On May 31, Law School’s “emeritus” alumni and their guests gathered at the private dining rooms of Chicago’s Spiaggia Restaurant for a special celebration honoring those graduates who received their law degrees more than fifty years ago. Among those attending were members of the class of 1936, celebrating their 60th Reunion, and members of the class of 1941, celebrating their 55th Reunion. The guest speaker was Geoffrey R. Stone ‘71, provost of the University of Chicago and former dean of the Law School, who discussed Hopwood vs. Texas, the Fifth Circuit decision holding unconstitutional the University of Texas Law School’s affirmative action program.

In the spirit of the occasion, the Record is proud to present the following early career experiences of three distinguished Law School emeritus graduates—Elmer Gertz ‘30, Leon Despres ‘29, and Bernard Nath ‘21.

ELMER GERTZ ’30

As a lawyer, author, educator, and community activist, Elmer Gertz has had a long, enviable career. As an educator, Mr. Gertz has enjoyed an association with the John Marshall School of Law that has spanned three decades. His work as a lawyer has included some of the most celebrated legal cases in the nation’s history, including the freeing of murderer Nathan Leopold, the setting aside of the death sentence of Jack Ruby, and countless others.

In his book To Life, Mr. Gertz looks into his choice of law as a career and one of his earliest encounters as a fledgling lawyer.

One day in 1924 when my father was ill, I was in charge of his clothing store on the South Side of Chicago. Two burly men entered the store. They looked to me like hooligans. I feared they were going to rob me. One of them said, peremptorily, “Come with us, kid!” “Why?” I asked. They declined to answer. “May I call my father?” I inquired. They curtly refused, and took me in their automobile to the Northwest Side of the city to a police station, miles from my father’s store. I was left, unattended, in a locked room. Later, one whom I took to be a plain-clothes detective entered the room. He seemed friendlier than the two who had picked me up. He began to talk with me on the subject everyone was discussing, the Loeb-Leopold case that had just broken. The two who had kidnapped and murdered the Frank boys were very little older than I. They, like me, were Jewish and Southsiders; they were at the end of their academic careers at the University of Chicago, and I was about to begin mine there. The officer, in the simplistic fashion of some police, must have thought that this gave me special competence. We talked for hours, speculating about the reasons for such horrible crimes.

But I was given no food or drink; I was held incommunicado. Suddenly, around midnight, the officer said: “Kid, you can call your father.” He also told me, for the first time, that I was being held because a stolen negotiable bond was traced to me. I had deposited one of its interest coupons in my meager savings account. This, the only bond I owned, had been given to me as a graduation gift. Of course, I knew nothing about its being stolen, nor, I learned later, did the person who had given it to me. I explained the situation to my troubled father and he attempted to persuade a judge whom we knew to order my release. The judge was rather annoyed that he was called so late. “Can’t your son remain in jail over night?” he asked. Finally, he arranged for my release. The next morning I appeared before another judge. He laughed—I did not know what was funny—and dismissed me; and that was the end, as far as the state was concerned.

I did not know then how many of my constitutional rights had been breached by
this outrageous incident, in that day of lesser judicial delicacy. Now I can add up several. I was sure then, as now, that many people, young and old, educated and uneducated, white and black, had been subjected to the same, or worse, treatment. At least I had not been beaten up, and my travel, such as it was, had been relatively brief. With one part of my brain, I had enjoyed it. Then, as now, new experiences intrigued me.

I am sure, too, that, at least in part, I became a lawyer, rather than an architect or journalist, because I wanted to make certain that fundamental rights would be preserved for the people, and that I would have a share in that great task.

So I went to law school.

Almost on the day I graduated law school, David Belson, the most beloved of my uncles, turned over to me all of his not inconsiderable law business. He was my first personal client. This tangible expression of his confidence in me never faltered; however much he might haggle over fees. There came a time when Uncle Dave wanted me to become his partner in his fairly prosperous electrical goods and sheet-metal business. He was willing that I continue the practice of law if I would devote some time to working with him. But feeling that this would lead to clashes with my cousin, who did not have his father's temperament, I regretfully turned down my uncle. I had this same experience of being asked to participate in their businesses with other clients and, in each instance, I turned down the offers, although in at least one case it would have meant very great prosperity—security in an insecure world. I was determined to remain a lawyer, even if I maintained an amateur standing, financially speaking. True, I had other interests and pursuits, but I remained essentially a lawyer, whatever else I was.

