

GREGORY W. MOELLER

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defending

HOW TO KILL A MOCKINGBIRD CHANGED MY LIFE

innocence

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It is an honor to speak to you this evening about a book that literally changed my life. I recognize that may sound like an exaggeration. After all, how can a book, especially a work of fiction, change a life? However, in my case, Harper Lee's *To Kill a Mockingbird* did change my life in a meaningful way by giving me focus and direction. It set my feet upon the path I would follow for the next 30-plus years.

PHOTOGRAPH BY BRADLEY SLADE



Lawyers, I suppose, were children once.

CHARLES LAMB



This  
address  
was given  
at the  
Madison  
Public  
Library's  
event  
The Big Read:  
Harper Lee's  
*To Kill a  
Mockingbird*  
at the  
David O.  
McKay  
Library at  
BYU-Idaho  
on October  
6, 2009.



I might add that a discussion about this book strikes me as very timely, especially for our community. Our nation has passed through the social upheaval of the civil rights movement. We have now witnessed an African American man, President Barack Obama, rise to the most powerful office in the world. Nevertheless, there is still much work to be done. The forces of intolerance are still marshaling against those who cherish justice. Sadly, we have recently heard their echoes within our own community in the inappropriate chants of callow youths on a school bus<sup>1</sup> and in the misguided joke of a local candidate for public office.<sup>2</sup> I believe there is a message in this book that we still need to hear.

Some of you may not realize that *To Kill a Mockingbird* is one of the most banned books of the twentieth century. According to the American Library Association, it was the 46th most banned book of the 1990s. It ranked behind *The Adventures of Huckleberry Finn* and the Harry Potter series but ahead of *James and the Giant Peach* and *Cujo* by Stephen King. In the 1960s and '70s it was banned mainly by communities that disapproved of its pro-civil rights message. Interestingly, today it is banned mainly in communities that find some of its coarse, racially charged language offensive. Frankly, I am not sure if the evils of racism can be accurately depicted without referencing the ugly language of racism. To me, I stare at the racist expressions in the book with the same horrific curiosity one has when looking at a two-headed snake preserved in a jar of formaldehyde.

I apologize to those who came this evening expecting to hear a detailed literary analysis of this book. Even if I were capable of such an analysis, it is not what I have been asked to do tonight. Instead, I have been asked to do something very personal and intimate: tell you how this book has affected my life and career. In doing so, I will share with you some very private thoughts about a controversial case that ultimately shaped and defined my career as an attorney. I have never publicly spoken about this case before. I know there are people, including some I greatly admire, who feel differently about this case than I do. As I candidly share my personal experiences and perspectives tonight, I mean no offense to those who have a different point of view or opinion about this case.

#### A P A T H R E V E A L E D

I was fortunate to discover very early in high school what I was going to be when I grew up. Lawyers sometimes speak of being “called to the law.” In my case, thanks to Harper Lee, that is exactly what happened to me. During my sophomore year in high school, I saw the movie *To Kill a Mockingbird*. Fortunately, I grew up in an era in which young people did not suffer from the automatic aversion to black-and-white films that many children today seem to have. Although color movies were quite common when this film was made in 1962, given the subject matter of the story, filming in black and white seems apropos. I realize, of course, that this would make a much better story at an event entitled “The Big Read” if I had read the book first. However, there are few movies adapted from literature that capture the essence of the original book as well as *To Kill a Mockingbird*. The movie was a masterpiece. Nevertheless, those of you who have only seen the movie are missing out; the book is even better.

As you know, the story centers on a country lawyer from Alabama named Atticus Finch. Given the many references to birds in the story, the author’s choice of the name Finch can hardly be considered coincidental. Maycomb, Alabama, is a typical Southern town of the 1930s—a simple town filled with simple people living simple lives and tarnished by an ugly undercurrent of institutionalized racism. Atticus is a widower raising his two young children: Jem, a ten-year-old boy, and Scout, his seven-year-old daughter. Atticus is a decent man and a simple country lawyer who believes and lives the ideal that “in this country the courts are the great levelers, and in our courts all men are created equal” (234).<sup>3</sup> Long before Martin Luther King gave his “I Have a Dream” speech, Atticus Finch is the type of man who is willing to judge others by the content of their character rather than by the color of their skin.

