

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

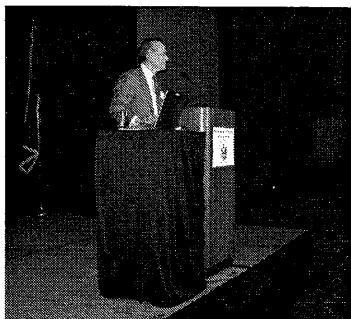
STEREOSCOPE



Twenty-Fifth Anniversary Dinner for Hillman Advocacy Program Held on January 18, 2006

The Hillman Advocacy Program, established in 1981 by Federal District Judge Douglas W. Hillman shortly after his appointment to the federal bench in the Western District of Michigan, held its Twenty-Fifth Anniversary Celebration Dinner at the DeVos Place on the evening of January 18, 2006. This gala event was attended by 56 students enrolled in the current program and 166 other guests, including a large number of federal and state judges and luminaries of the local bar. Unfortunately, Judge Hillman was at his home in Florida and was unable to attend. Federal judges who were present included Judge David W. McKeague of the Sixth Circuit Court of Appeals, Chief Judge Robert Holmes Bell of the United States District Court for the Western District of Michigan, U.S. Magistrate Judges Hugh W. Brenneman, Jr., Joseph C. Scoville and Ellen S. Carmody, and United States Bankruptcy Judge Jeffrey R. Hughes. Judges of the state courts in attendance included Judge Jane E. Markey of the Michigan Court of Appeals, Kent County Circuit Judges Dennis C. Kolenda and James R. Redford, and 61st District Judge Jeanine N. LaVille. Ronald C. Weston, Sr., the clerk of the United States District Court for the Western District of Michigan, also joined the assembled group.

The evening's events began with a cocktail reception followed by an introduction and presentation by David J. Gass, the chair of the 2006 Hillman Advocacy Program. Dave read a letter from Judge Hillman composed by him for this occasion, which is reprinted in this issue of the *Stereoscope*. Dinner was followed by the presentation by Robert D. VanderLaan of a video montage containing footage from prior programs, an



2006 Program chair Dave Gass
welcomes all guests

article written by James Harger of the *Grand Rapids Press* when he was a young reporter and mock witness in the 1983 program, and recollections of former chairpersons and other participants in programs of the past including Dick Kay, Rich Glaser, Bill Farr, Fred Dilley, Bill Jack and Chuck Worlfsfold. Contained in the video was also footage of a 2002 interview of Judge Hillman concerning the origins of the program. This montage was prepared by Bob VanderLaan and Jane Beckering. The final event of the night was a tribute to Judge Hillman by Jack Buchanan, the keynote speaker of the event.

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Judge Douglas W. Hillman's Comments on the Occasion of the 25th Anniversary Hillman Advocacy Program 2006

To the leaders of the bar, the many people who have worked so hard to make this 25th anniversary happen, and to all the students, please accept my best wishes. I am deeply sorry not to be with you on this great occasion. I never would have imagined when we began planning the first workshop that we would be here today celebrating 25 years of training young lawyers.

One of the things we have stressed since the first workshop is the importance of not only being good trial lawyers, but also the importance of making valuable contributions to society.

I remind you that the practice of law in the spirit of public service can and ought to be the hallmark of our legal profession. As lawyers, we need to make a commitment to serve the poor and the defenseless, whether that work is done pro bono or for a nominal fee. The long list of lawyers who have performed well-known public service stretches from Thomas Jefferson, John Adams, and Abraham Lincoln to Thurgood Marshall, Constance Baker Motley, and many more whose leadership has changed our world for the better.

Here in my home town of Grand Rapids, where I practiced for many years, lawyers traditionally have been community leaders. They serve on hospital, church, United Way and college boards. Many are intimately involved with our library, the art museum, the chamber of commerce, the symphony board, and a host of social service agencies. It is important to point out – particularly to the younger members of the bar – that

in these public services, lawyers find opportunities to sharpen their skills, widen their horizons, expand their knowledge, establish new friendships, and develop deeper values and principles.

John W. Davis, one of this country's top lawyers, a former U.S. Solicitor General and (unsuccessful) candidate for president, described the lawyer's mission in these noble terms:

True, we build no bridges. We raise no towers. We construct no engines. We paint no pictures . . . There is little of all that we do which the eye can see. But we smooth out difficulties, we relieve stress, we correct mistakes, we take up others' burdens, and by our efforts we make possible a peaceful life in a peaceful state¹.