Significantly, one of the very first cases that Uncle Dave turned over to me was a libel action. He had been sued by a former representative who had charged him personally, as well as his corporation, with reflecting upon his reputation. The years have dimmed my recollection of the details of the case. I did not know then that a considerable part of my reputation in later years as a lawyer would derive from my handling of defamation actions. Later, the Chief Motion Judge of the Circuit Court of our county would refer to me, semi-humorously, as the Plaintiff's Bar in libel. At that earlier time I was just another beginning lawyer who was trying to persuade his first client, who happened to be his uncle, that he knew how to handle complicated as well as simple matters.

This was in the period when both the Federal and State courts in Illinois followed the rather complicated practices of the common law, rather than the modern codes. Pleadings were drawn with careful regard for various technical requirements; and it was difficult to obtain the pre-trial discovery, or information, that is a commonplace today. The practice of law then was little different from what it was in the days of bewigged practitioners in the Inns of London.

I filed what was known as a demurrer. This was a technical pleading which, in effect, stated that, assuming everything in the complaint (it was then called a declaration) to be true, it still did not state a cause of action against the defendants. My opponent was a lawyer considerably older than myself and with an established reputation. But I still felt that he had not stated a good case.

When my demurrer came up for hearing before the greatly admired, greatly feared Judge John P. Barnes in the United States District Court, my opponent did not appear. His clerk had probably failed to enter the matter in his diary—the bane of all lawyers. Very politely, I remarked to Judge Barnes that I would like permission to telephone opposing counsel, as I did not want to take advantage of his absence. This was reckoning without Judge Barnes. He looked me straight in the eye, in his stern manner, and said: "You will proceed at once to argue your demurrer." Judge Barnes was one of the most learned and certainly the firmest man on the Federal bench. He sometimes appeared to be inflexible. I learned later that he would bark more often than he would bite and that he was in reality a kindhearted person, in spite of his rough exterior. He simply expected lawyers to conform to the rules, to be on time, to know what they were doing.

If I thought that arguing my demurrer in the absence of my opponent would be easy, I reckoned without Judge Barnes. He became my opponent. We argued back and forth on my various points for a considerable period of time. He then sustained my demurrer, but gave the other side, the plaintiff, leave to file an amended declaration. Immediately I went to the telephone and called my opponent. I explained that the matter had proceeded, despite my request to communicate with him. He understood, and I then explained patiently the course of my legal argument with Judge Barnes. Somewhat later, the lawyer filed an amended pleading which, in my judgment, did not cure the defects of the original declaration. I filed another demurrer. This time my opponent showed up for the hearing in court and the Judge did not participate in the argument. In a matter of moments, he sustained my demurrer, and this time dismissed the suit.

I had won my first libel action, for the defendants, rather than the plaintiff.

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Leon "Len" Despres '29

Since his graduation from the Law School in 1929, Leon Despres has never failed to serve the public with all his talents and abilities as a lawyer and Chicago city alderman. In Coming of Age, the most recent book by author and radio commentator Studs Terkel '34, Mr. Despres looked back on his years in practice.

I have been a lawyer now for sixty-four years and I enjoy it. I enjoy the substance, I enjoy the technique, and I even enjoy what may be humdrum to others: drafting wills, handling real estate deals—not the most exciting parts of law. What's remarkable is that I still attract clients.

Half my work is in labor law. We represent unions, engage in collective bargaining, reinstating improperly discharged workers, recovering pensions unjustly denied. We have some current cases aimed at forcing the state to provide better protection for tubercular persons, filing suits to compel hearings on child labor in the fastfood places. We're representing the faculty of a dental school that was closed. We only take cases that interest us.
The power elite never employed us. We never have represented anybody on the employer's side. We're always against a big utility or a big harvester company, or a big union, too. [Laughs.]

The first five years of my practice I worked for a big law firm and was miserable. I used to have nightmares that I was still working there. It was good training for me, but I found the atmosphere unpleasant.

