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## Commencement Address, 1997

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**CIVILITY AND PROFESSIONALISM**  
**COMMENCEMENT ADDRESS TO THE GRADUATES OF**  
**GOLDEN GATE UNIVERSITY SCHOOL OF LAW**  
**BY JUSTICE MING W. CHIN,**  
**CALIFORNIA SUPREME COURT**  
**SATURDAY, MAY 24, 1997**

It is a great pleasure to join with all of you this morning in honoring our graduates. We extend to each of you and your families our heartiest congratulations and best wishes for successful, prosperous, and fulfilling legal careers.

None of us gets to where we are without the support of others: parents, spouse, family, and friends. They have all supported you in this great adventure—some financially, all with moral support and patience. Lots of patience. My father once told me about an old Chinese proverb. It went something like this: "If you want to plan for 1 year—plant rice. If you want to plan for 10 years—plant a tree. If you want to plan for 100 years—educate children."

I am the youngest of eight children. I grew up on a potato farm in Oregon. My parents were Chinese immigrant farmers, who came to America in 1913 without family, without funds, and without language.

My parents came to this country not demanding the best that America had to offer, but willing to accept the worst, because even that was so much better than life in their homeland. As it turned out, America gave them its best—but it was not without pain, it was not without disappointment, it was not without struggle.

Their struggle began on 50 acres of fertile land in Southern Oregon. That first crop was so successful—they purchased the land the next year. Each year they purchased more of the surrounding land. That small family farm flourished over the years, but they also carefully nurtured and educated their family. My parents didn't have the opportunity to go to grammar school or high school, much less college, and yet they were among the very best teachers I have ever known. They taught by example. Never by edict—never by demand. They taught us to respect and care for our elders. They taught us to live life to its fullest and remain loyal to our family and our friends. They taught us the importance of giving back to community. They taught us the importance of optimism, determination, hard work, and education. They were determined that their children would get the education that they were denied.

I find it an interesting coincidence that I was appointed to the California Supreme Court on the 100th anniversary of my father's birth. Let each of us remember today to thank our parents and families for their support and patience in helping us obtain these fine educations.

During the last few years, all of you have worked diligently in the study of law. Very soon you will be meeting real clients with real problems seeking real solutions. You know the law. Your clients know the facts. To solve your clients' problems, you need to get all of the relevant facts.

The story about the captain of the ship illustrates the point and emphasizes the importance of getting all of the facts. It was a dark and stormy night at sea. The thick fog made navigation perilous. The captain of the ship noticed a light far off in the distance. As the ship advanced, so did the light. The captain realized that they were on a collision course. He

immediately got on the radio and sent a message: "Adjust bearings 20 degrees north." A reply came over the radio. "You adjust bearings 20 degrees south." The captain became incensed. He grabbed the radio and again announced: "Adjust bearings 20 degrees north. I am a Vice Admiral. I command a battleship." The reply came over the radio: "Adjust bearings 20 degrees south. I am a Seaman First Class. I command a lighthouse."

Before you go marching off to file a lawsuit, discuss the facts thoroughly with your client and other potential witnesses, research the law carefully, and even then ask yourself if there isn't some alternative solution to the problem. It is now all too common, whenever we see a wrong, our first reaction is something like, "There ought to be a law," or, even worse, "Let's sue." Filing a lawsuit should be the last resort, not the first resort.

A couple of weeks ago, I had lunch with some lawyers. I told them I would be speaking to you today. I asked them what they thought new lawyers needed to hear before they begin their legal careers. I got a lot of interesting comments, including—"Tell them not to graduate—there are already too many lawyers." The group reached a consensus on two messages: (1) tell them we need to return civility to the practice of law; (2) tell them the practice of law is a profession and not just another business.

My message to our graduates is just that: civility and professionalism.

Since all of you are about to begin your legal careers, I would like to spend a few minutes with you this afternoon to talk about the future. As law students, as lawyers, as judges, we are not accustomed, either by training or practice, to look to the future. We spend most of our days looking in the rear view mirror. We always look to the past. When a client comes to us for advice, we listen carefully, we gather all of the facts, we

think of all those old cases that we studied in law school: the rule against perpetuities, the *Palsgraf* case, the rule in *Shelley's Case*, the ex post facto law—we always look for past precedent, and, we apply it to current facts.

