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Inside the health care firm's new plan to right its ship.

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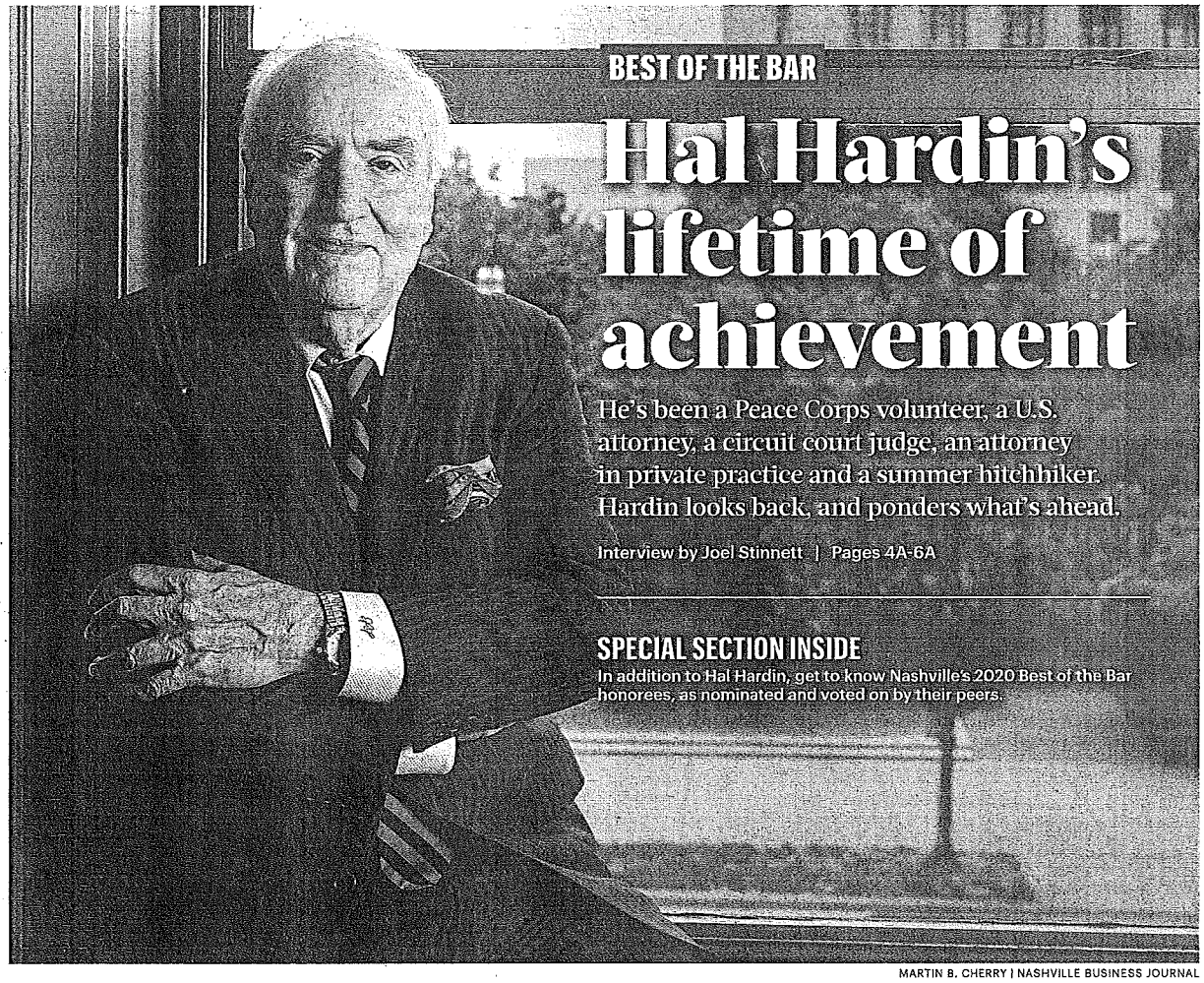

BEST OF THE BAR

Hal Hardin's lifetime of achievement

He's been a Peace Corps volunteer, a U.S. attorney, a circuit court judge, an attorney in private practice and a summer hitchhiker. Hardin looks back, and ponders what's ahead.

