

Not Just an "Old Rebel"



Lawrence P. Nolan

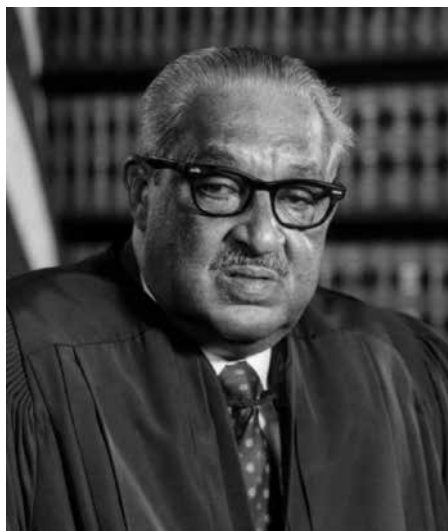
We are, if nothing else, in my opinion, a byproduct of our environment. It is human nature to develop and formulate opinions as to likes and dislikes and on everything else in between. This is true in food, clothes, music, shoes, cars, sports—the list has no limits.

Having grown up in Detroit and Farmington in the 1950s and 1960s, I realize that what I was exposed to as a child formed my opinions on almost everything I value today. I believe that when you are exposed to anything, you either accept it and absorb it like a sponge or reject it and refuse to get mentally and emotionally invested.

During the late 1950s and early 1960s, there was no question that the greatest focus was on what I was exposed to during the civil rights movement. It was the proverbial elephant in the room. You could not pretend it wasn't there or ignore its immediate and overwhelming presence in what was happening in our society.

I remember coming home each day from school and sitting down for dinner with my parents, brother, and two sisters. Dinner would not begin until everyone sat down; no morsel of food, no matter how hungry

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Thurgood Marshall

you were, was consumed before a blessing had been given.

After dinner, the table needed to be cleared and the dishes washed before we could retreat to our rooms to do homework or go to the den to watch the Huntley-Brinkley Report from 6 p.m. to 7 p.m. It was the definitive national news program, and I was always eager to see what was happening on a given day. The civil rights movement was front and center on the national level.

One particular lawyer was constantly at the forefront in defending the movement.

The man who called himself the "Old Rebel" stood tall. He was a well-seasoned lawyer by the time I recognized his importance to the civil rights movement. This was long before he was nominated by President John F. Kennedy to the United States Court of Appeals for the Second Circuit in 1961, and before President Lyndon Johnson appointed him as both the country's first African-American solicitor general and, in 1967, the first African-American justice to the United States Supreme Court.

Thurgood Marshall was born in Baltimore, Maryland on July 2, 1908. He was originally named Thoroughgood, but early in his elementary school days he shortened his name to Thurgood. It was reported that he simply did not like spelling the longer version.

His father was a railroad porter and his mother was a school teacher. He was educated at Baltimore's Frederick Douglass High School and enrolled in Lincoln University in Pennsylvania in 1925 after finishing high school a year early. He graduated cum laude from Lincoln University in 1930 with a bachelor's degree in humanities, having majored in philosophy and American literature. He then attended Howard University School of Law, graduating first in his class in 1933.

After graduating from Howard, Marshall represented the NAACP from 1934 to 1957. It

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was during these years that Marshall earned the reputation "Mr. Civil Rights."¹

His mentor at Howard University School of Law, Dean Charles Hamilton Houston, encouraged Marshall to use his knowledge as a lawyer to end discrimination and fight segregation in schools.

It is important to realize that Marshall's first favorable legal decision came in 1935 when he won the lower-court case of *Murray v Pearson* and again after its appeal to Maryland's highest court.² Donald Gaines Murray, one of Marshall's first clients, was a young black student who had graduated from Amherst College and was denied admission to the all-white University of Maryland Law School based solely on the color of his skin. Desegregating the University of Maryland Law School became a benchmark for Marshall's first cases after opening his private practice in 1934.

It's often said that being popular is not always right, and being right is not always popular. Thurgood Marshall lived his life believing that being right was better than being popular. During his career as a trial lawyer, Marshall brought more than 32 cases before the United States Supreme Court, winning an unbelievable 29 of those cases. His record of successful appeals to the Supreme Court is unparalleled in modern jurisprudence.

From *Murray v Pearson* in 1935 until he won the case of *Brown v Board of Education*³ in 1954, Marshall lived his life as an attorney without fearing the threats on his life. He was often told that his legal position was wrong and that he could never win his case.

As trial lawyers, we have all dealt with cases where we've been told our legal position did not hold merit. We know that for every attorney who has brought a case before the highest court in our state or nation, half have left the appellate courtroom knowing they will be determined to be wrong. There is a winner and a loser in every case. That fact remains constant, but it's never a reason for giving up and not zealously representing our clients' legal positions.

Thurgood Marshall is a shining example of what we strive for in representing our clients. He was truly a heavyweight fighter in the courtroom for justice, civil rights, and

freedom. His incredible influence on justice for all in America should never be forgotten.

In my opinion, Thurgood Marshall, as trial lawyer and United States Supreme Court justice, gave real meaning to all those taking a position for civil rights, a list that includes Martin Luther King Jr., Rosa Parks, Medgar Evers, Malcolm X, and the rest of this nation's leaders who dedicated their lives to equality. It was an era in which making America great was, in fact, happening for all who opened their hearts and minds to the civil rights revolution. Their influence is the permanent foundation for making the United States of America the world's leader in human rights.

To Thurgood's two children, Thurgood and John, I say thank you. And to trial lawyer and Justice Marshall, I say thank you, thank you, thank you. You are my hero.

None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody—a parent, a teacher, an Ivy League crony or a few nuns—bent down and helped us pick up our boots.

—Thurgood Marshall (1908–1993)

Thurgood Marshall retired from the United States Supreme Court in 1991. He died January 24, 1993, at age 84 in Bethesda, Maryland.

February is Black History Month, and it will always be a month when I take time to reflect on the best of what our profession can be, as evidenced by one person who chose to make a difference. The self-proclaimed "Old Rebel" embodies everything Black History Month stands for. Never to be forgotten, Marshall is an incredible example of how a lawyer and judge can make a difference in all our lives.

Thurgood Marshall set the standard as to what we as lawyers should strive to be. He was the leader we should all emulate and hold sacred in our profession. ■

ENDNOTES

1. Long, *Marshaling Justice—The Early Civil Rights Letters of Thurgood Marshall* (New York: HarperCollins Publishers, 2011).
2. *Pearson v Murray*, 169 Md 478; 182 A 590 (1936).
3. *Brown v Bd of Ed*, 347 US 483; 74 S Ct 686; 98 L Ed 873 (1954).

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