But just for a few minutes, let's put all these fine lawyering skills aside and try to look to the future. Let us look in the crystal ball and see what might be ahead. The Commission on the Future of California Courts published a report called, *Justice in the Balance: The Year 2020*. The preamble begins with the following words: "It is the year 2020. In both perception and practice, the California courts are scrupulously fair, accessible to all. Comprehensible, and comprehending, they have the confidence of the powerless and the powerful, the poor and the wealthy, the victim and the offender. Their commitment to high quality, equal justice is absolute."

My question and challenge for you today is, how do we get from here, from where we are, to there. In the year 2020, California is going to be a very different place. The quality of our lives will depend to a large extent on what we do now to make it better, and if we choose to do nothing, it will certainly be worse.

We have many serious societal problems—homelessness, environmental decay, children in poverty, crime and violence. The solution to these problems will require planning, commitment, determination, and imagination. My question for you today is —will you, as lawyers, will be part of the problem or part of the solution.

In order to be part of the solution, lawyers must reclaim their reputation for integrity, honesty, and public service. You must return civility to the practice of law. You must become dispute resolvers rather than dispute enhancers.

Why have lawyers become so uncivil to each other? I suspect that we are simply part of a larger societal problem. An editorial in the Los Angeles Times lamented the lack of civil discourse among our political leaders on the floor of the House of Representatives and the United States Senate. An article in the Chronicle of Higher Education reported the lack of civility among professors on college campuses.

The ridiculous state of civility on our campuses has resulted in a Yale law professor's book entitled *Civility*. Professor Stephen Carter believes that incivility in our society is a sign of the times, to which academia is not immune. Professor Carter said, "It may be that people are nastier in faculty meetings, but they're also a lot more rude when you go to a restaurant." Professor Carter said there is a way to be critical without all of the name-calling. "People resort to name-calling when they run out of ideas or are too lazy to do hard work. Being seriously critical is hard work." I submit to you that professors, lawyers, and judges should lead the way in a return to civility, civil discourse, and respect for the opinions of others.

In a book entitled *The Betrayed Profession*, Ambassador Sol Linowitz laments the loss of professionalism among lawyers. He says that "Professionals are people who make decisions and take responsibility for them. Professionals do not take orders and do not prostitute their judgment." Linowitz went on to say, "We inherited a noble profession, and we made it a business. We have lost the ability to differentiate between what we can do and what we ought to do."

In another book entitled *The Lost Lawyer*, Professor Anthony Kronman of the Yale Law School lamented the near disappearance of what he calls "the lawyer-statesman." I think what Professor Kronman meant to say was "lawyer-statesman or woman." He describes an outstanding

lawyer not simply as an accomplished technician, but a person of prudence, of practical wisdom, of good judgment. He gives the historical example of Abraham Lincoln as the ideal of a lawyer-statesman, and who could argue with that. I think without objection we could add to the list lawyers like St. Thomas More and Thomas Jefferson.

As Professor Kronman says, "Each generation of lawyers makes its own contribution to the architecture of the law." My question to you, the class of 1997, is: what contribution will you make? Let us hope that the Class of 1997 will not betray the legal profession, and that each of you will embody the ideals of a "lawyer-statesperson."

Lawyers must create a legal profession that is independent, willing to sacrifice money for pride, eager to reassert its role as the guarantor of rights. We must accept, rather than simply assert, our responsibilities. Civic leadership should count for more than billable hours, the sense of justice for more than winning at all costs. We must provide legal services to those who need the law rather than those who merely use the law.

I am about to utter the two most important words in any speech—"In closing." I have one final word. In the rush to success in your legal careers, do not forget your personal lives. Do not forget your families. When we come to the end of the road on this good earth, I doubt that any of us will say, "Gee, I really wish I would have spent more time at the office." I doubt that any of you will say, "Gee, I really wish I would have put in more billable hours." When I was a trial lawyer, I spent a lot of time away from home, taking depositions and trying cases. Of course, I would always call home to try to keep in touch with the family. One night I called home. My son Jason, who was five at the time, answered. I said, "Hello,

Jason. How are you?" He said, "Fine." "How's mother?" "Fine." "How's Jennifer?" "Fine." "How was your tennis match?" "Fine." After about three minutes into the conversation, Jason said, "May I ask who's calling, please." What's that old saw, "Do as I say, not as I do."

Well, you're about to become lawyers. We wish you good luck and God speed. I urge the Golden Gate University class of 1997 to make a difference in your communities. I urge you to be part of the solution for the legal profession, not part of the problem. I urge you to return civility to the practice of law. In the year 2020, when we are able to see how well we have done, it is my hope that we can say with pride that you took the road less traveled and returned honesty, integrity, and civility to the legal profession.