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DUAL PURPOSE

Commercial lawyer stands tall in legal, public service worlds

By TOM KIRVAN

Legal News

Fresh from law school at the University of Minnesota in 1972, Rodger Young received a coveted fellowship for the master's program at the University of Michigan Business School. With his career path fairly charted, Young then had to deal with a harsh reality of life outside the ivy-covered walls of academia.

"I needed to eat for six months," he said of the extended pit stop between the degree programs. "Hunger is a great motivator."

So Young landed a job in corporate law with Moll, Desenberg & Bayer, a Detroit firm founded in 1846. It proved more than a mere meal ticket.

Now, some 37 years after making what he thought would be a brief stop on his career course, Young is displaying a different sort of hunger. It is a yearning bred from success in the legal world and public service sector.

After all, he has a record as a commercial law litigator that few attorneys can match, winning 44 of 48 jury trials in federal and state courts, prevailing in complex cases where the financial stakes often are great.

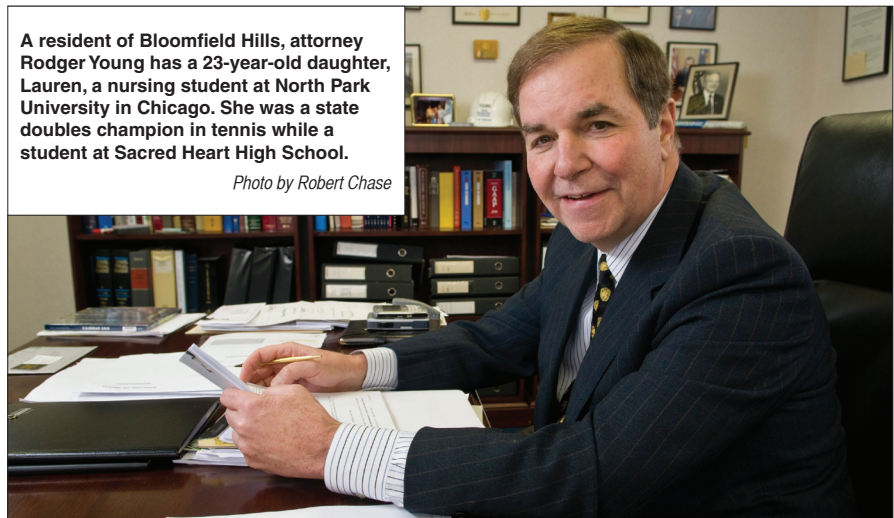
"Winning, of course, is terrific, but the losses are the ones that you continue to think about," says Young. "You can toss and turn about those."

He can take some solace in knowing that one of the losses was reversed on appeal, while another was more of a Pyrrhic victory for his courtroom opponent, a \$30,000 verdict when an amount 10 times that figure originally was sought.

Still, Young admits to being a perfectionist, perhaps a subscriber to the Vince Lombardi line of thought on the subject.

A resident of Bloomfield Hills, attorney Rodger Young has a 23-year-old daughter, Lauren, a nursing student at North Park University in Chicago. She was a state doubles champion in tennis while a student at Sacred Heart High School.

Photo by Robert Chase



"Winning isn't everything," the storied football coach said during his Hall of Fame heyday with the Green Bay Packers. "It's the only thing."

Young, a native of Montana, may have had that thought in mind at various points during his career in public service, a field where his political and diplomatic skills have been put to good use for organizations ranging from the Michigan Transportation Commission to the United Nations.

He actually began making a name for himself in state political circles in 1976 when he was appointed by then-Governor William Milliken to the Michigan Environmental Review Board, an agency "charged with reviewing all matters of environmental significance" in the state. Two years later, Milliken named Young to the powerful Michigan Transportation Commission, assuming the post as the youngest commissioner in history at age 32. The MTC, according to Young, is assigned the task of

"constitutionally overseeing the activities of the Michigan Department of Transportation." In 1982, he became vice chairman of the MTC, also serving as chairman of its budget subcommittee until he concluded his service with the Commission in 1990.

While serving on the Transportation Commission, Young played a pivotal role in helping resuscitate the long-planned I-275 project through Wayne and Oakland counties. Its construction hinged largely on the vote of one man, Bill Marshall, a commissioner with whom Young seemingly had little in common.

"I remember when I met him he said something to the effect of 'We're nothing alike. I'm a bus driver from Mississippi and a union member, and you're a lawyer and a Republican,'" Young recalls Marshall saying. "By the time we left the Transportation Commission, I felt like I was part of his family. He was a remarkable man."

