

# Making a Difference

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## The Honorable Sidney Barthwell Jr. '90: A Judge, a Leader, a Friend

By *Alissa Mallinson*

Even though nearly six decades have passed, Jim Bailey '73, co-founder and owner of the well-known Cambridge Associates, a global investment firm, can vividly recall the first time he met his lifelong friend the late Honorable Sidney Barthwell '90.

“Sid started at Cranbrook the year before I did, as a freshman,” recalls Bailey. “He was on Cranbrook’s orientation committee, so he was one of the first students to welcome me to the school when I arrived our second year.

“‘Hi, my name is Sidney,’ he said. ‘I’m from the Big D.’ ‘I’m Jim,’ I replied, ‘I’m from a little farm in the country.’”

The two boys hit it off right away, says Bailey, despite their differences. “Sid was one of only a few African Americans at the school at the time, and I was the white son of a farmer. I asked him what he liked to do, and he told me that he loved playing basketball. I knew immediately that we would get along,” laughs Bailey.

While most of the students who attended Cranbrook at the time were the children of high-level executives in the auto industry, Barthwell and Bailey bonded over basketball—they both played on Cranbrook’s varsity team and they both rooted for the Detroit Pistons—and they shared outsider status at the school.

Barthwell’s family was prominent in Detroit, as his father, Sidney Barthwell Sr., was the founder and owner of the largest Black-owned drugstore chain ever established, Barthwell Drug Stores, Inc., but they weren’t part of the automotive crowd. Bailey’s family were farmers, equally hardworking and passionate about giving their children a good education, but also from a background unlike most of the Cranbrook student body.



**Sidney Barthwell '90 (left) and Jim Bailey '73, who established an endowed scholarship at HLS in memory of and in Sidney's honor.**

So they were quick friends, says Bailey, as well as teammates on the school’s varsity basketball team. Barthwell was a guard, and Bailey played center. “We worked together, and we were a team,” says Bailey. “We were the team,” he adds with a laugh.

But it wasn’t just on the court where Barthwell and Bailey’s unlikely friendship made an indelible mark.

“For the students around us, our friendship was really interesting,” says Bailey, “because they didn’t have any exposure to Black people before Sid. He was an extraordinary person in terms of his ability to deal with all kinds of people, many of whom by their background were prejudiced. It was enlightening for me to meet him and become good friends with him and see him deal with other people in this way.”

Like his own father before him, one of Sid’s greatest qualities, says Bailey, was his ability to bring together people of different backgrounds, races, and life

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SIDNEY BARTHWELL JR.

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experiences. It was precisely this quality, along with some of his own struggles after graduating from Cranbrook, that made him an empathetic and highly regarded lawyer and judge.

Because of the struggles he overcame as a young man, his concern for others, and the role he played in high school and beyond in helping people understand Black culture, capabilities, and inequities, making the world a better place was something that Barthwell passionately pursued throughout his entire life, both personally through individual relationships and professionally as a magistrate in Detroit.

In his earlier years, he wrote poetry about the challenges African Americans faced in the United States. After he moved to New York, he formed a firm to focus attention on sickle cell anemia and its impact on African Americans, supported the fundraising efforts of nonprofit organizations, and taught African American history in community schools.

After graduating from Wayne State University with a degree in political science and psychology, along with several honors, Barthwell applied to Harvard Law School and arrived on campus in 1987. During his time at HLS, he served as Executive Editor of the *Harvard Blackletter Journal*, the General Editor of the *Harvard Civil Rights-Civil Liberties Law Review*, and was a member of the Harvard Black Law Students Association.

Upon returning to Detroit after graduation, Barthwell practiced with a prominent law firm, and then became a solo practitioner with an emphasis on criminal defense, family law, probate, real estate, and commercial law. In 2004, he was appointed magistrate of 36th District Court in Detroit, where he remained until his retirement in 2014.

“Becoming a judge was a terrific decision for Sid,” says Bailey, “because he was smart, hardworking,



PHOTO COURTESY OF JIM BAILEY

Pictured are Jim and Kelley Bailey and Judy and Sid Barthwell.

thoughtful about dealing with people, and was tough but sympathetic. He really wanted to help people.”

Bailey, who remained lifelong friends with Barthwell until his death in May 2020, and who himself was a scholarship recipient throughout his entire academic career—beginning with Cranbrook and finishing with

Harvard College, Harvard Law School, and Harvard Business School—wanted to honor the legacy of his dear friend and their mutual commitment to helping the Black community.