Like many lawyers, Atticus mentions he has a distaste for criminal law. Yet when the court appoints him to represent an indigent black man, Tom Robinson, who is accused of raping a white woman, he accepts the assignment. While most of the town’s people do not begrudge Atticus’s doing his duty as a lawyer, many of them wish he would not do it so well. However, it is not in Atticus’s nature to do anything less than his best. He teaches his children: “[B]efore

I was only 14 or 15 years old at the time, I knew at that moment with absolute certainty that I would someday become a lawyer. Strangely, somehow I also knew that someday I would be called upon to represent an innocent man in a difficult case. It was a moment of absolute clarity in my life—an epiphany, perhaps—that I will never forget.

Since I was a state champion debater and extemporaneous speaker in high school, my having an interest in the law should not be surprising. However, this became more than just an interest; it was almost a driving obsession. I knew with every fiber of my being that a path had been laid out before me, and I decided at that moment that I would follow it. I attended BYU and majored in the traditional prelaw major: political science. I was later accepted into the J. Reuben Clark Law School at BYU, graduating in 1990. Following graduation, I went to work for a small-town law firm in Rexburg, Idaho. As the youngest attorney in the office, I was immediately thrown into all manner of cases, including many criminal cases. There is no better training ground for a young attorney than the courtroom. There is no better way for a young attorney to get into the courtroom regularly than by practicing criminal law.

#### THE GRUBE CASE

Atticus tells his daughter: “Scout, simply by the nature of the work, every lawyer gets at least one case in his lifetime that affects him personally. This one’s mine, I guess” (86).

As it turned out, very early in my career I received just such a case—the case I had somehow known years earlier I would try. It lasted for more than 16 years and haunted me almost every day that it lasted. In May 1991, just eight months after I passed the bar exam, I was appointed to represent a man accused of murdering a young woman in 1983. His name was Rauland Grube. I was to serve as cocounsel with my partner, Michael Kam.

From the very beginning Mr. Grube steadfastly maintained his innocence. He would not even consider any talk of a plea bargain. There were no witnesses to the crime, just circumstantial evidence. I had no doubt in my mind that this case was headed for a long and difficult trial. As we visited with our client for the first time in jail, it was also apparent that he had certain very mild limitations—limitations that made him seem a little strange to others. Nevertheless, he seemed to be a very gentle person, one incapable of violence.

The media coverage was pervasive. Feelings and emotions throughout the community ran high. During a preliminary hearing on the case, a man made a menacing gesture with his hand, holding it in the shape of a gun and pointing it at Mr. Grube. At another hearing, an audience member stood up and began yelling threats at our client. As he moved toward the defense table, without even pausing to think, Mike and I immediately pushed our client down to the floor and lay on top of him, shielding him from harm with our bodies. While that might sound very brave to some of you, it may have been one of the most foolish things I have ever done. We had forgotten that earlier in the day, fearing just such an incident, we asked the sheriff’s office to put a bulletproof vest on our client. Mike and I were putting our lives at risk to protect the only person in the room who was wearing body armor. As foolish as that was, I am glad my instincts were noble. It would have looked quite bad in the media to see a photo of two attorneys fearfully hiding behind their client.

I could spend all evening telling stories about this case. Suffice it to say, as we investigated the case further, Mike and I knew that there was something very wrong. Evidence from 1983 was missing, while new damning evidence had been discovered in 1991. This evidence had somehow escaped the notice of every police investigator since 1983. Our client’s shotgun was tested and retested, with either negative or inconclusive results. Witnesses came forward in droves with evidence pointing to another suspect, a former police officer. Mike and I soon realized we had on our hands every attorney’s dream and worst nightmare: we were representing an innocent man in a first-degree murder case.

I have never shared this publicly before—not even my children are aware of this—but this was a very difficult time for me for another reason. As the trial date approached, I began to get threatening telephone calls at home. Although some threatened just me, several calls contained a recorded voice threatening my children. These cowardly, anonymous threats

I can live with other folks I’ve got to live with myself. The one thing that doesn’t abide by majority rule is a person’s conscience” (120).

As the trial progresses, Atticus skillfully establishes Tom’s innocence. Through effective cross-examinations, Atticus shows that the victim, Mayella Ewell, and her father, Bob Ewell, are clearly lying. In fact, it becomes sadly apparent that it was the victim’s own father, not Tom, who brutally abused her. However, despite Atticus’s best efforts, the all-white jury convicts Tom of the crime.

