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Interview with Lisle M. Buckingham, Class of 1919 (transcript)

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Lisle M. Buckingham, 1919 graduate
Buckingham, Doolittle & Burroughs, Akron
interview with Oliver Schroeder, May 3, 1988
transcription by Kerstin EKFelt Trawick

Recording from Mr. Lisle Buckingham's office, the Akron Center,
Tuesday, May 3, 1988, 10:30 a.m. Mr. Buckingham has kindly consented
to an interview to reminisce about his law school days and what his
work has been since that time.

Now, Mr. Buckingham, we had talked about--and heard--an excellent
letter, or memorandum, which you have kindly provided, outlining your
activities--the beginning of your activities--at the law school and
how you got to the law school. One of the things that you did mention
was the area of ethics, and I'd like to have you explain a little more
about the course or the activity you had in that field.

One of the things that has been disturbing to me in late years is the
fact that we have so many questions about the ethics of this
profession, and the ethics of the medical profession, and the ethics
in the business world. And I just got to thinking, what a wonderful
thing it was that-- Dean Dunmore talked to me when I was about to get
through law school about what the profession expects from a lawyer.
In other words, he was telling me as a young man how important it was
to observe the ethics of the profession. Then I got home, and my
father, who was in the grain business, said, "Son, do you realize that
you have entered, or are about to enter, a profession where you have
many opportunities to be a little dishonest?" He said, "I want you to
remember that you should lean over backwards at all times and follow
that principle throughout your professional lifetime." I've never
forgotten these words of wisdom that came from my father and from Dean
Dunmore. And it's been very helpful to me in deciding what ought to
be done under certain circumstances in my professional life, and it's
true of our law office too. I think all of us are anxious to observe
the ethics of the profession.

As you have practiced over the years, you have had tremendous
experience with the business community. Do you have a feeling that
there is a greater interest today in ethics problems in the business
area?

I've got the impression that it's being emphasized more in the last
few years than it was before. You know, as a lawyer, that we always
have problems, in the practice, of trying to convince our client that
they should behave themselves.

Are there any other experiences that you had in law school that still
stay strongly in your mind? You talked of Dean Dunmore, and his
statements concerning ethics, and the influence that that had on you.
Are there any other experiences, or any other courses that you found
were especially helpful in the years of your practice of law?

What we're talking about now is reminiscing to some extent. I'll give
you some examples that, it seems to me, prove the point that we're

talking about, and that is having the reputation of being not only ethical but being honest. When I was a senior in the law school and the army came in and asked me to take over the athletics of the training camp at Western Reserve, we had no equipment at all. So I said to the commanding officer, "The university has divorced itself completely from the athletic field, and we don't have any equipment." He said, "That's up to you." So I went down to the Spalding Company and I told them what my predicament was. I said, "I don't have any money. We have to have the equipment that's necessary to outfit a football team. I don't know what to do." I said, "If you think I'm honest, you can make a decision that will equip this team with all the paraphernalia we need to play football." These fellows went into a back room of their establishment, came back and said they would furnish all that I needed. Well, that's one thing that occurs to me.

Another one-- Trevor Holliday, who used to practice law in Cleveland, became president of Standard Oil Company. He used to come out to the university to help coach the debate team at the time I was on the debate team. In my first year of practice in Akron I was appointed by a Common Pleas judge as receiver of the Service Oil Company. I said to the judge, "I think that if I could get the petroleum products--" I said, "You know, this plant has a wholesale plant. It also has three stations around here. I think I could run those things temporarily until we can sell this business as a going business and pay our creditors a much better dividend than they'd get otherwise." The judge said, "Go ahead and see what you can do." So I went up to Cleveland and got a hold of Trevor Holliday, who as I said was president of Standard Oil Company. I said, "Trevor, I don't have any money, but I'm receiver of this company here. I need petroleum products. And the question is whether you're willing to help me out." He said, "Buck, whatever you want." I told him I needed gas by the carload. He said, "Whatever you got [need] you're going to get." The result of it-- I was able to sell that business out as a going business to a contractor over here at Richmond, and he became a millionaire as a result of that purchase.

