

Longtime Judge Takes Senior Status

By Tom Kirvan
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Some seven months after celebrating his 70th birthday, U.S. District Judge David Lawson recently announced that he would take senior status on the federal bench, thereby opening up a vacancy on the court in the Eastern District of Michigan.

The decision, which took effect August 6, will allow Lawson to handle a reduced caseload on the federal court that he has served since 2000, although he indicated this week that he plans to maintain his current full-time schedule and docket. Lawson was nominated to the bench in August 1999 by President William C. Clinton, an appointment that was unanimously confirmed by the U.S. Senate in May 2000.

Lawson, who spent more than 24 years in private practice before becoming a judge, made his decision official in a one paragraph letter on July 23 to President Joseph R. Biden, highlighted by the closing sentence, "It is my intention to continue to render substantial judicial service as a senior judge."

In an e-mail to The Legal News, Judge Lawson downplayed the move, calling it, "no big deal, as I will continue to punch in at the same office for years to come, I hope."

Such brevity – and clarity – have been trademarks of Lawson throughout his legal career, which began with clerkships in the Oakland County Circuit Court for Judge John O'Brien and then for Justice James Ryan of the Michigan Supreme Court. Over the course of his career in private practice, Lawson handled 23 first degree murder cases and more than 300 state and federal appeals.

A Birmingham Brother Rice alum, Lawson enrolled at the University of Notre Dame in 1969, graduating magna cum laude with a singular purpose in mind.

"I was an English major in college," he told The Legal News in a 2009 interview. "There was some effort on my part to call off the inevitable of following in my father's legal footsteps by teaching English at the college level."

So much for that plan, Lawson can now smile, some 45 years after graduating first in his class at Wayne State University Law School.

Ironically, Lawson would indeed see his college goal of becoming an English professor go unfulfilled, joining his father's law firm in the spring of 1977 after spending a year as a clerk for then Justice James Ryan. During the 9 years that he spent with the aptly

named Lawson & Lawson firm in Southfield, the future federal judge would discover that there was good reason to follow the same career path as the family patriarch.

“My father was a great lawyer and I say that with all sincerity,” Judge Lawson said. “He led a life, both in the law and elsewhere, that anyone would admire, especially a son.”

His dad was a graduate of University of Detroit School of Law, earning his juris doctor degree after returning from World War II service in the South Pacific, where he was wounded in action and suffered from a bout with malaria.

After obtaining his law degree, the elder Lawson would establish a successful general practice, later serving as a justice of the peace in Farmington while also being involved in Democratic Party politics.

When the younger Lawson was nominated to the federal bench in August 1999, he expected to be seated by the end of the year, offering his father the chance to see his son take the oath of office for the first time.

Time, after all, was of the essence, because his father was battling cancer and his health status was in question. But Lawson’s Senate confirmation hearings were unexpectedly delayed and it would take nearly 10 months before the new federal judge would receive the official blessing. By that time, his father’s health had deteriorated further and it became clear that it was unlikely that he would be able to make his son’s scheduled investiture ceremony in October.

So, Lawson decided it was time to improvise, asking a judicial friend, U.S. District Judge Arthur Tarnow, to administer the oath of office in a small ceremony attended by his father, mother, and several other family members. Two days after the swearing in, his father was dead at age 75.

“He was gone, but I know that he died pleased to have seen his son sworn in to federal office,” Lawson said. “It was very meaningful to him to have another judge in the family after spending his entire career in the legal profession, as an attorney, a magistrate, and justice of the peace.”

He would be especially proud, no doubt, to learn that his son is now in his 21st year on the federal bench and has earned a well-deserved reputation for his reasoned and insightful approach to the law. Retired U.S. District Judge Marianne Battani, who also took office in 2000, praised her colleague in glowing terms in a 2009 interview with The Legal News.

“He is amazing and absolutely brilliant,” Battani said of Lawson. “He is a particularly gifted writer and probably writes more opinions than anyone on the bench. His work is impeccable.”

Lawson said this week that he owes a debt of gratitude to the late U.S. Senator Carl Levin, who took an “act of faith” in helping secure his nomination to the federal bench.

