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Venerable advocate for legal profession still keeps watch

Robert MacCrate marks anniversaries of State Bar, ABA presidencies, and his 90th birthday

By Patricia Sears Doherty

He is known as a consensus builder, as someone who relishes a challenging task, as someone unafraid to shine the spotlight on society's wrongs and use his beloved profession to set them right. And former State Bar and ABA President Robert MacCrate, with a nod of his head and a wintry grin, credits his strong Quaker education and faith for his legal prowess and his national renown as an advocate for unpopular—but righteous—causes.

"I was repeatedly challenged during the course of my career," said MacCrate recently, sitting in his office on the 24th floor of Sullivan & Cromwell's New York headquarters. "But, I've always been blessed with the people that I've been thrown in with."

MacCrate will turn 90 years old on July 18, and seems amused by it. He also seems bemused by the fact that others consider his accomplishments worth accolades. He was the 1999 recipient of the State Bar's Gold Medal and the 2001 winner of the ABA Medal, just a few of his many career-long honors.

MacCrate was president of the State Bar from 1972-73. He remained active

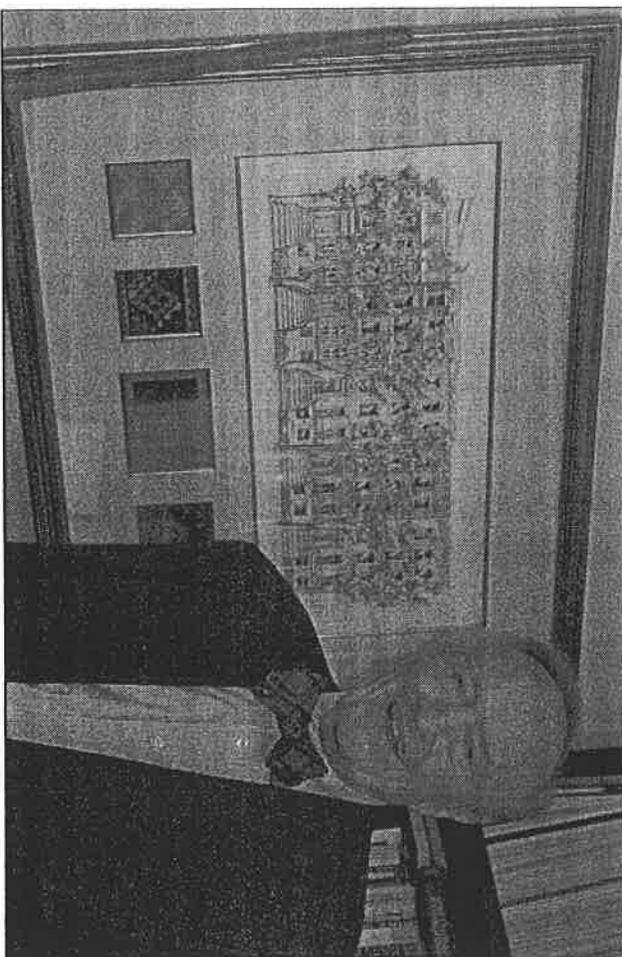
who would go on to become the chief justice of Minnesota, all together in a room.

"We were all sitting around a large conference table for the final meeting. There was an endless discussion. She asked for a vote..." and MacCrate, who abhorred the need for resolving a debate by taking sides, spoke forcefully to avoid the vote. "Within 20 minutes, we reached a consensus," he said, smiling triumphantly, and the MacCrate Report was complete.

Officially titled "Legal Education and Professional Development: An Educational Continuum," the MacCrate Report called for practical legal skills training during and after law school, and touched off a national discussion on the future of legal education. In 1996, the ABA House of Delegates adopted recodified Standards for the Approval of Law Schools that incorporated many of the task force recommendations.

Cross-generational debate

One hotly debated topic at that time involved a clamor within the legal profession to allow lawyers to partner



Proud to be a member—Past President Robert MacCrate poses in front of a color rendering of the State Bar Center during an interview in his Sullivan & Cromwell office in June. The Executive Committee passed a resolution praising MacCrate on the occasion of his 90th birthday; the 40th anniversary of his State Bar presidency; the 25th anniversary of his American Bar Association presidency; and the 20th anniversary of the publication of "The MacCrate Report." [Photo by Patricia Sears Doherty]

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MacCrate Report

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*"I suggest that you preach truth and do righteousness as you have been taught, where-
insoever that teaching may commend itself to your consciences and your judgments.
For your consciences and your judgments we have not sought to bind; and see you to
it that no other institution, no political party, no social circle, no religious organization,
no pet ambitions put such chains on you as would tempt you to sacrifice one iota of
the moral freedom of your consciences or the intellectual freedom of your judgments."*

—President Isaac Sharpless, Haverford College Commencement, 1888

(Robert MacCrate has carried this quotation in his wallet for seven decades)

in bar work after that. Between 1987-
88, MacCrate was president of the
American Bar Association (ABA), the
last New York lawyer to do so.

Today, he recounts with enthusiasm
the scenes and final debate surround-
ing one of his most notable legal victo-
ries—the 1992 report of the ABA Task
Force on Law Schools and the
Profession, which he chaired, known
ever since as "The MacCrate Report".