Are there any other things you can think of that attach to your legal education? Experiences like that? After you got into the practice? Did you find for example that in certain areas--I don't know how broad your practice was, but in the beginning I suppose it was very general. Then as you got more and more experienced--

In other words, I went into the prosecutor's office in 1922. I started practicing law here in 1919. I went into the county prosecutor's office in 1922 and left there and started a partnership with Joe Thomas and Judge Grant in 1923. We had a very large criminal practice at first, because of Thomas's acquaintance plus the fact that I had been in the prosecutor's office. What was your question in that connection?

Well, you started in the criminal law area--

Our practice was largely small corporations, criminal practice. Those were the days of the bootleggers. We got a lot of criminal business. Then we charged that out of the office because we didn't want to get

the reputation of defending criminals. So we got into the-- I would say, largely personal injury business. Following that, the Wagner Act was passed in 1932 and I made a business of knowing something about the labor act. John Lewis hit town here in 1936 and attempted to organize the rubber industry.

The Goodyear Tire and Rubber Company called me at 10 o'clock at night in February. I was called by Mr. Litchfield, who was chief executive officer of Goodyear, and he said that "Somebody has dumped a truckload of brick down here on Morris Avenue next to the gatehouse, and they're threatening of our employees, and they've got our plant shut down." And he said, "We don't know what it's all about, who it is, so forth and so on, but we've decided to ask you to serve as our lawyer." I said I'd be very happy to do that, but there's nothing we can do at ten o'clock at night. I said, I'll see what the situation is in the morning. And that's when I started representing Goodyear Tire and Rubber Company, in 1936.

You also represented many of the rubber companies in the government regulation area.

That was later. Getting back to the labor act, of course this involved sitting down and negotiating with John Lewis and his group in 1936. The effort, I'll put it that way, to organize the rubber industry at that particular time didn't succeed. But they sued Goodyear in 1939, the government did, claiming that Goodyear had violated the labor act in many, many ways. They filed a 15-page petition. Among other things, they said Goodyear had built a plant in Lansing, Michigan, to defeat the union in Akron. That involved, of course, millions of dollars. It also involved the claim that people were laid off here in order to build tires in Lansing, Michigan.

I tried that lawsuit off and on for two years. At that time they had filed a similar lawsuit against Remington Rand, another one against Wharton (?) Steel, another one against American Telephone and Telegraph, and the hearing officer was a fellow name of Tilford Dudley, who came on here. He was a graduate of Harvard Law School and was supposed to be the best hearing officer that the government had. I suggested to him that we had a 15-page petition here, and we had no way of knowing what they were talking about, because there were no specifications as to what we had done. So I said, "I'm going to file a motion for a bill of particulars." He said this had never been done before. Well, I said, "At least we're raising the question." He said, "I'm going to adjourn this hearing and go back to Washington and see what they say about it." So in about two weeks they came back, said we're going to grant the motion. So we got a specific detail of the various things that they claimed that Goodyear had done.

As a result of that, I had two fellows from the office out here at Goodyear interviewing witnesses, including everybody that made these complaints. Then we went back to the trial of the lawsuit. It placed me in a position, on account of these interviews, where I could cross-examine these witnesses. The result of it was, at the end of about two years of the litigation, Goodyear won its lawsuit. And it was the only one of these five that I mentioned that was won by the company.

In other words, the rest of the cases that were filed against these various companies resulted in victory on the part of the government, in connection with their efforts to organize the labor during this Roosevelt administration.

