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THE HISTORICAL SOCIETY  
OF THE UNITED STATES  
DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN

# STEREOSCOPE



## History and the Practice of Law: a Review of the Past to Look at the Future

Stephen C. Bransdorfer

**M**ore than ever, lawyers today face key questions regarding their ethics.

For the lawyer who has practiced a lifetime, has the meaning of the word “ethics” changed?

We should look at the past to guide us for the future. A look at the past shows similarities of crucial problems faced previously.

There are no simple answers to those questions. However, each lawyer in his or her own way, can focus on improving the public’s perception of the law and also be part of a united professional approach. The objective is to maintain public trust in the law in our free society during these stressful times. This article will describe and suggest approaches to achieve that objective.

The definition of ethics is not hard to find. Webster’s New World Dictionary defines it as follows (page 466):

Ethics: A system of moral standards or values.

That definition is described by national, regional and local bar groups. The Professional Creed of the American Inns of Court captures the essence of what lawyers believe is at the heart of ethics in their practice. It contains the following statement:

I will value my integrity above all. My word is my bond.

History provides guidance. We should look at Abraham Lincoln, a lawyer and President, and focus on what he said during the crisis

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of the Civil War. Abraham Lincoln devoted his life to the practice of law before assuming his role as our nation's leader. He recognized there was a public distrust of attorneys and at the same time described the dedication each lawyer must have to the highest ethical practices. He said:

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors reposed in and conferred upon lawyers by the people, it appears improbable that their impression is very distinct and vivid. Let no young man choosing the law for a calling for a moment yield to the popular belief—resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation rather than one in the choosing; of which you do, in advance, consent to be a knave.

(“Abraham Lincoln, Wisdom & Wit” (1965), page 48.)

Abraham Lincoln's description of the public's perception of lawyers brings back to many of us as practicing attorneys recollections of that perception.

Some thirty years ago I served as the President of the State Bar of Michigan. It was the Watergate era. The President of the United States, a lawyer, had resigned. The counsel to the President and the Attorney General of the United States were under criminal investigation as to their roles in the planning and cover-up of the Watergate break-in of the

opposing party's Washington, D.C. headquarters.

As State Bar of Michigan President, I prepared monthly “lawyer-to-lawyer” messages through the President's Page in the *Michigan Bar Journal*. My first message said:

This is my first President's Page. As I reviewed the matters vital to Michigan's lawyers that might be discussed in this way, I was struck with these basic factors about the profession:

- Never in the history of this country have lawyers and the law been made subject to public scrutiny, criticism and debate as occurred this past year.
- Never has the demand for legal services been more pressing from individuals in the so-called middle range of American life.
- Never was there a greater need for the public to understand the legal system and the role lawyers play in that system. (*Michigan Bar Journal*, October 1974, page 622)

I then referred to the role of the courts as described by a leading nationally syndicated columnist:

James Reston, national syndicated columnist, on July 3, 1974 in reviewing the Washington atmosphere at the height of the Watergate crisis, said in his column:

In this situation, the courts are the consolation and hope of Washington these days. They have their rules and their principles, and they are moving in their steady way through the evidence, back to the Constitution. Here, the capital seems to feel, there is still the long line of tradition

and law, uninfluenced by political tactics, newspaper leads, or propaganda tricks.

The unity of the nation, the problems of Watergate, impeachment, inflation, jobs, unemployment, and particularly trust in the American system of government are probably not going to be settled by the struggling and confused men in the White House, the Congress and the press, but in the end by the courts.

My State Bar President's message as to the profession then concluded:

It must listen thoughtfully to those it serves. It must fairly and objectively seek the facts from those who criticize and from those who praise. If changes are needed, the profession must respond. If education and understanding, not change, are required, the bar must act to fill that need.

(*Id.* at pages 622-623.)

The 1993 President of the American Bar Association, R. William Ide, III, in his ABA Journal President's Message described the holding of a "Summit On The Profession" in Washington, D.C. He said:

In the final analysis, too many of us for too long have maintained a harmful air of aloofness from the problems that confront our profession. In short, we have to change. We have to adapt to the new realities facing the legal profession, thereby stemming the erosion and rebuilding public trust in the system itself and in us as lawyers.

We also will explore the overall state of our client relations, **as well as our ethics provisions**. And, while recognizing that lawyer advertising is a right of our colleagues, we will pursue ways to ensure that it always stays on the high plain, that the advertising reflects credibly on the professionalism and dignity of our calling.

(Emphasis added.) (*ABA Journal*, November, 1993, page 8)

What can lawyers do to improve the public's understanding of the legal profession and the system of justice? The public understanding should be that lawyers are members of a profession with the highest ethical standards of integrity who serve as advocates, advisers, judges and public servants.

1. Each with practice experience should serve as a mentor to members of his or her firm and colleagues in dealing with difficult issues—including ethics as they arise in practice.
2. As applicable, attorneys should work with the law schools in their geographical areas to provide ongoing working experience for the students. The contacts with the law schools should present the position that ethics should be taught in every subject, as appropriate, and not just as a single subject, i.e., "Ethics 101." Bar associations and groups can be the means of contact for these volunteer practitioners.

In summary, attorneys are dedicated to meeting and resolving challenges. The challenge of correcting the image of those in the public who question the ethics of lawyers can be met and resolved.

In our own way we should assume a professional leadership role. We should each continue to make the public and our colleagues understand that the following is at the heart of the legal profession:

I will value my integrity above all. My word is my bond.

