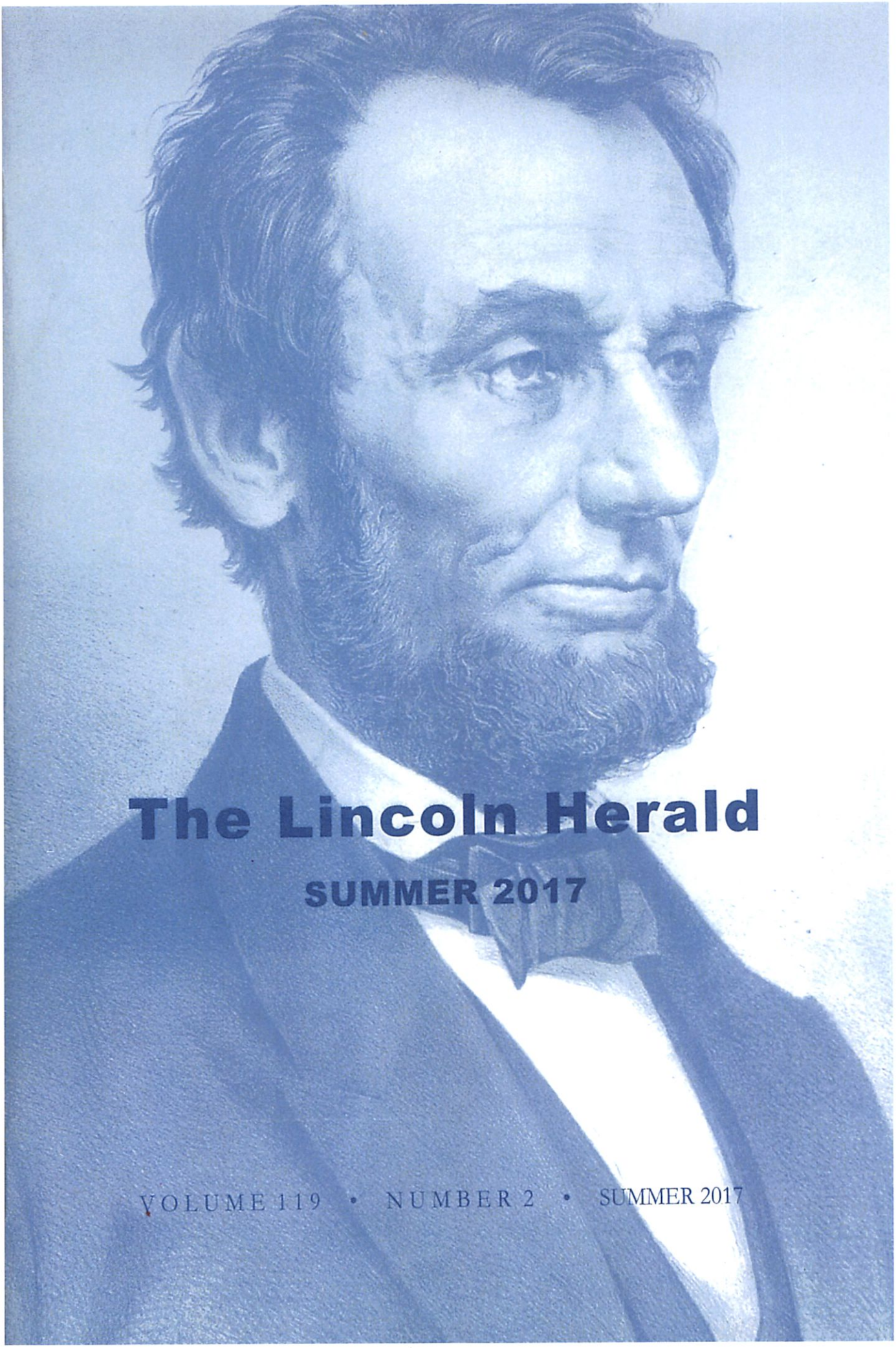

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Editor's Introduction

In the first article of our Summer 2017 issue, Massachusetts Associate Justice Dennis Curran and Boston College Law School graduate Emma Kingdon discuss "Abraham Lincoln: A Model for Today's Trial Lawyers." Curran credits Rhode Island Chief Justice Emeritus and the *Herald's* Literary Editor Frank J. Williams with suggesting that Lincoln's preference for settling lawsuits without going to trial might be a viable topic for research. In fact, the authors argue that Lincoln's technique was very modern, foreshadowing the modern growth of ADR (alternative dispute resolution.)

Curran and Kingdon note that Abraham Lincoln spent 40% of his life as a lawyer and only 10% as a politician. This highlights the fact that while Lincoln is often portrayed as a politician who was willing to compromise, it was during his legal career that he developed and honed these skills.

The resort to settlement and mediation was well established among lawyers long before the Civil War. This took some courage on the part of lawyers who practiced the technique, as it often meant that they would not collect any fees. Between 1836-1860 about 33% of Lincoln's cases were dismissed, the majority because of an out-of-court settlement.

