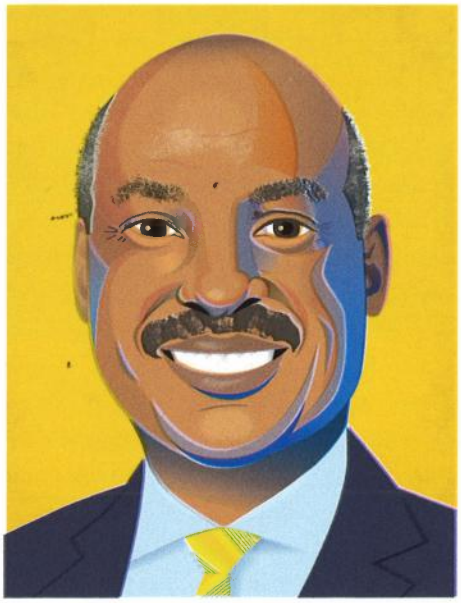
Then and Now

LITIGATION, SPORTS, AND RACE: THE CHANGING WORLD OF MICHAEL CHAVIES



LEE STAPLETON

The author is a shareholder at Carlton Fields, Miami, and the editor in chief of LITIGATION.

Then and Now

Then and Now will be an occasional column exploring how things were "back in the day" compared with today.

Michael Chavies is one of the "go-to" lawyers of Miami when there is high-stakes litigation and a soft but strong touch is required. His clients are "elite" and include the rich, the famous, and the powerful. Chavies himself wields power, although he uses it judiciously and graciously. The past president of the Orange Bowl Committee, a board member of a boutique bank, an investor in a chic and fabulous restaurant, and a former circuit court judge. A football player at Rutgers who also was a starter on the baseball team, Chavies still carries himself with the ease of an athlete. In short, he's a cool cat.

Oh, and did I mention he's Black?

Full disclosure—Chavies is a dear friend. He's a guy who can dispense good personal advice, and he can keep a confidence. He's usually my first stop when I need a second opinion.

I asked Chavies if he would give me his thoughts on the intersection of litigation, sports, and race. He knows something about each of those things.

Chavies was born in Montclair, New Jersey. His dad was a postman, an athletic one who had not only played baseball in the Negro minor league but had also played football at a small college. His mom worked for the phone company.

The town he grew up in was integrated. There were many wealthy people in town, along with a big Black and Italian working-class population. Regardless of whether a kid came from a wealthy family or one of modest means, everyone went to the same high school, something Chavies said promoted the integration of the community.

This was back in the 1960s—Montclair was a *Happy Days* kind of place.

He was a gifted high school athlete and a kid with pretty good grades, and so it was surprising that Rutgers was one of the few schools to give him a scholarship to play football and baseball.

Rutgers was a different kind of place than bucolic Montclair. For starters, there weren't many Black athletes. There were only a handful on the football team, 10 to 15 percent, and he was the only Black baseball player. Chavies recalls an away game—Rutgers played Georgia Southern. He was the only Black person in the stadium, either as a player or a fan. "At some point, I wiped it out. I was there to win."

Winning—that's the intersection of sports and litigation. Chavies said sports "taught him how to compete."

Law School

After two years as a fairly successful college athlete, Chavies decided he wanted to go to law school. His aunt, Martha Bell,

Illustration by Colleen O'Hara

was the first Black woman lawyer in New Jersey.

"If I had been a better athlete, law school might not have been an option."

Chavies hung up his cleats and started seriously hitting the books. He was admitted to Rutgers Law School.

Law school at Rutgers was an entirely different experience than his lovely, integrated childhood. "The '70s were a time of protests, the Vietnam War, the civil rights movement, Malcolm X, Muhammed Ali."

I asked him if the unrest then, the discontent, the protests have a different feel than today. He said that back then, people seemed more committed to a cause.

During law school, Chavies was no longer a rarity—the only Black guy in the classroom or the stadium. There were more Black students at Rutgers Law School than at Rutgers University. There was involvement in student affairs, "more influence."

Being a former athlete helped him in law school—his competitive juices still flowed, except now it was for grades, not gridiron glory.

After graduation, those same competitive instincts helped in the courtroom. He went to Jacksonville and joined Legal Aid. "I practiced poor people law." On the theme of "then and now," there is a certainty irony to that statement, now that Chavies represents extraordinarily successful people and businesses.

His sports background helped him in the courtroom. "I was both intellectually and physically prepared to do battle."

Chavies summed it up: "It was game on—I am going to win this thing and beat my opponent. Sports gave me the authority to think I could be successful."

He said race was usually an advantage with jurors, both Black and White. Chavies was one of only six or seven Black lawyers in Jacksonville at the time. There were no Black judges.

Lest too rosy a picture be painted, when Chavies was a young lawyer, he did experience some instances of racism, even if subtle.

"In my first case as a lawyer with Legal Aid, right after I had passed the bar, I went to the clerk's office to request the file in a case. The lady at the desk told me that she could only release the files to lawyers. Obviously I knew why she said that. I proudly placed my bar card on her desk. Did I feel bad? No. I understood the bias and was very proud to show her who I was."

"Sports gave me the authority to think I could be successful."

Chavies moved to Miami in 1978 to join the public defender's office. He said that, oddly, it was usually Black clients who objected to having a Black lawyer—they wanted a "real lawyer."

There were more Black lawyers in Miami. Chavies remained a competitor. He wanted to be "the best lawyer in the office."

His sports changed from baseball and football to basketball and tennis.

Becoming a Judge

There might have been more Black lawyers in Miami, but there was only one Black judge. Chavies decided that this judge needed company and he applied to be a circuit court judge. Florida Governor Lawton Chiles appointed him to a seat, commenting that there needed to be "darker chambers."

The other Black judge resigned, leaving Chavies as the only Black judge on the circuit bench. I asked him if he felt the weight of that and if it affected how he judged.

"I treated everyone fairly. The Black defendants thought they would get special treatment from a Black judge. If a young Black man came before me, I might try and find out why he found himself there, but I still put him in jail if he deserved it."

He did not feel his race acutely when he was on the bench—it was one of many factors in his life. Chavies said that race was less important than someone might think because he knew how to try cases and he knew what the lawyers should be doing. "Sometimes, when they saw me, there was a little smile on their face. I smiled back, but everyone was treated fairly in my courtroom."

He did acknowledge that at times he felt a responsibility to be "better."

After 14 years on the bench, Chavies left and joined Big Law. He candidly acknowledges it was because of the desire to earn more money. He has gone from poor people's law to rich people's law.

He still credits his glory days as a jock with much of his success as a lawyer. I would argue that his natural talent is advocacy and that sports was not his main gift.

Chavies is no longer the only Black person in the stadium, but he is often the only Black lawyer in a room full of White clients and partners. His path from a "poor people's lawyer" to a lawyer who deals with big clients with big problems is an interesting one. It's clear that whether he is representing the little guy or the big guy, he still likes to win. His competitiveness is still front and center, although his demeanor is that of a senior statesman rather than that of a scrappy kid who wants to hit the ball out of the park.

Then and now, Chavies is a sport. ■