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## IN THE ODDEST PLACES

Most would agree that Thomas Lechford, Esq. had his share of professional difficulties. Early in his career, he was part of a legal team that represented a rather controversial client – one Mr. Prynne, a fellow attorney who was accused of libel.<sup>1</sup>

This particular attorney was rather opinionated. Mr. Prynne had opinions about a lot of things, such as stage plays, hunting, public festivals, the celebration of Christmas, bonfires, and maypoles. In general, his opinions were all rather negative, and Mr. Prynne was one of those people who thought everyone was keenly interested in what he had to say. In fact, Mr. Prynne was so convinced of the value of his own opinion that he wrote them down and self-published them in a booklet called *Histriomastix*.<sup>2</sup>

Being confident in one's opinion, may be good. Being confident that everyone else wants to hear your opinion is usually where it all goes sideways.

You see, Mr. Prynne forgot one of the most fundamental rules of writing: know your audience. Unfortunately for Mr. Prynne, society had not yet developed the blocking, un-friending, or other coping mechanisms we have evolved in the Twitter-sphere to protect ourselves from opinions we don't want to hear. In Mr. Prynne's day, you only had three choices: (1) put the booklet down; (2) have a dialogue about why you agreed or disagreed with the opinion; or (3) attack the writer. Come to think of it, maybe the choices haven't changed that much, after all.

Prynne lived in a world that didn't believe in option #1. Somehow, reading between the lines of *Histriomastix*, certain, very influential people, recognized Prynne's writing for what it truly was: "seditious, schismatical, and libelous books against the hierarchy of the Church." After all, there is nothing so "seditious, schismatical, and libelous" as a bonfire. As Lechford would later write, Prynne's real offense was that he had, "in plain terms, blamed the hierarchy, the innovations in religious worship, and the new superstitions" upon William Laud, then Archbishop of Canterbury and religious advisor to King Charles I.<sup>3</sup>

If the name sounds familiar to you, this is the same William Laud whose various "reforms," as he would call them, to the Anglican Church are what drove the Puritans out of England. They also got Archbishop Laud executed many years later after a trial overseen by none other than Mr. Prynne, but that is a story for another column.<sup>4</sup>

At this point in time, Archbishop Laud had the power, and Mr. Prynne just had an opinion. So, Mr. Prynne and two other, equally opinionated men, were imprisoned in separate locations, sentenced to lose their ears in pillory,<sup>5</sup> and pay a fine. Prynne was also branded on the cheeks with the letters "S." "L." for "Seditious Libeler."<sup>6</sup>

Mr. Prynne wasn't the only one who suffered. A clerk who wrote down a dictated petition from Mr. Prynne to the judges who would hear his case was sentenced to fourteen days in jail. Some friends who went to visit him in prison were imprisoned, fined, and forced to make public recantations of their relationship with Prynne.<sup>7</sup> Holt and Tomlyns, the two other members of Mr. Prynne's legal team, were so concerned about

the repercussions of their representation that they refused to sign his answer.

We do not know exactly what happened to Thomas Lechford because all he wrote in his notebook was that he "suffered imprisonment and a kind of banishment."<sup>8</sup> In a letter, he mentions seeking refuge from "Georgius Ragotzki, Prince of Transylvania and Lord of Lower Hungary," which is probably where I would go if I was concerned about an overly zealous Archbishop.<sup>9</sup>

Regardless, we do know that, about a year after Prynne's trial, Thomas Lechford was one of 3,000 passengers who boarded a fleet of twenty ships bound for Boston, Massachusetts. It was 1638, and Thomas Lechford became the first practicing attorney in New England.<sup>10</sup>

Perhaps because of his prior experiences, Lechford maintained a certain air of humility. He described himself as follows: "I am no pleader by nature; oratory I have little, . . . and if I had never so expert a faculty that way, I should not now use it, . . . and as for the other part of pleading which consisteth in *chirography*,<sup>11</sup> *wherein I had some little skill*, I do not desire to use any of that."<sup>12</sup> He was the first to propose that the General Court adopt certain regulations for civil actions and for making a record of judicial proceedings.<sup>13</sup> That proposal was soundly rejected at the time, but it was later adopted, to the benefit of court reporters everywhere.

