

Law School Convocation Addresses

May 13, 1988

Shirley S. Abrahamson

Justice, Wisconsin Supreme Court

"What You Do, Do Well"

Dean Thompson, Faculty, Class of 1988, and their guests. It is always a great pleasure for me to attend a law school function. It is a special treat to be here tonight and congratulate the J.D. candidates on their completion of law school. Congratulations and best wishes also go to the parents and families of the J.D. candidates. You have supported the graduates, financially and otherwise, for three tough years and part of the diploma is yours. I feel very strongly about that because my son will start law school in September.

A commencement is a happy occasion for almost everyone. The graduating students are pleased, some with their academic achievements, others with the fact that they survived. Parents, spouses, and children are obviously pleased with the loved one's progress. The professors have, I hope, finished grading the blue books. They may even have assured themselves that their teaching serves worthwhile purposes, producing useful members of society.

Three people are not too happy tonight and those are the three speakers. Of all forms of public speaking, the convocation address is the most difficult and the most demanding. We are expected to deliver a message without orating, without appearing to do so too obviously; to express familiar thoughts, while being fresh and novel; we have to speak to the occasion and are therefore circumscribed by it, while trying to rise above the limitations. I am the third speaker this evening. That makes the task even more difficult.

What saves the evening is that all of you are so absorbed in your thoughts about the past and the future, so wrapped up in memories, regrets, and apprehensions, that very few of you are paying much attention.

I am sure each of you graduates is aware that your academic credentials are excellent. And although the pains of the classroom and examinations and thoughts about going out into the world may be too fresh now for you to have a

balanced view of your experiences in the law school, in the years to come each of you will feel a deep sense of gratitude and commitment to the University of Wisconsin Law School and to the faculty of this outstanding institution. You have received a wonderful education that will provide you with a sound foundation for beginning your careers and dealing with the large problems we all confront in delivering legal services.

Your images of law and lawyers have been formed by this law school and by your personal experiences in the clinical programs and your work in law offices across this state and country. In contrast, most Americans learn about the legal system through television and film, not through first-hand experience. Few citizens have been in a squad car or have visited a jail, a courtroom, a lawyer's office or a legislative hearing. But, according to one commentator, in a normal week the average television viewer sees close-up approximately thirty police officers, seven lawyers and three judges in prime time TV. These figures do not include such syndicated courtroom dramas as *Divorce Court*, *People's Court*, *Superior Court*, or *Miller's Court*.

We all know that film and TV offer entertainment, not real life experiences. TV drama does not portray the results of empirical social science research about lawyers in the United States. We understand that TV representations of the legal system are in many respects glamorized, oversimplified, conflicting and misleading. You and I know that in one TV season, Michael Kuzak of the Los Angeles firm of McKenzie Brackman on "L.A. Law" handles more interesting cases than most lawyers encounter in a lifetime.

the public's opinion of lawyers and the legal system. And we all know that the TV images have the power to change the public's perception of lawyers and the legal system. Indeed, many admissions officers at law schools attribute the upsurge of applicants to law schools in the last two years to L.A. Law.

More importantly, the TV images of the legal system also reflect kernels of reality. It is these kernels that make the TV shows compelling.

I draw on these TV images, these pub-



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lic perceptions of lawyers, these kernels of reality for my message to you tonight as you begin your legal careers. My message comes filtered through the TV tube. I looked to the lawyers of TV-land to help us decide what kind of lawyers we should be. I found three messages: First, do your work well; second, do some good; third, have some fun.

Your first motto should be, What you do, do well. To do it well, you may need to work hard. But, as President Ford once observed, "The harder you work, the luckier you get."

The public needs lawyers who love the law and are committed to the idea that the profession serves the needs of the public to whom we are responsible.

The measure of a lawyer is the ability to assimilate information, to think clearly, and to communicate persuasively and precisely. Legal competency also includes qualities of sensitivity, understanding, and compassion.

Remember Perry Mason? He made the lawyer the hero. And why is he the hero? Because he does his job well. No stone is left unturned when he works on a case. Furthermore, Perry Mason has a kindly demeanor and he is reassuring to a client. He shows compassion and civility. He is the consummate counselor. Perry Mason, of course, is fortunate that he can concentrate on one client at a time, and a client who is always innocent, at that. He doesn't have to jump through the hoops of discovery, he doesn't have to learn how to use Lexis. Perry Mason tells the simple story of winner taking victory.

