

JUNE 13, 1985

Some Ruminations on the Law

in my native Upper Peninsula,
One autumn day, after having
practiced law for nearly thirty
years, I got a phone call from
the governor's office and took down
my weathered shingle and drove down
to Lansing and, after ~~being~~ trying
on several black gowns, all of
which seemed ~~far~~ too big for me,
was sworn in and took a seat on
the state's highest court -- all this
the result of a vacancy on that court
that needed to be filled by then
governor G. Mennen Williams.

I was then in my mid-fifties
and -- though I didn't know it then
or I might have instead driven
north -- suddenly found myself in
by far the busiest period of my life,
of which the following are only a
few of the highlights.

First of all I found myself in by far the busiest job of my life. Back in those days there still was no interim appellate court to help bear some of the brunt, and soon I was busily honing up and trying to write legal ^{opinions} on all manner of subjects, most ~~some~~ of which I'd barely even heard of ^{either} in law school or in my own small-town practice. Esoteric things ~~as~~ such as trusts and estate law and ^{taxes and} the tangled maze of the law of zoning. (To this day I still wince whenever I even hear the word "zoning.")

To enliven things I also suddenly found myself wearing the fixed smile of a politician, having to run in not one but two contested state-wide elections to hold my job: the first to ^{continue to} fill out the vacancy I'd been appointed to fill; the second, only a year later, running for a full new term -- both of which I somehow managed to survive.

Things were soon further complicated by the fact that I had written my first novel shortly before my appointment; the book was accepted the very weekend of my appointment; and, much to my surprise (an earlier three books had gaily raced each other to oblivion), soared off into outer space, became glued to the best-seller lists, blessed by the Book-of-the-Month club, made into a play by Elihu Wainer, and soon brought the one and only Otto Preminger and, it seemed, half of Hollywood, up to my home bailiwick, where they invaded and took over the very same courtroom in which I had so long pirouetted and pontificated, to make a movie out of "Anatomy of a Murder."

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shed my gown and

"Ah, here come da otter,"
~~of the book~~, Otto announced to
the cast the first day my Lansing
duties allowed me to wander on
to the movie set.

I bowed modestly.

"Welcome," Otto continued,
turning and pointing at me. "Please
"We been waiting for you to show
up 'cause we got a little job
for you."

"What's that, Otto?" I said.

"I want you and Joe to be
tack-nick-cal advisors on
da courtroom scenes," he said.

"Starting ^{right} now."

"Yes, sir," I said meekly,
and thus came a further
diversion from writing opinions
on zoning

Joe, it turned out, was none other than Joseph M. Welch, who played the part of the judge in the movie --

brilliantly, I may add -- and who, for a not so modest tuition, also taught me to play gin rummy and became a lifelong friend.

There were many other diversions and distractions that I'll spare recounting, and as I look back on it I often wonder how I ever managed to write even one judicial opinion let alone the many I did write -- not to mention a goodly number of dissents from the opinions of my judicial brothers -- which I liked to ascribe to certain lofty philosophical differences among us but which some of them bluntly preferred to blame ~~it~~ on plain above-the-Strait's cantankerousness.

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After ^{several} ~~about three~~ years of carrying on ^{at} ~~this~~ hectic pace one day it ~~suddenly~~ swept over me that the fairest thing for both the public and me was to ~~hand in my black gown and~~ resign from the court bench; either that or give up ~~my~~ fishing ~~and~~ ^{or} trying to spin yarns. One thing was clear: I couldn't do both and, as I ~~finally~~ ^{reluctantly} wrote the governor in my letter of resignation, "while other lawyers ~~might~~ ^{may} ~~can~~ write my opinions they can scarcely write my books. I am sorry."

*

Since then we chased trout and ^{wild} mushrooms for still another twenty-five years, also managing to write seven more books during our long winters. During that time I haven't practiced law or ^{even} owned a law book, and it still comes as a shock to realize that it's almost sixty years since I won my law diploma down in old Ann Arbor town. These "eminently qualified" I'd now like to ruminate a little on the changes we observed in the law over those past nearly sixty years.

First, ^{of all} I'd guess that by far
 the biggest change I've seen is in the
 practice of law itself. When I started
 out virtually all lawyers everywhere
 were general practitioners, a gentler
 name for jacks of all trades in the
 law who were experts in a little of
 everything. The same lawyer could
 usher both you and your affairs from
 the cradle to the grave, handling all
 manner of legal snarls that ^{might intervene} ~~came~~ in between.