I submit to you that it is our solemn obligation to rededicate ourselves to our great profession and to instill in our new members a devotion to the principles of public service and to remind them of the selfless contributions of the great leaders of the past who so immensely influenced the growth and well-being of our country.

This renewed and dedicated purpose by bench and bar alike can serve as a torch to be handed over to those who will inevitably replace us.

*Hon. Douglas W. Hillman
United States District Judge (Retired)
United States District Court
Western District of Michigan*

¹ Address at 75th anniversary proceedings of Association of Bar of City of New York, March 16, 1946.

The Making of Trial Lawyers: The Hillman Advocacy Program

Michael D. Wade

Critics of trial lawyers have long condemned our profession as self-serving, unethical and incompetent. Even the one-time Chief Justice of the U.S. Supreme Court joined the chorus and termed many trial lawyers as incompetent. In response to this criticism, in the 1970s, the U.S. Supreme Court appointed a committee chaired by Edward J. Devitt to study the competency of attorneys practicing in federal courts and to advise regarding the training of attorneys to practice in federal courts. That committee, called the Committee to Consider Standards for Admission to Practice in the Federal Courts, but also referred to more popularly as the Devitt Committee, issued its concluding report in 1979. That final report appears at 83 FRD 215 (1979). The final report strongly and unanimously recommended "a need to take positive steps to improve the quality of advocacy in the United States District Courts." 83 FRD at 220. The committee recommended the institution and improvement of trial skills courses in law schools and the initiation of experience requirements for federal court practitioners.

Fortuitously, also in 1979, Douglas W. Hillman was appointed by President Carter to the federal bench in the Western District of Michigan. Before that appointment, Judge Hillman led the law firm of Hillman, Baxter and Hammond, which I might add was my first employer out of law school. Judge Hillman rose to prominence as a trial attorney over a 30-year career, during which he was

"While in private practice as well as after taking the bench, Judge Hillman was aware of the need to train trial lawyers."

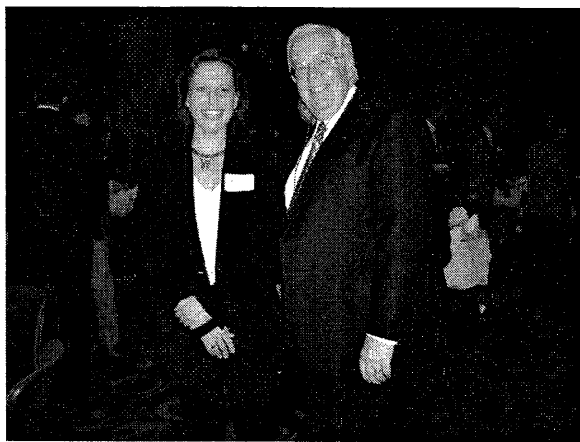
honored by induction into the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the International Society of Barristers. While in private practice as well as after taking the bench, Judge Hillman was aware of the need to train trial lawyers. The Devitt Committee's final report was the barely-needed stimulus to prompt Judge Hillman to propose a trial advocacy program in the Western District of Michigan. He proposed an annual three-day training program in the learn-by-doing format.

Using a hypothetical set of facts, the program would require young lawyers to try a case before a faculty of practitioners drawn from the Western District. Videotaping would provide a teaching tool. Such a program would require the cooperation of bench and bar as well as require the organizational skills of the Michigan Institute for Continuing Legal Education. The western Michigan chapter of the Federal Bar Association became the ideal moving force to launch the program.

Judge Hillman opined then, as now, that a minimally competent federal bar was necessary to preserve the quality of justice in both criminal and civil cases. He compared attorney training with physician training and found the litigator's training wanting. Judge Hillman's objective was to upgrade or supplement the training given by law schools. Just as MDs fresh from medical schools undertake internships and residencies to learn the practical, as opposed to the theoretical, aspects of medicine, so trial lawyers recently graduated from law schools would undertake the practicum of a trial skills workshop.

The federal judges in the Western District discussed the plan and approved the concept. They would give over their courtrooms to the program to achieve verisimilitude. Judge Hillman enlisted the aid of distinguished trial lawyers in the area, and the west Michigan chapter of the Federal Bar Association established a steering committee. The nuts-and-bolts administration planning initially was taken on by ICLE. Provisionally, the first program was denominated the Devitt Program. The inaugural program was held December 14 and 15, 1981.

The first Devitt Program was a two-day affair addressing the basics of trial advocacy to 60 students. The 18 faculty



Elizabeth Holmes and Magistrate Judge Hugh Brenneman

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members consisted of prominent members of the federal bar of the Western District of Michigan. In addition to a trial based on a hypothetical fact situation, various federal agencies gave a brief summary of their function and activities. The faculty critiqued the performances of the students, demonstrated the correct technique for introducing exhibits (real and demonstrative), and also discussed trial techniques while reviewing the videotape one-on-one with the students.