The real world is many shades of gray. Your case is more likely to be a Roxanne Melman, who is doing battle with the IRS, negotiating the rocky shoals of a Chapter 13 wage earner plan with all the feelings of personal failure and frustration that accompany it.

If you're going to do it, do it well. Many lawyers get in trouble because they undertake a task but do not do the job at all. The TV lawyer teaches us—do the work and do it well.

Your second motto should be, Do some good. The TV programs show the insularity of our profession, and our profession's obsession with power and money. But the TV image also shows lawyers extending efforts to give a voice to individuals and groups whose voices are not heard, whose needs must be recognized and protected.

In a complex society, in a society depending on the adversary system, lawyers are increasingly important. Without

a lawyer an individual cannot have access to the legal system. Equal justice requires representation. The private bar must play a substantial role in meeting the legal needs of the poor and under-represented through pro bono contributions of time and service.

The public needs lawyers who love the law and are committed to the idea that the profession serves the needs of the public to whom we are responsible. We have to work for a world free of crime, free of drugs, free of poverty, and free of bigotry—a world of justice and peace. One person can make a difference. And when the role is called I hope that person will be you. I urge that you work toward leaving a better world to your children than the world we pass on to you.

Third, your motto should be, Have some fun. Tom and Chuck Irish called it perspective. I call it fun. Have fun in your career. See the light side. Take yourself with a bit of humor, while you take lawyering seriously.

Raymond Burr, who plays Perry Mason, says life as Perry Mason was no laughs at all, just long hours. Perry Mason never once, in nine years, displayed a sense of humor. Perry Mason never once, in nine years, had a single good friend.

You should have some fun in your personal lives. Now, mind you, I don't know many people whose personal lives are as crowded and exciting, if you will, as Arnie Becker's. In fact, most lawyers I know are too exhausted at the end of the day to pursue the madcap social world that Arnie inhabits.

Build your own ladders to climb rather than climbing ladders and measuring success by the ladders others have placed before you. You should be people who have a commitment to your families as well as to the job. You can combine family and careers, although you will never hear a male lawyer being asked how he manages to combine marriage with a career.

I hope I have conveyed the message that the new graduates' role as new lawyers is not merely to practice law and to enhance their careers, but to participate actively in making our system of justice truly just.

This convocation is not merely the

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occasion to ask the new lawyers to make a commitment to community service. This convocation presents an occasion to ask the older generation here today to make a commitment to community service. My message to the parents, spouses, and friends as well as the faculty of the new graduates is the same as to the graduates. My message is that we the elders cannot sit with hands folded and ask the new law graduates, and the new graduates alone, to do good—to change the direction of this world. We the elders must do our share.

I am reminded of a story about two men on a tandem bicycle. They came to a very long, steep hill and they had an extremely difficult time pedaling up. When they reached the top, they stopped to recuperate. The front man—the younger man—wiped his forehead and sighed, "I thought we'd never make it." The number two man—the older man—answered, "I didn't either—and I bet we'd have slipped all the way back if I hadn't kept my foot on the brake." We the elders should not be the brakemen.

I believe each of us, lawyer and non-lawyer, young and older, has been given an opportunity for our lives to have meaning beyond our own personal pleasure and comfort.

My wish for each of us tonight is that we all use our given days wisely and do honor to this institution, to our families and friends, and to ourselves.

I will conclude by saying to the law graduates that this is your night. You have earned it. I am delighted you asked me to share this important event with you. I congratulate you and wish you well. Good luck and godspeed.

Tom Ogorchock ('88)

"Always Take Care of the Little Things"

Ladies and gentlemen, fellow graduates, and law school faculty. When I was elected to give the speech this evening I was informed that I had 15 minutes to speak. I thought to myself—15 minutes, is that really enough time to say everything I want to say about law school and what has happened these last three years? So I checked with the Law Revue people from Phi Delta Phi and they assured me that time limits are mere suggestions. That when you are putting on a show here at the Union Theater you can keep the audience in their seats for as long as you please. So in the fine tradition of Law Revue, the play not the book, I resolve to keep all of you here in your seats until at least midnight.