In addition to making a scholarship gift to their high school, Cranbrook, which includes full tuition and fees as well as room and board, Bailey has set up a scholarship in Barthwell’s name at Harvard Law School with the hope that many more of these types of scholarships will be established.

“We’re in an extraordinary time,” says Bailey, “and I wanted to set up this scholarship to honor my friend Sid, who was a wonderful person who, throughout his life, influenced many

people, including myself and my family, in a very positive way.”

For more information about or to make a contribution to the Honorable Sidney Barthwell Jr. JD90 Memorial Scholarship, please contact Lyndsay Monstur in the Alumni Center at [LMonstur@law.harvard.edu](mailto:LMonstur@law.harvard.edu).



In 2004, Sidney Barthwell '90 was appointed magistrate of 36th District Court in Detroit, where he remained until he retired in 2014.

## Give to Harvard Law School and Transfer Assets to Heirs

A charitable lead trust (CLT) provides annual distributions to Harvard Law School for a term of years and then distributes the trust assets to heirs (a non-grantor CLT) or back to the grantor of the trust (a grantor CLT). The annual distributions can be fixed (a charitable lead annuity trust or CLAT) or variable by applying the payout percentage to the annual value of the trust assets (a charitable lead unitrust or CLUT). The majority of Harvard managed lead trusts are CLATs, which we will describe in more detail here.

The choice of the trust term depends on when you would like the assets to go to your heirs or to revert to you after having essentially loaned them for a period to Harvard. The choice of payout percentage is a balance between how much you would like to provide for Harvard and how much you want to go to your heirs.

One of the primary features of the non-grantor CLAT is the ability to transfer assets to heirs at a reduced transfer tax cost (gift tax) by subtracting the present value of the distributions to Harvard from the funding amount of the trust. The present value calculation utilizes the federal Section 7520 discount rate, which is 120% of the average of mid-term Treasury obligations and for April 2022 is 2.2%. The lower the discount rate, the greater the present value of the distributions to Harvard and the smaller the amount that is used to determine whether there is a gift and estate transfer cost.

### *How It Works—the Numbers*

A 6% CLAT funded with \$1 million, which is Harvard's minimum to serve as trustee, and with a 10-year term would distribute a total of \$600,000 to HLS and \$1,289,731 to heirs at the end of the trust term, assuming an annual return of 8% on the trust principal. A CLAT with a 15-year term would provide \$900,000 for HLS and \$1,543,042 to heirs. A CLAT with a 20-year term would provide \$1,200,000 to HLS and \$1,915,239 to heirs.

The gift tax consequences for a CLAT are determined when the trust is established and funded. A 6.0% CLAT with a 10-year term funded with \$1 million would result in \$466,640 subject to gift tax; a 6.0% CLAT with a 15-year term would result in \$240,460 subject to gift tax; a 6.0% CLAT with a 20-year term would result in \$37,590 subject to gift tax.

Currently, favorable federal interest rates and the prospect of a greatly reduced unified gift and estate tax exemption amount make CLTs especially compelling.

If there are gift tax consequences, they may be covered by utilizing, if available, some of your unified gift and estate tax exemption amount, which for 2022 is \$12,060,000 per person and \$24,120,000 per married couple. The exemption amount per individual will revert in 2026 to pre-2018 levels and that is expected to be around \$6 million. The Biden administration has proposed an exemption amount of \$3.5 million per person and \$7 million per married couple. Congress has proposed \$5 million per person and \$10 million per married couple. The IRS has issued guidance that there will be no clawbacks of previously transferred amounts when the unified gift and estate tax exemption amounts are reduced.

### *Trust Distributions to Children or to Grandchildren*

If the trust distributes to grandchildren or to other heirs two or more generations removed, there may also be generation-skipping transfer (GST) tax implications. Unlike transfers to children and the application of gift tax, GST tax is assessed when the trust terminates. You can reduce or eliminate this tax by allocating a portion of your unified exemption amount to the trust equal to the trust's taxable value for gift or estate tax purposes at the time of funding. If your allocation does not cover the full amount of what is transferred from the trust to the skip-beneficiaries, the additional tax due will be paid out of the trust principal prior to distribution.