Interview by Joel Stinnett | Pages 4A-6A

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Jefferies Financial Group is set to open an investment banking office in Middle Tennessee, joining the region's burgeoning financial services landscape.

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Buyers from around the world snagged $80 million worth of the luxury units in the upcoming high-rise during a pre-sale, undeterred by Covid-19.

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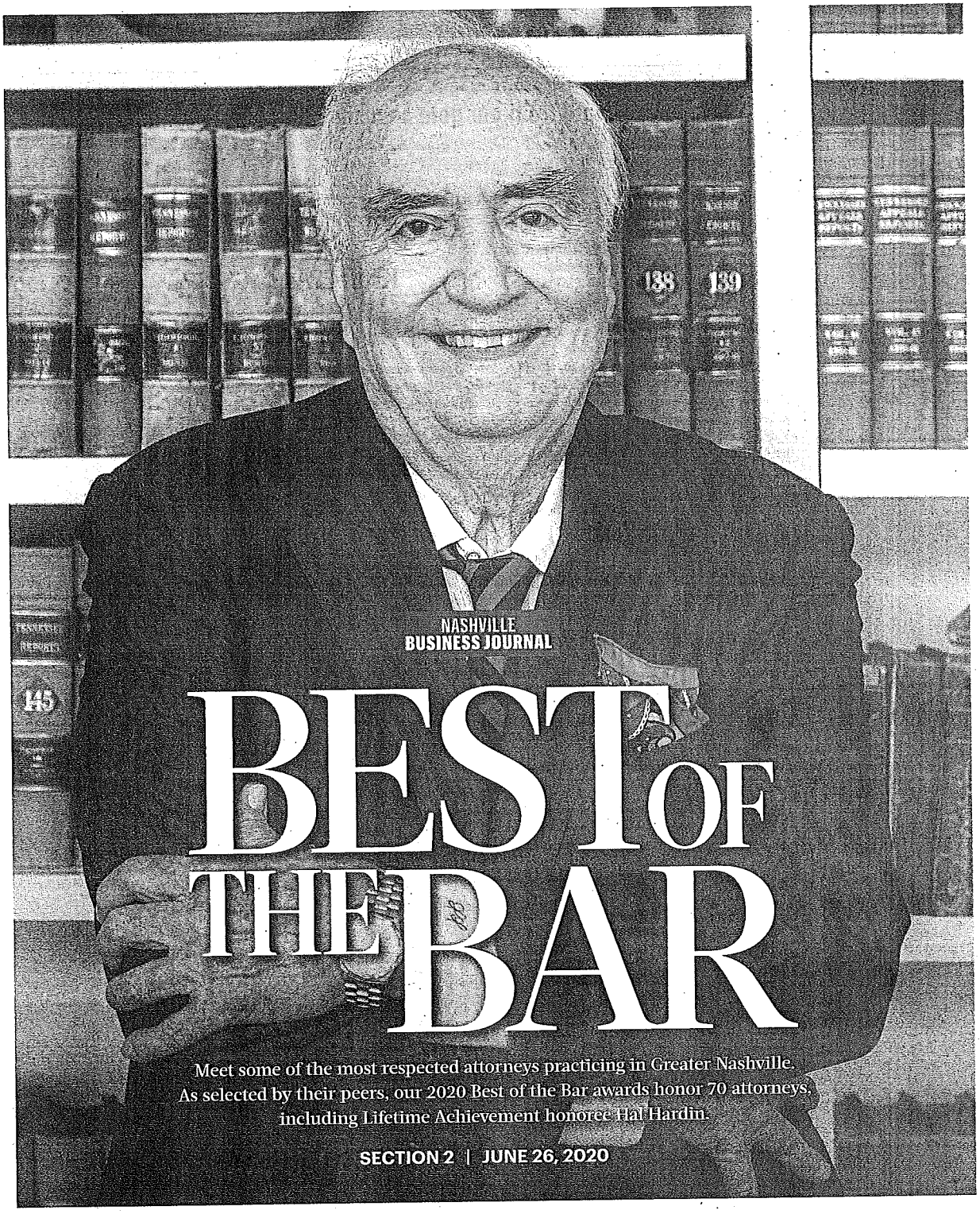

NASHVILLE
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BEST OF THE BAR

Meet some of the most respected attorneys practicing in Greater Nashville. As selected by their peers, our 2020 Best of the Bar awards honor 70 attorneys, including Lifetime Achievement honoree Hal Hardin.

