

Testimony of

The Honorable Reuben Anderson

Partner
Phelps Dunbar LLP
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My name is Reuben Anderson. My purpose today is to tell you why I believe Michael B. Wallace is qualified in every way to be a member of the United States Court of Appeals for the Fifth Circuit. If you look at the facts, you will agree with me completely.

First, I have been told that I need to introduce myself to this committee. I am a partner with the Phelps Dunbar LLP law firm and have practiced law with Mike Wallace there for the past 15 years. Before that I served by both appointment and election as a state court trial and appellate judge, with the last six of those years on the Mississippi Supreme Court. Previously, I had practiced civil rights law at a small firm in Jackson which served as local counsel for the NAACP Legal Defense Fund.

It might help you age me to know that Senator Trent Lott and I attended the University of Mississippi Law School at the same time. In 1967, I became the first African-American to graduate from that school. When I began my practice in Jackson, there were only seven black lawyers in the whole State of Mississippi. Today there are more than that in the Jackson office of our regional law firm.

Over the years, I have served as president of the Mississippi Bar as well as the Mississippi Economic Council, our state chamber of commerce. In 1996, I co-chaired President Bill Clinton's campaign in Mississippi. In recent years I have had the privilege of serving on the boards of Trustmark Corporation; Tougaloo College, my alma mater; the Kroger Company; BellSouth; and Burlington Resources as well.

I say all this simply to point out that in my 39 years as a lawyer I have had plenty of opportunities to judge the qualities of attorneys. I have been one, I have judged their cases, and I have, as a corporate board member, hired and fired them. In my judgment Mike Wallace is one of the best I've ever seen.

This is not a political judgment. Mike and I stand in different political parties. We disagree on many political issues. I am, I'm proud to say, a Democrat. But the question before this committee is not his politics but his intelligence, integrity and judicial temperament. In my opinion, he has all three.

My first encounter with Mike Wallace came in 1988. He appeared before the Mississippi Supreme Court on behalf of the victims of asbestos poisoning. He persuaded our court that residents of other states could sue in Mississippi to take advantage of the long limitations period our statutes then allowed. I disagreed with him. But he carried the day with our court.

The next time Mike came to our court he appeared on behalf of Claiborne County, a majority black Mississippi county whose ad valorem tax revenue from a nuclear plant had been reduced

by the state legislature. Our court agreed with him that the county should have a chance to argue that racial discrimination was the reason the state had reduced the county's tax revenue.

When I left the bench in 1991 I had offers from several law firms. Mike Wallace is one of the reasons I chose to become a partner at Phelps Dunbar. He has never disappointed me. When clients have come to me, I have sent them to Mike. We have worked together on dozens of cases for all sorts of clients, including local businesses, both profit and non-profit, as well as individuals and national corporations. In the year 2000, we spent six weeks together in a trial courtroom in Jackson representing the company that is now Chevron Texaco in an oil-field clean-up case. With appropriate conflict waivers, we have also been on different sides of legislative reapportionment disputes. I have been one of the advisors to the legislature's black caucus, while Mike has advised the Republican Party. Sometimes their positions have agreed. At others, they have not. But no one in those disputes has ever questioned Mike's integrity or his fairness.

The American Bar Association just did not know what it was talking about when it said Mike Wallace fails to respect African-American lawyers. If that were true, I would know it. It is not true. Mike Wallace is not only my partner, he is my friend. We visit in each others' homes. He has a fine family. He has helped the firm recruit black lawyers.

In the litigation group of our Jackson office, we have 26 lawyers, of whom six are African-American. Three of those are partners. The youngest of those was mentored primarily by Mike through her career at Phelps. If Mike had a problem with African-American lawyers, or if African-American lawyers had a problem with Mike, we would not be working together. But we are working together, because there are no such problems. In fact, when our firm as a whole won a diversity award from the Defense Research Institute in 2005, we asked Mike to join the team that went to San Francisco to accept it.

In addition, his highly successful career as a trial and appellate lawyer belies the ABA's claim that he is a lawyer who takes legal positions that are out of the mainstream. The advice he has given me and the clients I have brought to him has always been sound. In fact, the current Chambers USA survey ranks him as one of the top litigation lawyers in Mississippi. That shows how highly regarded he is in our state.

Finally, my motive for being here today is simply to tell the truth about a friend who has been unfairly disparaged. I intend to retire from the practice of law in the near future. If Mike Wallace becomes a 5th Circuit judge, I will not have the opportunity to appear before him. But those who do will have a smart, fair and dedicated judge. That is why I urge you to vote to confirm the President's nomination of him to a position on the United States Court of Appeals for the Fifth Circuit.

If the committee has any questions, I will be glad to answer them.