Sol was an avid reader and student. His ability to quote from the classics was remarkable. In written legal opinions while on the court he often referred to writings beyond legal volumes, recognizing that the "learned" profession of law could learn from other sources than stilted legal jargon. In addition to court opinions he wrote extensively and was president of Scribes, a national organization of legal writers. This breadth and depth of reading, as well as his studious reading of briefs filed in cases, were once

evident in a brief I filed. In that brief I alluded to paint found on a wrecked vehicle and analogized it to the blood in Macbeth. He did not write the opinion in that case, and therefore perhaps could be excused for not reading the brief in great detail. But weeks later after the court handed down its opinion the judge commented to me in passing that I should reread Macbeth. I marveled that he read so closely briefs in cases in which he was not to author the opinion.

Recognizing the greatness of this man I likewise marvel that he would and did bond in a professional and personal relationship with me, a lawyer much junior to him. This bonding lasted until the end of his life when he instructed his son "to be certain to inform" me of his death. I was deeply touched that this oldest still-practicing lawyer in the state would include me within his close circle of friends.

When Sol was admitted to the bar in 1929 I was only three years old. When he established the Savannah Legal Aid Society in 1946 I was still in the uniform of an Army paratrooper and had not yet entered law school. And not too many years later I followed in his footsteps and became president of Atlanta Legal Aid Society. Truly he was a stalwart in the profession before I began my legal infancy. It was therefore a high honor when in 1976 he called upon me to represent him in litigation to obtain retirement to which he was entitled and which the state threatened to withhold.

In 1976 the law mandated that an appellate judge retire at the age of 70. Because he had not served ten years on the bench the state retirement system declared that he was not entitled to full retirement. We contended that because retirement was mandated at age 70 he was involuntarily retired and entitled to benefits. We succeeded in that litigation. It has been a long time since that professional relationship; in fact, it has been so long that the assistant state attorney general who represented the state later was appointed to superior court and has now reached the age for and accepted retirement as a senior judge.

His knowledge of history was encyclopedic. Once while in Savannah, as is my practice, spent time reading from the numerous monuments. Without announcing his presence Sol appeared behind me and commented on the monument. I asked some questions that began a conversation about the particular monument. He then offered to give me a personal tour of historic Savannah and spent the entire afternoon doing so. Following that personalized tour my partner, Ed White (now deceased), and I were invited to Sol's home for dinner. It was a memorable afternoon and evening.

His willingness, indeed eagerness, to mentor to young lawyers was and is contagious. I am now nearer to my eightieth than seventieth birthday and am therefore senior to the vast majority of lawyers. But harking back to the time and interest Sol invested in me, I am eager to, and indeed do, mentor to younger lawyers. Sol's influence for ethics, energy, and assistance to the needy may thus pass through me and many others like me

who benefitted from Sol to lawyers who will guide our destiny after we pass from senior status to the status of those who are the subject of obituaries. If we can influence only a fraction of those influenced by Sol, our lives will have been successful.

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REMARKS BY

J.D. SMITH

Chief Judge, Court of Appeals of Georgia

In no way can I add to or improve upon these eloquent tributes to Judge Sol Clark. I add only this short, personal recollection because I think it says something about the kind of man he was.

Well over 30 years ago, my first job out of law school was with the Supreme Court of Georgia. I was hired by then newly appointed Justice William B. Gunter to serve as his first law assistant. I attended the swearing-in ceremony for Justice Gunter, and on that day, Governor Jimmy Carter also swore in Judge Clark as a judge on the Court of Appeals. I had never met Judge Clark before that ceremony. As best I can remember, I never had another personal encounter with him until after I was appointed to the Court of Appeals over 21 years later.

I received many congratulatory letters when I was appointed, but none meant more to me than the one bearing a Savannah postmark that came from Judge Clark. In it he specifically mentioned that ceremony from over two decades earlier, congratulated me on my appointment, and spoke of how gratified I must be to return to the Judicial Building after so many years. I was moved almost to tears that a man of his stature would remember from so long ago a single meeting with a totally inexperienced young staff attorney fresh out of law school. I had always known from his opinions and his excellent reputation that he was a very special man. I did not know just how special he truly was, though, until I received that letter. As Judge Stolz said when I first told him this story, "That was typically Sol Clark!" Indeed it was.

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# INTERNATIONAL ACADEMY OF TRIAL LAWYERS



January 27, 2005

## Member Directory

### Menu

Member Directory  
By-Laws  
History  
Programs  
Dean's Addresses  
Board of Directors  
Past Presidents  
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Fred S. Clark, born Savannah, Georgia, July 10, 1936. Admitted to bar, 1960, Georgia. Preparatory and Legal Education: Cornell University, A.B., 1958; University of Georgia, LL.B., 1961. Career Biography— Position Held: Assistant U.S. Attorney, Southern District of Georgia, 1964–1966; President, Savannah Section, Federal Bar Association, 1966; Assistant City Attorney, City of Savannah, 1968–1969; City Attorney, Savannah Beach Georgia, 1973–1974; Chatham Cnty. Atty., 1981–1984. Organizations—Fraternalities, Memberships, Fellowships: Savannah (President, 1979) and American Bar Association; State Bar of Georgia; American Judicature Society, Maritime Law Association of the U.S.; Federation of Insurance Counsel; International Academy of Trial Lawyers, Board of Directors, 1979; Fellow, American Bar Foundation; Georgia Bar Foundation. Author: Defense of Indigents in Georgia; Annual Survey of Ga. Law-Agency, 1965–1966, Vol. 18, Mercer Law Review, Page 9; Interest and Usury-Encyclopedia of Ga. Law, Vol. 18; Prosecuting and Defending Cargo Claims, Vol. 29, Federation of Insurance Counsel Quarterly; Settlements, Law and Strategies (Harrison Co.), Georgia Settlements Law and Strategies (Harrison Co.).

*He is looking for Research his Father Did .*