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RANDOLPH THROWER: A MAN FOR ALL SEASONS

*Charles A. Shanor**

Randolph Thrower left large legacies on the legal profession, on American government, and at the Emory University School of Law. In addition, he made strong, positive contributions to the lives of those who, like me, were privileged to practice law under his tutelage. I will start with the personal and move to his more public contributions.

I worked at Sutherland Asbill & Brennan in 1973 following a clerkship with Judge Elbert Parr Tuttle, one of the founders of the firm. At the time, associates rotated through departments for several months per rotation during their first year or so of employment. This provided an opportunity to learn what practice would be like in different areas and to meet partners who led various practice groups. This was an expensive educational model, but for me it paid lifetime benefits in understanding law practice even though I chose teaching over the practice.

One of my rotations was on the tax team. Randolph Thrower, a senior partner who served as Commissioner of the Internal Revenue Service before I joined the firm, led this team. Mr. Thrower knew his clients and their tax issues intimately. At the time, top personal tax rates were a “mere” 70%, having topped out at 91% a few years earlier. One high-bracket client with whom I worked had invented a device that revolutionized manufacturing in his industry. Mr. Thrower introduced young associates to such clients, we observed how he coaxed tax-relevant information from them, and we saw how other parts of the client’s organization functioned in facilitating this fact-development process. I also became familiar with research in the tax field, for the greatest demands on associate time involved researching tax cases to analogize and distinguish client circumstances from prior precedents. And when the client needed non-tax help, like a government contractor needing an affirmative action plan, I was able to garner an assignment that, to me, was more interesting than the Internal Revenue Code.

Randolph Thrower’s approach was legion. First, he left no stone unturned in assisting the client and doubtlessly wrote off many hours that could not be

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billed. His goal was the greatest possible perfection in solving client problems, even if some of the search for perfection was not profitable to him and the firm. Second, he demonstrated repeatedly how a lawyer's calling was to provide independent advice. One oft-repeated story concerned a client seeking to dodge taxes through offshore transfers and hiding of assets. Mr. Thrower would have nothing to do with such machinations. He would help minimize taxes, not evade them; if the client wanted more, he would have to search elsewhere for representation. Third, Mr. Thrower loved the practice of law. Though he shouldered many burdens for others, he always remained energetic and upbeat even under great stress and impending trial deadlines. Of course, he was also renowned for short afternoon naps on the couch in his office, a privilege of age and seniority that I, as a junior associate, envied.

Finally, I would be remiss if I did not tell one intensely private story that helped me find my own passion in the law. At the end of my tax team rotation, Randolph reviewed my performance, telling me that both partners and clients thought I did excellent work and that I had a fine future with the firm. However, he advised, my billable hours were a bit on the low end for an associate at that time. When he was at my stage of life, unmarried with no children, said Mr. Thrower, he plowed virtually all his waking hours into the practice. As I left his office, I focused on how his passion was not mine. When I left the firm to enter law teaching, it was to see if my professional passion was for the teaching end of the profession. Fortunately, it was.

Randolph Thrower's practice involved mentoring by word and deed. But he lived the message of passion, discipline, and integrity in many ways beyond the firm. He led ABA efforts to open the practice of law to women, including his daughter Patricia (with whom I clerked before joining the firm). He also served in positions that enhanced racial integration of the profession, inclusion of all who were steadfastly committed to excellence and integrity. Speaking of integrity, I would be remiss not to recap a moment of Randolph Thrower's government service. Richard Nixon was President, and Thrower was his Commissioner of the Internal Revenue Service. The President's aides suggested that IRS records of "political enemies" be examined for irregularities and possible political use. Mr. Thrower refused. When the White House pressed the issue, Thrower resigned. Like others before and after him, he was content to return from government to the profession and family he loved before performing governmental service.

Finally, I want to mention Randolph Thrower's contributions to the Emory University School of Law. The most important was that he took his Emory Law degree and used it to positive effect in the larger world. That is an amazing gift to an institution and those who teach in it. Second, he gave of his time, for many years teaching as an adjunct on the Emory faculty. At the time, teaching tax policy, he had only a handful of similarly dedicated Atlanta practitioners who interrupted busy days, client and court deadlines, and foregone billable hours to engage in teaching students, many hungry for the special insights, both practical and theoretical, that practitioners at their best bring to teaching. Emory is fortunate to now have a deep reservoir of such talented Atlanta practitioners who enrich our curriculum in both transactional and litigation classes. Lastly, Randolph Thrower, his family, friends, and partners were extraordinarily generous with their financial resources towards the law school. I will mention two examples of this generosity.

When I was Associate Dean at Emory Law in the early 1980s, Dean Tom Morgan and I worked with Margaret Thrower and the Thrower children to craft a suitable legacy to Emory, an institution that Mr. Thrower loved. The result was not a scholarship in tax law or even a chair in tax law, though either would have been greatly welcomed by Emory, which was then and is still today a largely tuition-dependent institution. Rather, the family and the school put together a program for an endowed lectureship focused broadly on law and public policy. That lectureship grew to a symposium through additional generosity by the family, and it is now a legacy program at Emory Law. It attracts national and international experts in various fields and a wide audience of Emory students and Atlanta lawyers. The symposium is published in the *Emory Law Journal* and has served as a permanent resource for those working in many fields of law over more than a quarter century.

The second generous legacy is the fifth floor of Emory's law library, which houses the offices of the library staff and is the focus of much of their work, both in keeping the collection current and organized, and also in providing research support for faculty and students. The library floor was paid for through the broad generosity of many friends and colleagues whose names are inscribed on the plaque on the entrance to the floor. It was an especially appropriate tribute to Randolph Thrower, who had worked his way through school in substantial part by working to man the library in the small building the law school occupied when he was a student.

Mentor, counselor, wise advisor, teacher, and philanthropist—Randolph Thrower well deserves an honored spot in our roster of professional heroes. He is certainly high on my list.