Well now, that, of course, resulted in a lot of things as far as my practice was concerned. John Lewis took the CIO to Detroit. In other words, they attempted first to organize the rubber industry, and then they went to Detroit to organize the motor industry. I got called to Detroit because of the experience I'd had here in Akron. Then the United States Rubber Company, which furnished a great deal of their equipment to General Motors, said that they were attempting to organize their foremen up there. They asked me to come to Detroit. They said their lawyers didn't know a damned thing about the law, about the labor act, and they'd like to have me come up there and get the thing straightened out. So I went up there and stayed at the Whittier Hotel on the river there, and got them straightened out.

The result was, as you mentioned a few minutes ago-- The war started in the 1940s. The rubber industry was not divided into sections, it was all treated just as one industry out of Washington. Consequently, they had to have a lawyer representing the whole industry. So the rubber companies, after going around to different cities, finally decided that they'd like to have me to represent the whole industry. So I represented them in Washington in connection with the various regulations that were passed during the war. I appeared before many agencies there, in connection with the problems created by their efforts on the part of the government to regulate wages and things of that type. Then we had, also, negotiations with the rubber workers' union. So I represented the whole rubber industry and all these companies all during that period of time.

Isn't it interesting, Lisle-- I know that when you studied law, there was no such thing as labor law. And here you come out and a whole new area of law opens up. And you come in at the very beginning and really made it a tremendous life's work.

Well, that's right. As a matter of fact, we have in our office today about ten lawyers that concentrate all their time on labor matters. But really, I had a very fine reputation, all through the-- Well, let me add this. Goodyear was a member of a group of about 18 different corporations, like General Electric, General Motors, Dupont, people of that type, and they met every three months exchanging experiences that they'd had in one way or another. So Goodyear asked me to go to New York with them in connection with one of those meetings, and as a result of it I met the people representing these 16 or 18 companies, and they wanted to know what our experience was in the labor field. That's the reason why Goodyear took me down there. That led to business that came to our office from some of these companies that had business in this area. It might have been Cleveland, it might have been Akron, it might have been some surrounding territory here, but they come in here because of the acquaintance that I established by that means.

What do you think, when you studied law, helped prepare you for this

most successful--

I don't think there was anything in the study of law at the university that prepared me for this at all. Except that of course we were taught to work hard. But on top of that, I worked through school most of the time, but whenever I had a spare minute during the day, in the afternoon particularly, after we had all our classes in the morning, I used to go down to the Common Pleas courts to watch trials. We had a lawyer there by the name of Matt Exell that was a trial lawyer with Harry Pears' office. His son belonged to our fraternity at the university, and I was his godfather, you might say, in that fraternity. So I became very well acquainted with Matt Exell. And it was not infrequently that I would go down to the Common Pleas Court and Matt would spy me out there in the courtroom, and he would let me come in and sit beside him. Usually he was trying cases against the Cleveland straight railway. And Bill Boyle on the other side, from Squire, Sanders & Dempsey. And they said, well, here's a law student to find out the mistakes we make. And if there's no objection on the part of counsel or the judge, I'd like to have him sit here on the trial table. So I learned from that experience what these lawyers do to empanel a jury, what questions they ask, and things of that type, so I brought that kind of an experience down here, that was not taught in a law school. But it was an experience that helped me tremendously in the trial of lawsuits, when I was very young in the practice.

What do you recall of the teachers, their style? The kind of presentations, and how they ran their classrooms?

Well, as I've said here before, I enjoyed the classes of Dunmore and particularly Brightman on contracts. I think that we had several practicing lawyers that taught at the law school when I was there, one was on criminal law, and I'm trying to think what his name was. He was a professor there at the law school for years--I guess over 25 or 30 years.

I'd have to look that one up.

Well, at any rate he was a very interesting man. I enjoyed the classes because Brightman made us think. If you had questions, you could talk to him after classes, tell him that you had some problem that confronted you that you wanted to talk about, and I think the same was true of Dean Dunmore. I never got that type of reaction as far as Throckmorton was concerned. Finck was a little different type of a professor. I can remember he taught, I think, conflict of laws. And I never understood what he was talking about at the time. But Fin and I became very close friends after I started in the practice of law. He was mixed up with some of the problems that had to do with the draft board, things of that type, and I got fairly well acquainted with Fin after I left the law school.

