

James Louis Petigru: A Role Model for Today's Lawyer

by Whitney North Seymour, Jr.*

James Louis Petigru was a sole practitioner in pre-Civil War South Carolina who combined retainers from wealthy, private clients with an extensive *pro bono* practice serving the poor. The *pro bono* work was often frustrating. In one case, Petigru prepared a will for a plantation owner in 1836 which gave the owner's plantation to his slaves to live on and farm as free people. Because state law prohibited legal emancipation except by special act of the legislature, the client enlisted a neighbor to serve as "Trustee" and then legally transferred the slaves to him to implement this promise of freedom. After the original owner's death, the neighbor claimed the slaves as his own personal property on the ground that they had been illegally emancipated. He proceeded to sell three of them to a buyer in Georgia. This "treachery" so enraged Petigru that he organized neighboring property owners to sign a petition to the legislature to have the land and slaves escheated to the state. He also raised the funds to buy back the three slaves from Georgia so they could rejoin their family. Petigru then persuaded the legislature to grant the family full emancipation. It was a time-consuming, costly effort for which Petigru never asked or received a cent of compensation.

What explains lawyers like Petigru? The most significant fact in John Thomas' 1919 tribute to Petigru may well be that at the time of his death at seventy-four Petigru was president of the South Carolina Historical Society. What a curious goal that office would be for a successful lawyer of modern times, when a condominium in Florida near a championship golf course is the more accepted measure of accomplishment. But lawyers of Petigru's breed were (and are) like that—intensely interested in history, in tradition, in classical belief in truth and justice.

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Show me a lawyer who is deeply interested in history, and I will show you a person of character and integrity. One cannot have a love of the past without a love of the nobler values of mankind.

John Thomas' address of seventy years ago is phrased in a style that seems somewhat stilted in the context of today's conversational speech making style, but it deserves close and careful reading. In particular, his catalog of Petigru's personal characteristics are sometimes strung together so they sound like platitudes. Dissect them with care. Examine each one by itself. They provide a roadway to greatness. IF each of us guided our own lives by those standards, we could come close to emulating Petigru in our own communities. Here are the qualities that stand out for me: "He resented falsehood in every form as a personal wrong." "The champion of equal rule and law." "He was fair and above trickery in his dealings with his brethren of the bar, and to the younger members of the legal fraternity he was kind and ever ready to extend a helping hand." "In ethics, his associates have testified, he set the brightest example. His love of truth and justice was so real that it was often remarked that no honor or emolument could tempt him into a cause where either was violated." "The cry of distress was to him as the voice of God." "He was charitable at the cost of ease and wealth."¹

The most striking fact about Petigru is that he is remembered as a *private* lawyer and citizen. He held no prominent public office, such as United States Senator or Supreme Court Justice, on which to build a reputation. His fame came from personal independence, courage, and moral leadership. Repeatedly he went against the popular tide. As a lawyer, he represented slaves and free blacks without fee in legal battles against the powerful. In politics, he advocated the United States Constitution's supremacy over states rights. In the community, he opposed South Carolina's secession as both a disloyal and self-destructive act. These positions cost him dearly in clients, fees, and popularity. Yet, he believed he was *right*, and that was enough to sustain him against financial pressures and rebuffs. How many of us today could show the same strength of character and fortitude?

Personal independence was the ingredient that separated Petigru from other lawyers of ability. As Thomas notes, Petigru was endowed with all of the skills of the best advocates at the bar. But that alone did not ac-

1. Thomas, *James L. Petigru, Lawyer and Citizen Address of the President of the South Carolina Bar Association* in REPORT OF THE THIRTY-SIXTH ANNUAL SESSION OF THE GEORGIA BAR ASSOCIATION 64 (1919), reprinted in 41 MERCER L. REV. 637 (1990).

count for his greatness. It was ability *plus* independence and character that made the difference:

The accuracy of his learning, his indefatigable industry, his intimate knowledge of fundamental principles, his felicity of expression, his striking and inimitable address, all combined to make him great as a lawyer. While his broad human sympathy, the independence of his character, the moral courage that he displayed in facing adverse public opinion, and the faithful discharge of all duties of life, were the qualities that made him great as a citizen. As Emerson says: "It is easy to live in the world after the world's opinion. It is easy to live in solitude after our own. But the great man is he who in the midst of the crowd keeps with perfect sweetness the independence of his character."²

For the lawyer of today who wants to find and follow the Petigru formula, happily there is an opportunity that extends beyond simply reading what others have said and written about him. A personal visit to Charleston, South Carolina can give special insights into the man and the forces that shaped his character.

First, one can inspect the two story structure that housed Petigru's law office at No. 8 St. Michael's Alley. In front of the office stands a venerable magnolia shade tree that may even date from his time. Petigru kept a garden in the plot opposite his office (now built upon) where he indulged his hobby of gardening—also a significant sign of character. (What lover of beauty can be mean-spirited?)

The alley ends at St. Michael's Church, where Petigru's pew can still be seen (and occupied for a few minutes of meditation). It was in this very pew that Petigru rose in silent protest when the minister changed the traditional prayer to bless those in public office and eliminated the reference to the President of the United States. In front of all his fellow parishioners, Petigru marched out of St. Michael's, never to return during his lifetime.

After his death, St. Michael's was proud to welcome Petigru's remains to its churchyard, where he rests to this day. A lawyer's Charleston visit should end at Petigru's tombstone, on which are carved these moving words:

2. *Id.*

JAMES LOUIS PETIGRU

Born at

Abbeville May 10, 1789,

Died at Charleston March 9th, 1863

JURIST, ORATOR, STATESMAN, PATRIOT.

Future times will hardly know how great a life
This simple stone commemorates,—
The tradition of his Eloquence, his
Wisdom and Wit may fade;
But he lived for ends more durable than fame.
His eloquence was the protection of the poor and wronged,
His learning illuminated the principles of Law—
In the admiration of his Peers,
In the affection of his Family,
His was the highest place;
The just meed
Of his kindness and forbearance,
His dignity and simplicity,
His brilliant Genius and his unwearied industry.
Unawed by Opinion,
Unseduced by Flattery,
Undismayed by disaster,
He confronted Life with antique Courage
And Death with Christian Hope.

In the great Civil War
He withstood his People for his Country,
But his People did homage to the Man
Who held his conscience higher than their praise;
And his Country
Heaped her honours on the grave of the Patriot,
To whom, living,
His own righteous self-respect sufficed
Alike for Motive and Reward.

No lawyer could ask for more.