Chip Chamberlain, Judge Robert Holmes Bell, Ray Beckering and Jane Beckering at 25th Anniversary Dinner

The success of the first Devitt Program led to a plan to hold the program annually in January of each year. The second program was held January 16-18, 1983, consisting of an evening program the first day and two full days thereafter. The Western Michigan Trial Skills Workshop was sponsored by the west Michigan chapter of the Federal Bar Association and again administered by ICLE.

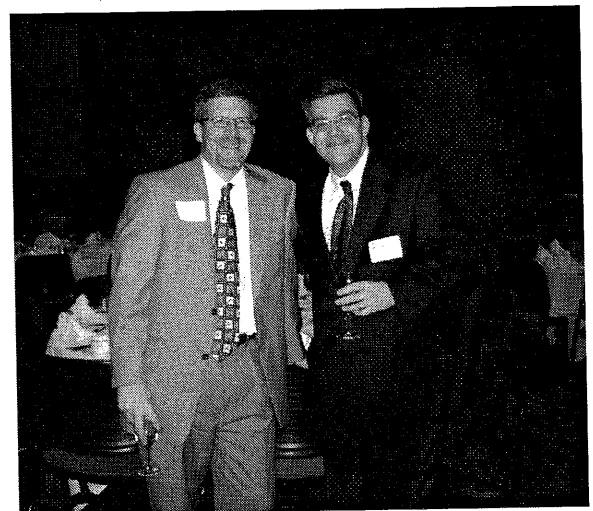
The format of the program has remained essentially constant from then to now. In groups of 10 students with 3 faculty members in a federal courtroom, a hypothetical set of facts are tried before the judge, usually the senior faculty member in each three-person group. Each student's performance in opening statements, direct examination, cross examinations of lay and expert witnesses, and closing arguments are videotaped. One faculty member is stationed in a video replay room for a one-on-one critique. Time constraints are strict to make certain each student participates in each activity. The "next" student is asked to pick up approximately where the previous student left off so as to avoid too much repetition.

Critiques are positively and constructively made, and each faculty member makes one or two pertinent comments per student. Each student learns from the critique of the other. The student is expected to remain in character during the activity. In real life before a jury,

counsel may not back up and start again. The faculty may give a brief demonstration, or the student may be asked to attempt a new technique, time permitting. Little by little, common errors (fiddling with a pen, jingling coins in the pocket) are overcome, and other techniques are suggested by the faculty and attempted by the students. Frequent discussions ensue regarding alternative approaches to problematic facts or witnesses.

The witnesses for the program are drawn from various sources. Physicians are recruited to serve as expert witnesses, though more frequently attorneys with experience in medical matters serve as pseudo-physicians. On one occasion, an attorney who was serving as a physician expert put on such a convincing performance that he was asked by an observer if he was accepting new patients! He gently explained he was a medical malpractice attorney. Local actors have played grieving widows and injured plaintiffs.

Over the years, an advanced section was added for the practitioner who has had a few trials but who wants more training. In the advanced section, jury selection is added



Geoff Fields and Dave Malson

to the subjects addressed. The case is then tried before a jury rather than before the bench. Jurors are selected from local paralegal and criminal justice programs and from the

community at large. Through community participation, the general public is educated in positive ways concerning our profession.

Since the early days of the program, the *Grand Rapids Press* and other media have been involved so as to publicize the fact that lawyers are cognizant of the need for continued training and are taking steps to become and remain competent in handling cases for clients. The *Grand Rapids Press* has run an article on the program each year of its existence. Indeed, *Press* reporters have served as witnesses and as jurors and then written of their experiences. Michael Lloyd, the editor in chief of the *Grand Rapids Press*, has served as a juror and has published articles regarding the program. Those articles frequently appear with photos and always with quotes from Judge Hillman that not only place our profession in a favorable light but also illuminate the arcane aspects of evidence and procedure for the general public.

From the early days, it was clear that the program would succeed only with the support and participation of the leading litigators of the Western District. These men and women have shared graciously their skills and time to assure the success of the program, without compensation.

Faculty demonstrations before all students have become an integral part of the program. During the 2 1/2 days of the program, two faculty demonstrations occur. Using the hypothetical facts, faculty will do an opening or closing or a direct with comparative cross-examination. With the comparative cross, two faculty members prepare examinations of the same witness. During the direct exam, both cross-examiners are present. But the second cross-examiner leaves the courtroom during the first cross-examination. In this way, the students may compare and contrast the two crosses. The moderator for the faculty demonstration, along with the district judge presiding, then reviews the performances so as to point out the strategies and techniques involved.

