

ON BECOMING A LAWYER

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For the seventh and final time this morning, welcome to Seton Hall Law School. Having been greeted so many times this morning, you must know that my greeting is to serve some additional purpose. And it is. My purpose is to welcome you not only to the Seton Hall community, but to the community of lawyers of which you are now a part. For from this moment on, you must see yourself as a lawyer and as a member of the legal profession.

I want to speak to you this morning about two aspects of professional responsibility: The professional responsibility you owe to your profession and the professional responsibility you owe to yourself in becoming a lawyer.

You are an extremely select and privileged group. And I am not talking about LSAT scores and GPAs. I am talking about the privilege that your educational status has afforded you. Do you know that less than 20% of the American population possesses a college degree? It's true. Our last census reported that only 19% of the American population age twenty and older have earned a college degree¹ and that only 1% of the population earns a doctorate level degree²—which is the degree you will earn here—the Juris Doctor degree. Because of your educational status, you will have the luxury of making life choices that other members of our society can only dream about. But with this privilege goes a special responsibility, especially in our role as lawyers.

The legal profession demands a lot of you. As lawyers, unlike other professionals, we are directly involved with the administration of justice. We are charged with upholding and preserving the rule of law, which forms the fabric of our society. Law touches every aspect of our lives and, without the continued confidence of the public in our system of justice and in its ability to dispense justice, our society cannot endure.

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¹ BUREAU OF THE CENSUS, DETAILED OCCUPATION AND OTHER CHARACTERISTICS FROM THE EEO FILE FOR THE UNITED STATES (1990).

² *Id.*

This is why in our professional ethics codes we are described as “guardians of the law”³ and held to high standards of moral and ethical conduct. This is why the New Jersey and other state supreme courts refer to us as “ministers of justice.”⁴ But unfortunately that is not the public’s perception of lawyers. More often than being called “ministers of justice,” we are called mouthpieces, hired guns, hucksters, ambulance chasers. A survey released by the ABA this month shows that public confidence in the legal system and in lawyers is at an all-time low.⁵ Sadly, it is the aberrational behavior of relatively few lawyers, and occasionally judges, that commands the headlines, and the enormous good done by lawyers goes largely ignored. It reminds me of the classic lament of the Peanuts character Charlie Brown—“When you’re right, no one remembers—when you’re wrong no one forgets.”

In response to this survey, the ABA has launched a campaign to improve the image of lawyers and has hired a public relations specialist. Although this may help, I believe this is one campaign that will be won by actions rather than words. The best public relations ambassadors that the legal profession has are ourselves. The public perception will only change when each one of us sincerely embraces and accepts our role as a “minister of justice” and a “guardian of the law.” The responsibility for transformation rests with each one of us. When each of us, in representing our clients, treats each client honestly and fairly and with a sense of humanity and dignity, the public perception will change. When lawyers keep foremost the sacred trust that has been given to us, public confidence will be restored.

We selected each of you because we believed that you possessed the moral character to serve the profession and the public honorably and with integrity. It will be some time before you begin your legal practices, but if you remember nothing else from the professional responsibility sessions of today and tomorrow, remember this—whenever any one of us falls from grace, we hurt not only ourselves, but every other member of the legal profession as well.

In emphasizing the responsibility you owe to your profession, we must not ignore the responsibility you owe to yourself in becoming a lawyer. It can be very difficult being a lawyer—balancing the

³ MODEL CODE OF PROFESSIONAL RESPONSIBILITY Preamble (1981) (“Lawyers, as guardians of the law, play a vital role in the preservation of society.”).

⁴ *In re* Joseph L. Nackson, 114 N.J. 572, 532, 555 A.2d 1101, 1103 (1989) (stating that the court views attorneys “as ministers of justice”).

⁵ See Gary A. Hengstler, *Vox Populi: The Public Perception of Lawyers—An ABA Poll*, ABA J., Sept. 1993, at 60.

demands of our obligations to our clients, the court, the bar, the public, as well as the pressure to meet a payroll. And we can sometimes become lost in the process.

As you start on the path of becoming a lawyer today, you must never forget that you are a person first and that you come to the legal profession with values, beliefs, and aspirations that are personal and unique to you. In learning how to be a lawyer, you cannot ignore this issue of personal identity. In making the transition from layperson to lawyer, you must begin to ask questions about yourself and your life that perhaps you have not asked before. You must begin the search for a unity of self and profession, a harmony of your values as a person and your role as an attorney.

