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 courthouse and secure the signature of one of the judges. This intrepid young attorney of course knew where the courthouse 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 oppor-
tunity 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 individ-
uals 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 as-
tounding 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 pat-
terns, 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 per-
form 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 knowl-
dge. 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 exist-
ence of an objective formulation of standards of conduct to which compli-
ance 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,
disharment, 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 exist-
ing in society—a loss generally of personal morality and integrity. In many
ways we have become a society with a loophole mentality. Instead of seek-
ing 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 sus-
pect a little basic honesty would not hurt as a starting point. I do, however,
ventures 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 neverthe-
less 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 ulti-
mate fundamental to which I was led, it is this: you have selected a profes-
sion 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.