Lincoln unlike most frontier lawyers also served as a judge on 256 cases. His friend Judge David Davis offered this opportunity to the future president, a privilege that he never extended to other lawyers on the Eighth Judicial Circuit. This provided Lincoln much experience on the other side of the bench.

Lincoln seemed to sense instinctively that most of the cases on the Illinois frontier involved more local issues rather than larger philosophical questions about the law. Judges, lawyers, and plaintiffs would all have future contact after cases had been litigated; and after a nasty trial, much animosity might linger. Therefore, settling a case without trial was the best means to achieve harmonious community relations.

The authors argue that Lincoln's background as farmer, riverboat man, and manager of a general store provided him with insights about human nature. He believed that human nature was generally good and that

there was usually some merit on each side of a dispute.

Lincoln also knew that there was a difference between being legally right and morally right. On one occasion, he turned down a case, telling his client that there was no doubt he could recover his $600 in court. However, he added that the trial would negatively affect an entire neighborhood and a widow and her fatherless children. He advised his client that he was an energetic man and might easily earn the $600 in some other manner. Lincoln also famously advised future lawyers to be honest and, if they could not be, to seek another profession.

Lincoln also applied these tools to slander cases. Hundreds of such cases arose against both men and women with the accused feeling the need to restore their reputations. Lincoln usually attempted to get the parties involved to apologize and, on one occasion, even achieved a mediated settlement after a verdict had been rendered.

Curran and Kingdon conclude that while Lincoln had no way of being familiar with the modern term alternative dispute resolution that he nonetheless practiced the concept. He clearly discovered the advantages of speed, efficiency, and risk avoidance and the advantages of maintaining peace in the community. (This article originally appeared in the *Massachusetts Law Review*, October, 2015, Vol. 97, No. 1, pp. 1-6. Thanks to the editors for permission to reprint in the *Herald*.)

In our "From the Archives" feature Joseph E. Suppiger discusses "Sheridan, The Life of a General, Part 1, The Wild Irish Boy." At the time he wrote, Suppiger noted that while more books have been written about Civil War generals than American military leaders of any other conflict, the Army of the Potomac's cavalry commander has been neglected. This appears to still be true: Grant and Sherman eclipse Sheridan in published materials.

Phil Sheridan's early life and career scarcely predicted his later military prowess. His parents immigrated to the United States from Ireland before he was born, and he proved to be a rather indifferent student. At the age of 14, he was employed as a clerk in a general store. Short of stature at 5 feet 5 inches tall and 115 pounds, which earned him the nickname "Little Phil," he was quick to take offense at any disrespect.

Sheridan knew little about the military and West Point, although there is a wonderful story told about his encounter with a cadet who was visiting his girlfriend in the town where Sheridan lived and of whom he

inquired about the academy. This cadet was said to be future Civil War general William T. Sherman, with whom he would serve in the Civil War. Like many stories of this sort, the tale proves to be untrue; Sherman graduated from West Point in 1840, when Sheridan was nine years old.

He was able to attend West Point only after his congressman's first choice failed the entrance exam and after a great deal of tutoring so that Sheridan might avoid the same fate. He continued to be a mediocre student although respectable enough to graduate with his class, until his temper landed him in hot water once again. The incident involved attacking a classmate with a bayonet and then his fists, earning him a suspension from October 18, 1851 to August 28, 1852. (He was fortunate that he wasn't permanently expelled.) He graduated 34th in his class in 1853.

With a low class rank and many demerits, he didn't even request a specific assignment upon graduation. He was ordered to Texas and later served in California and the Oregon and Washington territories, often involved in wars against the Native Americans. He occasionally gained some notice from his superior officers, but his overall service brought mixed results and still little prediction of his future fame. This was hardly unusual as no one would have thought that Grant or Sherman was headed for fame either.

When the Civil War broke out he was ordered to the Department of Missouri, where General Henry Halleck became his patron and made him an auditor (the command was plagued by charges of misuse of funds), and ultimately his Quartermaster. He still possessed a hot temper; on one occasion after having been ordered to secure beef for a banquet to which he was not invited, he said he would not follow the order until a friend intervened and obtained the necessary supplies. Such insubordination could easily have ended his career.

His major break came in 1862, when the governor of Michigan offered him command of the Second Michigan cavalry regiment with the rank of colonel, despite having been commissioned in the infantry. Rapid rise in rank was also not uncommon during the Civil War particularly for West Point graduates. Still relatively unknown, this move launched a career that eventually made him one of the top three Union Civil War generals and the commander of the cavalry corps of the Army of the Potomac.

Look for Part 2 of this article in our Fall 2017 issue.

Abraham Lincoln: A Model for Today's Trial Lawyers

Hon. Dennis J. Curran and Emma Kingdon

Editor's Note: Dennis J. Curran serves as an Associate Justice of the Massachusetts Superior Court. He has chaired the Superior Court's Committee on Alternative Dispute Resolution and has also served on the Massachusetts Trial Court's Standing Committee on Uniform Dispute Resolution. He is a member of the Board of Advisors of The Lincoln Forum. In 2015, Justice Curran received the Massachusetts Bar Association's Chief Justice Edward F. Hennessey Award for his "exceptional contributions to the administration of justice in the Commonwealth."