The first step in this process of personal responsibility is to choose to become a lawyer because it is what you want for yourself. It would be a mistake and unfair to yourself if the only reason you were here was because it was what your parents, or your spouse, or some other person wanted for you. The law is a wonderful profession, but only if it is what you want for your life. Can you know for certain if the law is for you? No. You can have some idea, but you will not know for certain until you actually begin your practice, and even then it may take some time. You are taking a risk going to law school. But all we venture in life is a risk and life without risk is no life at all. I can tell you this, though—law is a risk well worth taking.

Law gives you the unique opportunity to be directly involved with the administration of justice. It gives you the tremendous opportunity to directly affect the quality of other people's lives for the better. I firmly believe that the opportunities for professional and personal fulfillment in the legal profession are unparalleled in any other. The law touches every aspect of our society, and whatever personal and professional interests you have, they may be blended beautifully with the law. Whether your interests are in the environment, the rights of the disabled, the rights of children, education, health law, employment discrimination, corporate and business, real estate, tax, family law, admiralty, patents, international law, criminal justice—whatever your interest—there is a place for you in the law.

You may also serve as a lawyer in so many different capacities. Some lawyers are courtroom litigators, while others never leave their offices. Some work in large, 100-member plus firms, while others are solo practitioners. Lawyers work for all levels of government—federal, state, county, and municipal. Still others work as

in-house counsel for large and small businesses, as well as for non-profit groups. Some become legislators, lobbyists, arbitrators, and some too become educators.

I do not know of any other profession that offers such a constellation of diversity and provides so many avenues for personal and professional fulfillment. I am now twenty years out of law school, and I do not regret for a minute my decision to become a lawyer.

Having made the decision to become a lawyer, the next step in your professional development is to see yourself as a lawyer from this moment on. I had a friend who attended medical school. On the first day of classes, the students went to a lab and a professor was there with a cadaver. The professor took a scalpel and cut the cadaver open. Three people fainted dead away. But after the session, all of the students understood its purpose—to make the students realize from day one that this was no longer college biology. This was medical school and they were there to become doctors. In the same way that these medical students are trained to see themselves as doctors, you must adopt this same mindset in seeing yourself as a lawyer.

You must strip away any notions that you have of yourself as a student. This is critical to your professional development. Remember, you did not come here to become a law student, you came here to become a lawyer. And you cannot practice law until you become competent in the law. When you see yourself as a lawyer, and not as a student, you will approach your studies with a perspective different from any other you have had in the past. You will realize that you now have a personal stake in each class, in each course, because this is now your profession. Each day you are learning the skills of your trade.

And do not think that your legal education ends at graduation. Lawyers, myself included, regularly attend trainings and lectures to keep current in the law. No one takes attendance, no credit is awarded, and no exam is required. Yet in any given week, hundreds of attorneys attend ICLE (Institute for Continuing Legal Education) seminars around the state. These are lawyers, practicing ten, twenty, and thirty years, who come for one reason and one reason only—to learn! They come as a matter of personal and professional pride because they know attendance will make them better lawyers. It is this same sense of personal and professional pride that you must adopt in your studies here.

Whatever you do not learn now will surely hurt you later on.

Whether you remember the Freudian theories of personality disorder from college psychology may no longer be of particular detriment to you. But if you do not learn and understand the concept of promissory estoppel in Contracts or the theories of liability in Tort, you will surely suffer the consequences—most immediately when you sit for the bar exam, and most definitely when you practice law.

Remember your clients will not come to you with signs on saying “I am a Tort case” or “I am a Contract case.” It will be up to you, the legal expert, to recognize the legal issues that your client’s case presents. Your development of that legal expertise begins today.

Remember, that while your law school transcript may be of help to you in getting your first few jobs, it is only what you know that will enable you to represent your clients competently. Students study the same cases at Harvard that we study here. Lawyers do not enter the courtroom with their law school diplomas or their GPAs displayed on their chests. Judges have no idea where you went to law school, nor do they care. The success of your practice depends on one thing—your reputation for honest, competent, and quality representation. That quest for excellence and quality begins today.