### *Why Charitable Lead Trusts Are Particularly Attractive Now*

The combination of very low federal interest rates and the prospect of a greatly reduced unified gift and estate tax exemption amount within 5 years makes charitable lead trusts especially compelling at this time for making an important gift to HLS and for transferring assets in the future to both children and grandchildren.

## A Charitable Gift Annuity: A Gift That Also Pays You

There are many options to examine when making a charitable gift and supporting Harvard Law School. Think critically about what you want to accomplish and plan a gift that is the right fit for you and your family.

### *Make a Gift that Provides Lifetime Income*

A charitable gift annuity is a unique and meaningful way to impact Harvard Law School while providing supplementary income to you and others, if you include them. As you consider options for supporting our work, keep the following charitable gift annuity benefits in mind.

**Give and receive:** In exchange for your gift, Harvard Law School promises to pay a fixed lifetime income to whomever you designate as the income beneficiary. If two income beneficiaries are named (two is the maximum), the payment rate is lower but the lifetime payments continue as long as either income beneficiary lives. The minimum to establish a gift annuity at Harvard is \$25,000.

**Choose when payments begin:** You can choose to begin lifetime payments immediately or defer income to a future date. Deferring payments also comes with an additional benefit—an increased payout rate for the lifetime of the income beneficiary.

**A tax deduction:** Your gift qualifies for an immediate tax deduction based on the amount we are expected to receive when the payout period ends.

**Your gift need not be cash:** Although many donors use cash, appreciated property such as stock can also be

### IMMEDIATE PAYMENT GIFT ANNUITY RATES

AGE	RATE	AGES	RATE
70	6.0%	70, 70	5.3%
75	6.7%	75, 75	5.9%
80	7.7%	80, 80	6.5%
85	8.7%	85, 85	7.5%
90	9.0%	90, 90	8.7%

used to fund a gift annuity. There can be advantages to using appreciated stock rather than cash to establish a gift annuity, particularly with regard to capital gains tax that would otherwise be due in the tax year when the stock is sold. The options are worth exploring, and you can contact HLS Director of Planned Giving Charles Gordy at 617-496-9265 for more information.

**Example:** Madeline '77, age 70, makes a cash gift of \$50,000 to set up a gift annuity. Her annual payment amount, based on current rates, is \$3,000, which is a payment rate of 6%. If she itemizes her return, she may be entitled to \$12,889 as an income tax charitable deduction.\*

- If Madeline defers the start of her payments for five years, her annual payment amount will be \$4,050, which is a payment rate of 8.1%. Her itemized deduction would be \$18,086.

**Example:** Steve '87, age 60, is planning for retirement at age 70 and wants to set aside some additional assets to provide income. If Steve makes a gift of \$50,000 and defers the payments for 10 years, his annual payment will be \$4,400, which is a payment rate of 8.8%. The itemized income tax charitable deduction would be \$10,346.

\*All examples in this newsletter are for illustrative purposes only and use rates in effect at the time of publication. Contact us to verify current rates.

**If you would like to consider putting HLS in your will or trust, we recommend you use the following language:** *I give (\_\_\_ dollars/ \_\_\_ percentage/ or all of the residue of my estate) to the President and Fellows of Harvard College, a Massachusetts educational, charitable corporation, for the benefit of Harvard Law School.*

**If you would like to include HLS as a percentage beneficiary of your IRA, please name Harvard Law School on the beneficiary designation form.**

## Harvard Law School Unveils Official Portrait of Former Dean Martha Minow

*The painting, which will be hung in the school's Langdell Reading Room, honors Minow's legacy of leadership and scholarly achievement*

By Rachel Reed/HLS News Staff

On October 22, 2021, Harvard Law School dedicated the decanal portrait of Martha Minow, the 300th Anniversary University Professor, which was painted by artist Mary Minifie.

Minow, who served as the dean of Harvard Law School from 2009 to 2017, helped steer the school through the Great Recession while expanding public interest programs and financial aid, growing and diversifying its faculty, and overseeing the construction of the Wasserstein Hall, Caspersen Student Center, Clinical Wing complex.

In remarks opening the event, John F. Manning '85, the Morgan and Helen Chu Dean and Professor of Law, emphasized that, through her exceptional leadership, Minow “not only pulled HLS through [the financial crisis], she made us better, stronger, and deeper.” He added that “Martha Minow led our institution with brilliance and conviction, with empathy and humility. She modeled openness and pluralism. ...She showed friendship and concern, respect and humanity, for all. And she always, always showed remarkable dignity, strength, equanimity, and generosity of spirit.”