After a couple of years, Lechford ventured out of the *chirography*, which he admitted was his strong suit, and took on his first jury trial. He worked hard to prepare for this case, but, "his zeal for his clients betrayed him into an indiscretion (to use no harsher term) which subjected him to the deserved censure of the court . . ."<sup>14</sup> That was the kind way of saying it. The censure actually reads as follows:

Mr. Thomas Lechford, for going to the Jewry & pleading with them out of Court, is debarred from pleading any man's cause hereafter, unless his owne, and admonished not to p'sume to meddle beyond what hee shalbee called to by the Courts.<sup>15</sup>

Thus, the first practicing attorney in New England also became the first disbarred attorney. Lechford promptly applied to the Court for a pardon, made a very sincere apology, and was reinstated to the practice of law.<sup>16</sup>

Our profession is rooted in nobility. "Esquire" is second from the last in the *Order of Precedence*, but nonetheless on the list of noble titles.<sup>17</sup> But a title of nobility and being noble are two different things. Author Cassandra Clare wrote, "One finds nobility in the oddest places,"<sup>18</sup> and that is the goal of this column. Thomas Lechford showed that nobility by defending a difficult client to his personal detriment, and learning from his mistakes when he made them, and together, we will find nobility in the oddest places of the legal profession.

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## BARRISTER ELECTIONS RESULTS

The Barristers Elections and Holiday Party were held on December 11, 2019 at the Bistro at the Bijou. Thank you to everyone who came and to our newly elected Officers, **Allison Jackson**, President; **Amanda Tonkin**, Vice President; **Bryce Fitzgerald**, Secretary/Treasurer; **Meagan Collver** and **Courtney Read**, Members at Large.

## MONTHLY MEETING

Plan now to attend the first Barristers monthly meeting of 2020 on Wednesday, February 12, at 5:00 p.m. at the Bistro at the Bijou. Everyone is welcome. Get updates on the Barristers on Facebook at [www.facebook.com/knoxvillebarristers](http://www.facebook.com/knoxvillebarristers).

## CLE

The CLE Committee will be meeting in early 2020 to begin planning informative and entertaining CLEs for the upcoming year. Please feel free to submit any ideas you may have to **Caitlyn Elam** ([CElam@LewisThomason.com](mailto:CElam@LewisThomason.com)) or **Jared Garceau** ([JGarceau@LewisThomason.com](mailto:JGarceau@LewisThomason.com)).

## LAW SCHOOL MENTOR

The Law School Mentor Committee will be conducting mock interviews at LMU Duncan School of Law on January 20 through January 22, 2019, and at U.T. College of Law on January 23 through January 29, 2019. Each interview time slot is about 25 minutes. Please contact **Katie O'Neal** ([koneal@boatlf.com](mailto:koneal@boatlf.com)) or **Patrick O'Neal** ([patrick.oneal@leitnerfirm.com](mailto:patrick.oneal@leitnerfirm.com)) if you are interested in volunteering.

## MOCK TRIAL

The KBA Mock Trial Competition will take place from February 21st through 23rd, 2020. A final schedule and volunteer information will be coming soon, but please contact **Erica Green** ([egreen@kramer-rayson.com](mailto:egreen@kramer-rayson.com)) or **Jimmy Snodgrass** ([jimmy\\_snodgrass@tned.uscourts.gov](mailto:jimmy_snodgrass@tned.uscourts.gov)) with any questions!

## VETERANS LEGAL CLINIC

The Veterans' Legal Advice Clinic is a joint project of the Knoxville Barristers, the Young Lawyers Division of the Knoxville Bar Association (KBA), KBA/Barristers Access to Justice Committees, Legal Aid of East Tennessee, Knox County Public Defender's Community Law Office, the University of Tennessee College of Law, and the local VA office. This is a general advice and referral clinic which will require attorney volunteers for its operation, and it is anticipated to serve between 20 and 30 veterans in the community each month with a wide variety of legal issues, including family law, landlord/tenant, bankruptcy, criminal defense, consumer protection, contract disputes, child support, and personal injury, among other issues. We need volunteers for the next two clinics on January 8 and February 12 from 12:00 p.m. to 2:00 p.m. at the Knox County Public Defender's Community Law Office at 1101 Liberty Street, Knoxville TN 37912. Register by clicking on January 8 or February 12 in the Event Calendar at [www.knoxbar.org](http://www.knoxbar.org).