There's been a big change in the practice of law: the size of the firms, new technology, and a decline in civility. My first job after law school, in '29, was with the second-largest law firm in Chicago. I was asked, "How do you like working in a factory?" It had thirty-two lawyers. Today it would be hardly more than a boutique. That same law firm has 250. One Chicago law firm, if you count its branches, has close to a thousand. These law firms are like big corporate businesses, and they're managed that way.

With the growth of technology, you have faxes and word processors and computers. You can marshal a huge amount of evidence, statements of witnesses, affidavits, data about prospective jurors in no time. These are advantages that smaller firms find hard to overcome.

We used to have to rely on stenographic service, drudgery, recopying of old documents. We had to have typists all day long, now we can photocopy. We have instant communication by fax or by overnight delivery. All make the practice of law much easier than it was. In that way, it's more enjoyable and far less difficult than it used to be. As for civility, I'm afraid that the traditions of courtesy and courtliness have declined. If the emphasis is so much on the business of the practice, there is no time for some of the old traditions of honor. How can you be friendly to a firm with four hundred lawyers?

You have a brushiness that didn't exist before.

In the big firms, there are elaborate pension and retirement arrangements as they turn the old partners out. They put them out—of course, on pension—but keep the business they attract. In the past, senior partners held on for a long time. Now these big firms with managerial techniques monitor the amount of work a lawyer does. They have nonlawyers who do this. Older partners are shunted off the pension system and come in one or two days a week.

They merge with other firms, and lawyers are detached by the dozens. We thought that Isham, Lincoln & Beale would last forever. Abe Lincoln's son was a member. They lost a major client to another firm and dissolved. It was like the Rock of Gibraltar turning into a molten mass. It was nothing. It really broke some of the old partners. I know one, a broken man.

There are firms practicing today and something will happen and they'll say, "We're closing." The office is still magnificent, but it's disappeared. That was unheard of. There were the inevitable fights in law firms, but nothing like the mergers, the sell-offs, the dissolutions that you have today.

But I do find some changes for the better. Certainly there are young people who are totally oriented to big money-making in big firms. They buck for the partner, they play political games, they kill themselves working all hours. But there are lots of young people who do work on the other side, who do pro bono work more than ever. Some of the big firms permit younger members to do this because they know if they don't, they may lose some of their most promising associates. There was very little pro bono work in the old days. When I started, if a lawyer had been interested in pro bono cases, they would have thought he was nuts.

Our firm of four is an anachronism but very enjoyable because my associates and I have established a personal reputation and we appeal to the very people who are turned away by the huge corporations. They're attracted by the feeling that they can trust us.

I feel I have much greater ability and better judgment than I ever had. I think this vitality I have is genetic. My grandfather lived to eighty-seven and his father lived to ninety-nine. He claimed 103.

I get up weekdays at five in the morning. I dress as rapidly as I can, take the number 6 bus downtown. I take the same bus home. Often, I'm the only white. Sometimes, I'm recognized by the other passengers. I get an inordinate amount of recognition in the street from African Americans. I get it from whites, too, but not the same way. The black people remember my days on the city council. It's a very warm feeling.

I can't think of a better reward. That's what gives an excitement to my life, engaging in these struggles. It keeps you going. Remember Antaeus, the mythical figure whose strength was derived from standing on Mother Earth? Hercules beat him by holding him up in the air. If you're in touch with what is going on, feet on the earth, you do keep up your excitement much longer. I've been called a boat rocker. If a big utility that's overcharging calls me a troublemaker, that's great, isn't it? [Laughs delightedly.]

Do I ever think of quitting, retiring? Noo. Yet we can't bet on mortality. I know that some day the choice will be made. I look at my old files and sometimes I prune them because if I don't, who will? I would never want to cease battling. I just have to. But I have to choose my fights, that's all. I have to feel that I'm doing things that are worthwhile and may, hopefully, have an effect. You want to have the feeling that you've accomplished something and that some things are better because you were around.


Bernard Nath '21

On July 18, 1996, Bernard Nath celebrated seventy-five years with the Chicago-based law firm Sonnenschein Nath & Rosenthal. It was proclaimed "Bernard Nath Day" by both Illinois Governor Jim Edgar and Chicago's Mayor Richard M. Daley. The law firm itself marked the occasion with a special luncheon in his honor.