"That was one of the most challeng-
ing experiences of one's life," he said.
"Imagine if you will" 38 judges, law
professors, lawyers and one woman—

with non-lawyers in multi-disciplinary
practices.

"I was strongly opposed to that,"
said MacCrate. He became a national
force for helping his colleagues in the
legal profession uphold their responsi-
bilities to the profession.

He was one of the leaders of a coal-
ition of state and local bars that blocked
the ABA Commission on
Multidisciplinary Practice from recom-
mendations that would have relaxed
the professional conduct rules to allow
lawyers and non-lawyers to share fees
as single businesses.

resistant to the commercialization of
the profession that it represented."

However, the debate has resurfaced
of late, and current State Bar President
Vincent E. Doyle III sent a message to
MacCrate seeking advice on the merits
of multi-disciplinary practice in
today's marketplace.

"I have a resistance to the over-com-
mercialization of the professional
ideal," said MacCrate. Today, there is a
"tremendous tension to commercialize
everything. When you add instanta-
neous communication and the lack of
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Alexander Pope's "An Essay on
Criticism":

"A little learning is a dangerous
thing. / Drink deep, or taste not the
Pierian spring; / There shallow
draughts intoxicate the brain, / And
drinking largely sobers us again."

An unconventional life

The MacCrate Report came after
MacCrate had already found himse
the middle of significant events in p
personal and professional life. He
comes from a line of seven generati
of clergymen on his mother's side,
politics and the law from his father
side. His father, John MacCrate, wa
the only Republican to win a congre
sional seat in the staunchly Democ
wards of Brooklyn. After serving or
term, the senior MacCrate was elect
a state Supreme Court justice, and I
was appointed an associate justice o
the Appellate Division, First
Department.

"How could I not become a lawy
the son asks today. "If you are the si
of a judge and one of the most respo
ed men on the bench?"

MacCrate was born and raised in
Brooklyn and attended Brooklyn
Friends School. He received his unci
graduate degree from Haverford
College, Pennsylvania and earned h

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MacCrate's 'excursions into public service' provided unconventional opportunities

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law degree from Harvard Law School.

Haverford, a school with a strong Quaker tradition, provided MacCrate with a mentor—Felix Morley, Haverford's president from 1940-45—and tolerance for unpopular causes, such as the racial tensions that divided the nation in the 1950s and '60s.

That tolerance was manifest when MacCrate set out to write his first message as president of the ABA. He asked for help from Chief Justice Thurgood Marshall and got it—the two men composed the message together, sitting at the desk in Marshall's Supreme Court chambers.

"That event was the product of how I was reared and the traditions of my Methodist and Quaker religions," said MacCrate.

Serve others

While a student at Haverford, MacCrate wrote a quotation that hung on the Common Room wall on a 3 X 5 inch card and carried it in his wallet throughout his career. "I suggest that

you preach truth and do righteousness as you have been taught..." it begins. He must have referred to it often.

He punctuated his career by stints in both the public and private sectors. He joined Sullivan & Cromwell immediately after graduating from law school in 1948, and, although the firm has been his professional home ever since, he bounced in and out of public service.

MacCrate was general counsel to Gov. Nelson Rockefeller from 1959-62, "during some of the most tumultuous times in his life," said MacCrate. "It became a very close relationship... I tried to be a steady force and I think I was helpful in that."

The walls and shelves in MacCrate's office are crowded with photographs and artifacts gathered during what he calls his "excursions into public service." The quill pen and a copy of the court reorganization bill signed by Rockefeller is framed and prominently placed within view of his desk. Across the room is a photograph of Hillary Rodham Clinton, the wife of then-

Arkansas Gov. Bill Clinton, whom he appointed chair of the ABA's Commission on Women. Standing against one wall is an entire bookcase full of his "legal writings and tomes."

But not all of MacCrate's distinguished public service produced a satisfactory outcome.

From December 1969 to March 1970, MacCrate was special civilian counsel to the Department of the Army, the only civilian among the Army personnel investigating the killing of hundreds of civilians by American troops at My Lai, South Vietnam. He developed a close personal relationship with General Raymond Peers, who led the inquiry.

That experience was very emotional for MacCrate, who accompanied the generals to the site of the atrocity. He sat beside Gen. Peers during the Congressional commission hearings when he presented the inquiry's conclusions and recommendations.

He was disappointed in the commission's verdict. "They didn't want to see

what we had exposed," said MacCrate.

A full life

The State Bar's Executive Committee passed a resolution at its June meeting in Cooperstown recognizing MacCrate's "extraordinary accomplishments and legal legacy."

The State Bar will host a reception at the ABA's Annual Meeting in August in Toronto honoring MacCrate and former Chief Judge Judith S. Kaye.

MacCrate married Constance Trapp in 1946. They have three children, Christopher, Barbara and Thomas. They visit often and still help their father participate in his legal life.

That's a good thing because MacCrate is eagerly planning to attend the Toronto reception. Christopher and his wife, Kari, now will travel from his home in Arizona in time to accompany him on the trip to Canada. ♦

Sears Doherty is State Bar News Editor.