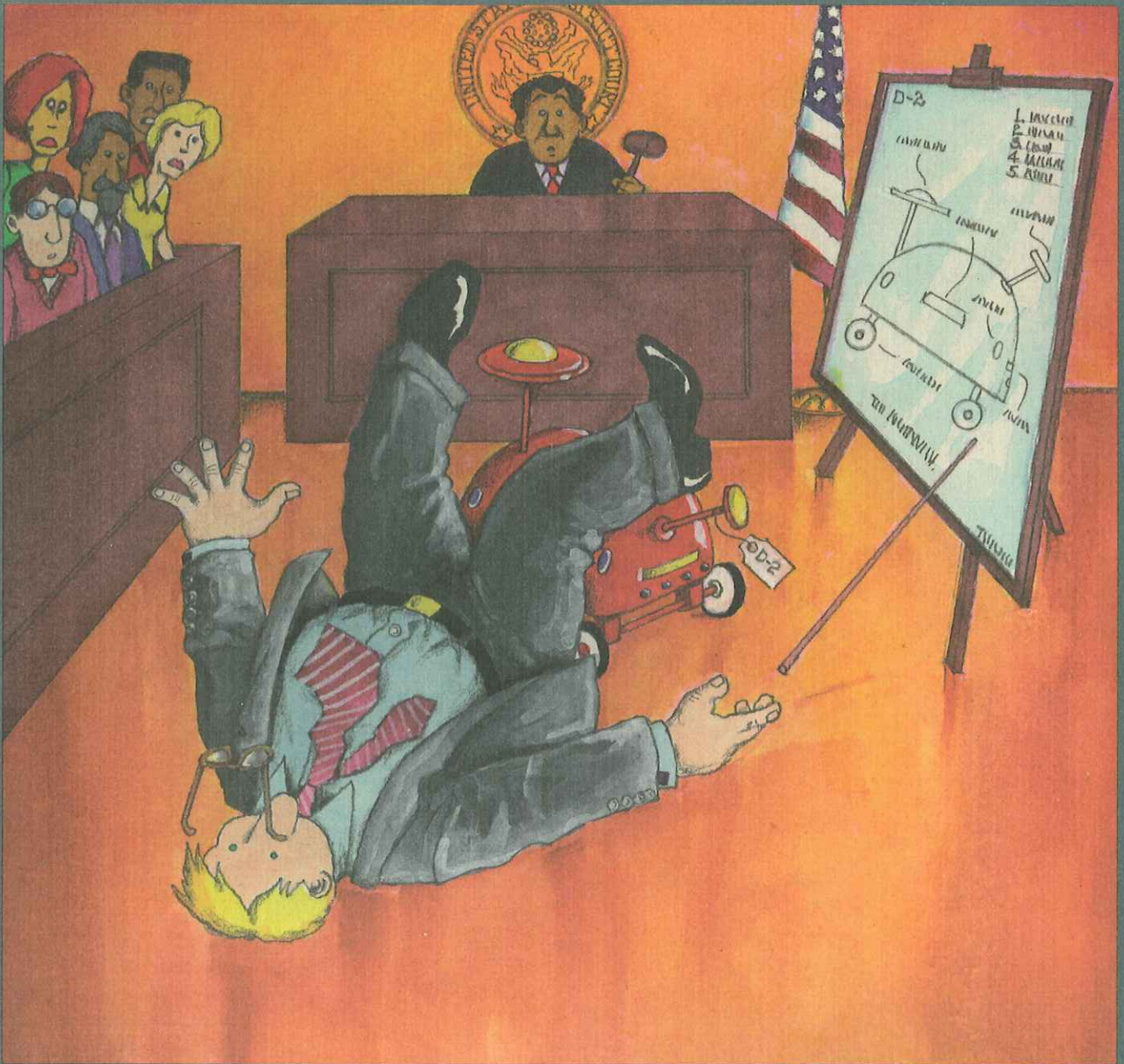


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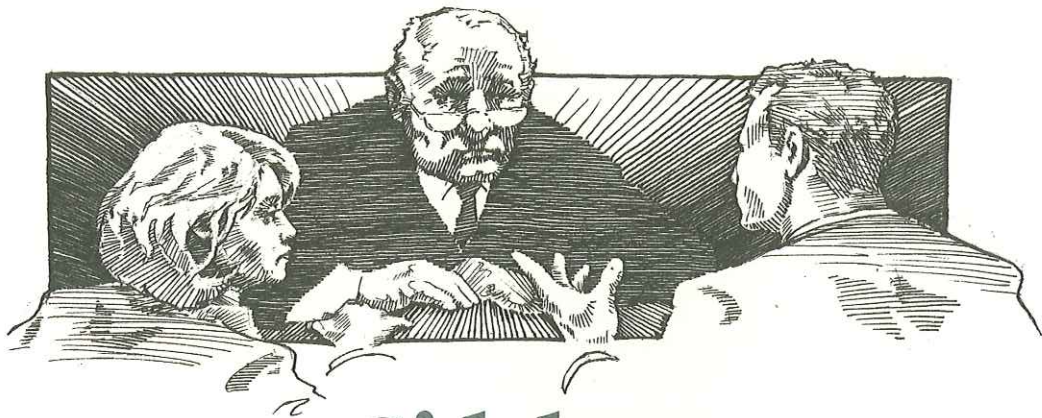
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Trial and Error



Sidebar

Kentucky

by **Kenneth P. Nolan**
Senior Editor

It happened all the time. I would be walking to Starbucks on the silent sidewalks of Lexington to appease my addiction to all things New York with a purchase of the *New York Times* when a garbage man or young attractive office worker or a guy who looked like he could use a long shower would look at me and happily declare, “Good morning.”

Whoa, whoa, whatdoeshewant was my initial reaction. My head swiveled like that kid in *The Exorcist* to make sure I wasn’t being set up. It took a few seconds to process all this good cheer. Then I’d mumble a quick and quizzical “Good morning,” with whatsgoin’ on here running through my calloused brain. “Have a nice day, sir,” would be the delightful response. I’d try to reply in the same sincere, happy tone, but I hadn’t had coffee and my good mornings were at best limited to a nod of the head as I rushed to the office, to court, through life. “Yeah, you too,” is all I could mumble.

Whenever I would exit the elevator at Stoll Keenon Ogden, Linda or Sarah, the receptionists, would always announce, “Good morning,” with a smile no less. And what really blew me away was that even if I returned the smile and the good morning, it didn’t end. It was like a whole conversation. I was actually expected to stop and talk to someone. And everyone. And ask about their day and wish them well. Pleeeeeeeease. I wish everyone the best and always. But

do I have to tell them? Guess what—in Kentucky, you do.

“Good morning.”

“Good morning to you, Linda.”

“And how are yew?” (At least that’s how it sounded to me.)

“Fine, thank you and how are you today?”

“Thank yew. I’m good. Now have a good day.”

