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## Tribute to the Honorable Henry Woods

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## TRIBUTE TO THE HONORABLE HENRY WOODS

*Bill Wilson\**

Much has been written about Henry Woods, the Renaissance Man. I thought a discussion of his preparation for trial and trial tactics from the “inside” might be of some interest.

Elsewhere in this publication you can read his speech “Preparedness,” made when he was only thirteen years of age. When I recently read this speech for the first time, I was amazed. The roadmap revealed in this short speech was one that he followed, in spades, for the next seven decades of his life. Working with, and trying cases with, Henry Woods for the last eight years before he became a judge, I never ceased to be amazed at his preparation. There was no wasted motion in the man. He performed tasks quickly, but never seemed to be harried, regardless of how tightly his schedule was packed.

Even during the final days of trial preparation—a particularly busy and pressure filled time for trial lawyers—he always left a clean desk when he finished his day at the office. This is, of course, a rare accomplishment, even for those who are not so busy.

In his first interview with a client, he took copious notes, but rarely had to interrupt a client to ask her to slow down. He had his own brand of shorthand, decipherable only by him. Near the conclusion of the interview, if he thought the case was worthy of investigation, he was careful to get the client to sign “on the dotted line.” During the initial interview he deftly avoided answering the question that most clients ask—“How much is my case worth?” *After* the client had signed the fee contract, he was careful to gently disabuse a client who had an inflated notion of the value of the case. He was especially gentle with bereaved parents in cases involving the wrongful death of a child; yet he was firm in getting them to realize that money is the only thing that a lawyer can recover for the parents. While the parents may accept this fact intellectually, it is extremely difficult for them to accept it emotionally. Because of this, many lawyers have a difficult time settling wrongful death cases, even when an entirely reasonable offer is on the table. Henry Woods was a master at getting the parents to understand this sad reality.

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\* Judge Wilson was a practicing lawyer from 1965 until he became a district judge for the United States District Court for the Eastern District of Arkansas on October 1, 1993, save for three and one-half years he served in the United States Navy during the Vietnam matter. From 1974 until lawyer Henry Woods became Judge Henry Woods, he was “of counsel” with the firm of McMath, Leatherman & Woods, and tried many cases with Judge Woods and his partner, Sidney S. McMath.

As soon as the clients left his office, he instigated a full court press on the case and did not let up until it was resolved by trial or settlement.

He would immediately dictate a complaint, dictate letters to the attending physicians and hospitals, request the police report, start interviewing witnesses, and, in most cases, hire an investigator.

Virtually every weekend he would review each of his open files and "hit 'em a lick" (as he put it) to keep them moving. He realized, as a plaintiff's lawyer, that the status quo generally suits the defendant just fine.

As the trial date approached, his attention to the case became more keenly focused. The last week before the trial he thought and talked of little else.

Invariably, he would volunteer to prepare the proposed jury instructions. This made him a rarity amongst trial lawyers. When a lawyer is making last minute trial preparations—re-interviewing witnesses, marking exhibits, reviewing the list of prospective jurors, etc.—the preparation of jury instructions is an onerous, unwelcome task. Henry Woods relished this part of the trial practice. He was wont to point out, "I have never been reversed on a jury instruction." He served for many years on the Arkansas Supreme Court's Model Jury Instruction Committee (Civil), chairing it for approximately ten years. To him, jury instructions were pure law in action, and he loved tailoring them to factual nuances of the case soon to be tried. He and his good friend and fellow member of the jury instruction committee, Winslow Drummond, of the Little Rock Bar, were both well-known as "Mr. Jury Instructions."

When Henry Woods and I were trying cases together, we divided the trial responsibilities early on in trial preparation. As a general rule, I did the voir dire, and he did the opening statement.

As time went on, I generally performed both of these tasks. (It, of course, pleased me to no end that he would entrust both of these important parts of the trial to me.) We would divide witnesses for both direct examination and cross examination. He generally took experts on cross examination. His unusually keen intellect and curiosity permitted him to master the expert's discipline much more quickly than most lawyers.

I would do the plaintiff's opening summation, and he would deliver the "hammer." His years of experience, knowledge of the law, poetry, and aphorisms rendered him particularly well-suited for a closing summation. He had a virtually unlimited source of "specimens of eloquence." He would say, for example, "These parents *know* what the poet meant when he wrote about the darkest hour of the soul."

He often enjoyed that particularly heady wine known only to trial lawyers who love the arena of justice—a jury verdict in his client's favor.

On occasion, however, he had to taste the bitter wormwood, which is tasted by all lawyers who try very many cases—an adverse jury verdict. But after a few hours of severe chagrin, he would, in the words of the Timex

watch ad, “take that lickin’ and keep on tickin’.” He was especially good at knowing when to pick up the pail and move to another cow. He did not make a decision to appeal based on the heat of the moment. In this regard, he was the most objective trial lawyer that I have ever known.

In fine, Henry Woods was the “compleat” trial lawyer.