“He didn’t know me all that well and I had not been actively involved in Democratic politics, but he took a chance on me and for that I will always be grateful,” Lawson said of Levin, who served in the Senate for 36 years before retiring in 2015.

The opening on the bench was created by Judge Avern Cohn’s decision to take senior status in 1999. The move seemingly helped develop a bond between Cohn and Lawson that has only strengthened over the years.

Accordingly, Judge Cohn, who retired in 2019 after a 40-year judicial career, paid special tribute to his former colleague this week.

“I observed him as a federal judge and I’m proud of the fact that my taking senior status offered him an opportunity to serve on the federal bench,” Cohn said of Lawson. “He exemplifies what I consider the most important quality of a judge and that is empathy, which has been constantly displayed in his decisions, his approach to sentencing, and in his conducting a criminal docket.

“Whoever President Biden appoints, I can only hope that person will exemplify those same qualities that Judge Lawson has displayed,” Cohn added.

Alan Gershel, a former U.S. Attorney who served as head of the Attorney Grievance Commission for five years before retiring in 2019, also has been a longtime admirer of Lawson.

“I have had the pleasure of knowing Judge Lawson both professionally and personally for over 30 years,” Gershel said in an e-mail. “Professionally, we often interacted when I was in the U.S. Attorney’s Office. In my opinion, Judge Lawson encapsulates the essential qualities that make for an outstanding jurist. This includes his judicial temperament wherein he consistently demonstrates compassion, respect, patience, fairness, and open-mindedness. He is very smart, and he possesses the very highest ethical standards.

“He appreciates that he is doing the public’s business and the participants, including both the lawyers and the witnesses, are stakeholders in the process and have a right to be heard,” Gershel noted. “An attorney knows that when presenting a case in his court

Judge Lawson will have read the materials and will be thoroughly familiar with the facts and the applicable law. You had better be on your game.”

And speaking of “game,” Lawson is an avid golfer, a sport that he enjoys with a circle of friends from inside and outside the legal community.

“Outside the courtroom he is ‘one of the guys,’” Gershel said of Lawson. “He insists on informality and on being treated like everyone else. One of the first times we played golf together many years ago, I called him ‘Judge Lawson.’ He insisted I call him ‘Dave.’ He has a wonderful sense of humor. It has been my pleasure and privilege to call him a friend.”

Lawson grew up in Oakland County, once serving as a custodian at the Circuit Court.

“I know where all the bodies are buried there,” he joked of his tenure at the end of a broom.

He attended night classes at Wayne State Law School even after being admitted to more prestigious programs at Stanford University and the University of Michigan.

His marital status also was a factor in the decision to attend Wayne State, he acknowledged. His wife, Janet, had studied journalism at U-D and was pursuing a master’s degree in early childhood development at Oakland University. She has since held executive posts with the United Way Community Service, UAW-Ford Family Service and Learning Centers, and the Michigan Community Service Commission. She was appointed executive director of the MCSC by Governor Jennifer Granholm in 2004, coordinating the “Mentor Michigan” program among other leadership responsibilities. Several years ago, she retired as director of the Ford Volunteer Corps and COO of the Ford Fund, where she helped spearhead corporate citizenship efforts for the philanthropic wing of the giant automaker.

“She’s absolutely brilliant,” Lawson said of his wife. “She is certainly my better half, actually my better two-thirds.”

The couple has three grown children, Dan, Ryan, and Kyle, all products of Brother Rice High School, where Lawson formerly served on the board of directors and as the school’s legal counsel.

Now, as a senior judge, Lawson said he looks forward to welcoming a new addition to the federal court based in Detroit. U.S. Senators Debbie Stabenow and Gary Peters, both Democrats, announced last week that candidates interested in filling the federal judgeship have until September 2 to submit applications for consideration.

“I am confident that there are many qualified people in our state who are ready to serve as federal judge for this new vacancy in the Eastern District,” said Senator Stabenow. “I strongly encourage those interested in serving to apply for this important position.”