“I will and you too, thank you.”

“I hope so. You’re welcome.”

“Thank you.”

It was limitless. A month of thank yews before a stitch of work was done. More conversation than I had with my wife in 35 years. And you had to stop and look the person in the eye and smile. Eventually, I got it. Good morning wasn’t the usual trite meaningless phrase that we spit out as we rush to our desks or on the crowded midtown streets. Here in Kentucky, the South, it was a ritual of good manners and elegant taste. People actually wanted you to have a good day, wanted you to be happy, wanted you to smile. Boy was this hard.

I finally figured a way to cope. I’d initiate the greetings. The sooner I started

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all this friendly chatter, the sooner it ended. I’d “Good morning” strangers on the street, cashiers, waitresses. And I’d try to smile and be pleasant. It took discipline and effort but it became enjoyable especially when I slipped in a “sir” or “ma’am.” I even developed a slight drawl, which made my day because I always desperately craved an accent.

It took months to understand this Kentucky. I knew about Adolph Rupp and the runts and Jamaal Mashburn—from the Bronx—and the Duke game and Pitino and all. And I had once ridden a horse in Prospect Park. I sure wasn’t one of these snobby New Yorkers who thought all Southerners were Gomer Pyles because my father traveled for work and spent months in Baton Rouge and Texas, and always told us about the exciting Friday night high school football games and how the Southern girls were the prettiest. Of course, I had been in the South, too—Chattanooga, Charleston, Savannah, Memphis, New Jersey—so I thought I knew everything, knew enough to lie and say that Sherman Street, where I was born and raised, was named after Roger Sherman—you know, the Great Compromiser, not that General William Tecumseh who marched to the sea.