The program has grown organizationally over the years. A planning committee is selected each year to recruit faculty, raise funds, advertise for students, and select guest speakers. The number of students (60-70) has remained constant throughout the years. The program boasts some 2,000 "graduates" of the workshop since its inception.

In 1985, ICLE ceased its organizational participation in the program. Sarah Johnson (Smith, Haughey, Rice & Roegge) and Lynn Beatty (then of Smith, Haughey, Rice & Roegge but now of Garan, Lucow, Miller & Seward) became the organizational brains behind the program, giving untold hours of time each year to ensure the success of the program. The Hillman Advocacy Program executive committee meets at least once a month commencing in September of each year to plan the financing, soliciting of students and faculty, and otherwise establishing the various activities connected with the program.

In 1991, the Devitt Program became known as the Hillman Advocacy Program to honor Judge Hillman as the driving force behind the program from its inception. The program continues to enjoy the support of the federal judges and magistrates of the Western District who support the program by permitting utilization of their courtrooms and by participating directly by visiting with each group of students to critique, to comment, and to answer questions. This direct participation by the bench of the Western District provides valuable insight into the litigation process and has remained, from the viewpoint of the students, an invaluable part of the program.

One significant highlight of the program is the participation of outside speakers. At an evening meeting with faculty, students, and judges before the two-day program itself, a noted expert in a topic related to litigation speaks on pertinent subjects. In recent years, that person has been Brian Johnson, a communications expert from Minneapolis, who teaches frequently at continuing legal

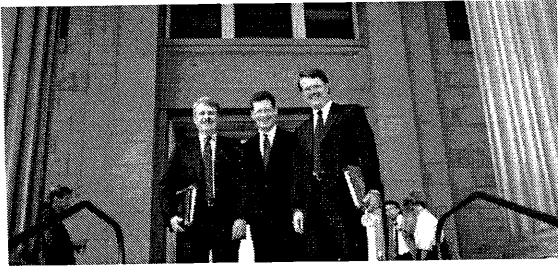


*Judge Douglas Hillman, Magistrate Judge Greeley,
Tom McNamara, Fred Dilley, Jon March and Bill
Jack in Marquette*

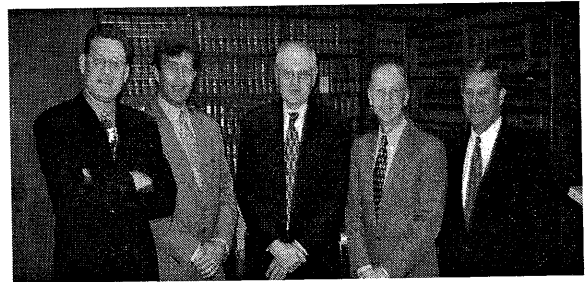
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Bill Jack, Fred Dilley and Jon March in front of the Marquette County Courthouse



Fred Dilley, Bob Vanderlaan, Judge Dennis Kolenda, Don Davis and Dick Kay

education programs at both the national and international level. Addressing how communicating verbally and non-verbally impacts the persuasive process at trials, Mr. Johnson provides by lecture and demonstration the fundamentals of persuasive techniques. Written student evaluations consistently rate Brian Johnson as a highlight in the program.

In 1989, the program lost one of its early supporters through the untimely death of Thomas J. McNamara. From its inception, Mr. McNamara brought knowledge and expertise to the program. From the litigation department of Warner, Norcross & Judd, Tom McNamara provided his insights for the program and dedicated untold hours organizationally and inspirationally. In 1990, the west Michigan chapter of the FBA named its scholarship program the Thomas J. McNamara Scholarships.

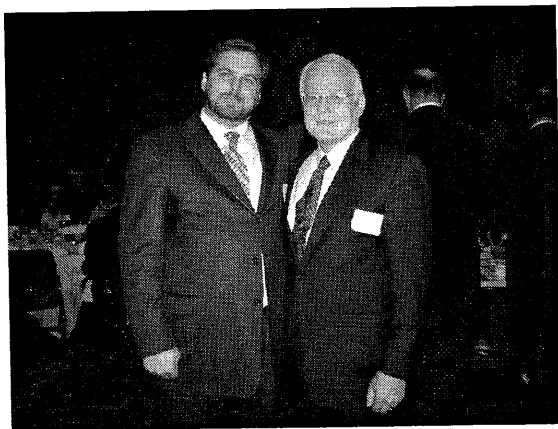
In September of 2001, we lost Sarah Johnson Mather, administrator par excellence, whose grace and style under pressure were an example to us all.

