

EXCELLENCE IN THE PRACTICE OF LAW

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In thinking about this subject, I asked my friend, Judge William Bauer, for a definition of Excellence in the Practice of Law. Judge Bauer, an excellent Judge and excellent practitioner of law, finally settled upon a variation of Justice Potter Stewart's definition of pornography: I can't define it. I only know it when I see it. I see it in Judge Bauer, and I see it in other judges and in some practitioners I know.

Excellence in the practice of law, or excellence in lawyering, or excellence in being a lawyer, or being an excellent lawyer, is often equated with objective accomplishments. Such accomplishments can be legal victories, recognized scholarship and knowledge in given legal areas, positions of importance--managing partners of law firms, deans, professors, jurists. But, as you know, such titles are not a guarantee of the underlying qualities that make an excellent lawyer.

Excellence in the practice of law is not the same as excellent law; nor excellence in living; but it sometimes is roughly equivalent to being an excellent citizen. It is not the same as being an excellent friend, parent, child, family member, or person. It is not the same as being an excellent law student. Excellence in all those areas is essential, and you have at least begun to prove that you are excellent students.

Excellence in the law requires a love of learning. One who seeks to excel in law must commit to becoming a lifelong scholar. You must learn a variety of legal subjects, and you must learn, and understand, the factual situations in which legal questions arise.

Many trial lawyers will tell you they love trial work or litigation because they must learn, and become experts in, a variety of subjects. On any given day, I will learn about deep sea dredges, the characters and plot of CS Lewis' book *The Lion, the Witch and the Wardrobe*; apple picking equipment and the migrant apple workers who use it; and the buying and selling of currency futures.

Importantly this works in reverse, too. The study of subjects nominally outside the law strengthens one's ability to use the law effectively. Studying 19th-century oratory and rhetoric improved my skills in trial work and oral advocacy. Piloting an airplane develops my ability to concentrate for extended periods of time, and requires me to proceed through a list of tasks in an orderly, non-emotional manner.

Excellence in the practice of law requires study and scholarship, extensive knowledge of the law, the people affected by the law, legal institutions, government institutions, and history, among other qualities. It requires personal qualities such as unselfishness, compassion, patience, concern for people, integrity, self-knowledge, and commitment to doing the right thing.

You are well on the way to mastering some of these qualities. You have already demonstrated the ability to master a knowledge of the law in at least some arenas. And this law school, I am proud to say, teaches more than the law. It is teaching you how to think like a good lawyer, so that you can continue to teach yourself the law and teach yourself how to develop the law and how to practice law. This effort of practicing law, excellently, is a lifelong trip. At no time will you be able to say I have reached excellence in the law, and now there is nothing more for me to do. There is always more to do. That is the commitment of the lawyer --to strive for Justice in every case and in every way that life offers us the opportunity to do so.

The pursuit of Justice is your challenge, and that can take on any of an infinite number of meanings. Is it excellent Justice to pursue your clients cause with zeal but without civility? It is not. Without fairness? It is not. Without honesty and candor? It is not. Without service to the community? It is not.

How should you go about developing excellence in the practice of law? Study, yes. Learn not only the substance of the law, but also the theory behind the substance of the law and how the theory developed and why the law changes and how the law affects our society and its institutions, and how society and those institutions affect the law.

Learn about people. Even patent lawyers should learn about people. Strive to understand people. The law is, after all, for people, made by people, and is about people.

Here I offer my support for an idea advanced by Dean Sowle--and every dean and law professor I have ever met--and which no law student I have ever met ever adopts to any great degree: excellence in the practice of law and in the study of law can be achieved by undertaking activities outside the narrow confines of the law school, and law study. In support of this proposition I hereby testify that I have learned a great deal about law and the trial of lawsuits by studying the closing arguments of Clarence Darrow, and the speeches of Winston Churchill, and Adolph Hitler (yes, he was a mesmerizing speaker but his arguments and conclusions were built upon a foundation of lies), and Mark Twain, and Abraham Lincoln, and many others. I understand that law students must dedicate virtually every waking moment to the study of the law and the legal subjects immediately before them, and they universally believe they do not have time to study any subject which will not be of immediate and extensive value in December or May at examination time. But you should understand that time demands will be imposed upon you in different forms after you graduate. Your job will demand much time, and much effort.

This is not a 9-to-5 profession. Your family will demand time. You must give yourself permission to enjoy your passions outside the law. Involve your family. Evidently one must become, let us say kindly, mature, before one will take up the study of subjects of less direct and immediate benefit. But virtually all the excellent lawyers and judges I know study many such subjects extensively.

And every excellent lawyer and Judge I know has studied and befriended and helped people--many people. Every excellent lawyer and Judge I know has been a great student and friend of people and human institutions.

An excellent example is an esteemed and honored graduate of this law school: Abraham Lincoln Marovitz. Yes, his name is on the moot court room. Do you know how he came by his name? His mother, a recent immigrant, chose his name, Abraham Lincoln, after attending a lecture about her adopted land. She heard about President Abraham Lincoln, who freed slaves and was thereafter "shot in the temple." ALM often explained that "she thought 'temple' meant synagogue. I don't think she was ever convinced that Lincoln wasn't a Jew."

The young Marovitz family lived in the Roosevelt Road neighborhood, near the family of US Supreme Court Justice Arthur Goldberg, Elmer Gertz, and many other young Jewish children who became illustrious citizens. His family of seven lived in three rooms behind a small tailor shop and candy store operated by his parents. The values his parents taught him--integrity, hard work, self-respect and respect for others--shaped his life and career.

Young Marovitz was motivated to succeed. He undertook the study of law in this law school as a direct result of his personal determination and his forthright relations with other people. At 17 years of age, he obtained a job as a mailroom delivery boy in a law firm later known as Mayer Brown & Platt, now Mayer Brown Rowe & Maw. While delivering the mail to

Mr. Mayer one morning, that august attorney noticed ALM's black eye, puffy cheeks and scratched face. Mayer asked Young Marovitz what had happened to him, and ALM replied that he had been in a fistfight. Upon further inquiry, ALM explained that he earned extra money at night as a "club fighter" -- professional boxer--a prizefighter, and he was saving his money to pay for law studies. In the prize fight last night, he lost. Mayer undertook to pay ALM's yearly tuition of \$120--as a student loan. Marovitz repaid the loan at the rate of two dollars per week. By the time he was 19, he had completed law school but was too young to take the bar examination. When he passed at 21, he was appointed an assistant state attorney.

He soon became an entertainment lawyer and criminal defense lawyer, and quickly developed a reputation as a "man about town", and a rising politician in the Cook County Democratic Party. His clients included Al Capone and Hymie Weiss, and George Jessel the movie and radio star, and Bob Hope the comedian. He was elected a state senator, and became a good friend and later a law partner of another Young Turk named Richard J. Daley.

ALM became an Illinois State court judge, and then a federal judge, despite his jocular announcement that "I don't know much law. But I know what's fair." He was, in fact, a great student of the law; and he was a great student of the life of Abraham Lincoln. At one time, he owned a copy of every book ever published about the President. When he passed away at 95 a few years ago, the federal courthouse closed for the day. Over 4000 people attended his funeral. And every one of them had a story about Abraham Lincoln Marovitz.

Judge Abe often said that "all I want to do is look back on my life and see if I've done something that can make someone else's life just a little bit better. If I've done that, it was a good day. I don't have the capacity to do big things, so I do as many little things for others as I can."

An excellent judge, an excellent lawyer, an excellent citizen, an excellent life. Excellence in the law is made of such things. Congratulations to you on this recognition of your achievements.