After the verdict, the courtroom empties. Atticus packs his briefcase while the black community members remain seated in the balcony—the segregated section of the courthouse reserved for so-called “colored people” (198). Jem and Scout are also sitting in the balcony watching intently. The courtroom is silent. As Atticus turns to leave, all the black people solemnly and reverently stand. When Scout does not stand, the black minister gently nudges her and says, “[S]tand up. Your father’s passin’” (242).

As I witnessed this climactic moment of the film, I felt a chill go up my spine. Although



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against me did not worry me much, but I was concerned for my children. Much like Atticus, I did not want to see my children endangered because of my work. However, in a strange way these threats reassured me. I sensed that if such evil was opposing us, we must be on the right track. Faith and prayer saw me through these tough times.

Once the trial began, the evidence came in better than we had hoped. The state’s own ballistics expert changed sides and testified for the defense. He concluded that Mr. Grube’s shotgun could not make the same pellet pattern that appeared in X-rays of the victim’s body. He also concluded that a tool mark on the window frame removed from the victim’s bedroom window could not have been made by the gun recoiling. He testified that he could only recreate the mark by locking the window frame in a vice and deliberately rubbing the shotgun barrel against its surface. In other words, the key evidence had been manufactured. Meanwhile, the state attacked our client’s reputation and character. They twisted the actions of an awkward teenage boy into something dark and evil.

Although I was very young and inexperienced—just 28 years old—I was entrusted with the responsibility of making the closing argument to the jury. For about 20 minutes I felt like Atticus Finch imploring the jury to “do their duty.” To this day it may have been the most important speech of my life—and I have given many speeches. Interestingly, even then I clearly recognized my moment with destiny. I began my closing argument as follows:

*Ladies and gentlemen of the jury, . . . the responsibility of giving this closing argument . . . has fallen upon me. As I stand before you now, I actually find myself trembling. I don’t think there will be anything I will ever say in my life that will be more important than the things I’m going to discuss with you in the next few moments. [Supplemental Transcript, 22, lines 19–25]*

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Unfortunately, my closing argument was no more successful than Atticus's closing. The jury deliberated for over two days before returning a verdict of guilty. Mr. Grube was later sentenced to life in prison without possibility of parole and sent to the Idaho state prison in Boise. He remained there for more than 14 years.

We immediately appealed the case to the Idaho Supreme Court. Although they found several errors in the trial, they concluded by a five to zero vote that these errors were harmless.<sup>4</sup> As we waited for the decision on the first appeal, a new witness contacted us. The state had interviewed this witness in 1991 but had not disclosed his identity or the substance of his testimony. This was a serious violation of our client's constitutional rights under the landmark U.S. Supreme Court case *Brady v. Maryland*, 373 U.S. 83 (1963). This witness also helped us discover new evidence that proved that the local police had altered their logs from the night of the murder. With this new evidence in hand, we filed a petition for postconviction relief. When the district court denied our petition, we filed our second appeal. We were greatly disappointed when we lost in the Idaho Supreme Court again, although this time the vote was three to two.<sup>5</sup> However, we were encouraged by the very strong dissenting opinion of Justice Wayne Kidwell, a former attorney general for the state of Idaho.

Having exhausted our appeals in state court, in 2001 we filed a petition for *habeas corpus* in the U.S. District Court. My partner and dear friend, Mike Kam, died only months after we filed this petition. Since I was no longer being paid by the county, I represented Mr. Grube for the next six years on a pro bono basis. I later had the privilege of working with Dennis Benjamin from the federal appellate public defender's office in Boise.

Finally, after 15 years of appeals and many twists and turns of fate, U.S. District Judge Lynn Winmill ruled that Mr. Grube had been denied a fair trial back in 1991.<sup>6</sup> Mr. Grube was released from prison on March 21, 2006. The state of Idaho immediately appealed the decision to the Ninth Circuit Court of Appeals. In an astonishing turn of events, during oral argument in April 2007, the three-judge panel from the Ninth Circuit summarily advised the lawyers from Idaho's Office of the Attorney General to dismiss their appeal or face a scathing decision upholding Judge Winmill's ruling. The case was remanded and set for a new trial in the fall of 2007. As Dennis and I were gearing up to retry the case, the Idaho Office of the Attorney General proposed a very favorable plea agreement, one that would eventually allow all charges to be dismissed and would restore Mr. Grube to his full constitutional rights. The offer was simply too good to reject. He accepted it, and his case was finally dismissed in November 2007.