The next question I asked myself was—what should I speak about? I decided that given only fifteen minutes I would, to a large extent focus my topic on my philosophy of surviving law school. A philosophy I tried to live these past three years. And a philosophy I hope to maintain throughout my legal career.

As part of that philosophy, I classified my schoolwork into two categories: "Work which had to be done" and "Work which should be done." Now, work that had to be done was top priority—religiously completed on a day-to-day basis. For example, cases in Torts and Property fit into this category if you had Professor Palay. No one enjoyed having to pass in his class, and having him look back at you, and say "maybe."

Then there was that whole separate category of work that should be done. This was the lower priority work that was done as long as it wasn't a football Saturday or people weren't playing darts at Joe Hart's. This category included assignments in my section of contracts I—enough said about that. Reading the Mysterious Mr. Ripley for criminal law was work that should be done. Or so we thought. Unfortunately, we didn't realize that our criminal law final would be a slight variation from English literature exams we left behind in undergrad.

But despite my hopes of consistently categorizing everything in law school, I realized that most students' attitudes towards studying changed over the three years that we spent here. First year was, of course, the year that we were scared to death. All work, regardless of its relevance, was completed on time, often at the expense of the little things in life, like eating. Most first years had to be constantly reminded that three cups of union

coffee per day did not satisfy the recommended daily allowance of vitamins and minerals.

Second year was different from first year—which is like saying there is a difference in the amount of pain in having your leg removed or your arm cut off. The attitudes of the students did change slightly, however. It was not just school that scared us, but also the large groups of students that gathered in the placement office each day. As second years, we had to handle 17 credits of fun courses like Taxation of Limited Partnerships Based in the Bahamas. At the same time we had to deal with interviews and interviewers. I was a zoology major in undergrad. This, of course led to the stock question in every interview—"Zoology to law, now how did that happen?" I had to explain to every interviewer that came here that I had lost my desire to feed the polar bears at Vilas Park Zoo and I really was not interested in pursuing a legal career.

And yes, it is important to be the best attorney that we can be. We owe it to our clients, we owe it to ourselves, we owe it to our profession to not handle our work in a sloppy unprofessional manner.

This year was the time that most law students experimented with the practice of being an academic minimalist. It was the year we created a whole new category of work and packed it into an entire course known as general practice.

But it was work of this type that allowed us to keep this whole mess in perspective. Perspective was what allowed us to take our general practice "Volume Threes" and file them away for awhile if our family, or friends needed some of our time. That's what can prevent law students from becoming lifeless, hornbook-like robots.

Perspective even allowed me to have fun during first year when traditionally law students are not supposed to have fun. That year, I was a good little law student and joined a study group. Now, a study group is usually designed to help focus attention while studying. To help first years keep their minds on school work as exams approach.

So my little group of three met to argue the psychology of criminal law—to outline the intricacies of the UCC—and most importantly, we met to imitate our

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professors. Torts was discussed at length in my study group—"Where was the contact in *Garrett v. Dailey*? Why was Putney held liable for just one little kick at Vosburg? And we effectively dealt with these questions. I would look at my two partners and simply say maybe this case is just wrong? Or in criminal law we resolved issues of how emasculated the 4th amendment had become by saying, "Well, it's a slippery slope and it all depends on whose ox is being gored." Sure it was a study group, but it was actually fun. It helped us realize that despite the importance of what we were doing, there were a lot of things around us to laugh at.

And keeping things in proper perspective is so important, and at times it is something that we unfortunately cannot laugh at. There is a whole world beyond law school—a world more important than our little enclosed legal community. And despite our desire to immerse ourselves in nothing but the law, we realize that classmates can die and that friends can die—all at a time and age when people are supposed to live forever. That hurts. And no amount of scholarly legal work, legal research, or all that money we as lawyers will be given in our lifetime can change that.

And yes, it is important to be the best attorney that we can be. We owe it to our clients, we owe it to ourselves, we owe it to our profession not to handle our work in a sloppy unprofessional manner.

But there are lessons of perspective to be learned in life. Lessons that tell us that we can spend countless hours devoting our entire life to a legal career, and miss out on what may seem like the little things in life, when in reality the little things are the most important.

Take for example the case of the Berrigan Brothers. The Berrigan Brothers were two Catholic priests who, along with several other people, were tried in 1971 for plotting to kidnap Henry Kissinger, planning to blow up electrical service tunnels under Washington D.C., and destroying draft records.

