

Michigan Lawyers in History

Jason L. Honigman

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.

When Jason L. Honigman died, his passing was noted across the country. When he was born, his birth was so overlooked he could only make an educated guess as to his birth date. He was born in Minsk, Russia during the Russo-Japanese War and a surge of pogroms in the country. Despite having served his mandatory term in the Russian army, Jason's father was in danger of being drafted for the new war. So shortly after his son's birth, the elder Honigman escaped to Poland, and from there, traveled to the New World. Family legend pegs the departure date of Louis Honigman's ship in Hamburg at "exactly eight weeks"¹ after his son's birth: thus, Jason's birth date of October 25, 1904.

Louis settled in New York. His wife, Sarah, emigrated two years later with Jason. By age four, however, Jason was once again on a ship crossing the Atlantic; his mother was homesick and returned to Russia with her three children. Louis intended to follow later, but his unauthorized departure in 1904 was considered criminal and he was unable to obtain the necessary papers. Instead, Sarah and her children escaped from Russia and crossed the Atlantic for the third time in five years, and the family was once again reunited in New York.

Jason started grade school in 1911 and picked up the English language quickly, as he would most academics. He was a stellar

student, completing grade school in six years rather than eight and finishing high school a year early. By that time, the family had moved from New York to Detroit, and at age 16, Jason entered Detroit Junior College intending to become a lawyer.

At the beginning of the Roaring Twenties, Jason enrolled at the University of Michigan. Four years later, he had a bachelor of arts degree, a law degree, and a sterling reputation. His law school experience foreshadowed the greatness to which he was destined. As a student editor of the *Michigan Law Review*, he was asked "to write the lead article [when] student editors were normally only permitted to write notes or comments."² During his senior year, he wrote a two-part article on "tenancy by entirety" for the *Michigan State Bar Journal*. Published in May and June 1926, the articles would later be "referred to as the best dissertation of its subject matter."³ He was not yet 23. In 1926, he graduated at the top of his class.

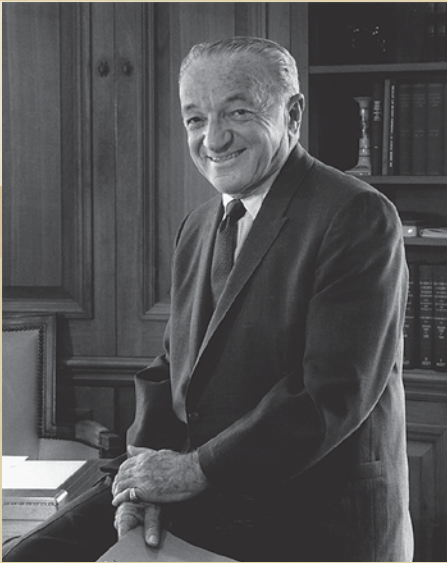
Unsure of Detroit's reaction to a Jewish attorney—the *Sapiro v Ford* case was still headline news⁴—Jason applied to only one firm: Groesbeck, Sempliner, Kelly & Ballie. Abram Sempliner, a name partner, was himself Jewish, and Groesbeck was the current governor. Later, he followed Sempliner to Sempliner, Dewey, Stanton & Bushnell, eventually becoming a partner when George Bushnell became a state Supreme Court justice.

Without question, Jason was brilliant. He argued his first case before the Michigan Supreme Court the year he turned 23, winning against the famous William Henry Gallagher.⁵ Less than 10 years later, he argued his first case before the United States Supreme Court. In the Deep Rock Oil Company case, Jason was asked to reverse "a settlement which had been approved by the majority of Deep Rock's creditors and security holders"⁶ and reaffirmed by the U.S. District Court and the U.S. Court of Appeals. It was a Sisyphean task and acknowledged as such by at least one justice, but he won. The opinion in *Standard Gas and Electric Company v Deep Rock Oil Corporation*⁷ "reversed prior Supreme Court precedent"⁸ and assured Jason's place in history.

As his reputation grew, Jason met and married Edith Horwitz and started a family. His children, particularly his son, Daniel, would change his future.

Jason never intended to "build a large law firm."⁹ In fact, at age 42 he left the Sempliner firm with the intention of focusing on his various investments—he was a remarkably successful investor—and formed a small law firm with Sempliner colleague Milton Miller.

Five years after Honigman Miller was founded, Daniel Honigman decided to follow in his father's footsteps and become an attorney. Instead of his original plan, Jason began to "expand [his] law practice so that



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[Daniel] could join an ongoing significant law firm.¹⁰ Alan Schwartz came aboard in 1952 and Daniel joined the firm six years later. In 1968, the firm added its last partner: Irwin Cohn. Jason couldn't have known it at the time, but Honigman Miller Schwartz & Cohn was destined to become one of the most well-respected and well-known law firms in the country. (The things we do for our children.)

