

## **A Brief History of Fitch, Even, Tabin & Flannery**

*Established in 1859*

by Francis A. Even

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Prominent today in patent, trademark, and copyright law (fields now merged in the popular euphemism “intellectual property” law), the Chicago law firm of Fitch, Even, Tabin & Flannery is the current continuum of the firm of Goodwin, Larned & Goodwin, a partnership of Stephen A. Goodwin, Edwin C. Larned, and Daniel Goodwin, Jr., which opened its offices at 97 Washington Street in the City of Chicago in 1859.

The founding lawyers were general lawyers, and while each had had some limited experience with the trial of patent cases before the establishment of their partnership, such cases simply came up in the course of their general practice of law. Their subsequent specialization in patent, trademark, and copyright law appears to have evolved from their general practice.

A contemporary, Lester L. Bond, first president of The Patent Law Association (1884), reminiscing before the Association in 1895, purported to describe that evolution out of the late Stephen A. Goodwin’s own mouth:

In the Corn-planter cases, which came on in 1863, Mr. Leander Douglas of Galesburg brought a suit against Brown for fees, which Brown defended; Mr. Goodwin was called as a witness, and during his examination he was asked and answered as follows: By Mr. Miller: “Mr. Goodwin, you make a specialty of the patent practice, do you not?” Mr. Goodwin: “No, sir, that makes a specialty of me.” The meaning of which was, of course, that he was engaged in the general practice, and did not consider himself especially devoted to patent law, yet the number of cases into which he was called largely interfered with his general practice.

The pace of its evolution from general practice was such that, by 1877, the firm, then known as Goodwin, Offield & Towle, was holding itself out to the general bar as a specialist. The firm's card, appearing on the front page of Myra Bradwell's Chicago Legal News, issue of Saturday, July 21, 1877, read:

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**GOODWIN, OFFIELD & TOWLE.**  
ATTORNEYS AT LAW,  
Patent, Trade Mark, and Copy Right Cases a Specialty.  
*McCormick Block, 69 Dearborn St Chicago.* 35

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The early life of the firm was dominated by the Civil War. Larned was appointed Attorney for the Northern District of Illinois by Abraham Lincoln shortly after his inauguration (see Larned's letter of acceptance attached below), and served from April 1861 until January 1865. As U.S. Attorneys of that day were not provided government quarters, Larned conducted his official business from the firm's offices, which had the inevitable effect of involving his partners unofficially and officially in Larned's official work. Indeed, as Larned later sought medical leave of absence from his post and asked for the appointment of Stephen Goodwin to act for him in his absence, he pointed out to Attorney General Edward Bates that Goodwin was fully conversant with Larned's conduct of the office, which was actively involved with the prosecution of the War and the District's involvement in support thereof. The necrology of Daniel Goodwin, Jr. published by his alma mater, Hamilton College, identifies him as a former assistant United States District Attorney for the Northern District of Illinois, so it is assumed he may have assisted Larned, or Stephen Goodwin in the latter's capacity as Acting District Attorney, although no direct evidence of such service has been found.

Daniel Goodwin, Jr. departed the firm in 1864. His place was assumed ultimately by Henry S. Towle of Mishawaka, Indiana, later joined by Charles K. Offield of Lewistown, Illinois.

Both had seen service during the Civil War, Towle as a member of Indiana Governor Morton's Sanitary Commission, a forerunner of today's Army Medical Corps, and Offield as a volunteer recruited from Northwestern University at Evanston, Illinois, and mustered as a corporal into Company F of the 134th Illinois Volunteer Infantry Regiment on a 100-day enlistment.

Although later separated and practicing independently of each other, Larned having joined his son Walter C. Larned as E.C. & W.C. Larned in 1874, both Larned and Stephen Goodwin joined others of Chicago's preeminent lawyers in founding the Chicago Bar Association in 1874, and subscribed the Articles of Association as members of the Association's first Board of Managers.

Both remained active in the Association until their final days, Goodwin passing away in 1879, and Larned in 1884, much too early to see their younger partner, Henry S. Towle, installed as president of the Chicago Bar Association for the 1898-1899 term.