The defense came up with an interesting plan for winning the case. They decided that they were not going to put on a defense of their own. They actually did not call any witnesses at trial. Instead they decided to select a jury so carefully, based on the soundest principles of "social sciences" that there was absolutely no way that the jury could convict their clients. So the defense assembled a team of psychologists, social scientists and assorted legal and human behavior experts. The team spent literally months contacting people in the community where the trial was to be held—polling them about their beliefs, attitudes, and backgrounds. From this research, the defense had the profile of what they believed to be the perfect juror—jurors who under no circumstance could convict their clients of these crimes. The defense then selected a jury from a prospective panel of 450 people that so closely fit the description of what they wanted, there was absolutely no way they could lose.

Well, it worked. The Berrigan Brothers were acquitted on two of the counts. The jury hung on the third count but the Berrigan Brothers were not retried. The defense and social science had their victories. Articles were written lauding the new, foolproof, scientific method of picking a jury. The months of hard labor and the thousands of dollars spent had paid off.

Or so it seemed. Several years later, Psychology Today magazine did a follow up story on the trial. They spoke with several of the jurors to find out exactly what had happened. What they found was that despite all the months of research, despite all the dollars spent, and despite all the claims of victory by the social scientists, the Berrigan brothers were acquitted for other reasons.

The jurors had merely misread a jury instruction. This perfect jury that was guaranteed to acquit the Berrigan Brothers had misunderstood the law of conspiracy. Months of research, piles of

money and reams of articles and papers—all placed in the circular file.

This is something we must keep in mind as we pursue our legal careers. We cannot allow ourselves to forget about what may seem to be the less important things in life. Yet, during the crunch of deadlines, or the pressure of making partner, we might forget that there are friends around us. Friends who are getting kicked when they are already down. Friends who were there for us when we felt lonely, helpless, and scared these past three years. That is the time when it is so important that we keep the law in its proper perspective. A time when we must realize that the law is a profession and nothing more. It is a way for you and me and the 700,000 other lawyers in this country to make a living and maybe try to make a difference in society.

We also might forget at times about the important role that our families played these past three years; and will play during our lives. Brothers and sisters who were only a phone call away the night before a Con Law final when we couldn't remember whether or not Bakke was ever admitted to med school. Husbands and wives who endured endless stretches of exam time and became more intimate with the concept of *res ipsa loquitur* than with their spouses. And there were my parents who had to put up with two of my sisters, who are lawyers, and me arguing during Thanksgiving dinner about the proper way to *voir dire* a jury.

These are the most important things in life. They are the things that can help solve your problems and help you through the difficult times. Problems and hard times that can't be cured by a \$60,000 a year salary, a Volvo, or even by winning your first case. Besides, we all caught our canes so this class is already about 250 and 0.

But we do need to heed the warning of that little jury instruction in the Berrigan brothers case. It reminds me of what a wise man once told me. He said, "Tom, always take care of the little things." Well, that wise man is also a very happy man right now, because for the first time in almost eight years I'll no longer have to ask him for tuition or rent money in September.

But I've been thinking lately about what that wise man told me. About maybe there is more to that quote than what he actually said. Maybe the quote means something very different if one

Supreme Court Justice John Paul Stevens even noted in a dissent to a recent case that "a careful reading of the context will reveal, Shakespeare insightfully realized that disposing of lawyers is a step in the direction of totalitarian government." Makes us look a little better, doesn't it?

looks at its context. It's like that old quote from Shakespeare. I'm sure you have all heard the saying, "the first thing we do, let's kill all the lawyers." A lot of people don't know the context that Shakespeare intended for that quote. The words were uttered by Dick the Butcher in Henry VI, Part II. Dick the Butcher made the statement to Jack Cade, who is portrayed in the play as an ignorant and boastful rebel and terrorist. Shakespeare used Dick the Butcher to mock some of the boasts made by Cade. When Cade proposed that he be King and eliminate laws and money, and even dress everyone alike, Dick the butcher uttered his famous line, "The first thing we do, let's kill all the lawyers." Shakespeare was saying that by killing all the lawyers the country would be doomed to anarchy and lawlessness. Supreme Court Justice John Paul Stevens even noted in a dissent to a recent case that "a careful reading of the context will reveal, Shakespeare insightfully realized that disposing of lawyers is a step in the direction of totalitarian government." Makes us look a little better, doesn't it?

