

Negligence Law Section

Negligence Law Section Quarterly

Summer 2020

“Tony Smith to Receive Outstanding Achievement Award”

Mike Sanders, Foster Swift Collins & Smith PC

A “legend” is generally defined as something non-historical or unverifiable -- something mythical in nature that is handed down by tradition from earlier times. However, Webb “Tony” Smith’s status as a living “legend” is easily verifiable -- he is a first class trial lawyer, a superb mentor, the consummate partner, and a loyal friend to so many. As such, he is a most fitting and deserving recipient of the 2020 “Outstanding Achievement Award” to be presented by the Negligence Section of the State Bar of Michigan on August 13.

Tony was born to Jack and Helen Smith on Friday, September 9, 1938, right here in Lansing, Michigan. He was born to become a Spartan. As a young boy, he saved his allowance, and when in kindergarten, he purchased his first Spartan football game ticket. He was immediately hooked on the “Green and White” -- he has held Spartan season tickets for almost 70 years.

Tony attended Sexton High School and excelled both academically and in sports. Notwithstanding his rather small stature, he was a very formidable varsity basketball player, and a track and field/cross country star. He ran the mile in a Sexton High School record time of 4 minutes and 30 seconds.

As he was destined to do, Tony spent four blissful years at Michigan State University -- a place with which he has had a lifelong love affair. While there, he served in the ROTC and earned a degree in social science with honors. He was a four-year varsity runner on the Spartan track and cross country teams -- he helped propel the teams to three MSU Big Ten Championships, three intercollegiate 4A Championships, and two NCAA National Championships.

After graduating from MSU, Tony traveled down the road to earn his law degree at the highly esteemed University of Michigan Law School. In a 2004 newspaper interview, Tony described his affinity for that institution as follows: “The single greatest highlight of those three miserable years in Ann Arbor was the day I graduated and moved back to East Lansing.”

In 1962, while still in law school, Tony interviewed with what was then known as Foster, Campbell, Lindemer & McGurrin. Larry Lindemer and John Collins hired him as our firm’s very first summer associate. His stellar performance that summer earned him the opportunity to join the firm as a full-time associate on December 8, 1963 at the robust annual salary of \$5,000. Over the years, John Collins took a special interest in training Tony to become a standout trial lawyer. Most of John’s and Tony’s extended mentoring sessions took place at Jim’s Tiffany and the City Club.

Tony hit the ground running, and within his first three months as a new lawyer at the firm, he enjoyed success in his first two jury trials. He then took a leave of absence from the firm to repay his debt to the

ROTC by serving his country in the United States Army. While at Fort Benning in Georgia, Lieutenant Webb Smith was able to accomplish what he has always characterized as his “greatest lifetime achievement” -- by finding a gregarious and beautiful 21 year old military secretary by the name of Patricia -- and convincing her to marry him. They have raised three wonderful children, and treasure their time with eight grandchildren, and three great-grandchildren. Pat and Tony share a wide variety of very diverse interests ranging from their annual Mother’s Day family kickball tournament, to Spartan sports (of course), to travel throughout the world, often in search of unique bars and restaurants (such as one of their favorites -- The International House of Catfish in the Florida Everglades). Pat and Tony just celebrated their 55th anniversary on May 15.

During his nearly six decades of lawyering at the firm that would come to bear his name -- Foster, Swift, Collins & Smith -- Tony has handled every type of litigated matter, spanning from a corporate espionage case that culminated in a murder-suicide, to the groundbreaking “right to strike” litigation for the Michigan Education Association, to what is now commonly referred to as the Pigeon River case for Shell Oil Company. It was during that case, where defending Shell against claims that its drilling was somehow harmful to the elk population in Otsego County, that Tony solidified his reputation as an exceptional advocate -- he persuaded the jury that the steady rhythmic up-and-down tempo of a Shell Oil pumper is actually an aphrodisiac that inspires elks to mate -- which, in turn, increased the size of the herd. Scott Storey, firm partner, summarized it well: “Tony is the epitome of the ideal trial lawyer -- brilliant, tenacious, creative, compassionate, and honorable.”

Over his career, Tony has earned enumerable honors and accolades, including:

- Being elected Ingham County Bar President from 1986 to 1987.
- Earning the Leo Farhat Outstanding Attorney Award in 1997.
- Being awarded the Excellence in Defense Award in 2005.
- Winning the title of Top Commercial Litigator in Michigan in 2006.
- Being elected by his peers as a Fellow of the prestigious American College of Trial Lawyers in 2006.
- Winning the Thomas Brennan Lifetime Achievement Award in 2013.
- Earning annual recognition in Best Lawyers in America, and Super Lawyers, since their inception.
- And, now, being awarded the Outstanding Achievement Award by the Negligence Law Section of the State Bar of Michigan.

While most impressive, these achievements constitute only a small part of the myriad of reasons why we at Foster, Swift, Collins & Smith revere this man. His daughter Betsy has perhaps said it best -- “he is an incredibly honest, loyal, and accepting man of integrity.” Firm partner, Scott Mandel, observed that “Tony has an incredible passion for helping young lawyers, serving as a mentor to so many at our firm over the years.” Indeed, Tony has always taken a special interest in the training of the firm’s new attorneys and summer associates at our firm. He relishes the opportunity to teach them how to work with demanding clients; how to deal with difficult opposing counsel; and how to interact with a judge -- and above all, how to zealously advocate your client’s cause without sacrificing civility. He is our counselor, consultant, and cheerleader. He has an “infectious ability to inspire others in the firm to elevate their game, and be their best,” observed Tony’s partner, Chuck Barbieri.

In this era of head-hunters and “job mobility,” Tony’s decision to spend the entirety of his legal career at this firm has conveyed the message that it can be very gratifying to spend your career in one place. His example has been instrumental in our ability to retain the group of outstanding young lawyers we have at Foster Swift. And, Tony’s mere presence has helped us attract top-notch lateral talent like Frank Reynolds and Fred Dilley.

Frankly, it is impossible to properly capture in this brief, word-limited article, the enduring impact that Tony Smith has had on Foster, Swift, Collins & Smith and the legal profession. Tony Smith is our finest ambassador to the community; an outstanding mentor for young lawyers; the custodian of our institutional knowledge; the foremost champion of our diversity; a fierce guardian of our culture; a master storyteller; a lawyer's lawyer; and the glue that holds us together. It is a pleasure and a privilege to work with him.

We are looking forward to the opportunity to join together "virtually" to honor Tony on August 13 for the Negligence Section of the State Bar's presentation of his 2020 "Outstanding Achievement Award."

Mike Sanders
Foster Swift Collins & Smith PC
517-371-8210
msanders@fosterswift.com