Emma Kingdon is a 2015 graduate of Boston College Law School, and has a master's degree in Educational Leadership from the Lynch School of Education.

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough."

—Abraham Lincoln (1850)

Notes for a law lecture, Roy P. Basler, *Collected Words of Abraham Lincoln*, 81 (Rutgers Univ. Press 1953).

Abraham Lincoln assumed the presidency on the eve of this nation's darkest hour, earning much renown—bestowed posthumously and enhanced over time—for his courage and strong sense of moral duty during that tumultuous period. It was his commitment to unity and a lasting peace that landed Lincoln in the pantheon of our greatest presidents.

Lincoln's commitment to conciliation while president—whenever possible—was a characteristic he largely cultivated as a formidable trial attorney, a span that dwarfed his time as president (See Illustration 1). In total, Lincoln spent 40 percent of his life as a practicing lawyer, but only 10 percent in elected political office. It was as a lawyer that he honed his skills at compromise and developed a keen ability to forge alliances among individuals and factions of competing egos, interests, and agendas.[1]

Lincoln had a deep and intuitive understanding that lawsuits can stir up the worst in people, pit neighbor against neighbor, divide families and splinter whole communities. He preferred settlement as an alternative to litigation, a preference that has been shared by generations of lawyers who, like him, have succeeded without resort to abusive litigation tactics. Lincoln would be repulsed by some aspects of today's legal landscape: "scorched earth" litigation tactics, a win-at-all-costs attitude and a lack of civility masquerading as the zealous practice of law. Such tactics are not inescapable characteristics of a litigation practice.

ILLUSTRATION 1

Abraham Lincoln's Life as a Lawyer and President

Period of Life	Years (Days)
Admitted to the Bar (March 1, 1837)—Swearing-in as President (March 4, 1861)	24.2 years (8,769 days)
President (March 4, 1861—April 15, 1865)	4.12 years (1,503 days)

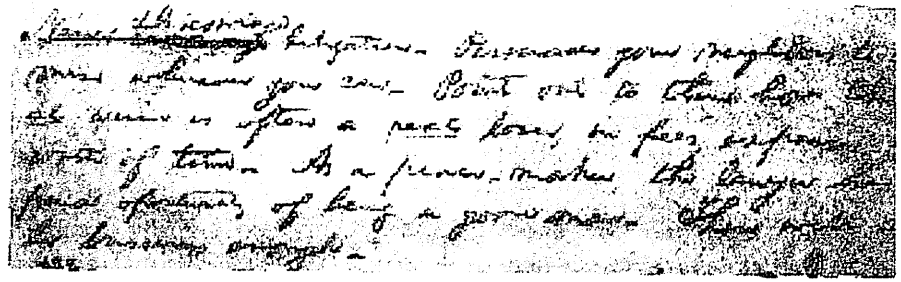
Lincoln's Legal Career

Four significant points emerge when examining Lincoln's legal career: first, Lincoln employed and advocated, more than 150 years ago, tools such as settlement and mediation that are subsumed today under the phrase "alternative dispute resolution" (ADR); second, as a lawyer, Lincoln encouraged the peaceful resolution of disputes by not charging his clients for cases that settled on the courthouse steps; third, Lincoln was such a proponent of non-adversarial settlement that he wrote a speech intended for lawyers that actually *discouraged* litigation[2] (*see* Illustration 2); and lastly, Lincoln's personal and professional life demonstrated a profound sense of morality and justice, evidenced not only by his significant acts as president, but also by his commitment to resolve disputes through non-adversarial means as a lawyer.

Although the acronym "ADR" came about over a century after Lincoln's death, the practice among civil litigators of resorting to such tools as settlement and mediation was well established among the American bar before the Civil War. In fact, Abraham Lincoln appears to have embraced a non-adversarial strategy in his law practice. In doing so, Lincoln appealed to "the better angels of our nature."[3] And he urged his clients to act in their own best interests even when a settlement would reduce or eliminate the fee Lincoln could collect. This moral sensibility—to do what is best for his clients and for society—manifest not only throughout his legal career but also during his presidency, is what we enduringly admire.[4] Lincoln's life—particularly his career as a lawyer—is a lesson in the values of decency and civility.

Guy C. Fraker's detailed study of Lincoln's legal career[5] reveals that Lincoln, a respected trial lawyer, actively assumed the role of peacemaker, mediator and settler of lawsuits according to his caseload demands. Between 1836 (when Lincoln began to practice law) and 1860 (when Lincoln ceased his practice to assume the presidency), he was involved in more than 5,000 legal matters in state and federal courts in Illinois.[6] Nearly half of those cases involved suits for debt, while the remainder dealt predominantly with slander, title to land, minor tort claims and—most lucratively—railroad litigation.[7] About 33 percent of Lincoln's cases were dismissed, most because they settled.[8] Thus, Lincoln settled more than 1,600 cases in the course of his career and plainly championed compromise as an alternative to trial.