SECTION 2 | JUNE 26, 2020

LIFETIME ACHIEVEMENT WINNER

HAL HARDIN

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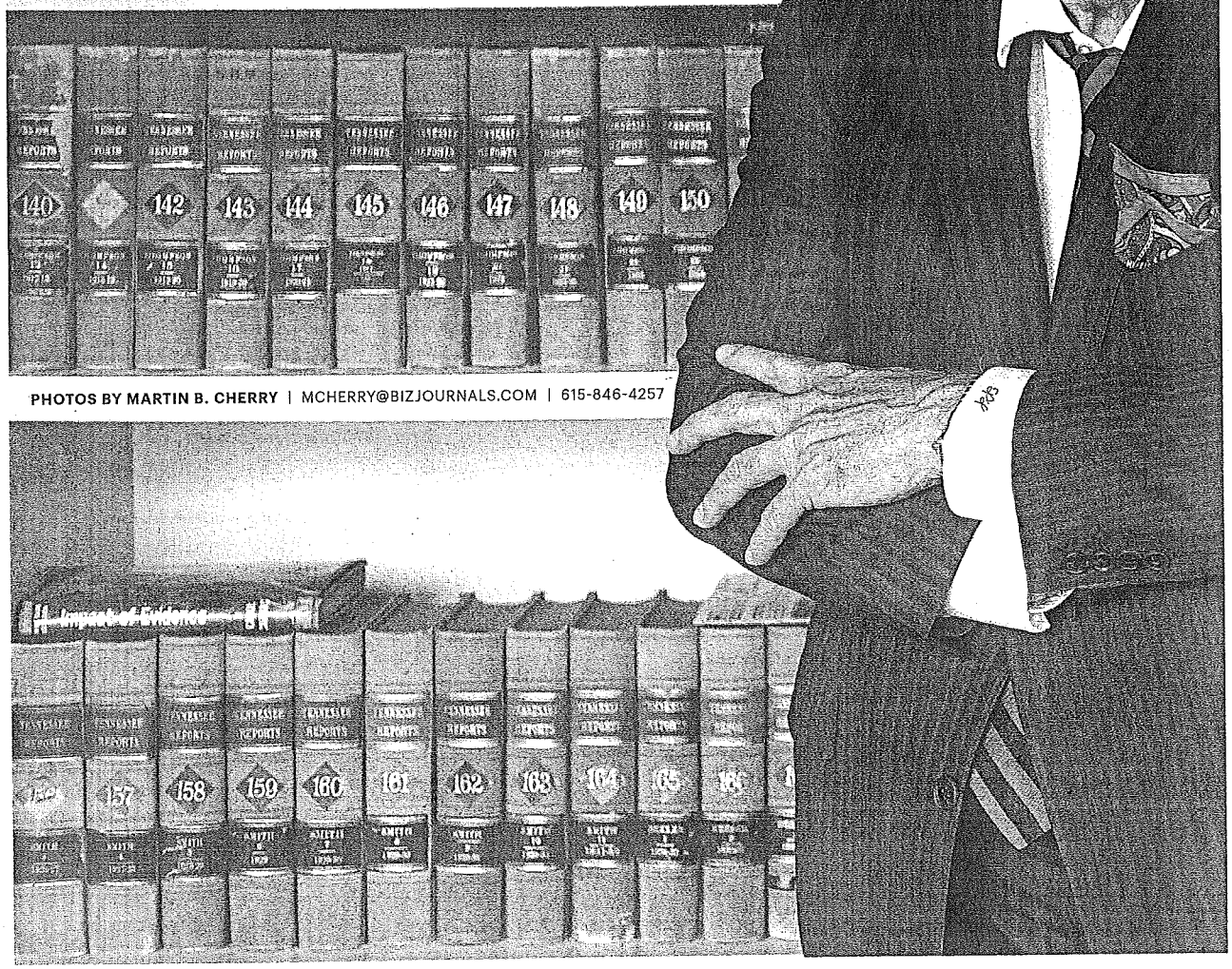