Henry Towle had participated in the organizational meeting of The Patent Law Association in 1884, and served on its first Board of Managers. He was elected its president in 1904, following by ten years the presidency of his partner, Charles K. Offield.

Significant events in the life of the firm punctuate its existence, and divide it logically into four eras. The first, from 1859 to 1919, is identified with the three founders and their immediate successors, Henry S. Towle and Charles K. Offield, ending with the death in 1918 of Charles K. Offield, who led the firm after the passing of Stephen A. Goodwin in 1879, and the departure of his son, James "Jimmy" Offield in 1919, in strained circumstances which came as close as any to breaking up the firm.

The second era, from 1919 to the mid-1950s, may be characterized as the era of Cyril A. Soans, who assisted Henry Towle in effecting a merger with Messrs. George P. Fisher, Jr. and Henry Clapp, who left their offices in the Marquette Building and joined Messrs. Towle and Soans as Fisher, Towle, Clapp & Soans with offices at 1616 Monadnock Block, occupied from 1892 until 1934.

The impression persists that Messrs. Towle and Fisher, quite senior in years, occupied caretaker roles while Cyril A. Soans reached professional maturity and thereafter led the firm through the Great Depression of the Thirties, through World War II, and into the post-war period, when three partners, William E. Anderson, Paul J. Glaister, and Lawrence D. Dibble, returned from active service in the armed forces, the practice of patent law rebounded, and litigation blossomed. To handle the work, the firm's ranks were expanded by the hiring of a number of associates, who, having themselves returned from the War and taken their law degrees, presented themselves at an opportune time, viz., the return of the giant American military industrial establishment to peacetime pursuits, and a flood of pent-up patent and trademark legal work postponed by World War II.

The third era, the post-World War II era, lasting into the 1990s, was characterized by the loss of two pre-war partners, Lawrence Dibble and Paul J. Glaister, whose tenure had been interrupted by the War, by the waning of the careers of Cyril A. Soans and William E. Anderson with advancing age, and by the ascendancy of Edwin M. Luedeka, Morgan L. Fitch, Jr., Francis A. Even, and Julius Tabin, to whom unparalleled opportunity was presented, and whose era saw the expansion of the firm and its work to heights not before realized.

The fourth era is now, as this is written. To be sure, Messrs. Fitch, Even, and Tabin continue with the firm as practicing lawyers in "transitional retirement," but the active management of the firm has passed to yet another generation, in whose capable hands the future of the firm now rests.

It is the very nature of a continuing law partnership that partners will leave the firm by death, retirement, or for greener fields, or as a result of disagreement, and that others will come forward to take their places, and, in turn, leave their imprints upon the firm. Some departures were occasioned by military service, and, for whatever reason they occurred, the remaining partners were from time to time tested in their efforts to preserve the firm.

As partners joined and some partners left, the firm waxed and waned but never broke the chain back to its founding in 1859. Researching that chain, this firm has discovered that it is the oldest continuing law firm in Chicago.

In recent years, beginning perhaps as they reach centennial age, a number of Chicago's larger law firms have proclaimed their longevity, and have claimed the distinction of being "Chicago's oldest," without hard evidence to support their claims. It is, no doubt, an annoyance to them to learn that the distinction of being "Chicago's oldest" belongs to a more modest group, namely the firm of Fitch, Even, Tabin & Flannery.

# Goodwin, Larned & Goodwin

## ATTORNEYS & COUNSELLORS

P.O. Box 4382

Mc Cormicks Building Corner Randolph & Dearborn Streets

Chicago April 9 1861

Hon. Edward Bates  
Atty General U.S.  
Sir.

Your favor of the

11<sup>th</sup> Inst. concerning my Commission as District  
Attorney, for the Western Dist. of Ill - was  
recd. - Mr. Fitch the present Atty being  
now in charge of a Grand Jury - I have  
delayed taking the official Oath for a  
few days - but will transmit the same  
as instructed before the close of the  
week

I am very respectfully

Yours &c



Edwin C. Larned.