#### About the Author

*Stephen C. Bransdorfer has retired from the practice of law and resides in Ada, Michigan. He was formerly a partner with the Grand Rapids-based law firm of Miller, Johnson, Snell & Cummiskey and also worked for the United States Department of Justice in Washington, D.C. Mr. Bransdorfer was formerly the President of the State Bar of Michigan and was the unsuccessful Republican candidate for Michigan's Attorney General in the 1978 election.*

## Upcoming *Stereoscope* Articles

The next issue of the *Stereoscope* will feature an article by the late Mark A. Latterman about the now dissolved Diamond Reo Trucks, Inc. Company formerly headquartered in Lansing. Mark was a Trustee of the Historical Society and practiced law in Lansing.

Grand Rapids attorney, Carole D. Bos, has offered to prepare an article on the sinking of the excursion steamship *Eastland* in 1915, and the subsequent federal district court proceedings held in Grand Rapids. This Great Lakes maritime disaster claimed 835 lives.

## New Society Officers Elected

At the 2004 Annual Meeting of the Historical Society held on October 6, 2004 at the Peninsular Club in Grand Rapids, the following new officers were elected for the coming year:

President: Charles E. Chamberlain, Jr.  
Vice-President: Hon. John H. Logie  
Secretary: Michael A. MacDonald  
Treasurer: James H. Geary

## Three Huzzahs for Judge Brenneman

The Historical Society wishes to thank outgoing Society President, United States Magistrate Judge Hugh Brenneman, for his dedication and hard work as the recognized founder of the Society and its first President. The Society is one in a long list of contributions that Judge Brenneman has made to the West Michigan legal community, which include establishing the West Michigan Chapter of the Federal Bar Association and its newsletter *Bar and Bench*.



# Western District Historical Society Membership Application

## 2005 Annual Membership Dues

Student	\$15
Individual	\$25
Contributing	\$100

## 2005 Founding Membership Categories

Pillar	\$300
Sustaining	\$500
Patron	\$1000
Grand Patron	\$2500
Benefactor	\$5000

Membership contributions are cumulative. *E.g.*, a member who makes contributions eventually totaling \$2,500 becomes a Life Member.

FBA members are entitled to a 15% discount.

The annual membership year runs from November 1 through October 31.

Student Member's Name \_\_\_\_\_

Individual Member's Name \_\_\_\_\_

Contributing Member's Name \_\_\_\_\_

Founding Member's Name \_\_\_\_\_

Contact person if different from Contributing or Founding Member Name \_\_\_\_\_

Address \_\_\_\_\_

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Telephone \_\_\_\_\_ Fax Number \_\_\_\_\_

Amount Enclosed \_\_\_\_\_

Please make checks payable to:

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Contributions are tax deductible within the limits of the law.

Please indicate if this is a gift membership or if it is a special contribution.

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-See Reverse Side-

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# Western District Historical Society

## Questionnaire

(submit with check and application form)

Dear New Member:

Please let us know of your interests and skills and whether you would be willing to share those with the Historical Society. Help us by completing this short questionnaire.

Name \_\_\_\_\_

Firm name, Employer name, or Organization represented \_\_\_\_\_

Special interests or experience in the field of history, local history or legal history:

\_\_\_\_\_

Suggestions for programs, projects, or activities for the Historical Society:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please circle all the following that interest you:

Writing articles for the Historical Society newsletter

Layout and/or production of a newsletter

Annual Meeting (planning and production)

Oral History Project

Research in specific legal history areas

Fund development

Membership Drive

Archival Collection and Preservation

Legal Issues relating to archival and oral history collections (copyright, ownership, etc.)

Exhibit Preparation

Small Group Presentations to Adults

Small Group Presentations in Schools

Other (Please describe) \_\_\_\_\_

\_\_\_\_\_

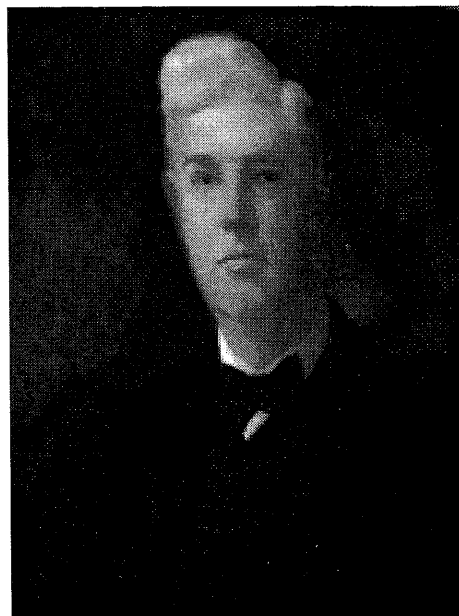
## Bankruptcy Judge JoAnn C. Stevenson Succeeds Judge James Gregg as Chief Bankruptcy Court Judge

In January 2005, Bankruptcy Judge James D. Gregg resigned as Chief Judge of the United States District Court for the Western District of Michigan. The District Court's Administrative Order No. 05-003, signed by Chief Judge Robert Holmes Bell, appointed Bankruptcy Judge JoAnn C. Stevenson in Judge Gregg's stead. Her term extends from March 1, 2005 to March 1, 2009.

### Restored Portraits Returned



*Judge George P. Wanty*



*Judge Clarence W. Sessions*

The Chicago Conservation Center, Inc. has completed its restoration work on the portraits of former Federal District Court Judges George P. Wanty and Clarence W. Sessions and has returned them to the Court. The restored portraits will be on display in the Courtroom of Chief Judge Robert Holmes Bell once the renovation of that courtroom has been completed. Similar restoration work is planned for the remaining oil portraits of early district judges.

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