

Michigan Lawyers in History

Dudley Mallory

By Carrie Sharlow



The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

Never underestimate the power of mentoring a younger lawyer. Chances are you've heard of Otis Smith, the first African American on Michigan's Supreme Court. But do you know of Dudley Mallory, whose name is forever linked with Smith's?

For starters, Smith wasn't a native Michigander. He was born in Tennessee, served in the army reserves in Philadelphia, and was stationed in Maryland, Utah, Illinois, and Kentucky during World War II. It was somewhat fortuitous that Smith ended up in Michigan, and Mallory had a big hand in that.

A bit of backstory: Smith left the service in early 1946, then worked at the Chevrolet plant in Flint before enrolling in college that autumn. It was maybe a total of six months, but that Flint stint was providential. Three years later when Smith was on the championship moot court team and had his picture taken with United States Supreme Court Justice William O. Douglas, the school sent the photo to *The Flint Journal*—Smith's home newspaper, based on his last address.

Local attorney Dudley Mallory paid special attention to that photo. He had practiced in Flint since being admitted to the Michigan bar in 1926. Like Smith, he wasn't a native Michigander, and had come a long way to reach that point.

In a similar vein to Smith, it's also likely no one expected Mallory to be a lawyer. Smith was the son of a Memphis maid and her white employer and the grandson of a Confederate war veteran, while Mallory was the grandson of a slave.

Mallory was old enough to be Smith's father. He was born either July 21 or July 22 of 1894 or 1895¹ in Oakpark, Virginia, to Scotswood Mallory and Victoria Reeves.² The Mallorys owned their land courtesy of Dudley's grandmother, who had purchased it after she was freed from slavery.³

Education was prized by Mallory, and presumably by the family as a whole. Later stories tell of Mallory assisting younger relatives in their higher education achievements.

By 1911, Mallory was on his way north, finding work in Baltimore; Washington, D.C.; Newark; Pittsburgh; and Connecticut. He worked on the docks and as "a factory hand, a longshoreman, on construction crews, and in steel mills...."⁴ He went to night school and saved up money to attend Virginia Union University, where he would earn a bachelor's degree. By the early 1920s, he was at the University of Michigan Law School.

He wasn't the first African American to graduate from that law school, nor was he the only minority in his class. The University of Michigan had always been ahead of the game in educating minorities and

women, which was probably why Dudley chose it over Yale,⁵ though he did mention that Michigan was a little cheaper.⁶ A bit older than the conventional student, Mallory was in his early 30s when he graduated in 1926.

Mallory settled in Flint—apparently, he had been encouraged to move there because of the success of a local black doctor.⁷ Mallory was a good enough attorney and had a good enough reputation among the Genesee Country attorneys that, four years into his practice, he assisted in a white Flint attorney's case before the Michigan Supreme Court. Three years later, he was back with Roy M. Van Dyne, another Flint-area black attorney. The two practiced together before the Supreme Court at least twice more in the 1930s.

After nearly 25 years of practicing law in Flint, Mallory was interested in both retiring and continuing to serve his clients. Whether he was actively looking for a younger partner when Smith's photo appeared in the newspaper or if it was on a whim, Mallory contacted Smith's family and suggested the young law student contact him the next time he was in town. On the basis of a photo, a conversation, and a remarkable judge of character, Mallory offered Smith a job.

"Keep in touch," Mallory wrote. "I'm trying to get a nice young man here to help



SBM photo

31st Michigan Legal Milestone: Otis Milton Smith, Trailblazing Leadership

Mallory treated Smith like a son, and Smith never forgot the senior lawyer who mentored him and solidified his connection to the state of Michigan.

me with the practice. I have ‘made it,’ so to speak. I want to maintain the office for the clients who have been coming to me off and on for 25–26 years, so if you’re interested, keep in touch.”⁸

In January 1951, Smith joined Mallory at his firm. As one might expect, Mallory offered the motion to have Smith sworn in as a member of the Michigan bar.⁹

The two worked together for almost seven years. Mallory treated Smith like a son, and Smith never forgot the senior lawyer who mentored him and solidified his connection to the state of Michigan. Years later when he spoke at Mallory’s funeral, Smith recalled that he was one of those people who said what he meant, meant what he said, and stood by what he believed.¹⁰

And although Mallory was sorry to see Smith go on to other things outside of the firm, he encouraged his pursuits. Smith remembered when he received his Supreme

Court appointment, his “first ringing endorsement came from Mallory. In his usual blunt manner, he said, ‘Well, you can’t do any worse than some of the bozos who are already down there.’”¹¹

Dudley Mallory died April 15, 1969.¹² You probably know where Justice Smith ended up, but if you don’t, check out the 31st Michigan Legal Milestone. Mallory ended up at the River Rest Cemetery in Flint with a very simple gravestone: it lists his name, his vital years, and one single word with immeasurable meaning: LAWYER. ■

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ENDNOTES

1. His World War I draft card says July 22, 1895. His World War II card says July 21, 1894.
2. It is amazingly difficult to verify information from this time period for these individuals. To note, Dudley’s World War II draft card listed Herbert Mallory (brother) of 416 Almyria Avenue in Monroe, Michigan as his “next of kin.” Herbert N. Mallory is listed as living with wife Vivian L. Mallory at 416 Almyria in various phone directories. The couple married in 1938, and their marriage record shows Herbert’s parents as Scotswood Mallory and Victoria Reeves.
3. Smith & Stolberg, *Looking Beyond Race: The Life of Otis Milton Smith* (Detroit: Wayne State University Press, 2000).
4. *Id.* at 97.
5. *Id.* at 81.
6. *Dudley Mallory, 74, Dies: Lawyer and Civic Leader*, *Flint Journal*, Thursday (April 17, 1969), p. 57.
7. *Looking Beyond Race*, p. 97.
8. Interview with Otis M. Smith, justice, Michigan Supreme Court, in Detroit, Michigan (October 23, 1990) <<http://archive.lib.msu.edu/AFS/dmc/court/public/all/Smith/ASV.html>> (accessed May 8, 2016).
9. *Looking Beyond Race*, pp. 99–100.
10. *Id.* at 99.
11. *Id.* at 145–146.
12. 76 *The Michigan Alumnus* 38 (September 1969).