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Epitaph to a Lawyer

Hon. Leonard M. Friedman*

Published eulogies are usually reserved for persons of some fame. Thomas W. Martin, a Sacramento lawyer who died in August 1986, was not famous. Such renown as he possessed was restricted to a circle of admiring and affectionate clients and friends. He was a member of a traditional but diminishing breed—the solo general practitioner who eschews any but a loose office association and that primarily for the sake of economy.

Coupled with Tom Martin's thoroughgoing professionalism was a keen sensitivity to the lawyer as a moving force within the justice system. In Tom's mind, *pro bono publico* did not describe charity, but person-to-person helpfulness. If a fee was in the offing, so much the better. If not, he undertook the task anyway. The client needed help—it was that simple.

Three decades of private practice were preceded by years as an Assistant United States Attorney and as a top assistant to the California Attorney General. In the last-mentioned role he prosecuted the murderous Santos-Perkins gang, broke up entrenched vice in a Sierra foothill town, and helped expose corrupt areas in the State's liquor licensing system. The attack on small town vice was accompanied by a sense of tolerant amusement, the smashup of liquor license corruption by genuine indignation.

It was typical of Tom that after serving as director of the State liquor licensing agency, he declined lucrative offers of employment as a liquor lobbyist but blithely accepted the defense of bar owners and grocery store proprietors who faced discipline by the agency.

He was the trusted adviser of business people who confronted financial and tax problems. He gained a local reputation as counsel

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for landowners resisting condemnation of their properties. If a worthy client could not afford an appeal, Tom would gamble the time and expense. His unaffected style and plain manners attracted clients from farm areas and Sierra foothill towns. He had many Chinese friends, some of whom delighted in calling him "Martin Tom." He was the only Caucasian to achieve presidency of the Chinese Bowling League of Sacramento.

As a private practitioner, Tom accepted an occasional assignment as special prosecutor. More frequently, he was the advocate, sometimes unpaid, for accused people who needed their day in court. At times, he ignored the hard fact that criminal defense attorneys should demand their fees in advance. He spent a year as unpaid counsel for a lawyer charged with embezzlement. The accused man, after all, was entitled to his day in court.

There were occasions when he represented farmers whose crop contracts had been repudiated on specious grounds. In one such case, he achieved a large punitive award against a cannery company, demolishing the defensive efforts of the company's well-muscled law firm.

Versatility and courage were his hallmarks. Few lawyers sally into as many areas of the law, civil and criminal, as Tom did. He shrugged off the wealth and resources of his opponents. He had well-deserved confidence in his own abilities but only when fortified by sweaty preparation. He valued his own shrewdness but never neglected the law books. His courtroom manner was quiet and earnest.

For years, Tom was a member of the *Pacific Law Journal's* Select Committee of Advisors. He faithfully attended the committee meetings with the student editors, believing that his experience and realism would benefit these future lawyers.

One would be foolish to denigrate the conglomerate law firms, whose expensive teamwork is vital to success in complex lawsuits, or the specialists who master esoteric and difficult fields of the law. Tom Martin's career demonstrates that high goals and deep personal satisfaction are yet available to the general practitioner. His office is now occupied by his two lawyer sons. His place in the hearts and needs of his clients and friends cannot be filled.

Sir Francis Bacon, himself a lawyer, spoke of the moral obligation of a professional: "I hold every man a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavor themselves by way of amends to be a help and ornament thereunto." Tom Martin was an ornament to his profession.

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