

ATLANTA BUSINESS CHRONICLE

Atlanta lawyer doubles as Civil War historian

DAVE WILLIAMS
Atlanta Business Chronicle

Bob Tanner knew what he wanted to do as an avocation before he set his sights on a vocation.

It started more than 50 years ago, when the then-seventh grader read “Lee’s Lieutenants,” a three-volume study of Confederate Gen. Robert E. Lee’s top subordinate commanders in the Army of Northern Virginia.

He found himself particularly fascinated with the section on Gen. Thomas “Stonewall” Jackson’s legendarily successful Valley Campaign.

“I thought to myself, ‘Why not go to the library and look up more material on it?’ ” said Tanner, now 68 and a partner with the Buckhead law firm Weinberg, Wheeler, Hudgins, Gunn & Dial LLC. “But there wasn’t more.

“A lot of people had written about it, but nobody had written an entire book about it since the 1880s.”

Thus was born the germ of “Stonewall in the Valley: Thomas J. Stonewall Jackson’s Shenandoah Valley Campaign, Spring 1862,” Tanner’s highly regarded 1996 book that filled the gap he had discovered in Civil War scholarship.

He followed that up in 2001 with “Retreat to Victory? Confederate Strategy Reconsidered,” which debunked the widely held theory that the South could have won the war by pursuing a less aggressive strategy aimed at wearing out the North over time.

Tanner’s interest in the Civil War as a teenager was so intense it led the Los Angeles native to come East to college.

“When I was growing up in California, where there wasn’t a lot of source material about it in the ‘60s,” he said.

Tanner hit paydirt when he arrived on the campus of the Virginia Military Institute, where Jackson had taught before the war. He dove into primary source material not only there but on short trips to the University of Virginia and to Richmond, which served as the Confederate capital.

“I began to find letters and diaries from participants who had been there,” he said. “It was the story of the common soldier that really fascinated me, how these men were going day after day without enough to eat and no fires because it was rainy.”

While Tanner gravitated toward the Civil War at an early age, it wasn’t until college that the history major decided he wanted to be a lawyer.

“I don’t know that there was any eureka moment,” he said. “It was probably just a gradual realization that I liked to write and liked to talk. ... The law is a profession where you can do both and get paid for it.”

Tanner moved to Atlanta after graduating from North Carolina’s Wake Forest University law school. At first, he handled cases typically assigned a young lawyer, from fender benders to uncontested divorces.

But he soon found he was most interested in the human body, although not enough to ditch the legal profession for medical school.

“It occurred to me it would be interesting to learn medicine in the context of defending [medical malpractice] cases,” he said.

Decades later, medical malpractice still accounts for about 90 percent of Tanner’s caseload.

Evidence of his most famous case hangs on a wall of his office, framed sketches made by a courtroom artist of a younger Tanner in 1978 de-

fending then-U.S. Rep. Larry McDonald of Marietta from a wrongful death lawsuit.

McDonald, a urologist, had prescribed the non-approved drug laetrile to a patient with cancer who later died.

The case drew national attention, including coverage on the “CBS Evening News” with Walter Cronkite.

While the plaintiffs demanded \$6 million, Tanner settled the case for just \$15,000.

“The man had advanced lung cancer,” he said. “There wasn’t anything any conventional medicine could have done for it. ... He didn’t die because of the drug. He died because of cancer, and the jury was smart enough to see that.”

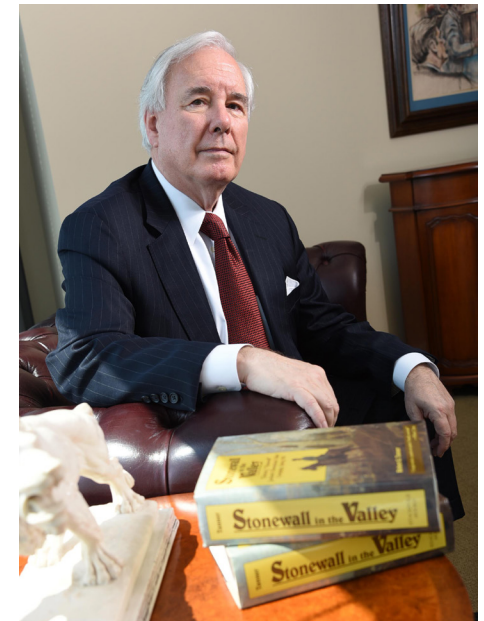
While none of Tanner’s more recent cases has attracted as much publicity, he has built an impressive record. In the last decade, 18 of the 20 cases he has tried ended in outright victories. The other two resulted in hung juries

“Every case is different,” he said. “[But] one thing I always keep in mind is a jury always wants to see effort by the doctor. These cases are tricky. If a doctor gets the diagnosis wrong ... it doesn’t mean he’s not a good doctor.”

While the time requirements of being a lawyer limit Tanner’s productivity as an author, he said the label that goes with his chosen profession hasn’t hampered his bona fides as a Civil War historian.

“This is a remarkably open field,” he said. “There are many non-professional historians who write fascinating books.”

In fact, two of the most famous Civil War historians – “Lee’s Lieutenants” author Douglas Southall Freeman and Bruce Catton – were journalists, said Nash Boney, professor emeritus of history at The University of Georgia.



“Having a Ph.D. in history is good, but it’s not like having a Ph.D. in chemistry,” Boney said. “There are a lot of well-done books on the Civil War done by amateurs.”

Tanner said he has an idea for another book, if he can free up enough time away from the courtroom. This time, he might dabble in counterfactual history, posing a “What if?”

“What would have happened if the South had seceded in 1850 instead of 1860?” he asked. “It might have been an extremely different war.”