Around the time Jason “decided to limit his law practice,”¹¹ he was contacted by West Publishing Company about a writing project: was he available to write the “author’s comments” for the soon-to-be-published Michigan Court Rules? Of course, he ended up writing a good deal more than that, and the book was published a year after the founding of his limited law firm. Colloquially known as “Honigman’s Rules” and “recognized as the definitive work in its field,”¹² the book cemented Jason’s reputation as an expert in Michigan law.

The writing project was good timing, too. Change was coming to the Michigan judiciary and a state constitutional convention was right around the corner. The bar had been expecting this, and under Jason’s leadership, the State Bar of Michigan’s Civil Procedure Committee proposed changes to the court rules. As Michigan began a long-delayed massive undertaking revising the statutes and rules in their entirety, Jason and Charles W. Joiner led the process, educating

the legislature and lobbying for what would be known as the Revised Judicature Act of 1961. The constitution was completed and adopted, and the General Court Rules were approved in 1963.

By the time Jason was 60, he was a veritable success. He was chairman of the board of Allied Supermarkets, Inc. and the Michigan Law Revision Commission. He owned the First National Banking Building, which he sold for a substantial sum. The Honigman firm grew to more than 130 attorneys by 1985. And Jason continued to argue the controversial cases of the day—*Poletown Neighborhood Council v Detroit*¹³ (the subject of the 33rd Michigan Legal Milestone), at least four cases against the Michigan State Tax Commission (twice for the same company),¹⁴ and Arlan’s Department Stores Sunday-closing suit¹⁵—often against Michigan’s eternal attorney general, Frank Kelley.

Jason never held political office—the one time he ran for a position, he lost—but few could count themselves his equal. The son of a Russian tailor who had come to America not knowing English and had faced his own measure of discrimination as a Jew, was independently wealthy. Well-known and well-respected, his legacy was secure.

His extraordinary generosity only increased his legacy. He had lived in a house in Russia with a dirt floor; he ensured his children and grandchildren would never want for anything material. He started his university education at what is now Wayne State University; he established the university’s Jason L. Honigman Scholarship. He was a brilliant editor of the *Michigan Law Review*; the Jason L. Honigman Award honors its outstanding senior editors. He was a stellar student at the University of Michigan Law School; the Honigman Family Foundation renovated the Jason L. Honigman Auditorium at the school. Abram Sempliner had mentored him; the family foundation established the Abram W. Sempliner Memorial Fund. He enjoyed his legal career and understood the necessity of improving the law; he donated all royalties from the *Michigan Court Rules Annotated* (both the 1949

and 1961 versions) to the Michigan State Bar Foundation for that purpose.

Having packed a multitude of activities into one lifetime, Jason retired at age 80. He died five years later on September 12, 1990. He was, as SBM Past President James K. Robinson wrote, “an ornament to his profession”¹⁶ and a gem to the legal community. ■



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If you are interested in State Bar history or have a suggestion for “Michigan Lawyers in History,” please e-mail her at csharlow@mail.michbar.org.

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ENDNOTES

- Honigman, *Tales of My Lifetime*, p 1 (copy on file with author).
- Id.* at 6.
- Id.* at 6.
- See Woeste, *Henry Ford’s War on Jews and the Legal Battle Against Hate Speech* (Stanford: Stanford University Press, 2012).
- See Sharlow, *Michigan lawyers in history: William Henry Gallagher*, 92 Mich B J 44 (January 2013).
- Honigman, n 1 *supra* at 18.
- Standard Gas & Electric Co v Deep Rock Oil Corp*, 117 F2d 615 (CA 10, 1941).
- Jason L Honigman, 1904–1990: “An Ornament to His Profession,” 69 Mich B J 1126 (November 1990).
- Honigman, n 1 *supra* at 13.
- Id.* at 14.
- Id.* at 13.
- Id.* at 11.
- Poletown Neighborhood Council v Detroit*, 410 Mich 616; 304 NW2d 455 (1981).
- See *Allied Supermarkets, Inc v Mich State Tax Comm*, 381 Mich 693; 167 NW2d 264 (1969); *Fisher-New Center Co v Mich State Tax Comm*, 381 Mich 713; 167 NW2d 263 (1969); *Pantlind Hotel Co v Mich State Tax Comm*, 380 Mich 390; 157 NW2d 293 (1968).
- Arlan’s Dept Stores, Inc v Mich Attorney Gen*, 374 Mich 70; 130 NW2d 892 (1964).
- Jason L Honigman, 1904–1990, n 8 *supra*.