ILLUSTRATION 2



Lincoln as Judge

Lincoln also served as a judge. In frontier Illinois, when the Circuit Court Judge was unavailable, he would appoint a lawyer to serve in his stead. Judge David Davis, serving as the Circuit Court Judge during Lincoln's time, chose Lincoln to attend to his judicial duties whenever he could not—a privilege that never extended to any of the other 20 available attorneys. As judge, Lincoln presided over more than 256 cases.[9] That breadth of experience and perspective undoubtedly shaped Lincoln's understanding of the human condition, complicated by all its imperfections, frailties, and vulnerabilities.

Lincoln as Peacemaker

The Illinois of Lincoln's day was a gritty frontier, having achieved statehood in 1818. Lincoln lived in the state capital, Springfield, in central Illinois, "where the state's talented and aggressive entrepreneurs and developers lived, as well as its most influential politicians, presenting at once a place of opportunity and possibility."[10] Chicago, by comparison, was but a glint at the time. Central Illinois was an environment in which there was extensive interaction between lawyers and their clients before, during and even after a legal transaction. In this milieu, Lincoln understood both the social and economic costs of a lawsuit as well as the turmoil it could foment. The identification of these costs likely led him to embrace mediation as a way to settle disputes in a manner agreeable to all parties involved and, in so doing, maintain community harmony.[11] Lincoln "was in his element while handling lawsuits based on local disputes; the locality

of these disputes favored mediation and compromise."[12] His profound awareness and understanding of social needs allowed him to advance his strong commitment to peaceful settlement, for he recognized that non-adversarial dispute resolution led to the best outcome for all affected by the conflict.

Lincoln's first case showed his willingness, even early in his career, to mediate.[13] Lincoln and John T. Stuart, his mentor at the time (Lincoln was not yet licensed as a lawyer), represented David Wooldridge, the defendant in a series of cases brought by James P. Hawthorn.[14] Wooldridge and Hawthorn were both farmers: but by the summer of 1836, their relationship had deteriorated to the point that Hawthorn sued Wooldridge for trespass, personal injuries, and trespass *vi et armis*. Hawthorn also filed a replevin action against Wooldridge, asking for the return of one yoke of steers and a prairie plow that he claimed Wooldridge had wrongfully detained. This raised the total value of the claims against Wooldridge to $700. A jury found Wooldridge liable in Hawthorn's personal injury lawsuit, but limited damages to $36. Five months later, Hawthorn and Wooldridge agreed to dismiss all three remaining lawsuits and split the court costs: Wooldridge paying court costs in one case, Hawthorn in the other, and each party splitting the costs in the last suit. The settlement and division costs in Lincoln's first case marks the starting point of his community-oriented practice.[15]

Lincoln's own hardscrabble existence as a farmer, Mississippi River flat-boatman and manager of a general store contributed to his approach to litigation. These roles endowed him with insight into human nature and argumentation. "He had learned the important lesson that there are at least two sides to every controversy, that there is usually some merit on each side of every dispute.... He had acquired a knowledge of men by means of which he understood the motives [of the human condition]."[16] Contemporaries described Lincoln as follows:

> [S]omeone who felt too much; historians would attribute this to a difficult childhood and his innate ability to empathize with other people. He possessed an extraordinary empathy, the gift or curse of putting himself in the place of another to experience what they were feeling, to understand their motives and desires.[17]

Engrained in Lincoln was a "faith in the worth and fundamental goodness of...people," as well as a profound respect for a nation where ordinary people might control their own destiny.[18]

The futility of anger, which he ascertained at a young age, imbued Lincoln with this faith. Having lost his mother as a child, Lincoln taught himself to resist antagonistic feelings, to steer clear of quarrels and to scarcely harbor resentment.[19] In an 1862 letter, Lincoln outlined his own personal code of conduct: "I shall do nothing in malice. What I deal with is too vast for malicious dealing."[20] He consistently embodied this code of conduct, as a lawyer and as president, one example of which was Lincoln's relationship with Secretary of the Treasury, Salmon P. Chase, who schemed (behind Lincoln's back, or so Chase thought) to eliminate Lincoln as a candidate for the 1864 Republican re-nomination. Despite Chase's disloyalty and chicanery, Lincoln made a conciliatory overture by later nominating Chase for Chief Justice of the United States Supreme Court.[21] In short, Lincoln possessed the rare quality to rise above petty political bickering and bitter factionalism.