Sadly, Mr. Grube's story does not have a happy ending. In February 2009 he suddenly passed away after suffering a massive stroke. Although his brief period of freedom was short-lived, my client and his family enjoyed and cherished the almost three years they had together before he died. Unlike Tom Robinson, my client did find vindication and freedom, although it happened much too late and lasted much too briefly.

#### REFLECTIONS

Every few years I try to get my children to watch *To Kill a Mockingbird* with me again. In fact, we watched it just last week. Perhaps the fact that I am now a judge has changed my sensitivity a little, because I noticed something about the movie this last time that I had never noticed before. I had always thought that Atticus and Boo Radley were the only adult heroes in the story. However, after my most recent viewing I realized there was a second hero—Judge Taylor.

In the book Jem asks Miss Maudie, "Who in this town [besides Atticus] did one thing to help Tom Robinson, just who?"

She thoughtfully responds: "Did it ever strike you that Judge Taylor naming Atticus to defend that boy was no accident? That Judge Taylor might have had his reasons for naming him?" (247). While he could have appointed any lawyer in town to represent Tom, Judge Taylor chose to appoint the best lawyer in town—Atticus.

I took an unusual path to the bench. In Idaho, most judges are former prosecutors, not defense attorneys. Although criminal defense was only a small part of my legal practice, it was an important part. I wish all judges could have had the privilege of representing at least one innocent man back when they were lawyers. For the system to work, judges should have sufficient imagination to see every person brought before them to answer criminal charges as innocent until proven guilty. Sometimes that takes a lot of imagination: most defendants brought into court either plead guilty or are found guilty based on overwhelming evidence. Unless a judge understands that there are actually innocent people out there, it is easy to become cynical and

jaded. While I will not hesitate to impose an appropriate sentence on a felon—even a harsh sentence if justified by the circumstances—I still strive to ensure that every defendant, even if apparently guilty, receives the fairest possible trial. I have already witnessed one innocent man go to prison during my career as an attorney. I do not want to ever see that happen again while I am a judge.

I have tried to imagine what would have happened to Atticus later on in his life. If there had been a sequel to the book, what would the future have held for Atticus Finch? I can envision several different scenarios:

**1** Perhaps Atticus would have become disillusioned after the attack on his children and moved away, starting a law practice in the state capital or somewhere up north. I think this is unlikely. Despite Maycomb’s flaws, Atticus seems to be a part of his hometown. I think he would have been more inclined to stay and try to improve things by being a force for good.

**2** Given his career as a representative in the Alabama state legislature, perhaps Atticus would have someday run for a statewide office, like governor or attorney general. I think this is also unlikely. Any state capable of electing a segregationist like George Wallace to four terms as governor would have been unlikely to elect a man like Atticus Finch.

**3** I can picture Atticus, after his children were grown, becoming a judge. This is my preferred scenario right now. However, I am unfamiliar with Alabama’s judicial selection process, and I have my doubts that a man with Atticus’s progressive views on race could have been appointed or elected to the judiciary. However, what a judge he would have become! His wisdom and fairness would have blessed the lives of so many.

**4** In all likelihood, I suspect Atticus would have stayed in Maycomb and remained what his children knew him to be: a simple country lawyer who dispensed sound legal advice and justice to a small community badly in need of his goodness and wisdom. He would not have grown old and rich, but he would have grown old and at peace with himself. If so, I think that this would be a happy ending.

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#### TRAITS OF A GOOD LAWYER

Atticus is a remarkable literary figure because he is a lawyer-hero. Lawyers are uncommon protagonists in current literature. More often than not, lawyers are often the villains or the punch line to some oft-repeated lawyer joke. One such joke currently making the rounds is that it has been observed that 99 percent of all lawyers give the other 1 percent a bad name. While I have found that the reverse is far more likely to be true, there is no doubt that Atticus would be among the top 1 percent of all lawyers.

The reason lawyers often undeservedly get a bad reputation is due to the nature of their work. They often work for unhappy, stressed-out people facing a crisis in their life. Another lawyer, representing an equally distressed client, usually opposes them. It is hard to make a good impression when you are in the middle of such contention and acrimony. Nevertheless, my experience has shown me that while most people often see the attorney for the other side as an unethical weasel, they usually like their own lawyer—until they receive the bill.