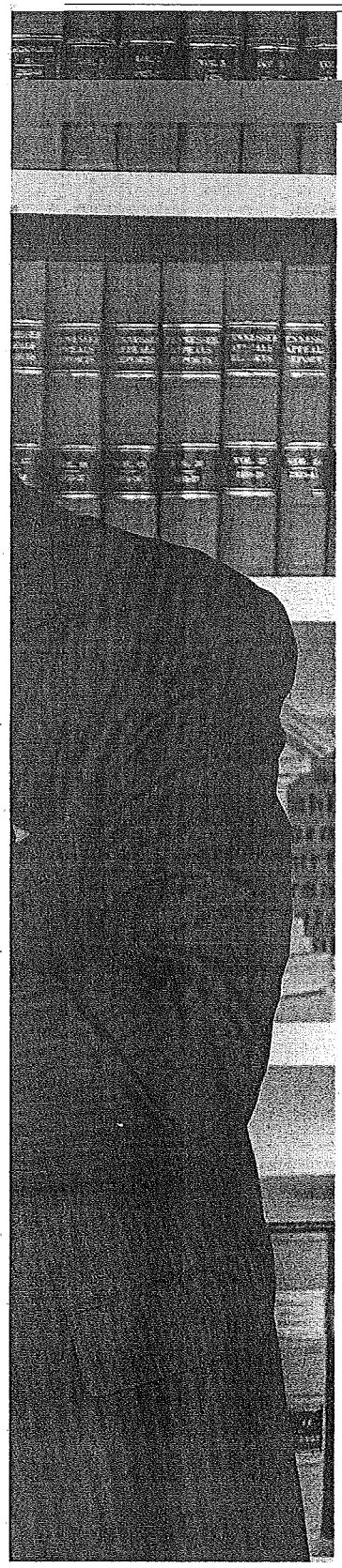

Hal Hardin's first oral argument wasn't in front of a judge or a jury, and it wasn't held in Nashville's historic courthouse.

No, his first audience was a field full of corn stalks, and his client was Jesus.

"My mother always wanted me to be a preacher, so I'd go out to the cornfield sometimes and preach to the corn and the cows," Hardin said. "I converted a lot of them. Baptized a couple."

Today, Hardin's law office sits in downtown Nashville among dozens of skyscrapers, overlooking land on which five generations of his family farmed and raised cattle.

While his ancestors didn't move far, Hardin was a rolling stone, hitchhiking to Washington state most summers as a young man to work in strawberry fields and spending two years in the jungles of South America as part of the Peace Corps.

Hardin always called Middle Tennessee home, however, spending time as a U.S. attorney, a circuit court judge and an FBI fingerprint technician before opening his private practice in 1981. Since then, Hardin has defended a governor, one of the country's largest media organizations and an attorney who was accused of killing her husband.

But those high-profile cases aren't the ones that stick with him, Hardin said – it's the family court decisions he made as a judge, where he determined the fate of families who have shared Middle Tennessee with his family for decades.

"You wonder if you made the right decision, but all you can do is make the best judgment you can in the moment," Hardin sad. "It's tough."

Hardin was selected as the Nashville Business Journal's 2020 Best of the Bar Lifetime Achievement honoree. We sat down with the Vanderbilt graduate to talk about his career in law, how meeting Jack Kennedy inspired him and what reforms need to come to the justice system in light of recent protests against racial injustices. The following has been edited for length and clarity:

Where did you grow up? I was born in Old Hickory, Tennessee, and I graduated from Franklin High School. My family has lived here for five generations.

What was it like growing up in Old Hickory? It was kind of Mayberry at that time. It was a small, laboring community, close-knit.

What did your parents do for a living? We were farmers. Cattle, corn, wheat, hogs. Every morning I had chores. That's one of the reasons I became a lawyer.

What other reasons made you decide to practice law? I was always drawn to the law. I can't think of a better profession to be in, in the sense that every day there is a new situation, something to learn. ... It's a constant challenge. My mother always wanted me to be a preacher, so I'd go out to the cornfield sometimes and preach to the corn and the cows. I thought that I'd become an FBI agent, and in those days you had to be a lawyer to become an FBI agent.

Did preaching to the corn fields help you become a better orator in the courtroom? I converted a lot of them. Baptized a couple.