Lincoln was also fiercely scrupulous and expected his fellow attorneys to comport themselves equivalently. By 1850, Lincoln had been a member of the Illinois bar for 14 years. He had amassed an impressive résumé through representing both plaintiffs and defendants, as well as serving as formal and informal partner to a lawyer of record, agent, executor, mediator and administrator in more than 2,000 cases.[22] Lincoln exhorted his fellow lawyers to "resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation rather than one in the choosing of which you do, in advance, consent to be a knave."[23]

Lincoln was similarly passionate about another important truth: some things, though *legally* right, are not *morally* right.[24] In one instance, after conferring with a potential client on a collection case he believed could wreak untold havoc, Lincoln flatly refused to take the case. In doing so, he reportedly said:

> "Yes, there is no reasonable doubt but that I can gain your case for you. I can set a whole neighborhood at loggerheads; I can distress a widowed mother and her six fatherless children, and thereby get for you $600 which you seem to have a legal claim to; but which rightfully belongs, it appears to me, as much to the woman and her children as it does to you. You must

> remember some things that are legally right are not morally right. I shall not take your case—but I will give you a little advice for which I will charge you nothing. You seem to be a sprightly energetic man, I would advise you to try your hand at making $600 in some other way."[25]

Preference for Settlement

Lincoln's skill at settlement may be displayed best in slander lawsuits. In Mark Steiner's study of Lincoln's law practice, he observed that Lincoln often acted as a peacemaker in these emotionally charged cases. Lincoln, in effect, "Helped to restore peace to the 'neighborhood' through his efforts to mediate and settle slander lawsuits."[26] In a frontier society, men sued for slander when accused of theft because such an accusation could irreparably damage a man's reputation. As a result, trials for slander were focused more on compelling the slanderer to retract the allegation publicly than on obtaining a liability verdict and jury award against him.[27] In 92 cases, on behalf of both plaintiffs and defendants, it was not unusual for Lincoln and his partners to resolve the case by compromise. For example, in at least nine cases, Lincoln negotiated a settlement with the plaintiff after the court found the defendant guilty, issued a large award, and ordered that the verdict be remitted once the defendant provided a public retraction.[28] Another example of Lincoln's settlement strategy in slander cases occurs in *Frost v. Gillenwaters*.[29] In that case, Lincoln represented the defendant in a slander suit in which his client allegedly accused the plaintiff of being a thief. Lincoln transcribed his client's retraction of the slander, and the trial was averted because the plaintiff found the apology sufficient.[30]

In this frontier society, women sued for slander because of salacious allegations regarding their sexual reputations. These kinds of allegations could drastically affect a woman's standing in the community, which in turn could affect her marriage prospects and her future economic well-being. Thus, when a woman was accused of promiscuity, she often had to defend her reputation by suing for slander. As was the case for men, if an apology was granted, the suit was typically dismissed.[31]

One of the most prominent examples of Lincoln's commitment to compromise was a slander case recalled by Urbana lawyer Henry Clay Whitney. As one of the defendant's lawyers, Lincoln "made most strenuous

and earnest efforts to compromise the case, which was accomplished by reason, solely, of his exertions."[32] A French Catholic priest, who accused another such priest of perjury, defended the suit. Once the suit was filed, both sides remained intransigent, and indeed, each priest's respective neighborhood became embroiled in the legal battle. The case was tried but resulted in two mistrials, at which point Lincoln intervened, for he "abhorred that class of litigation, in which [there] was no utility, and he used his utmost influence with all parties, and finally effected a compromise."[33] Lincoln prepared an agreement of dismissal, through which the defendant recanted his accusation and the parties agreed to divide court costs. This case best exemplifies Lincoln's approach to mediating these types of cases: "truth is generally the best vindication against slander."[34]

Likewise, in commercial disputes, Lincoln has been praised for his discouragement of dubious litigation and his penchant for peacemaking. In an 1850 case in which Lincoln represented Abram Bale in a dispute for $1,000 worth of wheat, Lincoln wrote the following to his client: "I sincerely hope you will settle it. I think you can if you will, for I have always found [the plaintiff] a fair man in his dealings."[35] As to his legal fees, Lincoln said, "I will charge nothing for what I have done, and thank you to boot."[36] He advised his client that "by settling, you will most likely get your money sooner and with much less trouble and expense."[37] Bale's case settled. This letter confirms Lincoln's mindfulness of the enduring advantages of ADR—speed, economy and stress avoidance—that have gone unchanged to this day.

The chief aspect of Lincoln's law practice was debt litigation. Money was scares in frontier Illinois; about 700 of his 2,100 debt collection cases settled. His standard compromise was to accept partial payment with a year's forbearance to pay the remainder. This was an exceedingly challenging resolution to the case, as the dominant moral and legal position of the day disdained persons who did not fully pay their debts. In these cases, Lincoln frequently counseled his clients to attempt an arrangement out of court to satisfy all parties.[38] In one case, Lincoln revealed his commitment to amicable settlement by sacrificing his own fee. "The payee of the note did write me that he had written Allard on the subject of the note in your hands," he wrote his client in 1854, and "if the latter does... agree to take $110 and my fee, settle the matter that way."[39]