Working in the legal profession usually changes how a person thinks and acts. After all, one of the oft-stated purposes of law school is to train students to “think like a lawyer.” Therefore, it is no surprise that a life in the law can sometimes affect a lawyer’s personality—and not always for the better. For example, contrast the differing models of how the world views effective lawyers with the traits of a spouse or close friend:

Perceived Traits of an Effective Litigator	Traits of a Good Spouse or Friend
Wins at all cost	Compromises
Cross-examines to discover truth	Trusts others
Never admits he is wrong	Acknowledges his mistakes
Argues any position	Looks for common ground
Attacks vulnerability	Strengthens others
Denies any weakness	Readily admits faults
Thinks for others	Thinks of others <sup>7</sup>

One of the reasons Atticus appeals to so many of us—both lawyers and nonlawyers alike—is that he so clearly demonstrates the characteristics we all believe lawyers should have. Those traits are empathy, courage, and a strong sense of justice. These are illustrated in many passages throughout *To Kill a Mockingbird*.

### *Empathy*

Atticus has an innate ability to understand the world from the perspective of others. This not only makes him an outstanding trial lawyer but, more important, makes him a great human being. For example, he teaches his daughter, “You never really understand a person until you consider things from his point of view. . . . [U]ntil you climb into his skin and walk around in it” (33). When Atticus’s sister, Alexandra, complains that the members of the African American community often gossip about white people, Atticus responds firmly but with humor, saying, “Maybe if we didn’t give them so much to talk about they’d be quiet” (179).

After the trial, when Bob Ewell spits in his face, Atticus takes no revenge; he merely replies, “I wish Bob Ewell wouldn’t chew tobacco” (249). Atticus understood that Bob Ewell had been humiliated by the trial and allowed him to save face. I cannot help but feel that by bearing this indignity with such grace, Atticus may have unintentionally added to Bob Ewell’s humiliation.

Another example involves Mrs. Dubose, an elderly woman who bad-mouths Atticus in front of Jem. She is described as having a Confederate pistol under her shawl (*see* 114). Her character’s role in the story is much more pronounced in the book. When Jem responds to her derogatory comments against his father by angrily destroying her flowers, Atticus makes him apologize and arranges for Jem to read stories to her every day as she lies in her sickbed. When she later dies, Atticus refers to this bitter, racist woman as “a great lady” because of all the trials she overcame in her life (128). He understands her well enough to see past her obvious faults and discover her hidden strengths.

### *Courage*

Whatever misplaced courage Mike Kam and I showed in protecting our threatened client in the courtroom, it is insignificant compared to the courage displayed by Atticus before the lynch mob. Perhaps few, if any, lawyers have had an opportunity to display such courage.

On the eve of Tom Robinson’s trial, fearing danger to his client, Atticus spends the night in front of the jail. Not even having brought a gun, he just sits outside the door to the jail in a chair from his office while reading a newspaper by the light of a bare lightbulb connected to a very long extension cord. As the mob approaches with murderous intent, they demand to know if Tom Robinson is in

the jail. Atticus bravely replies, “He is, . . . and he’s asleep. Don’t wake him up” (172). Like Daniel in the lion’s den, Atticus had the courage to stand for his principles, baring no weapon other than the moral strength of his convictions.

I feel, however, that these overt acts of bravery are overshadowed by the most profound act of all—the fact that Atticus was willing to represent a black man. He not only represented Tom, but he represented him with extreme diligence and zeal. By so doing he not only put his career at risk but also his own life—and the lives of his children—at risk. Having experienced this myself to a much smaller degree, I can appreciate the terrible dilemma he faced.

Of course Atticus would never define courage by his own actions. Instead he points to the life of his foul-mouthed, racist neighbor, Mrs. Dubose, and her long battle with a terminal illness, teaching his children:

*I wanted you to see what real courage is, instead of getting the idea that courage is a man with a gun in his hand. It’s when you know you’re licked before you begin but you begin anyway and you see it through no matter what. [128]*

No sentence in the book better describes the heart and spirit of Atticus Finch.

### *Justice*

Earlier I quoted Atticus as saying, “[B]efore I can live with other folks I’ve got to live with myself. The one thing that doesn’t abide by majority rule is a person’s conscience” (120). It made no difference to Atticus if everyone thought something was acceptable. If it offended his conscience, it was not right. When Scout is told not to use the *n* word, she responds, “[E]verybody at school says [it].”

