

Fred K. Herrmann, 2016–2017 Chair of the Representative Assembly

By Joanne Geha Swanson

Who is this man, Fred K. Herrmann, who has been elected to lead the State Bar Representative Assembly in the 2016–2017 bar year? In many ways, what you see is what you get: an ever-present smile; a positive outlook; a quick wit and wry sense of humor; a keen intellect and curious mind; and sincerity, warmth, and ingenuity.

But there is more to Fred's luminous nature than meets the eye. It begins with devoted parents who were completely invested in the well-being of their children and instilled the values that provide Fred's compass for successful leadership in today's world.

Fred grew up in Flemington, New Jersey, a city in the heart of the Garden State and venue of the famed Lindbergh kidnapping trial. But he spent his early childhood on Staten Island, where his earliest memory is of walking to the waterfront with his father, also named Fred, in what was then a much less densely populated part of New York City. These father-son walks progressed to hikes covering more than 800 miles of the Appalachian Trail, providing special bonding time with a father who had much to impart about life, learning, and the world. The tradition continued well into Fred's college days and contributed greatly to the man he is today.

Fred's father taught emotionally and physically impaired children in New York City. He was well-read and highly educated, having attained bachelor's and master's degrees in education despite a hearing disability that nearly disqualified him from getting a teaching position with the city.

"The ostensible concern was that his students would perish if there was a fire because he would not be able to hear the fire alarm," Fred said. "He had to fight the city of New York to become a teacher and was assisted by my mother, who used the skills



Fred K. Herrmann

she had acquired as an executive secretary to help my father write letters in protest."

The elder Herrmann eventually found an ally in the administrative bureaucracy, the decision was reversed, and he went on to teach in the New York school system for more than 30 years.

Fred's father instilled in him and his sisters, Dorraine and Linda, the value of education and the importance of exploring the world around them. But his parents' greatest

gift, Fred says, was their teaching of empathy—the ability to appreciate and understand the feelings of others and what they might be going through. Much of this learning came from places the family visited on their travels throughout the country and stories his father would tell of the children he taught—their difficulties and challenges as well as their milestones and successes. It was a process of constant exposure to the world as it was. Fred learned at an early age that not everyone was blessed with the same abilities, prosperity, and nurturing that he had received. He learned to look at people more deeply, to withhold judgment, and consider how best to lend a helping hand. This latter lesson was brought home as a direct result of Fred's own early encounter with authority.

As a child, Fred loved to work with his hands, building model airplanes, ships, and rockets. When he was 10, a fascination with medieval weaponry led him to create a working crossbow out of balsa wood. As he tells it, "I became somewhat of an arms dealer, manufacturing and selling balsa wood crossbows to my fellow students at school."

This provided young Fred with a steady stream of income until one of the crossbows fell into the hands of his science teacher.

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"He took me aside after class one day and took out one of my crossbows," Fred recalls. "He told me the workmanship and the detail were quite amazing, but then he said that I would probably agree that having kids running around with crossbows in a school environment was not a good idea. I said, 'You're right,' and stopped making them."

That his teacher provided a voice of reason rather than a rush to punishment taught Fred a lesson he has never forgotten.

"If a situation like that occurred today, I would have been hoisted off to the principal's office, perhaps expelled, or headed for the corrections system," Fred surmised. "This taught me to take a careful approach when I see someone headed down the wrong path. Finding out what I can do to make the situation better is preferable to overreaction and a rush to judgment."

Fred's parents also instilled in him a strong sense of service to country, which led him to the United States Naval Academy in Annapolis, Maryland, where, ever the builder and creator, he had thoughts of becoming an engineer. But he also loved literature, writing, art, and film. His mother exposed him to the films and music she loved: the crooners of the 1940s, the gems of musical theater, Abbott and Costello, and others. Fred ultimately realized that engineering was not the path he wanted to pursue and instead earned an English degree.

Fred graduated from the Naval Academy in 1988 and was commissioned as a second lieutenant in the U.S. Marine Corps. Shortly after, he married his Naval Academy classmate, Melinda (Mindy) Allen of Kalamazoo, who was also a Marine. Less than a year later, Mindy and Fred were deployed at opposite ends of the globe during Operation Desert Shield and Desert Storm.

After more than five years of active duty, Fred started law school at the University

of Michigan while serving in the Marine Corps reserves as logistics officer and headquarters and service company commander of the First Battalion, 24th Marines in Detroit. Mindy was able to get the only active duty position in the area as executive officer of the Marine Corps recruiting station. But Fred's law-school studies, reserve duties, and home-improvement endeavors—he completely renovated their Redford home—and Mindy's 24/7 work schedule left them little time together.

Fred fondly recalls one particularly difficult weekend filled with reserve drills, work, and studying that had the couple going in opposite directions. Shortly after they arrived home in the early-morning hours after a long day of work, Mindy appeared in the doorway of their bedroom balancing two microwaved hot dogs (*sans* the bun) on the stretched-out sleeves of her sweatshirt, announcing with a flourish, "*Dinner is served.*"

It is precisely this *joie de vivre* that made the Herrmann's Northville Township home the place where daughters Annelie (Harvard class of 2018) and Emma (Williams College class of 2020) chose to hang out with friends. Whether for cross-country team pasta nights, Monday waffle suppers, Battle of the Books practices, or movie marathons in the home theater Fred built in his "free time," home was a comfortable place to gather. That may seem unlikely given the Herrmanns' military background, but unnecessary regimentation did not find its way into the household. As Fred explains, the Marine Corps taught him that it's not just the chain of command and structure that make things work, but "the creativity of the individual."

"I believe that the greater part of loyalty is dissent," Herrmann said. "If you are not listening to your people about ideas they have for better ways of doing things, you're not going to find success."