In fact, when clients did not pursue what Lincoln thought to be

a reasonable settlement, he could be unyielding.[40] In 1859, he took a case for Peter Ambos, the treasurer of the Columbus Machine Manufacturing Company, who wanted to collect on five promissory notes, totaling more than $10,000, owed by James Barret. Lincoln tried to work with Barret, whom he felt was "an honest and honorable man," to sell some assets and satisfy Ambos by making payments on the debt while avoiding trial. He felt that the total amount of the debt could not be collected soon, but that it would be paid eventually and faster than "trying to force it through by the law in a lump."[41] Ambos, however, refused to settle for anything less than the entire amount. Lincoln finally suggested that Ambos get a different lawyer, writing that he would "very gladly surrender the charge of the case to anyone [Ambos] would designate, without charging anything for the much trouble [Lincoln had] already had."[42]

Lincoln also showcased his ability to resolve disputes outside of the courtroom in numerous assault cases.[43] In October 1856, he persuaded Edward Barrett to accept a five-year prison sentence at hard labor for stabbing a man to death.[44] Further, in an 1842 case, *People v. Patterson*, Lincoln successfully argued that his client was subject to "mental alienation" when he attacked another man with an axe.[45]

Lincoln's Fee Dispute with the Railroad

Lincoln held to his principles in his own fee-related dispute with the Illinois Central Railroad. Senator Stephen Douglas charged Lincoln with soliciting $5,000 from the railroad to finance Lincoln's political campaign against him. Lincoln described the dispute:

> "[T]he railroad company employed me as one of their lawyers in the case....I was not upon a salary and no agreement was made as to the amount of fee. The railroad company finally [won] the case. The decision, I thought, and still think, was worth half a million dollars[46] to them. I wanted them to pay me $5,000, and they wanted to pay me about $500. I sued them and got the $5,000."[47]

Although there are varying accounts about how Lincoln secured this fee, the accepted version is that he had sued the railroad company for payment of the work he had done on their behalf in a lawsuit. Lincoln was prepared to take the depositions of several high-powered lawyers in Illinois who would affirm that Lincoln's efforts on behalf of the railroad company produced an extraordinary result and merited a sizable fee. The railroad, presumably not desiring a hostile enemy in Lincoln, if he were to become a United States Senator, would not defend the suit. Therefore, this lawsuit became a friendly suit, although it had to be tried before two juries. In an extraordinary concession, the railroad company's counsel allowed Lincoln to put into evidence a statement signed by several eminent lawyers in which they concurred that the fee sought was not unfair. A jury ultimately found for Lincoln in the amount of $4,800—the highest fee he ever received. By strategically using the courts in what was essentially a *pro-forma* trial, Lincoln disproved Douglas's allegation and obtained his largest fee as an attorney.[48]

Lincoln's many years representing the Illinois Central Railroad showed that he could capably negotiate settlements beyond the scope of his immediate community. The railroad faced considerable hostility from citizen-jurors, evinced by the fact that, of the 14 cases brought by landowners to trial, Lincoln only secured two victories.[49] Lincoln tried to mediate these disputes, cautioning the secretary of the Illinois Central that "a stitch in time may save nine." However, the railroad often failed to heed his advice. And so, Lincoln ended up representing the railroad in court over its failure to build or maintain fences along its line.[50] On yet another occasion, the railroad ceded to Lincoln's counsel, and Lincoln was able to successfully negotiate a settlement in *Dye v. Illinois Central*.[51] Dye had sued the railroad for trespass and claimed damages amounting to $500. Lincoln artfully crafted a resolution in which Dye agreed to "waive all damages for the want of making and maintaining the fence" and to "accept as sufficient" the "already made" fence; the railroad agreed to pay Dye $100 and costs.[52]

Lincoln's Enduring Influence

Former President of the American Bar Association Jerome J. Shestack concluded that "Lincoln's place in history derives not from his abilities as a lawyer but from his qualities as [a] human being and his seminal achievements as president. Still, he was a lawyer of whom the bar could be proud."[53]

Abraham Lincoln may not have known the term "ADR," but he certainly understood and captured its essence. He discerned the advantages of a negotiated settlement—speed, efficiency, and risk avoidance. By promoting compromise, avoiding the uncertainty and expense of full-blown

litigation, as well as inspiring and elevating societal expectations, Lincoln's alternative methods for peaceful settlement presaged today's use of ADR. The ADR lessons to be drawn from Lincoln's career can also be found in the careers of innumerable American lawyers, who have for generations succeeded by putting their clients' interests ahead of their own and who have conducted themselves personally and professionally with decency, civility, and honesty.