With great clarity and authority, Atticus simply replies, “From now on it’ll be everybody less one” (85).

His conscience, or sense of justice, manifested itself in many interesting ways. For example, when he kills the rabid dog with just one shot, his children discover that their father is an expert marksman. They are shocked because he had never told them of his skills, let alone professed any interest in guns or hunting. Their neighbor, Miss Maudie, explains: “I think maybe he put his gun down when he realized that God had given him an unfair advantage over most living things” (112). He taught his children never to assume they were better than anyone, even if they were smarter, richer, or better mannered. He taught them that it is simply wrong to take advantage of others just because they are not as richly blessed.

Atticus rarely resorts to religion to define what is right and wrong, so when he does, it is striking. Upon giving Jem and Scout their first air rifles he tells them: “I’d rather you shot at tin cans in the back yard, but I know you’ll go after birds. Shoot all the bluejays you want, if you can hit ’em, but remember it’s a sin to kill a mockingbird” (103).

Miss Maudie, once again, provides insight for the children and readers into Atticus’s meaning: “Mockingbirds don’t do one thing but make music for us to enjoy. . . . [T]hey don’t do one thing but sing their hearts out for us. That’s why it’s a sin to kill a mockingbird” (103).

Only as the story progresses do we understand that these words, which find their way into the title of the book, refer to more than just birds. They refer to the Boo Radleys, the Tom Robinsons, and the others among us who are disadvantaged. The mockingbirds are those upon whom justice has given us a special stewardship to protect—people like a special young man falsely charged with murder in a small town.

#### MY NAME

Before concluding, I should share with you one more interesting footnote about the impact this great story has had on my life. I strongly suspect that it is the source of my first name: Gregory. After *To Kill a Mockingbird* was first published in 1960, it was made into a movie that debuted in December 1962. The Academy Award ceremonies took place on April 8, 1963, about three weeks before I was born. Although it was a masterpiece, the movie faced tough competition for the best movie award, which eventually went to *Lawrence of Arabia*, a well-deserving film. However, *To Kill a Mockingbird* was recognized and rewarded. It not only received an Academy Award for best screenplay adapted from a literary work, but its leading actor, Gregory Peck, also won the award for best actor for his masterful depiction of Atticus Finch.

Since no one in either my mother’s or father’s families had the name Gregory, I often wondered where it came from. Whenever I asked my mom, she always said she had just liked the name. When I got much older, I realized that this movie was a hit right before I was born, and Gregory Peck



“[T]HERE ARE

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was then at the apex of his stellar career. I asked my mom if there was any connection between my name and the movie. With a mysterious smile on her face, she said she was not sure. She just remembered that she liked the name. Mere happenstance or not, according to U.S. Census Bureau records, more babies were named Gregory in 1963 than in any other year on record. I am pretty sure this is not a coincidence.

#### CONCLUSION

In conclusion, I would like to end by referencing the first words of *To Kill a Mockingbird*. Rather than beginning with a lengthy and boring introduction, Harper Lee insisted that her work remain without prefatory comments. She claimed that they “inhibit pleasure, they kill the joy of anticipation, they frustrate curiosity.”<sup>8</sup> Instead, she began her work with a brief epigraph, a quote by Charles Lamb: “Lawyers, I suppose, were children once.”

By telling her story through the eyes of a child, Harper Lee showed us the hypocrisy inherent in any form of bigotry and prejudice. She did so not only by realistically portraying the racial prejudice that pervades her story but also by depicting other pervasive forms of discrimination. For example, she exposed the Southern caste system that labeled poor whites without established family pedigrees as “white trash,” the custom of locking away the mentally ill in the home, the burgeoning anti-Semitism in Germany before the Second World War, and even the strict gender norms that required little girls like Scout to wear dresses and prevented them from playing football. The hypocrisy of their elders is obvious to young Scout and Jem, even if most of the adults are oblivious to it. There is nothing new in this. Even today, I have noticed that the idealism of young children often makes them walking and talking hypocrisy detectors. What parent has not had their own inconsistencies pointed out by their children? Atticus understood this and wisely advised his brother: “When a child asks you something, answer him, for goodness’ sake. But don’t make a production of it. Children are children, but they can spot an evasion quicker than adults” (99). Atticus always spoke to his children as if they were adults. They responded by showing him not only love and obedience but also maturity and understanding beyond their years.