Judge Hillman keenly observes that "trial lawyers are made, not born." He marvels each year at the improvement from one day to the next in the performances of the students.

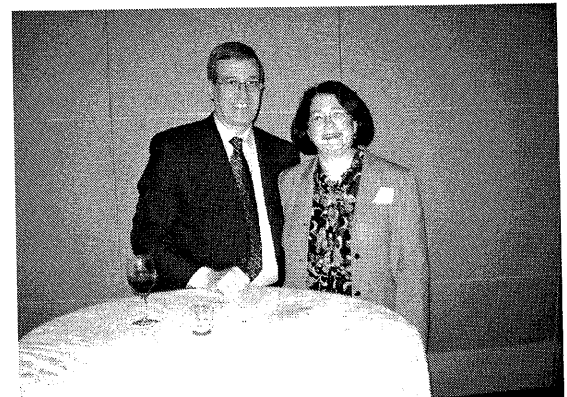
The students are given the opportunity to critique the program at the conclusion. Their evaluations are uniformly positive and are used to modify the program from year to year.

After 25 years, the program continues to evolve. As long as young lawyers sign up for the program, the project will continue. New ideas and suggestions are continually sought to make the program even better. Whatever the factual scenario, the heart of the program consists of the cooperation of the judges and magistrates of the Western District, the Federal Bar Association, and the bar of the Western District.

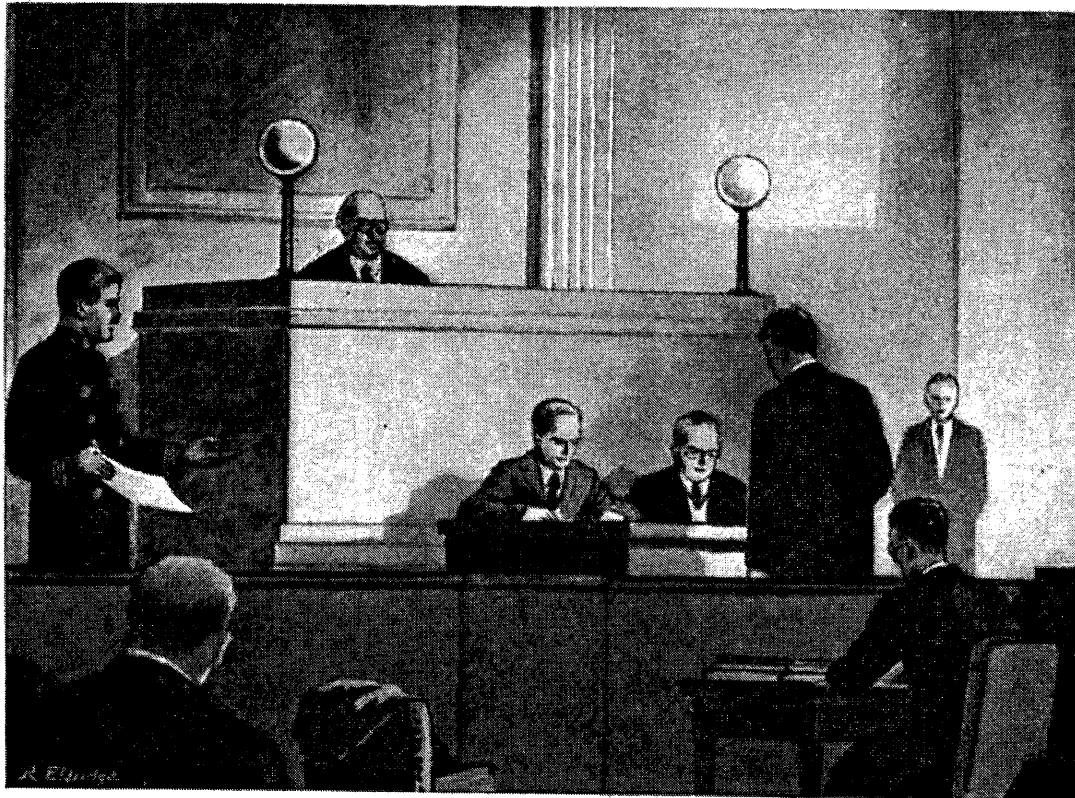
With continued improvement of advocacy skills, the quality of justice continues to rise in western Michigan. As a result, the community, the bench, and the bar all benefit. The legal community owes a debt of gratitude to Judge Douglas W. Hillman, who grasped 25 years ago the importance of the training of litigators.