The legal profession today is undergoing economic turmoil and significant change. The American system of legal education is itself struggling to adapt to new realities, as enrollments decline and the legal profession looks less attractive as a career choice. How should a young lawyer act in his brave new legal world? Emulate Lincoln. You'll be in good company, the company of honest lawyers who put the best interests of their clients first.[54]

Endnotes:

1. *Team of Rivals: The Political Genius of Abraham Lincoln*, by Doris Kearns Goodwin, brilliantly illustrates Lincoln's capacity to forge alliances among the unlikeliest of allies—disgruntled presidential candidates—in a single-minded determination to marshal their talents to preserve the Union and win the war. "So, in the end, the feuding cabinet members, with the exception of Chase, remained loyal to their President, who met rivalry and irritability with kindness and defused their tensions with humor." Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, 526 (Simon & Shuster 2005). And "[w]hile working to sustain the spirits of his cabinet, Lincoln also tried to soothe the incessant bickering and occasional resentment among his generals." *Id.* at 527.
2. Historians cannot confirm whether this speech was ever given but do confirm that these were Lincoln's words. Dr. Michelle A. Krowl, "Civil War and Reconstructionist Specialist," Lecture at the 18th Annual Lincoln Forum: Lincoln Treasures at the Library of Congress: A Virtual Tour (Nov. 17, 2013).
3. Abraham Lincoln, First Inaugural Address (March 4, 1861).
4. More than 16,000 books have been written about Lincoln. Stefanie Cohen, "Fourscore and 16,000 Books," WALL ST. J. (Oct. 12, 2012, 1:15 p.m.), http://online.wsj.com/news/articles/SB10000872390440242045780444034340708 38.
5. Guy C. Fraker, *Lincoln's Ladder to the Presidency: The Eighth Judicial Circuit* (S. Ill. Univ. Press 2012).
6. Frank J. Williams, *Judging Lincoln*, 100 (S. Ill. Univ. Press 2007). Supreme Court Chief Justice Williams (ret.), perhaps inspired by Lincoln's lead, established the highly successful Rhode Island Supreme Court Appellate Mediation Program in Providence, Rhode Island. Nine retired judges served at no cost to the public.
7. Allen D. Spiegel, *A. Lincoln, Esquire*, 41-42 (Mercer Univ. Press 2002) (cited in Roger D. Billings Jr., "Lincoln's Legal Ethics," 36 N. KY. L. REV. 251, 257 n.36 (2009)).
8. Roger D. Billings Jr., "Lincoln's Legal Ethics," 36 N. KY. L. REV. 251, 257 (2009).
9. An analysis of the Illinois Eighth Circuit judges' dockets discloses that Lincoln sat for at least 256 cases in Judge Davis's stead. In 1854, Lincoln's handwriting appeared on the docket for three cases. In 1856, Lincoln sat for 46 cases. By 1857, Lincoln took Judge Davis's place on the bench for 138 cases. In 1858 and 1859, Lincoln sat for 35 and 34 cases, respectively. John J. Duff, *A. Lincoln Prairie Lawyer*, 298-99 (Bramhall House 1960). See also Frank J. Williams, Chief Justice (ret.), R.I. Supreme Court, Address to Massachusetts Worcester County Judges and Bar Association (Feb. 18, 2011), and to Middlesex County Superior Court Judges and staff (May 17, 2013).
10. Fraker, supra note 5, at 10-11. For example, as attorney Fraker's meticulous research discloses, the Eighth Judicial Circuit (in which Springfield was located and Lincoln practiced law) "covered 15, then 14 counties. The population of these counties in 1840 was 69,100 (Cook County, which includes the City of Chicago, had a population of only 10,200; in 1850, total population was 107,000 (Cook 43,300), and in 1860, 223,700 (Cook, 145,000)." Id. at 10.
11. Mark E. Steiner, *An Honest Calling: The Law Practice of Abraham Lincoln*, 4 (N. Ill. Univ. Press 2009).
12. Id. at 102.
13. Id. at 75.
14. Id.
15. Id. at 76.

16. John T. Richards, *Abraham Lincoln, the Lawyer-Statesman*, 88 (Houghton-Mifflin Co. 1916).
17. Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, 104 (Simon & Shuster 2005).
18. Benjamin P. Thomas, "Abe Lincoln, Country Lawyer," ATLANTIC (Feb. 1954), www.theatlantic.com/past/docs/issues/95nov/lincoln/thomabel.htm.
19. Williams, supra note 6, at 28.
20. July 28, 1862 letter to Cuthbert Bullitt.
21. Id. Of course, such a nomination also ensured the end of Chase's political career.
22. Brian Dirck, *Lincoln the Lawyer*, 2 (Univ. of Ill. Press 2009).
23. Id.
24. Steiner, supra note 11, at 19.
25. Frank J. Williams, "Abraham Lincoln: Lessons for Lawyers," 36 N. KY. L. REV. 295 (2009), reprinted in Roger Billings & Frank J. Williams, Abraham Lincoln, Esq.: The Legal Career of America's Greatest President (U. Press of Ky, 2012) (citing Ward H. Lamon, *The Life of Abraham Lincoln: From His Birth to His Inauguration as President*, 317 (James R. Osgood & Co., 1872). However, this account has been disputed by other Lincoln scholars. See Don E. Fehrenbacher and Virginia Fehrenbacher, *Recollected Words of Abraham Lincoln*, 305 (1996). Whether this account is accurate or not, it is entirely consistent with Lincoln's "Whiggish attitude toward law and the role of law in American society.... That such lawyers believed they were guardians of community values." Steiner, supra note 11, at 177 (quoting Robert W. Gordon, "Lawyers as the "American Aristocracy'," 20 STAN. LAW. 1, 2 (1985), http://stanfordlawyer.law.stanford.edu/issues/archive/Stanford_Lawyer_issue-34_1985-FALL-VOL20-NO1_front.pdf).
26. Dirck, supra note 22, at 113 (citation omitted).
27. Steiner, supra note 11, at 85-11.
28. Id.
29. Frost v. Gillenwaters, #L00705, L. PRAC. OF ABRAHAM LINCOLN 2d, http://www.lawpracticeofabrahamlincoln.org/Search.aspx (search "Frost v. Gillenwaters" under "Case Name"; click "Search") (last visited Feb. 9, 2014).

30. Id.
31. See, e.g., Jacobus v. Kitchell et ux, #L01063, L. PRAC. OF ABRAHAM LINCOLN 2d, http://www.lawpracticeofabrahamlincoln.org/Search.aspx (search "Jacobus v. Kitchell et ux." Under "Case Name"). click "Search") (last visited Feb. 9, 2014); Cockrell et ux. v. Tainter, #L03090, L. PRAC. OF ABRAHAM LINCOLN 2d, http://www.lawpracticeofabrahamlincoln.org/Search.aspx (search "Cockrell et ux. V. Tainter" under "Case Name"; click "Search") (last visited Feb. 9, 2014).
32. Steiner, supra note 11, at 96.
33. Id. at 97.
34. Id.
35. Billings, supra note 8, at 257.
36. Id.
37. Id.
38. Dirck, supra note 22, at 67.
39. Id.
40. Id.
41. Id. at 68.
42. Id.
43. Id. at 113.
44. People v. Barrett, #L01415, L. PRAC. OF ABRAHAM LINCOLN 2d, http://www.lawpracticeofabrahamlincoln.org/Search.aspx (search "People v. Barrett" under "Case Name"; click "Search"; select second result) (last visited Feb. 9, 2014).
45. Id.; see also People v. Patterson, #L00745, L. PRAC. OF ABRAHAM LINCOLN 2d, http://www.lawpracticeofabrahamlincoln.org/Search.aspx (search "People v. Patterson" under "Case Name"; click "Search") (last visited Feb. 9, 2014).
46. Lincoln's nineteenth-century sum of $400,000 translates to over $15 million in today's dollars. See http://www.wolframalpha.com/input/?i=%24500%2C000+from+1858 (last visited June 26, 2015).
47. Abraham Lincoln, Speech at Carthage, IL (Oct. 22, 1858).
48. Steiner, supra note 11, at 170-77.
49. Id. at 144-45.
50. Id. at 143.
51. Dye v. Illinois Central, #L00545, L. PRAC. OF ABRAHAM

LINCOLN 2d, http://www.lawpracticeofabrahamlincoln.org/Search.aspx (search "Dye v. Illinois Central" under "Case Name"; click "Search") (last visited Feb. 9, 2014).

52. Steiner, supra note 11, at 144.
53. Id. at 19.
54. The authors wish to thank Attorneys Katherine McCann, Jared N. Ballin, Vincent N. DePalo, and Louisa E. Gibbs (New England School of Law '14), as well as Phillip Myles Zabriskie, Martin Sabounjian, and Sam Gold (Tufts University '15) for their contributions to this article.

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From the Archives

Sheridan, the Life of a General Part I: The Wild Irish Boy

Joseph E. Suppiger

Editor's Note: Joseph E. Suppiger is a former editor of the *Lincoln Herald* and author of *The Intimate Lincoln*, which was originally serialized in the *Lincoln Herald.*

In the northcentral extremity of what is now the Republic of Ireland lie the breathtakingly beautiful meadows and fields of County Cavan. Here, John Sheridan, a young man with a wife and two children, vainly attempted to scratch a living out of a leasehold on the estate called Cherrymount in Killinkere Parish. When finally convinced of his failure as a farmer, he began to pay closer attention to the letters sent him from America by his uncle, Thomas Gainor.

Gainor had left Ireland for Albany, New York, where he had found gainful employment as a contractor. Soon he convinced his nephew that he too should leave the Emerald Isle for the Land of Opportunity. John then had to convince his pregnant wife, the former Mary Minor (once "Meenagh"), and tell his children, Rosa and Patrick, what little he knew of the United States. After selling the leasehold and going to Dublin, John apparently bought tickets for his family aboard a packet bound for Quebec, and from that point traveled to Albany in the winter of 1829-1830.

The Sheridans remained in Albany but two years, inasmuch as the type of employment available there to Irish immigrants was not at all what John had been led to imagine that it would be. As soon as he found more lucrative work in Ohio, at a point in 1832, he moved; but in the meanwhile his second son, destined to be the third child in a brood of six, was born-this was Philip Henry Sheridan. Brought into the world on March 6, 1831,