

A Message to New Attorneys

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A MESSAGE TO NEW ATTORNEYS†

JOHN J. MURPHY*

Presiding Justice Gulotta, Justices of the Appellate Division, Second Department, distinguished members of the Bench and Bar, newly admitted attorneys, their relatives and friends.

In a very individual and personal way this ceremony at which each of you has now been admitted to the practice of the law is a testimonial to long years of effort, sacrifice and commitment primarily on your own part but also, in a very significant way, on the part of parents, spouses, children, other relatives and friends. I begin, therefore, by extending most sincere congratulations to all of you who at this moment are the newest members of the Bar of the State of New York. I also congratulate all those who have played any role in the distinction which you have today achieved.

I trust that none of you will have the unfortunate experience, in this your first day as a practicing lawyer, of the newly admitted attorney about whom I recently heard. This young man had begun working with a law firm immediately after graduation from law school. On the day of his admission, it was necessary for him to return to the firm following the ceremony. Upon his arrival at the office, still flushed with the joy of his achievement, one of the partners informed him that it was essential to have an order signed and immediately that he must rush to the court house and secure the signature of one of the judges. This intrepid young attorney of course knew where the court house was, but, having arrived there, was totally unaware of how to obtain the signature of a judge. Realizing that judges usually preside over trials, he looked for a courtroom and, sure enough, found a trial in full progress. Without any hesitation, he proceeded to the front of the courtroom, walked directly up to the bench and placed the order before the judge, wrecking havoc with the proceedings then in progress. The judge, a very kindly gentleman, in the mold of those before whom you appear today, recognized the inexperience of the attorney and signed the order. When he returned it to the young man, he inquired, "May I ask, young man, how long you have been admitted to practice?" The youth consulted his watch and replied, "Three hours." The judge mused for a

† Address to the Admission Class, New York State Appellate Division, Second Department (1974).

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moment, and with the full wisdom of his years on the bench stated, "I would not have thought it was so long."

No doubt my experience at the bar, which covers a somewhat greater time span than that young attorney's, accounts in part for the very kind invitation from Presiding Justice Gulotta to address this admission class. It was, in fact, some eighteen years ago that I stood in this same beautiful courtroom and took the same oath of admission that you have just taken. I therefore feel singularly honored and gratified at being given this opportunity to return and participate with you in this very joyous ceremony.

In reaching back through my memory to formulate something of value that I might leave with you at this significant juncture in your careers, every train of thought that I followed led me inexorably to basics and fundamentals. I concluded, therefore, that it would be in order in the brief time at my disposal to reflect with you on some of these fundamentals.

A young child was once asked by his teacher, "What is the purpose of cowhide?" The child thought for a moment and replied, "To hold the cow together." In a very real sense the law serves a similar purpose—to hold society together. That high purpose imposes on the law the obligation to be cognizant of and to take into account the aspirations and demands of all elements of society and renders the law at one and the same time the most human and the most universal of all disciplines. The humanity and universality of the law make it one of the highest callings to which individuals can aspire and concomitantly impose on its aspirants a very heavy burden to seek proficiency in the use of the two highest attributes of which humanity can boast—the power to reason and the power to choose.

Consider first the reasoning process. It is somewhat awesome to realize that there does not exist any branch of human knowledge on which the law does not impinge—that there is no human endeavor to which it is alien. As new fields of knowledge develop—and today this is occurring with astounding rapidity—the law must come to bear upon them with the aim of ordering them properly for the greater good of society.

For us, the followers of the law, this means that all knowledge in any field is an asset in the proper performance of our tasks and that the quest for knowledge must be a prime and ongoing component of our makeup. I do not mean to imply that each of us must be a repository of all human knowledge—that is an obvious impossibility—but I do suggest that the greater the breadth of our knowledge generally, and the greater the depth of our knowledge in whatever particular aspect of the law we are involved, the more effective will be our performance as lawyers.

In law school we have all striven mightily to develop the ability to organize complex and often seemingly unrelated facts into consistent patterns, and to bring to bear upon them the developed principles of our jurisprudence. The goal of that effort was to arrive at logical, rational and just conclusions. It is that same process which you must continue to perform as lawyers. In doing so you must avoid the temptation to be satisfied

with superficial knowledge of the subject involved and must develop the ability to orient rapidly and in depth to new and existing fields of knowledge. This clearly involves a heavy commitment of time and effort, but, as with anything else, the more the art is practiced, the greater the facility and the greater the satisfaction in the outcome.

Turn now to the other of man's highest faculties, the power to choose. It is this attribute of the human makeup which permits voluntary selection between alternative courses of action. In your future careers at the bar, you will be faced on a regular, sometimes daily, basis with the necessity of exercising this power. The choices which you will encounter will frequently be between good and evil, professional and unprofessional. In making such choices, there are of course existing guidelines. The Canons of Professional Ethics set forth the norms for determining both what are acceptable and nonacceptable courses of action. More, however, is required than the existence of an objective formulation of standards of conduct to which compliance is offered in some cases out of fear of the penalties imposed for non-compliance. What is required is a commitment to personal integrity. The efficaciousness of any code of conduct is only as great as the commitment to personal integrity of those to whom it applies. Or as it was expressed by one observer after the enactment of the Prohibition Law, "The law can make you quit drinking; but it cannot make you quit being the kind that needs a law to make you quit drinking."

For better or worse, you are being admitted to practice at a time when the ethics of the profession are under severe attack from many sides; a time which has witnessed the imposition of the bar's most severe sanction, disbarment, on several members of the profession who occupied places of prominence in the public arena. It may be that the conduct which resulted in this punishment is in one sense symptomatic of a greater malaise existing in society—a loss generally of personal morality and integrity. In many ways we have become a society with a loophole mentality. Instead of seeking ways to effectuate the law, we search for means to avoid it. In another sense, we have developed a type of inverted morality. One of the quickest routes to wealth and fame today is to commit a nonviolent type crime, spend the two or three months in which you are confined in a minimum security prison writing your autobiography, and then, upon your release, launch the first edition of your book in some plush location at an autograph signing cocktail party.

I do not intend to propose any cures for society's ills, although I suspect a little basic honesty would not hurt as a starting point. I do, however, venture to suggest to you that in the present state of society the need for a firm commitment to personal integrity on the part of all members of the profession is paramount. You are, as of this moment, licensed to act on behalf of others in relation to their persons, their properties and their liberties. Although you will henceforth be acting for others, it is nevertheless at all times you who are acting. Regardless, therefore, of whatever the

low state to which the morality of society has fallen, you may not be governed in your actions by the morals of society generally or those in particular of your client, whoever he may be. Your highest obligation is in all cases to preserve the highest standards of personal honesty, integrity and morality.

I began by saying that my search for something of value to leave with you kept leading me back to fundamentals. If I may summarize the ultimate fundamental to which I was led, it is this: you have selected a profession which demands of its followers the constant honing of man's two highest powers, thinking and choosing. If you now commit yourself to a constant quest for in-depth knowledge coupled with complete integrity in action, I am convinced that your days at the bar will be happy, rewarding and successful.