Jon and Jeff Muth



Dan LaVille and Judge Jeanine LaVille



Wanted:

The Society is endeavoring to acquire artifacts, memorabilia, photographs, literature or any other materials related to the history of the Court and its members. If any of our members, or others, has anything they would care to share with us, please contact Joan Byerly at (616) 456-2068.

A Labor of Love

William W. Jack, Jr.

Twenty-five years ago, the idea for a trial advocacy program sponsored by the bench and bar of the Western District of Michigan began to grow in the mind of one man, the Honorable Douglas W. Hillman. The concept was to address criticism of the trial bar by establishing an educational program that would include all of the judges of the district, use the federal courthouse as the venue, and ask the veteran litigators of the area to donate their time to help younger lawyers improve their skills.

While few overtly criticized the idea, there were those who thought that the judges were far too busy for such a project or would never allow the courthouse to be used in such a fashion or that high-priced lawyers would never give of their time willingly and without charge. But the doubters failed to take into account the one indomitable intangible: the spirit, determination and enthusiasm of Judge Hillman and the love, respect and admiration that the bench and bar hold for him.

How many times in those early years on the steering committee would Judge Hillman have an idea that the rest of us thought could never work and would be a total logistical nightmare, and how many times did he persevere with that same determination and grit that had made him who he is? And how many times would the steering committee look at each other and say, "Sure, we can do that; no problem, your Honor." And we always did.

And so, 25 years later, what is now known as the Hillman Advocacy Program is considered one of the best training programs in the nation. Each year, the program changes a little: a different hypothetical problem, different faculty, different schedules; but the heart and soul and purpose never changes.

The reason it is so successful is due to a constellation of factors. The continued commitment of our judges and their involvement in the hands-on planning and participation has always been critical; Chief Judge Robert Holmes Bell has continued the leadership role that Judge Hillman held for so long. The commitment of the clerk's office and, in

particular, Ron Weston, has been invaluable. Brian Johnson's presence every year has been wonderful. Use of our beautiful courtrooms lends the dignity and majesty of the law. Our witnesses, always prepared and in the moment, are second to none. Our administrators tend to every logistical detail without fail. And the faculty — those high priced lawyers who would never give freely of their time — are dedicated as always to helping others get better. Each year, it is a gathering of the spirit of all that is good about our profession and ourselves. And each year, it is about the difference one person can make.

That the Hillman Advocacy Program has trained upwards of 2,000 lawyers over the past 25 years is a remarkable accomplishment in and of itself. But the influence of the program is far more. It has encouraged communication between the bench and bar that is far better than in most

areas of the country. It has allowed for mentoring of young lawyers far beyond just the two and a half days of the program. It has increased the level of professionalism and civility among the members of the bar. And it has created friendships that last lifetimes.

Twenty-five years from now, the Hillman Advocacy Program will be celebrating its 50 years as the premier trial advocacy program in the country. Many of those who have recently

participated in the program themselves will be members of the judiciary, members of a trial bar, faculty respected and admired throughout the region, or members of the steering committee that each year tries to do it just a little better. And it is the hope of those of us who have participated in the first 25 years that, on that gala occasion, you will take a moment and remember a man who by sheer force of personality and perseverance began a program that now bears his name. And if you do that, then those of us who out of love and respect for Judge Hillman have helped him along the way, will have left a legacy of which we can be proud.



Judge Douglas Hillman and Cathy Kennedy flanked by former Hillman Advocacy Program chairs and faculty

Epilogue to the Making of Effective Trial Lawyers: The Hillman Advocacy Program

Jennifer Granholm

Speaking before the Hillman Advocacy Program's 20th Anniversary Celebration, the Michigan Attorney General reflects on the program's positive impact on the legal profession and litigation within the state.

Good evening, and thank you for the introduction. Initially, I want to thank the Hillman Advocacy Program Steering Committee and faculty for inviting me to be part of your 20th Anniversary Celebration.

Tonight, we celebrate the program's success and longevity, but in a much larger sense, we celebrate the program's undeniable influence on the quality of justice in this state.

Judge Hillman tells me that in its past 20 years, almost 1,500 lawyers have gathered here to develop and sharpen their trial skills. Imagine the number of Michigan citizens who have been served by those 1,500 Hillman graduates. Imagine the important legal and social issues that Hillman graduates have helped to shape. Imagine, too, the clients, rich and poor, from every background, who have received quality representation in civil and criminal cases because their lawyers were trained in this program.