A few weeks prior to the celebration, Mr. Nath briefly sat with the editor of The Law School Record in his office on the eighth floor of the Sears Tower. The view of the city of Chicago from there is quite commanding, and it is a scene worthy of this specialist in real estate and corporate law, for as Sonnenschein chairman Donald G. Lubin remarked, "If you look out of any window from our offices in the Sears Tower, you will see a building or a project in which Bernard Nath had a role."

I graduated from the Law School in 1921 when James Parker Hall was the dean. He was
an outstanding teacher, as were Professors Freund and Bigelow. Mr. Hinton taught Evidence and he too was excellent. But the man who stands out most in my mind was Professor Mechem. He taught Agency and he was a knock-out. An absolute brilliant teacher. Marvelous. I enjoyed my undergraduate years and my law school years at the University of Chicago. I worked hard. I developed a relationship and feeling about the university that has always been a wonderful part of my life. I still think of the University as unsurpassed in the United States.

Within a matter of weeks of receiving my degree, I joined the law firm of Sonnenschein, Berkson, Lautman and Levinson. My father in a minor way had been investing in Chicago real estate and he had been a client of the firm. He died a year prior to my graduation and they were probating his estate. As I approached the end of my law education, my mother said to me, “Why don’t you go to work for Sonnenschein?” I called up Herb Lautman and he invited me to come over. Arrangements were then very informal. There was no group that hunted for new lawyers. It was all incidental. Well, I had one meeting, I was offered the job, and I accepted. I never applied anywhere else.

The firm had been founded in 1906 and, at the time, I was lawyer number thirteen. They were still in the Old Stock Exchange Building at the corner of LaSalle and Washington—and for two more years they would remain there. At first, I had no office. We all did our research at the Law Institute because we didn’t have a library of sufficient size.

Within two years of my arrival, we moved into the Methodist Episcopal Church across the street. You can imagine the size of the office. Most of the moving was done by the lawyers themselves, and I was supposed to be one of them. It happened that I was a member of a country club tennis team, and we had a meeting in Cincinnati at the same time. That put me on the spot. I didn’t know what to do. I had promised the club I was going to play. So, I just didn’t show up for the move. It was my good fortune that I didn’t get fired by Mr. Sonnenschein. In fact, this month will be my 75th year here and that happens to be quite unique. I am the only one with the judgment—or lack of it—to go on that long.

From day one, I enjoyed practicing law and being in the public arena. That is in such contrast to many of the lawyers that I have known who dropped out at the earliest opportunity. I never thought of retirement. It never occurred to me. Of course, I never expected to live so long.

There has been an enormous change in the practice of law in the sense that there isn’t the attitude there once was. My attitude was always getting the work done, having it completed successfully, and doing my job as if I were the economic partner of my client. In that sense, I made some very dear friends. They felt that I was working with them.

When we began, there was no specialization. Yet as the firm grew, specialization became an actuality so that today we have eight offices all together and 450 lawyers, which is almost shocking to me. I remember back in the 30s when one or two of the New York firms divided up with three or four people in real estate or corporate departments, I laughed. It was so strange that they would or could do it. Now, of course, we do it as much as anybody.

When you are in law firm with thirteen or twenty lawyers it is very different. You know everybody, you probably have worked with everybody, and, at least in the Sonnenschein case, you developed a loyalty to the firm. This might surprise you, or maybe it won’t, but it’s consistent with the story from the very beginning. I told you that this month I will have been with the Sonnenschein office seventy-five years and they are insisting on throwing me a luncheon on July 18. I am embarrassed. Terribly embarrassed. But that is what’s going to happen. Well, when you think about the practice of law these days, that is a very remarkable thing for them to do.

In all, I think I have been very fortunate to have become connected with the Sonnenschein group and with the University. I am very fortunate to have a great wife, two daughters that are marvelous additions, and a lot of descendants from them.

I think I am a very, very fortunate person.

Mr. Nath never lost his love of the law. Even at ninety-seven years of age, he visited his office regularly each week. Sadly, two months following this interview, Bernard Nath died on September 16. The Law School extends its condolences to his family and his many friends. •