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## Tribute to John Pickering

Stanley L. Temko  
*Covington & Burling*

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## TRIBUTE TO JOHN PICKERING

*Stanley L. Temko\**

John was a close friend and a professional colleague of mine for more than fifty years, and he was admired by and very close to a number of members of our firm. Everyone knows his substantial contributions as a lawyer. I will just mention a couple.

He was an honor graduate, of course, of University of Michigan Law School, and I have the general impression that he is the school's outstanding graduate as well as one of its most generous contributors. He was law clerk to Justice Frank Murphy at a time when the Supreme Court Justices each had one clerk, and Justice Murphy's clerk in particular had a lot to say about what was going on in the Court.

He participated in all kinds of important cases over the years, ranging from the 1952 *Steel Seizure Case* right up to the recent Supreme Court proceedings on the Michigan Law School's admission policies.

While John probably had dozens of cases that he recalled with interest and joy, I believe that the *Steel Seizure Case* in 1952 was probably the one that was the most fun for him. I know it was for me. He and I worked very closely on it.

It was an interesting case. All of the major steel companies were plaintiffs, and they had gathered a galaxy of the leading members of the American bar. There were John W. Davis, advanced in years but still a leading appellate lawyer; my late partner, the very wonderful John Lord O'Brien; ex-governor Nathan Miller of New York (who some people thought might be close to Justice Jackson); Ted Kendall; Bruce Bromley of Cravath—the list could go on. These giants of the bar would meet and have pretty intense discussions of what was going on. But after they had decided broad policy, the work came down to the young ones.

And the young ones at that time—time flies—were Pickering and Temko, among a few others. We would go to these meetings and they would figure out roughly what they wanted to do, and then we would work. I guess we were still using typewriters and carbon papers, and on a couple of occasions John and I worked all night, writing cert petitions and the like. Luckily, the case had a wonderful conclusion. The steel companies had a stunning victory. Notably, this case went from the filing of the complaint in the District Court here to a decision on the merits in the Supreme Court of the United States in less than sixty days—quite a remarkable situation.

Of course, John was instrumental in the founding of Wilmer, Cutler & Pickering, and I was delighted—for these are sad days when giants pass on—that both he and Lloyd lived to see the firm reach what is considered a

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\* Senior Counsel in the law firm of Covington & Burling.

yardstick in today's practice: over a thousand lawyers, through its merger with a big Boston firm. It is an amazing accomplishment for a firm that is not that old, and they, of course, were at the center of it.

At the same time that John was carrying on an extremely busy and important practice, he was also very active in bar association and pro bono work. It seemed to me, in the later years, that there was not a week when John did not go to an ABA function. In fact, I told him quite seriously that if he had this overwhelming enthusiasm for the ABA ten years earlier, he clearly could have been and would have been president of the ABA, because he just started a little too late to go through the various levels you need. But he was still a major figure there.

As for pro bono activities, there was not a good cause in the District of Columbia area that did not benefit from his wise advice or generous contributions. This was shown most vividly by the recent outpouring of affection and praise for John from so many groups in the Washington community.

His accomplishments have been widely recognized. I want to add a few words on how wonderful a friend and human being he was. He was a great companion with a sharp sense of humor and a broad knowledge of the world. And he was a steady hand in keeping an even keel at Wilmer, Cutler & Pickering and any number of other organizations.

Lawyers have come under a good deal of criticism lately, much of it clearly merited. Our profession would be in higher esteem if there were more John Pickerings at the bar, and if more of our lawyers adhered to his values and followed his performance. He was successful, but he did not view the law as a business. He maintained the highest level of professional standards, and did so with a light and sophisticated touch. Today's lawyers would do well to look at John Pickering as the model of how a member of our profession should act.