

# Michigan Lawyers in History

## Elmer H. Groefsema

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.*

**E**lmer Groefsema was missing the index finger on his left hand; his World War I<sup>1</sup> and World War II<sup>2</sup> draft registration cards note this physical characteristic. If his index finger had been intact, perhaps Michigan's legal history would have been different.

For starters, Elmer probably would have been a farmer out west rather than an attorney in Detroit. The Groefsemas were farmers; they were later referred to as “professional gardeners.”<sup>3</sup> Elmer's father, Harm, emigrated from the Netherlands in the early 1880s and settled in a large Dutch community near Kalamazoo.<sup>4</sup> He married Cornelia Kuiper, had a number of children, and he and his family worked as tenant farmers in the area.<sup>5</sup> Around the turn of the century, they moved west to another large Dutch community with better prospects of actually owning land. In Yakima, Washington, they had a successful farm along a river until a flood necessitated a move to Idaho.<sup>6</sup>

Elmer's older brother, John, and younger brother, Clay, became farmers and eventually lived next door to one another, so it's fair to assume Elmer would have followed the same path.<sup>7</sup> Instead, he became a teacher. After teaching for a few years, he decided to attend college.

It was a radical decision. No one in Elmer's family had attended college, and there certainly wasn't money for it. And

Elmer's family relied on his teaching salary for extra income.<sup>8</sup> But Elmer was determined. He took a job tending sheep on a livestock train heading to the Chicago stockyards—a fairly common activity for those unable to afford regular train travel<sup>9</sup>—and then made his way to Ann Arbor. He worked a variety of jobs as a University of Michigan student—“selling food wholesale to hospitals and institutions,” loading the coal furnace in a professor's house—to pay for tuition and room and board.<sup>10</sup> In the summer, he returned to Idaho to help his family.

In between studying, working, and traveling, Elmer found time to meet and court Mary Blanche Gibbons (who went by Blanche), an Ann Arbor school teacher.<sup>11</sup> They married on June 24, 1915, the same year Elmer started law school. He graduated in 1917 and practiced law on his own for a bit before forming a firm with Thomas H. Bresnahan.<sup>12</sup>

Elmer's practice generally focused on civil cases. Several of his earlier cases involved land contracts and property law,<sup>13</sup> but eventually he focused on personal injury work for plaintiffs; by 1941, he had been engaged almost exclusively in the practice area for 15 years.<sup>14</sup> His cases involved automobile accidents,<sup>15</sup> injuries in the workplace,<sup>16</sup> and railroad disasters.<sup>17</sup>

One of the firm's most famous cases involved a collision of two freight trains in 1929 that killed two workers and severely

injured a third.<sup>18</sup> After a jury awarded the widows and the surviving worker several thousand dollars in damages, the Grand Trunk Western Railroad Company appealed to the United States Supreme Court, which in 1931 upheld the judgment.<sup>19</sup> Reported to be “one of the largest verdicts ever obtained in the United States under the Federal Railway Act,”<sup>20</sup> it wasn't the firm's first record judgment, nor was it the last.

Around the time Elmer's career was taking off, the Groefsema home underwent a massive upheaval. Blanche, who had enrolled at the University of Michigan to complete her undergraduate degree with the intention of attending law school, died of a brain aneurysm in 1932.<sup>21</sup> Elmer had supported her academic aspirations, saying “if that's what she wanted to do, that's what she should do.”<sup>22</sup> The Groefsemas had three daughters between the ages of 7 and 12 at the time of Blanche's death—Christine, Cornelia, and Margaret, from youngest to oldest.

Relatives helped the family around the house, but essentially, it was Elmer (who briefly remarried) and his daughters on their own. They were a close family; everyone did his or her fair share of the dishes, laundry, and cooking.<sup>23</sup> Elmer didn't make pies or cakes, but he could make cornbread and roasts.<sup>24</sup> After work and school, the family discussed everything under the sun—“politics, religion, music, the law.”<sup>25</sup>

Photo courtesy of Charles S. Kennedy III



Elmer Groefsema, c. 1915

The girls did well in school; it was expected of them. So was going to college. Elmer and his wife had struggled to obtain college educations, and he made sure his daughters had better options. They all attended the University of Michigan, but none of them set out to become attorneys. There weren't many female attorneys at the time; Elmer's graduating class of 1917 had 124 members, all male. The 1941 class was a bit different, with one woman among its 56 graduates. Still, a female attorney was a novelty—enough so that the University of Michigan Law School didn't have housing for women.<sup>26</sup>

After Margaret took a professional skills test showing “she was best qualified to be a cook,”<sup>27</sup> Elmer suggested law school. Cornelia wanted to be a doctor, but struggled with organic chemistry and switched to law. Both graduated from the University of Michigan Law School—Margaret in 1945 and Cornelia two years later.

The story of an attorney with two daughters who were also attorneys was interesting enough to warrant a three-page spread with almost a dozen photographs in the *Detroit Free Press* when Cornelia graduated. Eventually, Margaret and Cornelia joined Elmer in his law practice. Cornelia recalled that her father was a patient man and nice to work with, and he was probably a good teacher as well.<sup>28</sup>

Elmer continued his focus on insurance and negligence law. He joined the Detroit chapter of the National Lawyers' Guild and advocated for “the proposed modernization of Michigan's statutes pertaining to injury and death arising from negligence.”<sup>29</sup> He was a member of the State Bar of Michigan Insurance Committee for several years.<sup>30</sup>

One of his last cases was the *Noronic* case, involving a 1949 steamship fire at a Toronto pier that killed 119 people on board. Elmer was one of five attorneys representing the Survivors' Committee.<sup>31</sup> By that time, he was dying of cancer. When Elmer died in April 1952, the committee allowed Cornelia to continue his work on the case “and get the attorneys' fees that he would have gotten for that phase of the case.”<sup>32</sup>

If Elmer's story ended at this point, he would still be a Michigan Lawyer in History, “a distinguished trial lawyer,”<sup>33</sup> and excellent plaintiff's attorney in personal injury cases. But his lasting impact may be in being the beloved father of Cornelia, Margaret, and Christine and encouraging them to obtain higher education.<sup>34</sup> Christine earned a master's degree and PhD in economics from the University of Michigan and became president of the Auburn Hills campus of Oakland Community College. Margaret was elected 47th District Court judge. And Cornelia, the “First Lady of the Michigan Judiciary,”<sup>35</sup> became a federal district court judge and a federal appellate court judge before she was short-listed for the position of first woman on the United States Supreme Court. ■

*Carrie Sharlow is an administrative assistant at the State Bar of Michigan.*

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## ENDNOTES

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