Marshall, who died in 2000, rose through

the union ranks to become president of the Michigan AFL-CIO for 12 years (1971-83). He was instrumental in creating the South-eastern Michigan Transportation Authority (SEMTA) and was seen as the “swing vote” on the I-275 project.

“He did cast the deciding vote to get the project moving and I was given credit in a story in The (Detroit) Free Press for building a coalition to make the I-275 work possible,” says Young. “It was interesting to see how two political opposites could come together for the good of the state and the region.”

A testimony to Young’s ability to bridge gaps can be seen in another anecdotal story from the early ‘70s. It revolved around his first trip to the Great Lakes State in 1972, a time when he drove along an interstate in his “red 1968 Cougar with the hood bolted down,” almost immediately drawing unwanted attention from a State Police trooper. In other words, a not-so-pleasant welcome to Michigan.

“Eight years later, I delivered the commencement address at the State Police Academy,” Young says with a chuckle, readily acknowledging the irony of the occasion. “Who would have thought it?”

His father might. He grew up in a remote section of Virginia, a place where many a young man’s future was tied to the coal underground.

“My dad worked in the coal mines for two days before he quit,” Young says. “It obviously wasn’t the life for him.”

Instead, he joined the service and was sent to Pearl Harbor in November 1941, just weeks before the U.S. Naval base was attacked by the Japanese on December 7.

“He was on duty when the first Zeros came across,” Young says of his father, also named Rodger. “He was scurrying around Hickam Field, somehow hoping to survive the attack.”

Survive he did, eventually earning his wings as part of a B-25 squadron known as the “Flying Sergeants,” conducting missions throughout the South Pacific during World War II. He later would fly an array of fighter planes, including the F-106 jet, retiring from the Air Force as a brigadier general.

Young’s mother, Dorothy, was a homemaker with a lifelong interest in children and related causes. Young earlier this year created a fund in her honor at the Mayo Clinic to support pediatric and adolescent medicine programs.

A graduate of the University of Montana, Young was a pitcher on the baseball team there, enjoying particular success on the mound as a freshman hurler for the Grizzlies. Following graduation, he enlisted in the Air Force, spending a year at a base in Texas, earning the tidy sum of \$185 a month for his sergeant duties in the print shop. While serving in the Air Force Reserves, Young enrolled in law school, setting the stage for his life’s work.

At the age of 29, he became a partner with Moll Desenberg, spending 18 years with the Detroit firm before forming the civil litigation boutique that he now heads, Young & Susser. The firm has six attorneys with offices in Southfield and New York City, and Young says he has purposely kept its roster of lawyers in single digits to maintain “focus” and “responsibility” to clients.

The firm handles complex commercial litigation work, including “antitrust, high technology, telecommunications, trade secret, automotive, shareholder/partner disputes, and construction matters.” He has been honored as a “Super Lawyer,” one of the “Top 100 Lawyers in Michigan” by The Detroit News, and among the top commercial trial lawyers in the U.S. by The New York Times and The American Lawyer.

Many of his cases are taken on a contingency fee basis, an option he wanted to offer clients when he started the firm in 1990. The impetus for that was provided by the case of *Virtual Maintenance v. Prime Computer*, according to Young. The antitrust case, which bounced between the U.S. 6th Circuit Court of Appeals and the U.S. Supreme Court, centered principally on Virtual’s claim that Prime had foreclosed it from the business of hardware maintenance by selling software support only as part of a package that included hardware services.

Young won a \$30 million verdict for Virtual in federal court in 1990, only to see the Court of Appeals reverse the decision. The Supreme Court reinstated the verdict, but the Court of Appeals again decided differently the second time around. The case was settled on the eve of another appearance before the Supreme Court, according to Young, who then began to field calls from clients across the country seeking his legal services.

In 2007, Young received a call of a very special nature. President George Bush asked



An oak-caned chair belonging to his great-grandfather, who practiced law in Virginia, is a special keepsake for Southfield attorney Rodger Young.

Photo by Robert Chase

him to serve as a delegate to the United Nations with the assigned task of helping guide the U.S. State Department’s legal team in redesigning the internal justice system for the U.N. He was joined on the project by George Pataki, former three-term governor of New York, along with three other delegates appointed by President Bush.

The U.N. appointment came a year after Young had to decline a similar invitation because he was in the midst of a major patent trial in Portland. He was more than happy to say “yes” when approached the second time.

“It was a challenging but very enriching experience,” Young says of his work at the U.N, which spanned some five months. “We made significant headway in streamlining grievance and due process procedures. It was an honor to serve my country again.”

He plans to remain active in Republican politics, both on state and national levels, but he eschews any talk of ever running for public office.

“I prefer flying under the radar,” he says with a smile.