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A WORD TO THE LAW STUDENT

HON. PATRICK H. MARTIN

President, Wisconsin Bar Association.

Knowledge of the law, a clientele and a livelihood are essential to the lawyer; yet, while he struggles for these fruits of toil, his toil should be inspired by sound professional idealism.

The student pursuing the study of law, with commercial spirit, and in the hope thereby to attain great wealth, had better turn aside now to legitimate commercial enterprise,—the law is not such. Few lawyers may hope for great wealth as the reward of professional success and none, inspired by the true conception of the lawyer's mission, will be concerned whether great monetary wealth is likely to be his reward. Again, if you believe the profession affords a life of ease, coupled with prestige, your belief needs revision. Prestige does not follow upon a life of ease; it springs from honorable service, and ease is fortunately foreign to the life of the lawyer. Of course he may be the sluggard; if so, inevitably, his will be the sluggard's portion. There is small chance that a counterfeit will, for long, pass current in the fierce contest, the keen rivalry, the critical analysis, and the stimulus to great effort that characterize the work of the lawyer. If a cause is lost because you were less capable, less energetic, or less skilled in its presentation than your opponent, you may conclude that a client is lost. If your generalship,—I repudiate cunning,—is not a match for your antagonist, he profits at your expense. In the profession knowledge is truly power; it is more than power; it is, in the language of the law, the *sine qua non* of success.

Zeal for a client's cause, the fierce stimulus of a trial, thought of the sometimes appalling consequences of failure and the personal element will challenge your best efforts and, at times, test your integrity. In the presence of temptations that indulged might or would contribute to momentary success, keep clearly in mind the ideal of the lawyer's duty. No unjust cause deserves to win, and no just cause should win, at the sacrifice of the integrity and honor of the lawyer. You will have no asset more valuable, nor need for a quality more constant in the practice of your profession than is integrity of purpose; indeed, no lawyer will ever attain eminence and hold it, and the good opinion of his fellows, unless he observes in his practice the fine sense of honor due to the administration of justice.

The profession has its rich rewards for those who merit them—honor, prestige, reputation, achievement, fair remuneration, the pleasures of life lived in the daily atmosphere of intellectual pursuit, and in the seeking for knowledge and wisdom to solve the problems that may be confided to your care, are some of the fruits of the professional life. If you have but grasped the philosophy of the law,—law that like justice hath its source in God; law serving the ministry of justice; law struggling to find expression in the works of men; law governing and constraining society in orderly organisms, so ordered as to facilitate and promote the well-being of the individual, while perpetuating the life of the civic body in the spirit and vigor needful to subserve justice, you will find the rewards of the profession more satisfying and enduring than is great wealth. And, too, these are not subject to an income tax.

The delight of fellowship with men of your profession who conform to its ideals, who have fought, and are still fighting the good fight, who can sympathize with you in your work, appreciate your achievements and properly appraise your efforts in service rendered, is not the least of the joys of life. The *esprit de corps* of the profession is its life, and protection against the odium and the presence of the unworthy practitioner. If, but too often, a false charity tolerates, for a time, the presence at the bar of the shyster and trickster, the commercialized lawyer who practices on the ethical level of the horse-jockey, he nevertheless, the while, bears the contempt of his brethren and of the courts; he is soon discovered for what he is, by the public, and its judgment of him is not less severe than is that of the profession.

People seek counsel and the courts for redress of grievances, real or imaginary. Life, liberty, property, reputation, or some of these, are usually involved. Yours, in any event, will be a serious responsibility. Your responsibility will not be lessened by the usually extravagant viewpoint of your client; oft-times this will not accord with the law. You will meet with all the ills and weakness inherent in human nature. You should be ready firmly to direct as truth and justice dictate. While you will owe a duty to your client, you also owe one to yourself and to the court. No client has the right to claim or expect of his lawyer other than honorable service, and no lawyer should render, in any cause, less than the full measure of honorable

service. In the trial of a cause your personality will be an important factor. You will need poise, tact, judgment, capacity to quickly meet an emergency. You should know the facts and law applicable to the case so thoroughly as to preclude surprise in so far as humanly possible; then, unless confident of the justice of your cause, you are not likely to convince others of it. You should be able to weigh and correlate facts so that the court and jury will get the true value and bearing thereof. You should be able to elicit truth, puncture falsehood and expose the sophistry of opposing argument. Industry, more industry; honest thinking and mental and bodily vigor are all important to the lawyer. Possessing these, no man endowed with average intelligence and inspired by the true ideals of the profession, need hesitate to take his place at the bar.

Law is a great field, comprehensive beyond the power of the imagination to picture; it affords work for talent of varied kinds; it exacts loyalty and devotion, but it rewards and ennobles those who live its spirit.

Chief Justice Ryan, of the Wisconsin Supreme Court, great Jurist and profound thinker, said to the law class of the University of Wisconsin for 1873:

“The pursuit of the legal profession for the mere wages of life is a mistake alike of the means and the end. It is a total failure of appreciation of the character of the profession. This is the true ambition of a lawyer: To obey God in the service of society; to fulfill His law in the order of society; to promote His order in the subordination of society to its own law, adopted under His authority; to minister to His justice, by the nearest approach to it, under the municipal law, which human intelligence and conscience can accomplish. To serve man, by diligent study and true counsel of the municipal law; to aid in solving the questions and guiding the business of society, according to the law; to fulfill his allotted part in protecting society and its members against wrong, in enforcing all rights and redressing all wrongs; and to answer, before God and man, according to the scope of his office and duty for the true and just administration of the municipal law.”

Of this our court, speaking through Justice Winslow, 165 Wis. 384, says:

“The ideal here expressed is high, it is by no means always lived up to, but it is none the less the ideal towards

which the profession should ever strive. It is because the ideal is frequently lost sight of, because many lawyers practice their profession as if it were a mere business like the buying and selling of groceries, that the profession falls into disrepute."

It is not the purpose of this article to touch upon the relation of the lawyer to the public life of the state and nation. His great and constructive work in the founding and shaping of our political life cannot escape the student of history; his service in this field is urgent now as ever in the past. Great problems press for solution and challenge his wisdom and patriotism. Comment thereon is inviting, but I refrain and quote, for your consideration, the twenty-eighth canon of ethics adopted by the American Bar Association:

"STIRRING UP LITIGATION, DIRECTLY OR THROUGH AGENTS: It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship, or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases into his office. A duty to the public and to the profession devolves upon every member of the bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred."