

I Am the American Inns of Court: Come Along with Me

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By Judge Judith K. Fitzgerald

Introduction

I hope you enjoy reading what was an oral presentation for Inn leaders six years ago at the March 21, 2014 Leadership Summit in Pittsburgh, Pennsylvania. Please note that the songs identified were played, in part, where they are mentioned in the text. You may want to download and listen to them. They are quite diverse genres composed in different musical eras (“Basin Street Blues,” 1928; “Up Around the Bend,” 1970; and “Shout,” 1959) but, like the American Inns of Court, all have boundless appeal.

Rereading this speech provided a trip down memory lane. The amazing part was that if I were to write the talk today, I’d express the very same thoughts about the benefits of joining the American Inns of Court. Some aspects of our local bankruptcy Inn have changed since its inception: Its name got a lot longer; its membership includes new attorneys and law students; its mentorship program is robust; its pro bono community service has expanded; it co-hosts at least one program a year jointly with another Inn. But its basic goal of enhancing professionalism and collegiality among the bench and bar remains steadfast, and its members continue to enjoy top-quality educational programs spearheaded by the various pupillage groups and then share equally top-quality social hours.

The American Inns of Court consistently offer their members unique opportunities for professional development and social interaction. I regard joining the Inns and partnering with colleagues to form our bankruptcy Inn as highlights of my professional career. I hope you will “Come Along with Me” and become an active, engaged member of the American Inns of Court. I know the experience will be enriching.

I Am the American Inns of Court: Come Along with Me

“Won’t you come along with me...Old friends there to greet us...Where welcome’s free and dear to me...”

From “Basin Street Blues” composed by Spencer Williams; first verse lyrics added by Glenn Miller and Jack Teagarden. The version playing in the background was performed by the Mills Brothers.

One of my daughters and her husband graduated from Penn State. As they would participate as part of the huge crowds at Penn State football games, and anywhere else that they’d run into an alum, they would very proudly do the Penn State chant.

“WE ARE! PENN STATE!”

Why am I telling you this, you ask? Because my talk today is “I AM...THE AMERICAN INN” and I’d like each of you to have the same bravado and confidence in your position as a leader in the American Inns of Court that Penn Staters have in their status as graduates of that fine institution.

So let’s talk about the Inns. Just what are they and what difference do they make? Should I ask another lawyer to “Come Along with Me and Meet Me” at the Inn?

The Inns of Court started as an English tradition brought to America in 1980 by Chief Justice of the United States Warren E. Burger as forums where experienced attorneys and judges join with less experienced practitioners to make presentations and hold discussions with the aim of passing on knowledge and professionalism to new lawyers. In 1992, Karen Schichman Crawford and Amy Reynolds Hay started the first Pittsburgh chapter of the American Inns of Court. I was fortunate to be a founding member, although at the time I really had little idea what I was getting into.

I probably would not have joined the Inn but for the pressure put on me by my former co-worker, Amy Hay, who, when she was passionate about something, did a sales job like no other. She was passionate about the Inn and so excited that Pittsburgh would have one that her enthusiasm was catchy. That’s the first lesson I learned about an Inn: If you encourage someone to become involved in an Inn, the likelihood is you will succeed and, in the process, you will make a friend.

So I joined, but admittedly with some reluctance. I had a very busy career on the bench; I had two children and a husband to care for; I was very active on a national level within the court system and in several professional organizations; I was singing in the Mendelssohn Choir and that was nearly a full-time occupation of its own. So how was I going to fit something else in? As it turned out, the time commitment was not so much, and the effort it took to prepare my once-a-year program in conjunction with my pupillage group was very worthwhile. After all, who can knock a model that combines an educational event with food and beverages?

Several years after joining the Inn, I had a conversation with two other bankruptcy practitioners—now Judge Joy Flowers Conti and Beverly Weiss Manne—about whether we should have a bankruptcy Inn. About 10 years later, when I began to realize that retirement from the bench loomed, I realized that if I didn’t act soon, I’d lose the opportunity in this district and being an earner to look into forming a bankruptcy Inn. I have to tell you that it was a lot of work. But the response was phenomenal. At the initial meeting we held to get the temperature of the bar about forming an Inn, about 200 lawyers attended. When, a year later, we actually had an Inn, we had 120 members.

That initial meeting gave me a new understanding of CCR’s song:

*“There’s a place up ahead and I’m goin’
Just as fast as my feet can fly
...
Always time for a good conversation,
There’s an ear for what you say...”*

(From “Up Around the Bend” by John Cameron Fogerty, Creedence Clearwater Revival)

Putting together a bankruptcy Inn here involved dealing with some unique challenges. Our bankruptcy bar is district-wide, and we cover a lot of geography. Our bar practices in counties that are far apart, but thanks to video conference and teleconferencing capabilities, our practitioners appear in all three of our court locations—Johnstown in the east, Erie in the north, and Pittsburgh in the center. But by car, it’s a two-and-a-half-hour trip from Pittsburgh—and just as long for the return. To get all those lawyers to join one Inn—well, that is difficult because the weather and other court hearings, etc. often make it difficult to travel for a meeting or even to get together with a pupillage group. We wanted to have just one Inn for the Western District of Pennsylvania, not to split it into groups, so, despite the geographic problems, that is what we formed. In the future, maybe we’ll have to rethink it, but for now that’s how we operate.

Right now, to try to accommodate all of our members, we do at least one of our five educational programs (plus one or two social events to kick off each year and have the pupillage members meet each other) in Erie or at a place closer to Johnstown. Most of the members are from Pittsburgh, so that is our central focus for events. Members are creative; they’ve set up car pools and sometimes overnight stays to make this work because the Inn is important to them. We are still experimenting—we may have a pupillage group just from the Johnstown area and just from the Erie area, rather than the blend we’ve had so far to try that out and see if it is more conducive to the collegial aspect of the Inn.

I know other Inns have a similar situation. New Jersey, for example, has one Inn but two divisions that come together at least once a year for a joint event. There are ways to handle this, and each locale may find a different solution.

There were some other challenges. Our district has many federal and state employees whose salaries are not large, and so the membership fee is a challenge for them. As a startup, with no bank balance, it’s hard to discount the dues for anyone, but we were able to price the membership such that we could support several scholarships that our president has discretion to award so that we can reach out to all the constituents who want to participate.

Also, we wanted law students in their final year to join, and you know how poor most of them are, so we set a \$20 fee for them. We wanted to charge something to be sure they were invested in attending, but the benefit in meeting the practitioners who may offer them jobs proves to be a big incentive by itself.

We didn’t address all of these issues on day one, of course. We had to organize the meetings and venues and programs first. But we did address it within the first full year, and we continue to talk about all of these issues to be certain we stay on top of them.

One important consideration for us was what the Inn would add to our legal community. As a judge, I loved attending Inn meetings. Sitting on the federal bench is very isolating. To avoid the appearance of impropriety, I felt it necessary to avoid even social contacts with the lawyers who had been my friends and associates. Going to the Inn meant that there was a grand opportunity, in a social setting, to catch up on what was going on in the lives of the lawyers who appeared before me. I suddenly knew, as I had when in practice, who was getting married or divorced or having a baby or going on a trip around the world. Those things sound mundane, but, actually, they are relevant things for a judge to know. I didn’t want to schedule hearings or compel briefs that impacted a well-deserved vacation, yet many lawyers will not tell a judge of that inconvenience. When a lawyer who was usually on time and well-prepared came to court late or ill prepared, I’d wonder what was going on and assume that he or she just dropped the ball, when, in fact, there was much more to the story that should have had some sympathy from the bench. Yet that lawyer was not going to say, “Gee, judge, I’m getting divorced or involved in a custody dispute so please be patient while I work through this.”

Now, as a lawyer in practice again, I value that same opportunity. As a judge, I spent most of my day in chambers, and as a lawyer, I spend most of my day in the office, so finding out what’s happening is still not an easy task. With electronic case filing and video conferencing, many of the opportunities we had to meet in the hall and talk before hearings have gone away, and we are more and more driven to sitting in an office, forgetting about the other lawyers in the cases we have. The Inn gets us out of the office and into the mainstream.

The Inns aren’t just for us “old folks!” The best part of the Inn goals, to me, is the ability to gather the younger, less experienced professionals and give them a forum in which they can talk and learn without the pressure of billable hours and the fear of annoying a senior partner. I’ve had two former bankruptcy students who joined the Inn meet their future employers at Inn meetings. I’ve had several of the younger Inn members relate tales of great conversations they had with barristers and masters from other law firms and how the exposure of watching them ply their craft at various Inn programs gave them solid ideas of how to approach a problem they were working on. What a thrill—to know that associates are taking the environment to heart and benefiting from it.

As an Inn member, way back in the 1990s, I came to understand that the Inn has five core competencies for Inn management: administration, communications, programs, mentoring, and outreach that are all designed to foster the mission of the Inns. The mission is to foster excellence in professionalism, ethics, civility, and legal skills—lofty aspirations—but aspirations that the Inns actually drill down and put into practice. That is the amazing part of joining an Inn: Each member has the opportunity for networking and skill training in good company in an informal setting.

Of course, the inspiration for an Inn comes from its leaders, who must not only put together high-quality educational programs but must also instill in members the desire to attend and the willingness to stay involved, because, as with any organization, if interest fades, the organization fails. Establishing goals, such as working toward the Achieving Excellence Awards that demonstrate how far your Inn has come in meeting the core competencies, is one great motivating force.

In our bankruptcy Inn, the outreach effort was a coalescence that found incredible support among the members, who now spend an hour a month at a soup kitchen providing information on how the needy can access not just legal, but also social, resources. And another effort to institute the CARE program in local schools to teach students responsible use of credit is underway. Who knew that lawyers who want to be highly compensated for their efforts were so public-minded to devote pro bono hours in this fashion?

Aside from establishing goals, what are we looking for in those we choose to be leaders in our Inns? First, someone who has the principles to stand up for the formality of the legal process while appreciating the need for civility as we struggle through that process. It isn’t always easy to be gracious or to use your wits in a way that leaves the other party’s self-esteem intact. But it’s important in our leadership for the less experienced practitioner to observe leaders exercising self-restraint and developing consensus, despite how strongly held an opposing view may be.

Next, we want someone who will use his or her individual talents and skills to help foster interest in learning to be better lawyers and judges and to retain a sense of collegiality all the while. We’ve all had the experience of difficulty in putting aside the stress of representing clients or making the thousands of decisions that judges make every day. Many nights, don’t you wake up to find yourself reliving some event or thinking through a problem you left unfinished during the day? Yet, our profession requires us to work through the stress and the tiredness and to remember that the other person to the conversation also has stress and probably is just as tired. We want leaders who are gracious and grateful for the contributions that each member makes to the Inn.

We also want leaders who can be mentors or who will provide for mentorship. Our bankruptcy Inn in Western Pennsylvania has defined a mentor as “an adviser, guide, counselor, and teacher who will help another cultivate professional excellence.” Our leaders provide programs and events to remind us that “professional excellence” is more than just having great legal skills. “Excellence” encompasses professionalism, ethics, and civility. Of course, there is an educational aspect to those qualities—we teach professionalism and ethics in law schools. But the civility aspect is something we expect people to have from childhood on. The difficulty is that what seems “civil” to one person may not to another. The Inn leaders, in mentorship roles, may be charged from time to time with helping members find an appropriate level of behavior that lines up with what lawyers expect of one another despite their legal battles.

We want leaders who use creative approaches to individual Inn meetings but also to expand the number of Inns and thus the number of lawyers and law students who can benefit. The various specialty inn alliances that are forming (in the intellectual property, bankruptcy, and family law areas so far) are excellent examples of how thoughtful members have conceived of new ways to celebrate their chosen profession through the Inns of Court format. I encourage you to join an alliance and if one does not yet exist in your subject area to initiate one. The alliances enable inns regionally and nationally to get together and share resources and friendship.

Thanks to the great leadership our local Inns have enjoyed, I have personally seen changes for the better in the cooperative spirit of several attorneys. I have had one member who joined the Inn but told me at the outset that he felt he’d learn nothing relevant to his practice. At the end of the first program year, he came back to tell me that he was surprised at how meaningful the Inn programs were. Another told me now that he has a social relationship with a particular lawyer with whom he wasn’t comfortable before, how much easier it is for him to call that particular opposing counsel. The Inn makes a difference in the professional lives of our members.

We are all here for this leadership summit because we are dedicated to the Inns and the mission. Personally, I thank you for your dedication and commitment. You all know that the American Inns of Court has an annual Celebration of Excellence at the Supreme Court of the United States to honor individuals who have contributed their talent, time, energy, and resources to furthering the ideals of the American Inns of Court. In my view, each and every member of the Inns deserves that recognition because without the individual contributions of time and talent and resources, we could not achieve our goals. The overarching desire of those of us who love the law and practice the legal profession to come together to learn and to share, not just our professional accomplishments, but our personal ones as well, keeps the spirit of the Inns alive. We, all of us, foster collegiality and improve the system of justice that drives us all by coming together at the Inns.

The wellspring is here, and each of us can reach out to the legal community and encourage our colleagues to “Come Along with Me. Meet Me at the Inn.”

When I think of how effective the Inns are at enhancing the experience of practicing law, well:

“You make me wanna shout! Kick my heels up and shout! Throw my hands up and shout! Throw my head back and shout! Come on now!...Say you will...”

(From “Shout” by O’Kelly Isley, Ronald Isley, and Rudolph Isley of the Isley Brothers)

Each of us should proudly say, “I am the American Inns of Court.” **I AM! THE AMERICAN INNS!**

The Honorable Judith K. Fitzgerald (Ret.) co-founded the Judith K. Fitzgerald Western Pennsylvania Bankruptcy American Inn of Court, which was named in her honor upon her retirement from the bench in 2013. She is now a shareholder in the Pittsburgh-based firm, Tucker Arensberg, P.C., and a Professor in the Practice of Law at the University of Pittsburgh School of Law where she teaches Bankruptcy and Advanced Bankruptcy.

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