But like most New Yorkers who believe they know all but really know nothing, I was amazed to learn how little I knew of basic Southern amenities. To say please and thank you, be respectful of elders, be nice, wish people well

... all the stuff my parents drilled into me. Heck, my dad used to tip his hat to women on the street. And of course I believed I was doing all these things, but not really. And am I going to accept blame for allowing my manners to deteriorate? No way. I'll be a good Manhattan liberal and blame my environment. In this case, a lifetime of riding the F and R subway lines. Oh, it was fun in grammar school when the train left the dark dirty tunnel and soared high above Brooklyn with magnificent views of the city skyline. But that lasted about a week until I sat next to some guy who smelled worse than one of those thoroughbred stalls filled with manure.

My daughter Lizzy was telling that she was recently on the "Happy Train." Some nut strolled into her subway car and announced, "Welcome to the Happy Train. This is the Happy Train," as he strutted around the car. "That's right, don't smile cause if you smile you'll be arrested by the 'Glum Police.'" He held a mirror in front of a passenger's face and sang, "Look at that beautiful person. Look at that beautiful face." Not only did he not want money, but he also asked two tough teens if they wanted a dollar. Eventually, people raised their eyes from their newspapers, looked at one another, and smiled which, I guess, was his point. That and the website he was advertising. But you're taught since infancy to show no emotion because there has to be a good hundred thousand certified lunatics in the Big Apple. And probably three or four times that amount just a stray word or two from becoming homicidal maniacs. "You talkin' to me?"

You talkin' to me? You talkin' to me?" Everyone's a potential Travis Bickle.

In Kentucky, no one, it seems, received the same life lessons. That's not to say they don't have sharp elbows. When I first arrived in Lexington to represent families of victims of the Comair tragedy, a meeting was held to form a plaintiffs' steering committee. The local lawyers didn't exactly meet us out-of-towners with Maker's Mark and Burgoo. For some crazy reason, they distrusted us New Yorkers, Chicagoans, even those from Cincinnati. And they weren't afraid to tell us, albeit in a polite, refined manner. Even a soft drawl can't disguise the meaning of "Jump in the lake" (or other four letter words). Yeah, initially some didn't like us much. And that feeling was reinforced after the first court conference when some of us Yankees would continually pop up to address the court. When finished, another would immediately jump up to agree, in hopes of attracting a TV camera or two. Reminded me a bit of that arcade game, Whac-a-Mole, where a child, holding a padded mallet, hits the mole every time one pops up. The faster the child hits the mole, the faster the next one pops up.

It took time, but slowly the local boys began to trust us national big shots. They eventually figured out that we weren't going to steal Curlin and turn him into a carriage horse dragging tourists through Central Park. David Royse, my co-counsel; Bill Garmer; Richard Hay; Joe Savage; Pete Perlman; Doug Hoots; Yvette Hourigan; Bob Ackerson; David Blandford; Keith Williams; John McCauley; and others were talented lawyers and

fine people who realized that there was sufficient work for all with the hundred of thousands of discovery documents, myriad motions, depositions, and letters flying back and forth. What I learned was not only were they superb, diligent lawyers, but they were also better than most of us. And loads of fun to share a drink or meal, especially if UK won that week—or lost, if they were from Louisville.

Even our adversaries were palatable, played fewer games, were more open, credible. Don't get me wrong. If the pope was across the table at a deposition and told me he produced all relevant documents, I would suggest he immediately go to confession. For the most part, however, our opponents were professional, and the typical rancor and lectures during depositions were minimal. And the presiding judge, Senior Judge Karl S. Forester, was about as good as it gets. Intelligent and fair, he managed this case with dignity and soft-spoken steel.

So I came to enjoy, actually like, the measured rhythm of daily life. I marveled at the magnificent horse farms, rolling hills and fields of bluegrass, which, let's be honest, look green. I most enjoyed the people; nature is nice and all, but after five minutes, picturesque landscape and stately thoroughbreds are pretty boring. Yet Kentucky isn't perfect. Downtown lunch joints close whenever, no later than 3:00 p.m., and the pizza leaves something to be desired.

Yet my education wasn't limited to civility and when to buy a tuna melt. Chilling reminders of Lexington's role in the slave trade exist. Whenever I passed the old Fayette County Courthouse, I would read the plaques noting that at Cheapside, slaves were sold, children separated from their families. As a father of four, I would visualize the horror of being shackled and losing not only freedom, but also your children. This stain on our national soul is more visible in the South. Only the discovery of an African burial ground near the courts in downtown Manhattan caused me to realize that slavery existed and thrived in New York for 200 years, until 1827.

I don't think I could ever live in Kentucky. I'm just not used to having that many people use English as their primary language. And it's way too easy to park. It was an honor to represent good and honest people, to litigate with intelligent and hard-working attorneys, and to learn something about America and myself. □