So, I was thinking about all that had been taught and learned through the program. It seemed fitting that as I was preparing what I'd say tonight, I came across this quote from Judge Hillman in your course materials. According to Judge Hillman, "Good trial lawyers are made, not born." What an encouraging and inspirational observation! It means that the most bashful, shy, or tongue-tied among us can find an honored place at the bar — if we are willing to "make ourselves" into good lawyers.

Effective advocacy isn't reserved to the privileged few somehow blessed with natural talent; it can be learned, in programs just like this. Judge Hillman knows a thing or two about great advocacy; his reputation as a trial attorney

in courts throughout western Michigan is legendary. His reputation as a federal trial judge is impeccable.

Judge Hillman's observation got me thinking about the qualities that combine to make a good courtroom advocate. So, I want to spend some time this evening talking about a few of the qualities that I think should be part of the recipe for a good advocate.

If we surveyed everyone in this auditorium, we would likely end up with a long list of important ingredients — all crucial to effective advocacy. Most of us would agree that a good advocate must be intelligent, persuasive, organized, prepared, and must know the rules.

But if we go further outside the traditional "trial lawyer" box, I think those five can be further condensed into three basic rules of the soul that all advocates must have:

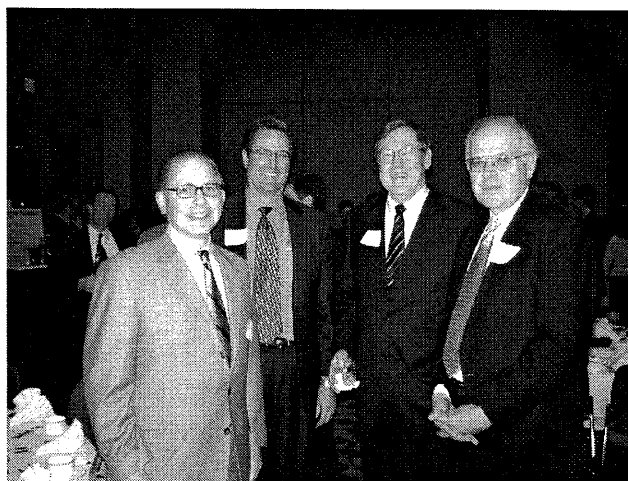
1. You must be ethical;
2. You must be humble;
3. You must have courage.

I wonder how many of us would have said that a good trial attorney must be ethical? How many would have put ethics at the top of the list?

The lawyer who, while zealously defending her client, feels compelled to inform the court of all of the facts, and who will answer the court's questions honestly and fairly and who refuses to stretch or twist or

"spin" the facts in her case is the great lawyer. The lawyer who achieves success through decency and courtesy and who refuses to bully witnesses or other lawyers is the great lawyer and the lawyer we should revere and emulate.

The judges in this room would tell any of us that the best lawyer in their courtrooms, the ones they consider to be skilled advocates, the lawyers they look forward to working with on the toughest cases, are those who place their ethical duties above all others. If I'm a judge, I'm going to trust the



*Jim Brady, Rich Glaser, Bud Roegge and
Judge Dennis Kolenda*

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Epilogue to the Making of Effective Trial Lawyers: The Hillman Advocacy Program

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lawyer who gives it to me straight. And I will give her the benefit of the doubt the next time she's in my courtroom.

When I speak of ethics, I am not speaking in the abstract. I'm talking about, for example, integrity. Throughout every trial you will be asking the fact finder to trust you, to believe you, to accept your evidence as true, to credit your witnesses, to find merit in your arguments, and, ultimately, to bring back the verdict you request. Such demands require more than compelling logic, more than emotional appeals. They all hinge on you.

The credibility of you, the lawyer, plays an enormous part in shaping the trial's outcome. Integrity inspires trust, and trust leads to success. Plain and simple.

Integrity, in its strict interpretation from the Latin *integritas*, means wholeness, complete in itself. The whole picture. The whole truth. In addition to your integrated story presented to the court, integrity is part of your whole being, your very fiber. Your character.

Every single time you act in deep accord with our ethical obligations, you elevate our profession and yourselves, and you do advance the quality of justice in our courts.

In addition, the good advocate needs "humility" — being humble — understanding that neither we, as lawyers, nor the cases we present, nor even the clients we represent, are the center of the universe.

One of our nation's greatest poets was Gwendolyn Brooks from Chicago. She was the first African-American to win the Pulitzer Prize, and she died this past December after a long and full life. Her poem "Behind the Scenes" offers a poignant lesson in humility that has special meaning to me as a public official, but whose lesson applies universally:

When I see a President, a Vice President, a Secretary of the State on the sparkling tile beside noble columns of white, I think to myself, somebody got there early and swept, and scrubbed, somebody dusted.