Now you have another side to your life, in addition to this most successful practice, and that is being a civic leader. I know one of the tools that you have helped to mold a better society has been the GAR Foundation. How did that come about?

When I was in my early fifties, Galen Roush and his brother Carroll, who owned Roadway Express, came to me one morning and they said, "Buckingham, we'd like to have you become general counsel of Roadway Express." I said, "Well, Galen, you have your own lawyer--his name is Bill Kelley." I said to Carroll, "You have your lawyer, Mr. Brouse. What are you coming in here to see me about?" They said, "We think you know more about the trucking industry than anybody in town." Well, I had organized I suppose eight or ten trucking companies here, and was their counsel. But all these trucking companies were organized, oh largely, in the 1930s. And they were encouraged to organize because the rubber industry would patronize them in the use of rubber products. I said, "You know, you two fellows don't always get along as well as you might. And I'm not at all sure that I want to get into this picture. You've got to realize that if there's friction between the two of you, and I take this kind of a job, I'm what you call the swing man. And I'd call the shots for the benefit of your company rather than to side with either one of you fellows." Well, they said, "That's why we want you. You'll call things as you see them." I said, "I'll think about it." Subsequently I agreed to become general counsel of that Roadway Express. And I don't know whether you want me to go into detail or not. Do you?

Sure.

OK. Roadway Express at that time was a company that was worth maybe \$15 million. The two Roush brothers went to New York to attend the American Trucking Association's convention. And Consolidated Freightway offered them \$13 million for their company. Carroll said, "By god, let's sell out." Galen said, "I won't sell." There they were, and Carroll got so damned disgusted with Galen, he said, "If you'll buy me out, I'll sell out for \$5 million." So Galen came to me, said, "What do you think about this?" I said, "I think you should buy him out. We'll put out a preferred stock issue."

We had on our board at that time a broker up in Cleveland, and I'm trying to think what his name was. I said, "If our broker friend here will say that he can sell this stock, the thing for us to do is to put out a preferred stock issue and buy out Carroll." So that's exactly what we did. We put out a preferred stock issue at \$10 a share, a cumulative stock, so that if it was called you could convert it into common. As a result of the sale of that stock, we bought Carroll out. He went to California. Galen then became the sole owner of all the common stock in Roadway Express. His common stock as far as book value was concerned had no value at all, because the preferred stock preempted all the value of that on the books. But in about two years this common stock began to go up. It got up to about \$18 a share, so we called all of the preferred stock and everybody converted the preferred into the common.

Now this went along, the company began to prosper, and in 1967 I told Galen, "You're getting wealthy, and you don't have any money, and you don't have anything but Roadway stock." I said, "Do you have any idea what will happen to you in case you die?" He said, "No, I haven't given it any thought." I said, "It's about time you gave some thought to it."

The result was that we did some estate planning in his behalf and that of his wife, and he put about half of his estate into what's known as the Roush Foundation. That subsequently-- At the age of about 83 he died. Well, half of his estate was in this foundation. Then the children began to worry, for fear that their children might be injured, or kidnapped, or what not, because of the amount of money that was in this foundation. So we changed the name of it from the Roush Foundation to the GAR, which is Galen And Ruth--Ruth is his wife's name. And it's been operated as the GAR Foundation ever since Galen died.

Now you haven't any idea of what has come from that. This foundation is a trust. It isn't incorporated, it's a trust. Galen Roush created this trust and named me as the trustee of this trust. And if I die off, one of my partners becomes my successor. And consequently we have been in a position to distribute money every year which runs about \$6 million a year to worthwhile causes throughout the state of Ohio. And in some instances we have gone beyond the state. We've supported practically all the privately endowed colleges in Ohio. We've given money to the extent-- Over the years since Mr. Roush died, I suppose we've distributed through Ohio pretty close to \$30 million. We might say that Western Reserve University, or Case Western Reserve University, has benefitted tremendously.

