

Judicial Profile

MATTHEW DEKOVICH

Hon. Sim Lake U.S. District Judge, Southern District of Texas

IN HIS TWO-DECADE tenure as a U.S. district judge in Houston, Texas, Sim Lake has presided over a number of high-profile cases. The list ranges from the murder trial of a cult leader to the legal challenge of a county's display of an open Bible near the local courthouse. Perhaps no case, however, attracted more attention than the 2006 criminal fraud and conspiracy trial of former Enron executives Kenneth Lay and Jeffrey Skilling. The trial, which lasted nearly four months and was preceded by more than a year of pretrial preparation, made national headlines and was deemed by some to be a landmark among white-collar criminal cases.

In the spotlight of the Enron trial, Judge Lake's considerable judicial talents were on prominent display. Lake won nearly universal praise for the adept manner in which he kept a complex case involving accounting and financial securities on track and remarkably free of distractions and unnecessary delays. Jurors appreciated the always punctual Lake both for his efforts to respect their time by requiring lawyers on both sides to "sharpen their pencils" and avoid undue repetition and for his considerate manner and obvious legal acumen. Even defense counsel Daniel Petrocelli, whose client did not fare well in the case—to say the least—acknowledged that the judge had presided over the trial with "grace, skill and dignity."¹

Judge Lake's expert handling of the Enron trial came as no surprise to those who know him. Intelligent, disciplined, hardworking, humble, and fair, Judge Lake is widely regarded as one of Houston's finest jurists. He has led a life of distinction and achievement, and he is a source of pride for those who have been fortunate over the years to call him mentor, colleague, or friend.

Simeon T. Lake III was born in Chicago on July 4, 1944. He spent his formative years in Fort Worth, Texas, before enrolling at Texas A&M University. Lake excelled at his beloved A&M, where he simultaneously studied as an undergraduate and trained as a cadet in



the U.S. Army. Among other activities, he found time to participate on the debate team and in the student senate. A "Distinguished Student" every semester, he graduated sixth in his class and was awarded a B.A. in history, with honors, in May 1966. Upon graduation, Lake was commissioned a second lieutenant in the U.S. Army.

Lake spent the next three years in Austin pursuing a law degree at the University of Texas School of Law. As he had done at Texas A&M, he steadily compiled an impressive record. He was a member of the editorial board of the *Texas Law Review* and president of the law school's Class of 1969. In the classroom, Lake displayed a keen aptitude for mastering legal doctrine. His academic performance earned him a place in prestigious honor societies, and he was a member of the Order of the Coif. In January 1969, Lake graduated from law school first in his class and with high honors.

As a newly minted lawyer, Lake worked briefly as an associate at the law firm of Fulbright & Jaworski in Houston before leaving for active duty with the U.S. Army in February 1970. After completing an assignment at the U.S. Armed Forces Language Institute in

El Paso (during which time he continued to practice law part time), Lake was sent to Vietnam, where he would spend much of 1971. In Vietnam, Lake tried cases as a prosecutor in the Army Judge Advocate General Corps. He attained the rank of captain, received the Bronze Star and Army Commendation medals and was honorably discharged.

Lake returned to Houston and Fulbright & Jaworski in February 1972. Lake quickly became an accomplished trial lawyer and was admitted to partnership in the firm in June 1977. Over time, Lake's law practice came to focus on energy and environmental litigation, and he tried numerous such cases to verdict. Among his colleagues, he was famous for his tireless work ethic and discipline, superb organizational skills, and penchant for mastering and cutting to the core of complex sets of facts and legal doctrines. When working on a case, he would compile notebooks full of material on any given topic, which he called his "mud pies." Lake's approach to the practice of law was that he would not be outworked or caught unprepared.

During his time as a partner at Fulbright & Jaworski, Lake demonstrated a sincere interest in mentoring young lawyers. He played an active part in developing the firm's litigation training program and had a significant impact on the professional development of young lawyers who worked with him on a day-to-day basis. William D. Wood, a partner at Fulbright & Jaworski who joined the firm in 1984, counts Lake among his many "outstanding mentors." Wood remembers Lake "leading by example in every aspect of law practice—tireless work ethic, desire to do one's best, being thorough and creative, and above all, treating everyone with respect and courtesy." "On the infrequent occasions when I appear before the Judge in court," Wood reflects, "I am happily reminded of the better parts of our profession."

After years as a litigator, Lake grew interested in becoming a judge. In 1988, President Reagan nominated Lake to be a U.S. district judge in the Southern District of Texas, and the Senate confirmed Lake the same year. Bringing his characteristic hard work and discipline to bear on his new tasks, it did not take Lake long to settle into the job. He quickly developed the first-rate judicial reputation that he enjoys today. In surveys of litigators who have appeared before him, Lake consistently receives high marks for his intelligence, efficiency, and evenhandedness. He is known for his excellent judicial temperament and professionalism as well as for his innate sense as to how to run an efficient docket while also giving the lawyers before him a fair opportunity to advocate their case. Lake reads everything that is filed and comes to the bench thoroughly prepared—and always on time—and he demands that the lawyers who appear before him put forth the same effort and preparation. This is equally true whether the matter is Enron or one of the more typical cases that populate his docket. To Judge Lake, there is no such thing as a "small" case,

because any given case may well be the lawyer's or the litigant's most important one.

Judge Lake is also known for his well-reasoned and clear judicial opinions. David Levy, a litigation partner at Morgan, Lewis & Bockius who completed a stint in law school as a judicial intern for Judge Lake, credits the judge with teaching him how to craft clear and concise legal prose. "Much of Judge Lake's true brilliance is reflected in his written rulings," remarks Levy, who to this day will commend Judge Lake's opinions to young lawyers as examples of the kind of effective legal writing they should strive to emulate. "He is able to distill complex fact patterns into the key legal questions, and then to rule on those issues based on the facts and the law."

Judge Lake's contribution to the law has extended beyond his own docket. From 1999 to 2005, he served on the U.S. Judicial Conference Committee on Criminal Law, spending part of that time as chairman. His tenure as chairman coincided with the decision handed down by the U.S. Supreme Court in 2005 that effectively made the previously mandatory Sentencing Guidelines advisory. In the wake of the decision, Judge Lake guided the committee's efforts to analyze the meaning of the Court's ruling and its administrative and practical implications.

As those who have had the opportunity to work for Judge Lake over the years will confirm, his virtues are equally apparent when he is off the bench as they are when he is running his court. It is no coincidence that Judge Lake has a loyal and dedicated staff as well as a group of clerks and former clerks who admire and appreciate him greatly.

Even though he has always been a serious and diligent worker, Judge Lake also maintains a balanced outlook on life. As anyone who has spent time around him can attest, Lake's family is by far his greatest source of happiness. He is a devoted family man. Besides the law, Lake's interests are many: he has taught Sunday school, he is a voracious reader (particularly of history), and he likes to stay in shape with daily workouts. Lake is also justly famous for his dry wit and keen sense of humor.

With the publicity generated by the Enron trial, Judge Lake received widespread recognition for what many in Houston have known all along: that he is an excellent and honorable judge. These qualities—excellence and honor—have been, and remain, the hallmarks of Judge Sim Lake's remarkable life and career. **TFL**

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Endnote

¹See Mary Flood, *All Rise: Judge Garners Praise: Jurors, Others Applaud Lake's Handling Of Lay And Skilling's Trial*, HOUS. CHRON, June 4, 2006, at Business p. 1.