So maybe we do have to look at the context of that quote from the now famous wise man. Maybe in a Shakespearean sense there is more to that quote than just "Tom, always take care of the little things." Indeed, if Justice Stevens could paraphrase that quote in a future case I think he might write something like, "Tom, always take care of the little things, because in the long run it's the little things in life that are the most important."

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Prof. Charles Irish

"Next Year Will You Get A Desk?"

It is a pleasure to be here tonight. This really is a big celebration.

You graduates are celebrating your release from the hours of mind-numbing drudgery and the moments of stark terror that seem to make up a law school career.

Your parents, spouses, siblings, children and others are very proud of you, but they are also happy that at last you're going to get a job and start supporting them in the fashion to which they would like to become accustomed.

And so it was with a celebration in mind that I sat down to decide what to say to you tonight. I thought long and hard about it. It was a great blow to my ego when I realized that the thing you would most like me to do is tell a funny story and then sit down.

This was made very clear to me when I told my wife I was asked to speak at the convocation. She said that I must be very proud. She then gave me a present—an Egg Timer!

Well, I have to do just a bit more than tell a story because I have an obligation. An obligation to my colleagues on the faculty not to let pass this last opportunity to speak to you as teacher to student. I want to talk with you about maintaining a sense of perspective, about not getting so caught up in your sense of self-importance as you surge through your professional responsibilities that you lose sight of who you are—a human being with about as many good traits and bad traits

I want to talk with you about maintaining a sense of perspective, about not getting so caught up in your sense of self-importance as you surge through your professional responsibilities that you lose sight of who you are—a human being with about as many good traits and bad traits as the rest of the human beings in the world.



Prof. Charles Irish

as the rest of the human beings in the world.

Now you are about to graduate and with a law degree from Wisconsin. You are well-equipped to play an important role in your community, your state, your country or possibly even the world. In fact, some people might say that as a result of you being privileged to have this education you have an obligation to play a significant role in your community. So it is really a given—that you should make use of your talents, work hard, think hard, and do the best work you can in whatever you choose.

The problem is that we lawyers have a tendency to get caught up in our own pomposity. We lose sight of what's really important. Too often, we lose our sense of perspective and we become pains in the ass.

For example: Tomorrow I'm off to West Africa. People there are well educated, but very warm and hospitable as well. When I was last there a couple of years ago I arrived on a Sunday, a day of great excitement. It was the biggest soccer game of the year, matching the two best teams in the country.

My host, who was an important person in this country, had gotten very good seats right at the mid-field line. His car drove us through the crowd right up to a

special gate. I got out of the car, the gate opened and, at this point, I was feeling pretty important. Then we walked through a tunnel and out towards our seats. And as we emerged from the tunnel the stadium was jammed with people. As we came out toward our seats the crowd, all together let out a loud cheer and jumped to their feet. "My," I said to myself, "I am very important." But, at that point, I detected movement down on the field. Just below our seats the home team's mascot emerged, a juggler, and that is what the people were cheering. They, not surprisingly, had not even noticed my presence.

Earlier this week in Washington, I had a dinner with several graduates of this law school. One of them works in the tax department of a big-time law firm in Washington. She told this story. The day after a terrible airplane crash one of the senior partners in the tax department was overheard to say, "Oh what a terrible, really terrible event! Because of the crash, the airline would have to recapture the ITC which would have significant adverse consequences!" I think this demonstrates how busy lawyers can lose their perspective and fail to see that which is really important in such a circumstance.

Most of you have had a basic course in Tax (if you haven't, you should have). When Prof. Whitford tells you that Aunt Bertha died last night, don't you say, "my God, mom do you know what that means. Aunt Bertha's income tax year ends!" If you do, you've lost your sense of perspective. Be human first. React to people as a person not like some automation trained in the law.

Two years ago the University honored me with an endowed chair. I came home absolutely brimming with pride and probably not a little self-importance. I gathered my family together to tell them the great news. My daughter, who was 14 at the time, said, "Gee Dad, that's great. Does that mean that next year you will get a desk?"

And so the message I leave with you is simple. As you surge forward in your careers—maintain a sense of perspective about who you are and what's really important. Remember that a sense of humor helps that perspective, but it only helps if the sense of humor includes an ability to laugh at yourself.