And when you study the law, study it critically—for the law is not static, but is ever-changing and evolving. Statutes and codes in force today may be amended or repealed in years to come. Even the United States Supreme Court, at times, reverses itself. Remember that laws are made by society to serve humankind. And while the law may not always achieve justice in every case, justice is nevertheless the goal of all law. Do not leave your common sense and your ideals of justice and fairness outside the classroom or the courtroom.

When you study the law, look to see what it is that we teach today that 25, 50 or 100 years from now people will ask: “How could they have believed that?”; “How could they have taught that?”; or “How could that have been the law?”

As a professor, I often think of the study of law in the first part of this century. Of how many professors dutifully assigned and how many students dutifully read the 1896 U.S. Supreme Court case of *Plessy v. Ferguson*,⁶ which held that “separate but equal” facilities for people of different races was constitutionally permissible. Of how

⁶ 163 U.S. 537 (1896).

many students for years blindly recorded this case in their notes and incorporated it in their outlines. Until one person had the courage to stand up and say "No, it may be the law but it's wrong." To have the courage to stand up and argue the case of *Brown v. Topeka Board of Education*,⁷ and change the course of American history. That was a person who studied the law critically. That person was Thurgood Marshall. Take a lesson in professional responsibility from this great jurist—and study the law critically. Be that spokesperson for justice.

And the final lesson in professional responsibility comes when you finish your studies here and are finally prepared to make the transition from becoming a lawyer to being a lawyer. You must then re-ask the questions we have talked about today—of what it is that you want for your life as a person and as an attorney—because you cannot separate the question of what kind of lawyer you want to be from the question of who you are as a person.

This process may take time. You may have to re-ask these questions at various turning points in your career. But eventually you will find your place. I did. The turning point in my life came when I decided to leave Philadelphia after realizing that the big-city, large-firm practice was not going to be for me. It was very difficult to leave everything that I had worked so long and so hard to achieve and to leave my colleagues, friends, and former classmates. But I knew in my heart that I needed a practice that would give me the opportunity to work more closely with people, to feel that I was making a difference. I came back to New Jersey and went to work for Legal Services—for those who do not know, legal services is the organization that represents poor people who cannot afford lawyers in civil cases. I worked as a volunteer attorney for six months before there was a paid opening. And when it was offered to me, I took it. I loved the work so much I stayed for ten years.

This is not to say that everyone should work for legal services. There are many paths to fulfillment in the law and you must find yours. If you want to be a tax lawyer, be one; if you want to be a corporate lawyer, be one. But be it because it is what you believe in for yourself as a person and as a lawyer. Be it because it best harmonizes your beliefs and values as a person with your vision of yourself as a lawyer.

And whatever kind of practice you eventually choose, make some time in your life to represent real people. In my years of

⁷ 347 U.S. 483 (1954).

practice, I estimate that I represented nearly 3,000 people. Nothing in my professional life ever compared to the satisfaction I felt on walking out of the courtroom with a client at the end of a case and having that person squeeze my hand and say "Thank you, thank you Mr. McLaughlin".

If you ever come to my office, you will not find awards or diplomas on the wall. You will see a bulletin board with pictures of my family. In the upper corner of that bulletin board you will see a four-leaf clover on a yellowing white card wrapped in plastic. A client I represented for three years gave that to me. She had been abandoned by her husband who left her with five children and a house in foreclosure after she developed cancer. She was Korean and had no family in America. But with all of her troubles, she had a marvelous green thumb and one day she saw that four-leaf clover in her garden. She said she wanted me to have it. And when she gave it to me she inscribed it with a cross and the words "God Bless, Maria." I do not know what memories my friends have of their years of practice, but I know I will treasure that gift from Maria for the rest of my life.

I never earned what my friends in Philadelphia earned in the practice of law. But the law gave me something that money can not buy. It gave me the satisfaction of knowing that in my own small way, I had made a difference in the lives of other people. And this is the true beauty of law. This is the wonderful opportunity that is before you today. It is yours to nurture and cherish as you choose.

And so I say to you: Study hard. Study to learn. Study for yourself as a matter of personal and professional pride. Study the law critically and do not be afraid to be the one who stands up and says "Yes, it may be the law, but it's wrong."

And when you finish your studies here and are ready to begin your practice, do not be afraid to follow your heart, even though others may tell you you are wrong. Do not be afraid to be the lawyer you feel you were meant to be. It is your life to live. You must decide how to live it.