I am grateful that when I was still a young man I was introduced to this great story. It influenced my life in profound and basic ways. I know that it has impacted the way I raise my

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children, the way I serve my community, the way I practiced law as an attorney, and, hopefully, the way I administer justice as a judge. This great book is both timeless and timely as our nation and community deal with issues of race and tolerance today. Hopefully, those motivated to read this book will gain a richer understanding of such matters. I know it has been a great gift in my life.

Not only does Harper Lee teach us of principles and ideals we should earnestly seek to emulate, she introduces us to a man who embodies these characteristics: Atticus Finch. Although a fictional character, no doubt based in many ways on Harper Lee's own father, he is my hero too. There is simply so much in him worthy of emulation. Miss Maudie once wisely explained to Jem: “[T]here are some men in this world who were born to do our unpleasant jobs for us. Your father's one of them” (246).

May the world never run out of such men and women.

A F T E R W O R D

On December 8, 2009, a few months after I delivered this speech, I received an email from Thomas L. Butts, a Methodist pastor from Monroeville, Alabama. He informed me that Mr. Grube's older brother, David, had located him through Harper Lee's publicist and sent him a copy of this speech. Pastor Butts told me Ms. Lee was living in a nursing home, recovering from a serious stroke. As her friend and minister, he visits her weekly, often taking her for walks and reading to her. She is very frail and sees few visitors.

Pastor Butts explained that he took my speech to the nursing home and read it to Ms. Lee. He then wrote:

*She asked me to thank you for your kind words about To Kill a Mockingbird. . . .*

*She does not sign books anymore, except on rare occasions for close friends or family, and almost never personalizes a signed book anymore. I asked her to sign a book for you today, and she did. We placed the book under a powerful magnifying glass with a light shining through it, and the signing turned out pretty good. Tomorrow, she will not remember signing the book.*

A few days later I received a hardbound copy of *To Kill a Mockingbird* in the mail. The inscription reads, “To Judge Gregory Moeller with best wishes, Harper Lee.” Pastor Butts also enclosed a handwritten letter of authenticity, which he signed. The book and postage were paid for by David. This may be the greatest Christmas gift I will ever receive.

My own story has now come full circle. The woman whose book inspired me to become a lawyer so that I could one day represent an innocent man has now sent me a signed copy of the very same book after she heard my story. Of all the miracles of my life, I will always be amazed and humbled as I recall how my involvement in Mr. Grube's case became entwined with the story of Atticus Finch and Tom Robinson.

Although Atticus may not have saved Tom Robinson's life, in a strange yet real way he gave Mr. Grube his freedom—even if it was for only a few short years. As this wonderful book continues to inspire a rising generation of young lawyers, I am sure Atticus will save many more lives.

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- 1 Shortly after the 2008 presidential election, Rexburg made national news when a local paper reported that a few elementary school students chanted “Assassinate Obama” on a school bus. See Nathan Sunderland, *Rexburg Becomes Center of the Storm*, STANDARD JOURNAL (Rexburg), Nov. 20, 2008, at 1A.
- 2 Gubernatorial candidate Rex Rammell, while answering a question about purchasing hunting tags for wolves, joked that he would like to purchase an “Obama tag.” See John Miller, *GOP Leaders Slam Rammell*, POST REGISTER (Idaho Falls), Aug. 28, 2009, at A1.
- 3 All page references from the book *To Kill a Mockingbird* are from the 40th anniversary edition (HarperCollins Publishers 1993) (1960).
- 4 State v. Grube, 126 Idaho 377, 882 P.2d 1069 (1994) (initial appeal denied).
- 5 Grube v. State, 134 Idaho 24, 995 P.2d 794 (1997) (petition for post-conviction relief denied). See J. Kidwell, dissenting.
- 6 Grube v. Blades, 2006 WL 297203 (D. Idaho, Feb. 6, 2006) (petition for *habeas corpus* granted).
- 7 Inspired by FIONA H. TRAVIS, SHOULD YOU MARRY A LAWYER: A COUPLE'S GUIDE TO BALANCING WORK, LOVE AND AMBITION (2004).
- 8 Foreword to the 40th anniversary edition of *To Kill a Mockingbird* (February 12, 1993).