## VOLUNTEER BREAKFAST

The Volunteer Breakfast Committee would like to thank all those volunteered and sponsored during 2019. Most especially, we would like to thank **Paul Wehmeier** for his years of service as a co-chair of the Committee. We look forward to serving the community in the coming year. The Volunteer Breakfast is a recurring event on the 4th Thursday of each month at 6:15 a.m. The Barristers Volunteer Breakfast Committee always need volunteers to serve food or sponsor. The cost is \$150 for sponsoring, and we need 4-5 volunteers. If you are unable to fund the breakfast, the Barristers will subsidize the cost of the breakfast. We meet at 6:15 a.m. and serve breakfast to approximately 30-40 individuals, generally leaving the site around 7:30 a.m. It's a great way to serve the community! Please contact **Matt Knable** ([knablelaw@gmail.com](mailto:knablelaw@gmail.com)) or **Mitchell Panter** ([mpanter@LewisThomason.com](mailto:mpanter@LewisThomason.com)) for more information.

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- <sup>1</sup> You can read all about Thomas Lechford from Thomas Lechford's own perspective in the *Notebook kept by Thomas Lechford, esq., Lawyer in Massachusetts Bay from June 27, 1638 to July 28, 1642*, available at <https://archive.org/details/notebookkeptbyth00lech/page/n4>.
- <sup>2</sup> J. Hammond Trumbull, *A Sketch of Thomas Lechford (1885)* available at [books.google.com](http://books.google.com).
- <sup>3</sup> *Id.* at xi-xii.
- <sup>4</sup> D. H. Pennington, *William Laud, Archbishop of Canterbury*, Encyclopedia Britannica, available at <https://www.britannica.com/biography/William-Laud>.
- <sup>5</sup> There is some debate as to what this means. Most to agree that the pillory was a vertical post with a horizontal beam at the top with holes where the subject's head and hands would be placed. Then another horizontal beam would be fastened over top of the first to keep the subject's head and hand or arms immobilized and the person stood or kneeled, exposed to the elements (and public ridicule) for however long the person was supposed to serve their punishment. See The Historical Society of Pennsylvania, *A Quaint Colonial Custom: "Ears Cut Off & Nailed to the Pillory"* (Apr. 19, 2010), <https://hsp.org/blogs/hidden-histories/a-quaint-colonial-custom-ears-cut-off-nailed-to-the-pillory> (last visited Dec. 10, 2019). But, what happened to that person's ears (if the sentence was to "lose their ears in pillory") is up for debate. There are reports of people having an ear (still attached) nailed to the pillory for a period of time. There are reports that people had their ears cut off, and then the ears nailed to the pillory. There are reports of people having their ears slit as they were locked in the pillory. See *id.* for a collection of numerous reports about the use of this method of punishment.
- <sup>6</sup> Trumbull at xii.
- <sup>7</sup> *Id.*
- <sup>8</sup> *Id.* at xiii.
- <sup>9</sup> See Ltr. to Hugh Peters from Thomas Lechford, in Trumbull at xiii.
- <sup>10</sup> See Trumbull at xiii; see also Thomas Lechford 1590-1644, Duhaime Law Museum, <http://www.duhaime.org/LawMuseum/LawArticle-596/Thomas-Lechford-1590-1644.aspx>.
- <sup>11</sup> Chirography is the art or practice of drafting deeds or other legal instruments. See Legal Dictionary, *Chirograph*, <https://legal-dictionary.thefreedictionary.com/Chirograph>, last visited Dec. 11, 2019.
- <sup>12</sup> Trumbull at x.
- <sup>13</sup> *Id.* at xx.
- <sup>14</sup> *Id.* at xxi.
- <sup>15</sup> Order of the Quarter Court, in Trumbull at xxi.
- <sup>16</sup> Trumbull at xxi.
- <sup>17</sup> The *Order of Precedence* is a list of various titles associated with ladies and gentlemen of rank and status starting with the Duke of Edinburgh. See Debrett's *Precedence Amongst Gentlemen in England & Wales*, <http://www.debretts.com/forms-address/hierarchies/precedence-amongst-gentlemen-england-and-wales>.
- <sup>18</sup> C. Clare, *Clockword Prince* (2011).