Do you have any recollections, going back to your law school days, do you have any recollections of the way the students studied, or whether they worked while they went to law school, how important--

Well, I worked. I thought our class was all of them anxious to do well in their studies. I worked closely with Virgil Cory, who was a graduate of Wittenberg College, and an excellent student. Matter of fact, he's dead now, but he practiced law in Cleveland. Virgil and I worked a lot together, in some respects because we did it in the library. I did a lot of work in the library. We had rooms over there in the old Adelbert dormitory. We used to work over there a lot.

Was that dormitory just across the street from the law school? I remember that.

That was an old building, and they didn't use it as a dormitory. We had classes over there. I think the fraternity had rooms over there, because we had books over there where we could do a lot of studying. You know that I graduated from the law school and was given the Order of Coif, and prior to that I was given Phi Beta Kappa at the university, even though I used my senior year at the university as a freshman at the law school. The amazing thing is, I was in so many activities around the campus, for instance as manager of the track team-- I played baseball on the university ball team, I was on the debate team, and in spite of all that-- What were we talking about? Oh, about working. In spite of the fact that I got these awards, at the time I graduated from the school I was in a lot of stuff around the campus, so it indicates that we did something besides studying.

As you look back, what are a couple of the strong things that you

learned or experienced at the law school that you think helped you in these many wonderful years you've had since law school.

I can't recall anything particularly at the law school that helped me particularly in the practice of law, except that I think I had a good training, such as we had. Our curriculum was quite different in those days than it is today. We had what I'd call the bread and butter courses, and that's about all. The women couldn't study law in the law school when I was there. They never admitted women. Do you want me to show you what I wrote up in connection with the period from 1910 to 1920? When I was in the law school? Fletcher Andrews asked me to prepare this for the law school. Which I did. It was written in 1967. I don't think I should go through all this, unless you want me to.

[Here LB begins reading material published in 1967 in the Law Alumni Review, the law school's 75th anniversary publication. At one point he pauses and digresses on athletics:]

I might say that the student that was drafted to take care of athletics was myself. The commanding officer said to me, or rather I said to him, "We don't have a coach." "Well, he says, "that's up to you." Well, Frank Yoakum was over in the dental school. He was from Oberlin, and he'd been nominated as all-American. So I went over to Frank and said, "You're in the army." He said, "What are you talking about?" I said, "You're going to have to coach this football team." As a matter of fact, he played on it. When we got the schedules arranged, he played on it. It was one of the best football teams the university ever had.

Well, and then some clippings in connection with this. Seems to me that was about it.

Now you also asked me as a preliminary to this conference as to what I had done in the way of civic accomplishments as well as the practice of law. I have prepared a thumbnail biography indicating to you some of the things I have participated in during my professional life. There are institutions in this area where I have served one way or another. Some of the companies on which I have served as director. And also I have indicated some of the honors that have come to me during my professional lifetime. The things that are not in that memorandum-- the fact that I have served very actively in connection with the University of Akron. I created what's known as the foundation up there, after the university became a state university, and served as the president of that foundation for three years. Then I've served on the executive committee ever since that foundation was formed. So I've been very active in connection with the University of Akron in one way or another. We now have about 26,000 students. And we have all the problems that arise in connection with the operations from day to day of that university. I've been very close, during all that time, with Case Western Reserve, on one respect or another. I've enjoyed immensely the experiences I've had with the student body, in serving as trustee of the University of Akron, serving on some committee or other in connection with Case Western Reserve University, and helping to solve some of the problems that confront us all in the

educational field. I've enjoyed every minute of it.