The dedication ceremony featured remarks by Drew Gilpin Faust, president emerita of Harvard University; Randall L. Kennedy, the Michael R. Klein Professor of Law; Manning; Margaret H. Marshall, former chief justice of the Massachusetts Supreme Judicial Court; Minifie; and Minow herself.



Pictured at the unveiling of Dean Martha Minow's official portrait are (from left) artist Mary Minifie; Justice Margaret H. Marshall; Dean Martha Minow; Professor Randall L. Kennedy; President Emerita Drew Gilpin Faust; and Dean John F. Manning.

“It was my great privilege to work with Martha for eight years, and to be a witness not just to her dedicated stewardship of Harvard Law School, but her contributions to the university and to higher education more broadly,” said Faust. She spoke of two characteristics of Minow’s leadership that stood out in her mind. “The first is intellect. Her neon brilliance cuts through complexities to find solutions when it seemed that none were there. ...And the second characteristic is her compassion. It fuels her politics and her scholarship, but it also characterizes her way of leading and of deaning.”

Minow concluded the program by thanking attendees—and all who helped get her to where she is today, including her parents and sisters as well as family, friends, teachers, fellow faculty and colleagues, students, staff, and many others.

“The only regret that I have is that the portrait is just of me, rather than all the people who really deserve to be there” because they were “there every step of the way,” said Minow. Becoming dean is not about oneself, she said. “It’s about the opportunity to serve, to collaborate. It would not be possible without constant teamwork, and discussion, and more discussion, and connections across every possible relationship imaginable. That is also what makes the work so meaningful and memorable.”

PHOTO: MARTHA STEWART



Thomas M. Lamberti '57 and his wife, Eileen Bockelman Lamberti

## Why I Give

I am the son of Italian immigrants. My father came here in 1904 from Naples. He was 11 years old. He became a barber and a beautician. My mother came here in 1906 from Reggio Calabria. She was 3 years old. Her mother died in the 1918 pandemic. At 16, she became a seamstress and raised 8 siblings with her father who was a tailor.

I was born in 1930 and grew up in Queens NY. I attended PS 139, Xavier High School (1948) and Fordham College (1952)—Jesuit schools in NYC. After graduating Fordham, I served two years in the Air Force during the Korean War (1952-1954). I knew I wanted to be a lawyer. My dream was to go to Harvard Law School. I applied to Harvard. I doubted that I would be accepted but to my surprise and great joy I was admitted.

I can remember arriving in Cambridge in September 1954. I toured the Law School's campus in wonderment and awe. I thought of its illustrious graduates who shaped our country's great democracy. I thought of my parents and how proud of me they were.

Our class of 500 men and 9 women was a mix of veterans and new graduates. Classes were large, professors intimidating, and students more prepared than I. Early in my first year, I remember, one evening, going into the dorm's bathroom, seeing a classmate shaving while reading a propped up case book. I was terrified. The second year the work was harder but my mental health improved. The third year was enjoyable.

Our education was superb. We learned to think. We learned to listen and participate in spirited discussion on legal issues. We learned to discern before drawing a conclusion. We had legendary professors—Paul Freund, Austin Wakeman Scott, Lon Fuller, A. James Casner, Archibald Cox, to name a few.

My favorite professor was Archibald Cox, who taught labor law. After I took his seminar, I knew I wanted to be a labor lawyer. He was a wonderful teacher. I remember how I struggled trying to reconcile contradictory NLRB decisions for my seminar paper until Professor Cox patiently explained to me that their contradictions depended on whether they were made by a Democrat or Republican Board. He was a true New Englander, a brilliant man of character and rectitude, who also drove a farm's pickup truck.

I became a successful labor lawyer representing management for over 60 years in union negotiations, strikes, lockouts, and NLRB and Court proceedings.

In gratitude for what the Law School gave me, I always give to the Law School. Eileen and I have established several gifts with the Law School that pay us an income for our lifetimes and will then establish a scholarship fund. In my later years, I knew my legacy was to give other sons and daughters the same educational opportunity that I had by establishing an endowed scholarship at the Law School.

—Thomas M. Lamberti, '57

For more information about HLS programs and initiatives, please visit the HLS website at: [hls.harvard.edu/alumni/](https://hls.harvard.edu/alumni/)

For more information about Planned Giving, contact Charlie Gordy, Director of Planned Giving, at:

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