Fred K. Herrmann and his father, Fred H. Herrmann, hiking the Appalachian Trail, circa 1976.

Listening is something Fred learned to do well because no one was a better listener than his mother, Patricia.

"It didn't matter what time it was or what the problem was," Fred recalls. "When you wanted to talk, she would make you feel like you were the only person in her life."

And in keeping with the Umberto Eco quote that "what we become depends upon what our fathers teach us at odd moments, when they aren't trying to teach us"—a Fred Herrmann favorite—Fred learned the important leadership characteristic of being a good listener.

Fred has seen firsthand the value of divergent perspectives within the Representative Assembly.

"You get all those different perspectives," he said. "It is what I love about the Representative Assembly. I have never been disappointed. At every meeting, someone will bring something up that I hadn't thought of. I think, 'Wow, that is a different perspective, it has incredible value, and we would not have had that perspective if that person hadn't stood up.'"

Given Fred's appreciation of the role of dissent in successful outcomes, it is no wonder that the historic figures he most greatly admires were social activists.

"Something people would not know about me is that I am a huge fan of folk and war protest music," he said. "This ties to the greater part of loyalty being dissent. It's

ironic given my military bent and my general conservative views. But I am and have always been a huge fan of Woody Guthrie and Pete Seeger. Counterculture, antiwar, communist naysayers to the max, union supporters, anti-establishment—nowhere near in line with where people might think my loyalties would lie.

“The courage those men had to follow the paths they chose despite everyone trying to shut them up and shut them down. One of the greatest ironies is that we sing ‘This Land is Your Land’ as if it were a flag-waving anthem. It’s tongue in cheek. And Pete Seeger, the same thing. He traveled the country singing protest songs and firmly believed that the way to carry the message and to get people to act was to get them in a room singing together. He lived his whole life dedicated to that. He was called a communist and blacklisted, but he didn’t care. He just kept doing it.”

One of Fred’s favorite Woody Guthrie tunes tells the story of the 1913 massacre in Calumet, Michigan. It occurred during a miners’ strike when someone yelled “Fire!” during a Christmas party on the second floor of a crowded union hall. In the rush to get out, 73 people were killed in a stampede down the stairway. The song has stuck with Fred throughout his life, long before he came to Michigan.

During last year’s State Bar Upper Peninsula leadership tour, the delegation stopped in Calumet and visited the memorial archway at the front of the building that contained the doors leading to the stairway where the stampede occurred.

“A lot of things came together there,” Fred said. “It brought back memories of loving this song when I was younger. Actually seeing the site was very emotional.”

One of Fred’s goals as Representative Assembly chair is to advance the work of the 21st Century Practice Task Force, which recently completed its analysis of the legal profession—present and future.

“I can’t predict which of the task force proposals will gain approval,” he said. “We will have the voices of many lawyers throughout the state and hopefully they will reach a productive consensus on where we think the profession should go policy-wise.”

Fred is well-prepared to lead the Representative Assembly. He became active in bar



The Herrmanns enjoyed time with extended family on Cape Cod in August 2016. Front row, left to right: Emma Herrmann, Mindy Herrmann, and Doon Foster. Back row: John Foster, Annelie Herrmann, Fred Herrmann, Dr. Dana Allen, and Julia Foster.

service very early in his legal career, first as a member of the State Bar’s Antitrust, Franchising and Trade Regulation Section Council in 1996 and later serving two terms as chair. He was elected to the Representative Assembly from the Third Circuit in 2007 and has served continuously ever since. He also served the Assembly in various executive positions before being elected chair and is on the Bar’s standing committees on Law School Deans and Education and Events.

He is also active in the American Bar Association Antitrust Law and Business Law sections, the Detroit Metropolitan Bar Association, the Veterans Bar Association (Detroit chapter), and the Eastern District of Michigan chapter of the Federal Bar Association, where he serves as program chair.

Fred joined Kerr, Russell and Weber, PLC after graduating from law school in 1996. He became a member of the firm in 2004 and is its co-general counsel. His diverse litigation practice is focused on class-action defense; multidistrict litigation; antitrust, patent, and other intellectual property litigation; attorney and other professional liability defense; and contract, supply chain, and other business disputes. He has been honored as a Michigan Super Lawyer in Antitrust Law in *Best Lawyers in America*, where he was named the 2017 Detroit Antitrust Lawyer of the Year, and as a *DBusiness* Top Lawyer.

His all-time favorite movie is the wacky but poignant *Harold & Maude*. He has several favorite authors, but Cormac McCarthy tops his list.

“I like unanswered questions,” he said. “When I come away from a book or a movie I want to be thinking about it. I don’t want the answer to be given to me. I want to be presented with challenges that I can wrestle with.”

That quest for challenge is apparent in Fred’s home renovation projects as well. A self-taught jack of all trades, he takes great pains to study the renovation project he is embarking on and come up with answers to the issues it presents. Hardly the typical off-hours slacker, relaxation for Fred typically involves wielding a blow torch or jackhammer as he tears out pipes, moves walls, replaces windows, installs floors, raises ceilings, or builds cabinets. One might even find him burning the midnight oil on a weeknight when his enthusiasm for a project doesn’t allow him to stop. And he is certain to bring this same infinite supply of energy, enthusiasm and study to his work as chair of the Representative Assembly. ■



Joanne Geha Swanson is a member of Kerr, Russell and Weber, PLC, where she concentrates in federal and state court litigation and appeals. She is a member of the Detroit Bar Association’s Board of Directors and serves on the SBM Appellate Practice Section Council. Joanne and Fred K. Herrmann have been colleagues at Kerr Russell for more than 20 years.