You were Vanderbilt University's yacht captain while you went to school there. Where in Middle Tennessee did you sail a yacht? You'd be surprised. The publisher of The Tennessean, a guy by the name of Amon Evans, he and I were friends and he came to me one day and said, "Our captain just died." It was called the Tennessean Lady and it was a 33-ton, ocean-going vessel. It was parked in Hendersonville and I can tell you that lake was a mud puddle for that boat. ... When you turned on the engine you wiped out docks and other small boats. ... It's now a charter boat in the Bahamas.

You spent two years in South America as part of the first class of Peace Corps. What made you want to join? I had the pleasure to meet briefly Jack Kennedy. When he came out with the Peace Corps, I thought it was a tremendous idea. I thought we really could do something for the world. At that time, they gave you free rein, you could do what you thought had to be done in the primitive villages in which we lived. I didn't speak a word of English for one year, living in the jungle towns of South America.

What did you learn from that experience? Lots. When I first arrived there, I think there were 25 of us ... and we dispersed to our respective villages. Three of the guys just immediately quit because it's just overwhelming when you walk into a village and see children dying and their belly buttons sticking out from malnutrition. The

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life expectancy where I was was 32 or 33, just a terrible situation. Three guys said they couldn't do it, but the others, we decided you just have to put aside your emotions and get on with the job. That's the only thing you can do. You can't sit there and cry, even though that's what you want to do.

Tell me about meeting John Kennedy. [My friends and I] were on the other side. We thought the way that you succeed here is to be a Republican and we went down to [a rally at Municipal Auditorium] to heckle him. ... He walked down and was an incredibly handsome man, charismatic, and he reached out his hand [to me]. I was going to say something like, "Hey John, we are [Barry] Goldwater people." I looked up at him and grabbed his hand and I said, "Mr. President." He was still a senator then. ... I found a picture of that in archives about a year ago and you see me walking away like I was hit by lighting. He was very impressive and I believed in his philosophies. I was listening to him the other night talk about racism and what we have to do to overcome it and he could have been talking about today. It's the same thing he was preaching and warning about years ago.

As a young man you would hitchhike to Washington state to pick peas and strawberries during the summer. Do you have any good hitchhiking stories? I've got a lot of good hitchhiking stories.... [I]t's so sad kids today can't hitchhike across the country. I always said when I was hitchhiking, "If I ever get a car, I'm going to pick up every hitchhiker." I don't do that, I'm sorry to say. Several of us from Nashville couldn't get good work here, so we would hitchhike or take a bus past a few towns and get out to hitchhike, but we went together for about three years. ... We would go first to Walla Walla, Washington, and get into the pecaning business for a few weeks, and then I would go into Montana and cut wheat and toward the end of the year I'd go to Maryville, California, and pick peaches and then come back to Nashville and go to school. One year I just stayed out there and went to school. I started college on the West Coast.

What was your first job out of college? I was appointed to be the acting director of the Saint Louis Job Corps Center for Women, so I immediately inherited about 500 juvenile girls who were about my age and 250 or so older staff members. ... Then, when I was an investigator, I had been to the hospital to see [the body of] Haynie Gourley, who had been shot. That later became the Bill Powell trial. The district attorney called me from St. Louis and said, "Would you come back? We've indicted Mr. Powell and I know you know a lot about the case. Would you come back and be the third man at the council table?" That was my first trial, the so-called "Trial of the Century." I thought I'd died and gone to heaven. It was great to be in court with the two great titans of that generation, John Hooker Sr. and Jack Norman Sr.

> *"I was always drawn to the law. I can't think of a better profession to be in, in the sense that every day there is a new situation, something to learn. ... It's a constant challenge."*
>
> **HAL HARDIN**

What is one thing you wish you'd known at the beginning of your career that you know now? In the 1960s, everybody had a belief that we could conquer anything, we could go to the moon, we could solve all the criminal and social justice problems. ... After Kennedy was killed, Johnson really rushed into that and created a lot of programs that didn't have a good foundation. So we didn't accomplish a lot of things we hoped we would during Camelot, because we moved too quickly. Now, sometimes America it seems like when we have a problem we really rush into it and throw everything we got at it without thinking it out.

