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ADDRESS DELIVERED IN SUPREME COURT OF CALIFORNIA
IN JULY 1936
WELCOMING NEW MEMBERS OF THE BAR

I consider it a privilege to be able to extend to you the congratulations of the State Bar of California on your admission to the practice of law and to welcome you as new members of the legal profession in California.

This welcome is extended without the slightest reservation, notwithstanding the feeling on the part of some members of the Bar that the profession in this State is now overcrowded and that admissions to practice should be greatly curtailed. I know that it is the feeling of the great majority of the members of the Bar in this State that no deserving young man or woman, who is able to qualify him or herself for the practice of law in California, should be denied this privilege.

But I wish to impress upon you that the right to practice law in California is not an inherent right, it is a privilege conferred upon those who meet the moral and educational qualifications provided by the Legislature, the rules of the Supreme Court, and of the State Bar of California. This privilege is not conferred upon an individual for the purpose of enabling him to satisfy his own selfish ambitions and desires to pursue a life of ease and amass a fortune without effort or sacrifice, but the public interest and welfare is one of the primary objects to be considered in determining the qualifications

admission to practice law in this State. Therefore, in taking the oath which you are required to take upon your admission to practice in this State, you should do so with the understanding that the public has the right to expect of you a character and quality of service commensurate with the ability, skill, and training required of those who are found eligible to enter the practice of the law in this State.

Your admission to practice law affords an opportunity for you to render a character and quality of service, both to the public and to your fellow man, which cannot be rendered by laymen. You have the right to represent clients who find it necessary to seek redress for wrongs and to defend clients whose life, liberty, or property are in jeopardy. May I suggest to you that in considering your duty to your client you should bear in mind that if he has a wrong to redress, or a right to protect, he is entitled to the services of a qualified member of the Bar who will render the quality and character of service necessary to obtain the relief to which the client is entitled, and at a cost which the client can afford to pay. I do not mean by this to suggest that you should accept employment from a client unless his case has merit, or that you are required to accept employment in any case in which you are not in sympathy with the result which the client seeks to accomplish.

In 1850, Abraham Lincoln, in preparing notes for a lecture, made this statement:

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser -- in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession which would drive such men out of it.

Lincoln's statement is as applicable to the legal profession today as it was then, and we will do well to accept his advice as a guide for our professional conduct

Of course, we are mindful of the fact that criticism has been directed against both the law and the lawyers by some people of intellectual and social standing. About two years ago, Donald Richberg, then Director of the National Recovery Administration, and himself a prominent lawyer, made this statement:

"The law as a philosophical study is very interesting. The law as a system of workable rules of human conduct is a project worthy of the highest endeavor. But the modern practise of law, which calls principally for mental ingenuity to help a client do anything he wants to do, seems to me intellectually one of the most degrading occupations in the category of respectable employments. I began to believe that the superlawyer should have the brains of a Machiavelli, the hide of a walrus, and no moral convictions."

Lord Brougham is reported to have said that:

"The lawyer is a gentleman who rescues your estate from your enemies and keeps it to himself."

Another author has this to say about a lawyer:

"With books and money placed for show,
Like nest-eggs to make clients lay,
And for his false opinion pay."

Probably the most disconcerting suggestion ever made about the members of the legal profession was that reported in the Shakespearian play "Henry VI" as having been uttered by one of the members of the mob seeking to gain control of the government. This suggestion was:

"The first thing we do, let's kill all the lawyers."

If the author of this statement were here today, he would either feel greatly discouraged or inspired with the enormity of his undertaking. But we should not be too greatly concerned about the criticism to which we are subjected, in view of the fact that it is not of recent origin or directed against the members of the profession of this generation alone. In fact, we find that the same situation existed in Lincoln's time and was the subject of comment by him about 100 years ago when he said:

"There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief -- resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation;

rather than one in the choosing of which do, in advance, consent to be a knave."

Probably the thing uppermost in the minds of most of you assembled here today is the problem of what the profession holds in store for you -- that is, what will be your future in the profession; what opportunities are available for young, intelligent, educated, energetic, and ambitious lawyers in an already overcrowded legal profession. I may state from experience, as well as observation, that this same problem has confronted every other young man and woman who has been admitted to practice law, and to a greater or lesser degree the same situation existed 35 or 40 years ago with respect to the economic problems which confront a young lawyer. I feel that I can state with confidence that these problems can and will be solved by each and every one of you who is willing to put forth the effort. The fact that you have passed an examination of the character given by the Committee of Bar Examiners of the State Bar of California, is sufficient evidence of your ability and qualifications to justify the prophecy that there is a place in the legal profession for you to fill. "The Golden Age is not behind but before you." You may think that it requires some sort of a genius to attain success in the legal profession. It has been said that:

"Genius is only the power of making continuous effort."

will no doubt be able to demonstrate this to your own satisfaction in the years that lie before you in your professional career.

You should not be discouraged by what appears to you for the moment to be defeat or failure, as there is no failure except in no longer trying, and no defeat except from within. They can conquer who believe they can. It has been said that:

"So nigh is grandeur to our dust
So near is God to man
When duty whispers --
Lo thou must --
The youth replies -- I can."

face a future beset with many things of interest, many avenues of opportunity; you will experience many great moments when you can visualize the success of your efforts and can feel that you have accomplished something worthwhile for those you are privileged to serve. You will also feel the anguish of defeat and the disappointments due to the uncertainties of the law, which cannot be avoided. Your success or failure lies entirely with yourself. I know of no formula for the success of a lawyer except the practice of honesty, industry, and perseverance.

Tennyson, the great author and poet, had this to say regarding the career of a lawyer:

"Mastering the lawless science of our law,
That codeless myriad of precedent,
wilderness of single instances,
Through which a few, by wit or fortune led,
May beat a pathway out to wealth and fame."

In conclusion permit me to quote an utterance of the late Justice Oliver Wendell Holmes, near the close of an eventful career, which contains an inspiring thought: He said:

"No man has earned the right to intellectual ambition until he has learned to lay his course by a star which he has never seen -- to dig by the divining rod for springs which he may never reach.

"To think great thoughts you must be heroes as well as idealists. Only when you have worked alone -- when you have felt around you a black gulf of solitude more isolating than that which surrounds the dying man, and in hope and despair have trusted to your own unshaken will -- then only will you have achieved. Thus only can you gain the secret isolated joy of the thinker, who knows that, a hundred years after he is dead and forgotten, men who never heard of him will be moving to the measure of

his thought -- the subtle rapture of a postponed power, which the world knows not because it has no external trappings, but which to his prophetic vision is more real than that which commands an army."