

Michigan Lawyers in History

William W. Potter

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.

If you know your Michigan Supreme Court history, you'll recognize the name of William W. Potter, who served on the state Supreme Court from 1928 to 1940.

But do you know William W. Potter, attorney at law?

Potter was born on August 1, 1869, in Barry County, Michigan to Lucien and Clarinda Potter. He studied at the Michigan State Normal College in Ypsilanti and received his law degree from the University of Michigan in 1895. That same year, he married Margaret Richardson, with whom he would have six children.

After graduation, Potter practiced at Barrell & Porter in Hastings before forming a partnership with another Hastings attorney, Philip Colgrove. The two would practice together for 23 years.¹

Potter's life was one of service to Michigan and its legal community. He was a member of the Hastings Board of Education and the city's attorney, a state library commissioner, Barry County prosecuting attorney (1909–1912), state senator representing the 15th District (1899–1900), state attorney general (1927–1928), Michigan Judicial

Council chairman (1929), and Michigan Supreme Court justice (1928–1940).

It is Potter's involvement in the Michigan State Bar Association, however, that is the chief concern of this article.

In 1921, Potter was elected president of the Michigan State Bar Association, a voluntary association for Michigan attorneys founded in 1890. The year before Potter's election, then president James Murfin led the vote to establish a mandatory, integrated bar to assure the representation of all lawyers in the state. The campaign of the Michigan bar to establish a mandatory bar was part of a national movement by lawyers to recognize the legal profession within the judicial branch of government rather than as an occupation to be regulated within the executive branch.

The Committee for the Incorporation of the State Bar Association was formed, with Potter as its chairperson. The committee's purpose was to draft a bill for a mandatory bar within the state and present it to the legislature for passage into law.² The bill, containing 45 sections chiefly drafted by Potter, was introduced in 1921 and failed to pass both chambers.

In his presidential address at the June 1922 Annual Meeting, Potter urged the "consideration and approval of the bill...to provide a self-governing bar."³

In 1923, the committee and the association tried a second time. The bill failed again.

Two years later, Potter noted that there was "no prospect of favorable action on any bill making bar membership compulsory"⁴ and the matter should be tabled until further notice. Perhaps he was disheartened by the two failures, or perhaps he had insight into how busy his life was going to become.

In 1928, Governor Fred Green appointed William Potter to the Michigan Supreme Court. Other lawyers took up Justice Potter's mantle in the incorporation committee.

In 1933, the incorporation bill was again introduced and again failed.

In 1935, Potter became chief justice of the Supreme Court. That same year, the bill he originally drafted in 1921 was introduced a fourth time; it failed initial passage and a substitute was offered. The substitute was a shorter bill, allowing the legislature to establish the mandatory bar and the state Supreme Court to govern it through court rules. The measure was on the brink of

This portrait is provided and maintained by the Michigan Supreme Court Historical Society.



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another failure when the bill's sponsor used wit and humor to urge his colleagues to pass the bill. He succeeded and the bill was signed into law on May 15.

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In his introduction to the April 1936 *Michigan State Bar Journal*, Potter wrote, "No great reform was ever accomplished suddenly."⁵ He had seen the bill he had drafted 14 years earlier fail numerous times; now he was approving court rules that would govern the new mandatory State Bar.

On July 21, 1940, Justice Potter died from injuries sustained in a car accident. He was greatly missed in his community, especially by the lawyers and judges with whom he worked.⁶

In 1945, the 10-year-old State Bar of Michigan presented a commissioned portrait of Potter to the Supreme Court as a tribute to a man who "represented the best traditions of a State"⁷ and was the father of the State Bar.⁸ The portrait still hangs in the Supreme Court offices. ■



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FOOTNOTES

1. *Men of Progress: Embracing Biographical Sketches of Representative Michigan Men with an Outline History of the State* (Detroit: The Evening News Association, 1900), p 130.
2. *Since 1935—Fifty Years of Service*, 64 Mich B J 52-88 (August 1985).
3. Potter, *The President's Annual Address*, Mich St B J 8-17 (November 1923).
4. *Minutes of the Thirty-Fifth Annual Meeting of the Michigan State Bar Association*, Mich St B J 3-11 (November 1925).
5. Potter, *Foreword*, Mich St B J 4-5 (April 1936).
6. *Memorials: Hon. William W. Potter*, Mich St B J 472 (September 1940).
7. *Portrait Presentation Ceremony*, Mich St B J 619-623 (November 1945).
8. Gillespie, *Retiring President's Address: Sixth Annual Meeting of State Bar of Michigan*, Mich St B J 596-606 (November 1941).