Before the President came, somebody buffed his shoes. The not too stiff collar and white of his shirt

was not achieved by his own agenda.

At the invisible controls -- some little weak-kneed, stricken or unpowerful woman or man.

Gwendolyn Brooks is gently reminding us that all of us live and work, each day, shoulder to shoulder, with people who don't enjoy the privileges of our station in life as lawyers. We spend most of our lives hurtling at breakneck speed to the next deposition, court appearance, or lunch date; we just don't notice the people who toil to make our lives easier.

When you get to federal court, someone was there first, early, pouring the water at counsel tables. Someone was there right before, vacuuming the floors. Someone polished the brass, someone dusted the benches, turned on the lights.

Someone served us dinner tonight. Someone cooked it. We are always respectful and courteous to the judges we appear before. Is there any reason that the waiter in the restaurant or the clerk at the dry cleaner shouldn't enjoy the same human respect?

All of the people you rely on to help you prepare your cases, so that you can be the hotshot lawyer, work hard, probably as hard as you do. Your secretary, support staff, even the clerk in your mail room combine every day to prepare you for the things that you do. The witnesses whom you've subpoenaed to trial or to a deposition, the jurors that you depend on for a verdict, the court personnel you need to process your pleadings, all have critical roles in your success.

In fact, even those folks you come across every day who may have no role in your success deserve your attention. Your behavior in your role as a lawyer is reflective of all of us. So do us proud.

My grandmother used to say, "When the ball is over, leave your fancy shoes at the door." What she meant was that your role as a respected professional is just that: it's a role, a suit. What really matters is not the suit you're wearing or the shoes, but what's in them. The whole person. Don't take yourself too seriously. You can't afford to — remember, being a lawyer is the third most despised profession, right after used car salesman and prostitute, and right before politician.

"The lawyer who achieves success through decency and courtesy, and who refuses to bully witnesses or other lawyers is the great lawyer and the lawyer we should revere and emulate."

Number three and certainly on equal footing with both humility and ethics is courage.

Consider the advances we have made as a society because of a few lawyers acting courageously:

- Segregation ended when a brave young lawyer brought legal challenges to institutionalized discrimination.
- Child labor and occupational health and safety laws developed because lawyers challenged the fairness of longstanding industrial practices.
- Outrageous and unfair business practices intended to take advantage of the powerless have in large measure ended because good lawyers sought available remedies.

And in the small daily acts, sometimes the greatest courage is needed. I submit to you that courage will always be in long demand.

An attorney in my office has, tacked to his wall, a dog-eared photocopy of a speech made by President Theodore Roosevelt. The speech, which the lawyer has recopied and distributed to his friends and colleagues, has special meaning as we consider courage among trial advocates. The quote, which I am paraphrasing, is a call to action.

The credit belongs to the one who is actually in the arena, whose face is marred by the dust and sweat and blood; who strives valiantly . . . who at the best, knows in the end the triumph of high achievement, and who at the worse, if he fails, at least fails while daring greatly.

I suggest to you that you have at least one file in your office right now that would benefit from your daring. Perhaps it is a *pro bono* matter you reluctantly accepted from the State Bar.

Perhaps it is an elderly citizen who lost his life savings. You have at least one client that is praying that he has selected an attorney that will fight the good fight on his behalf. If your cause is just, act courageously,

My friends and colleagues, as I leave you on this evening of celebration, I thank you again for your invitation, and I challenge you, especially those of you who wish to be counted among Judge Hillman's "good lawyers," to seek out an ethical practice, to practice humility in your life and in your profession, and to apply your courage to advance the great cause of justice. On this 20th anniversary, fast forward to a cold January night in the year 2101. You will not be here, but my friends, on that night, what would you like your peers, your colleagues, your friends, or the janitor in the county courthouse to say about you?

Will they say that you raised the ethical bar or that you played to the lowest common denominator? That you were full of hubris or full of humility? Cautious or courageous?

Thousands of pages of blank history waiting to be written and you hold the pen. What will be the history that you write? I have a feeling that this program will help you write a history that your mothers will be proud of.

Thank you to Judge Hillman for writing a history replete with ethics, your humility and your courage. Each of you, by participating as students, by volunteering your time to the steering committee or faculty, or by supporting the Hillman Program, has lifted the quality of justice available in this state.

As a Michigan citizen, a lawyer, and public official, I thank you for your devotion to justice and would ask you to join me in a round of applause in your honor for the great achievements of this program.

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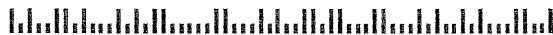
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