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Callaghan

Today all this has changed and it seems all of us have become experts in only one thing, ranging like ~~a~~ ^{as} ~~the~~ legal index from arson to zoning -- there, I've finally up and used the word. Even the smaller law firms are divided into special departments, and I've ~~even~~ heard rumors that some ^{firms, even} need special interpreters for garnishment to confer with domestic relations or taxation, say. All these specialties need their own floods of special reports and pamphlets, whether bound or in ^{one} ^{reason} loose-leaf, and perhaps this is why our office buildings grow ever taller, simply to find room for the lawyer to sit.

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All this has, ^{naturally} made the practice of law ~~be~~ more expensive, and sometimes we heard that ^{some} clients can lose a case while, ^{technically} winning it, it costs so much these days to ^{legally} litigate a cause, however just. Not that this has stopped or lessened litigation, and ~~we~~ ^{we} are amazed to ^{just} read that in our own ^{as reported by} state (reported by Chief Justice D. McInnes ^{in the} latest State Bar Journal) that ^{the} ^{year} case load on the court on which I used to sit has increased by almost five times what it was in 1970. Expertise in the law may be all to the good, but it is also apparent that many of my legal brothers and sisters have also ^{considerably} ^{more} become experts in finding ^{more} reasons to sue ^{more people} for more things.

in our society

One thing is plain: the era and role of the old general practitioner has pretty much gone the way of the old country doctor. When old Doctor Barnett came to our house ^{that distant} ~~one~~ day and delivered me upon this planet, my father not only paid him ^{cash} on the spot and thanked him but ⁱⁿ ~~gave~~ him a pat on the back ^{and} a bottle of hooch. Today the old ^{well} doctor might have been used for malpractice because I want a girl.

Specialization may have brought us a much savvier breed of lawyers, which is all to the good, but I also find a special irony in the fact that one of the favorite targets of one of the world's oldest professions, the law, are members of another of the world's oldest professions, the doctors, themselves ^{now} become mostly specialists.

^{in fact, it}
~~if~~ I can believe the reports I
 lately keep hearing about and reading,
 so many doctors are being sued for
 so many things that many of them
 are giving up the ghost and either
~~giving~~ quitting delivering babies, say,
 where a new suit is ^{less} likely to
 follow the need for a new diaper.

✓
~~and~~ ^{or} moving to
~~the~~ places

But possibly I've been exposed
 to all the wrong reports and that
 instead we sentimental lawyers
 should be commended for helping
 us return to the nostalgic old
 days of the bustling midwife
 running back and forth with all
 those ~~her~~ hot-water bottles ^{going} ~~back~~ to
 the era of ^{totally} uninsured but ^{totally} guaranteed
 home delivery.

So welcome aboard, ladies, and may you
help solve the many problems that
beset not only ^{but} our profession ^{and} the world.

The question is inevitable: are there getting to be too many lawyers? If so, can the men in our long historically male-dominated profession afford to shrug and blame it on the modern influx of women into the law?

When I graduated from law school there were but three girls in my class, ^{altogether} today I'm told that the proportion of women to men in many law schools is, ~~roughly~~ ^{nearing} fifty-fifty and in some schools even more.

Whether there are too many lawyers or what can be done about it in a democracy ^{can only answer that} I do not know. But I do know that I am heartened by the increase of women in our profession because, if we learned one thing in my nearly sixty years of participating in and observing that profession, it is that the character and brains in any ^{trade or} profession cannot be measured by whether they ^{they} wear pants.

throw in

~~I said~~, the world became what happens to the profession of law in our society affects all who live in it. I say this because for many centuries the one thing that has ^{mainly} distinguished our species from the ^{all} beasts has been our ability to settle ^{some of} our grievances and disputes peaceably rather than by personal or mass combat. - and surely I need not debate on that during these days of growing ~~the~~ world-wide violence of all kinds.

But enough of these dyspeptic
 ruminations from a long-retired
 lawyer, and I'll ^{try to} wind up ~~now~~ on a
 somewhat lighter note.

For a long time I have
 wondered why more of my fellow
 and lady lawyers do not write.
 I am not talking now about
 briefs and the 74-page leases
 but about the many stories and
 with which the law abounds.

human
 dramas

After all our courtrooms
 and cases are full of stories of
 battles for ^{some of} life's highest stakes -
 money, power, freedom, and, in
 some states, ^{even for} life itself.

During my ^{active} law practice I
 wrote four books, and seven more
 since then, over half of them
 drawn from the law. After all
 the law and the public courtroom
 is ^{still} our busiest stage, the

very decorum of its proceedings only
heightening the stifled drama
of what so often happens *here*.

a skeptical lawyer

All *one* needs to do is to
look back upon some of the so
quickly forgotten "front page"
trials of recent times and either
grab a pen or ring for the
secretary or, to add a modern
touch, crouch over that mortgaged
word-processor and ~~spin a yarn~~
finally ^{set out} *set* about spinning a yarn.

John Voelker

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