What challenges do attorneys face now that you didn't have when you began your career? A lot. I was working on a case yesterday, and it has over 100,000 documents. It's almost impossible to digest each one. Back in the old days we didn't have all these emails and everything the Legislature has allowed. ... I was looking the other day at all the divorce rules ... and it is incredible. I don't think that poor people could go on their own and file for a divorce like they used to. It used to be very simple.

You were named a U.S. attorney during President Jimmy Carter's administration. How is that different than private practice? I like both. I could easily be a prosecutor or a defense attorney; it's just a difference of who you represent. The U.S. attorney is a powerful position to be able to indict somebody, subpoena somebody, to have a grand jury working for you or to launch investigations. It's a tremendous, burdensome job. ... In criminal defense, you just take the position of your client and you advocate that position. ... I always envied the times of Andrew Jackson and so forth. Those guys could ... be a prosecutor one day, a defense attorney one day and a judge the next. That must have been fun.

Is there a case that keeps you up at night? There are several of them. My friend Jim Neal, who was the Watergate prosecutor, once said, "You leave a little bit of your soul in every case." You do think back, "What if?" Some of the cases that worry me more than the big murder cases or conspiracy cases had to do with child custody. When I was a judge, those were the cases that kept me up at night, worrying about children. Should you let them go with the grandmother or the derelict mother and father? ... Some of these cases there's just no answer to them, you just try to do the best that you can. I worry about some of those people. I hope I made the right decision in those cases.

What's the most difficult difference between being a judge and an attorney? A judge has to look closely at both sides. You're not just being an advocate for one side, which is relatively easy. But to sit up there and make some of the tremendous decisions that judges make with fortunes, or giving children to someone else, or sentencing somebody to the penitentiary – it weighs on you to make those decisions.

What's your favorite or most memorable case, either as a judge or an attorney? There are several that make me smile and some that make me frown when I think back on them. There is no greater thrill for a lawyer than to defeat the federal government in a criminal case. When they have all the power of the FBI and all of their resources and so much time to build a case ... you don't win many of them. The acquittal rate is very low, but when you do win it is a pleasure.

One of the most high-profile cases you've been involved in was the murder trial of attorney Hope Mercer, who was accused of killing her husband. What's it like being involved in a trial of that magnitude? That was a sensational case. It was unusual for me because it was the first time I had ever been on international TV. The thing was broadcast live all over the world. ... Every night when me and my team would come back to the office we would turn on the TV and hear all of these comments coming from Australia or New Zealand, saying, "I wonder why the lawyers didn't do this," or, "It seems like they don't have enough proof here." Every morning we would go back into the courtroom and correct what people were asking on TV. It was like being with a jury all of the time and getting advice. Thank goodness [she] was found not guilty, because she was not guilty.

Did having cameras change how you acted in the courtroom? I was always opposed to cameras in the courtroom. I thought the lawyers might try to hotdog too much in front of them and not concentrate on the case. But that went away after the first words were spoken. I just totally forgot there were cameras broadcasting this across the world.

Everyone deserves and has the right to a defense, but is it difficult defending someone you know is guilty? A lot of people are charged that are guilty of something but are oftentimes charged with the wrong charge. As a defense attorney, if you come to me and say, "Hal, 10 people say I was drunk and ran over this person, but it wasn't me," it's not my job to be the prosecutor of you, it's my job to believe my client – unless I just find them outright lying to me – and to defend [them]. There are a lot of people that have even confessed to crimes they didn't commit; that's a fact. As a lawyer you have to decide you are representing a particular person and oftentimes you have to make the government prove what is charged. ... The government has that burden. ... It's better that one guilty person go free than 10 innocent people be convicted.

Is there systemic racism in the judicial system, and if so, what needs to be reformed to create a more fair system? There's so many things that could be done that aren't novel. My senior paper at Vanderbilt was, "Why do we have a cash bail system?" It made no sense to me then. I thought it should be abolished and replaced with something else and I still believe that, but we still got it. There are many things like that we could do to make the system much more efficient and we can be more sensitive to race and diversity and understand it. ... There is no question we have had a problem in this country of racism, in many cases mild racism, but it's still racism and after what we've just seen in Minneapolis, I believe that this is going to make a lot of people change their minds about how we've been operating.