

## **PROFESSIONALISM IN THE 21ST CENTURY**

Thank you very much for that kind introduction. A special thanks to President Qubein, my dear friend Dean Mark Martin and this wonderful law school for inviting me to speak this event. You've been exceedingly gracious hosts.

For the students and their families, I imagine it's an exciting time for you. That excitement may also be tinged with some anxiety as you embark on this professional journey as the inaugural class of the Kenneth F. Kahn School of Law. You are in effect the guinea pigs who will set the standard for all those who come after you. No pressure, right?

While I'm not going to suggest that the next three years won't be challenging—they will be, I'm certain they'll also be very rewarding. And I can say that because I know the character and intellect of the man that President Qubein has so wisely chosen to lead you. Dean Martin has accomplished many firsts in his career as a jurist. I think he took the bench when he was five! And I've no doubt that he'll tackle this next first as he has all the others; with grit, excellence, and a determination to make this

place a first-class institution for the study of law. You're very fortunate to have him along for the ride.

I've had the honor and privilege of serving as a U.S. Circuit Judge for almost fifteen years, and I'm still pinching myself at my good fortune. Even more astounding, thirty-six years ago, I sat where you are today, on the campus of another law school, ready to embark on the voyage of becoming a lawyer. If someone had told me then that thirty plus years later, I'd be serving as a judge of the U.S. Court of Appeals for the Fourth Circuit, and that I'd be Chief Judge no less, I'd have suggested they have their head examined.

I want to speak with you for a few minutes on professionalism, specifically Professionalism for Lawyers in the 21<sup>st</sup> century. But I'd like to take a step back and offer some unsolicited advice as you begin your studies. In today's modern world, it's easy for lawyers (and law students) to be plugged-in 24-hours a day, and indeed the pressures of a crowded legal market seem to demand it. In a speech to students at her law school alma mater some years ago, Supreme Court Justice Sonia Sotomayor reminisced that some of her favorite times at Yale were spent discussing

events and classes with other students over coffee and soft drinks and that she was concerned that today's law students were missing out on that experience because they can't or won't "unplug and suffer from information overload." Her advice to you "Chill out more."

And while technology has brought tremendous efficiencies to the practice of law, it has also (I fear) tilted our profession out of balance and caused some to cut corners, at the expense of colleagues, clients, and the overall reputation of the bar. I'll speak more about that in a moment.

But first, we might do well to ask what is it precisely that you're about to undertake? Well, some might say, as publisher Alfred Knopf once noted, that the law will train you in the art of stating the obvious in terms of the incomprehensible. But those who say that don't know you, this law school, or the life's work that you've chosen.

Through the education you're about to receive, you'll be given a law license (provided you pass the bar exam of course), and with it, entry to a largely self-regulated profession. That means that we have standards for entry, we commit ourselves to a certain moral code and punish through self-regulation those who stray from it. We also require life-long study, largely

because we're entrusted with resolving some of the most significant problems of our society.

Lawyers are easy targets for criticism. We bring some of that on ourselves. It's also true, in the words of one famed (even if imperfect) lawyer, that "we build no bridges. We raise no towers. We construct no engines, and we paint no pictures. In short, there is little of all that we do which the eye of man can see." But John W. Davis was also quick to remind us that "we smooth out difficulties; we relieve stress; we correct mistakes; we take up others burdens and by our efforts we make possible the peaceful life of men (and women) in a peaceful state."

So what it does it take to be a successful professional in the practice of law?

Well for one thing, a professional works hard to perfect her craft. I recognize the contradiction between my introductory remarks and what I've just said. But there's no getting around the fact that mastery of the law requires a certain nose to the grindstone mentality—the key is to make the push to get the task done and then throttle back down to earth.

You won't always be the most brilliant or articulate lawyer in the

courtroom or the boardroom, but as Thomas Edison so pithily explained, “Genius is one percent inspiration and ninety-nine percent perspiration.” So get ready to sweat a bit.

A professional is also punctual and meets all deadlines. That may seem obvious, but I’m often flummoxed by lawyers who more often honor this admonition in the breach. Whether you have a matter before the court, or an appointment with opposing counsel or a client, you shouldn’t force someone to come looking for you. For the professional, tardiness is the exception, not the rule—you need to learn to adequately manage your time to avoid conflicts. And if the volume of work you’re accepting is proving too much, you’re doing a grave disservice to yourself and your clients.

A professional dresses for the occasion. Whether in court or at an interview, people are looking at you and taking stock. Dressing professionally doesn’t mean you have to spend a fortune on your wardrobe, but it does require you to make a reasonable investment in your appearance and that you look the part.

A professional learns from her mistakes. We are after all engaged in the “practice” of law. Honest mistakes come with the territory for lawyers,

young and old—it's how we learn to do things right. Don't make excuses for your mistakes; provided you're giving it your best, you can overcome almost all honest mistakes before too much damage is done. That said, it's important to cultivate good judgment (which after all is what lawyers are paid to do), which means learning from your mistakes to avoid repeating them.

A professional cherishes and jealously guards her reputation. I can't emphasize enough that you build your reputation early in your career, good or bad. In everything you do, aspire to be trustworthy and reliable. Your word to another lawyer (or anyone else for that matter) should be your bond, with no need to memorialize the terms in writing.

In the same way, your reputation will determine how you're treated by your colleagues. And although we all make mistakes, there's a big difference between an honest one, and one borne of an attempt to mislead.

Your credibility is the most powerful weapon in your arsenal, but once lost, it's virtually impossible to regain. It's a bad sign if every time you speak with a judge or another lawyer, they feel compelled to have a witness (or even worse) a court reporter in the room.

Resolve today (if you haven't already) that there will be no case, client, or cause for which you'll sacrifice your integrity. You're studying to be an attorney and counselor at law. As such, it's your duty to exercise your independent judgment to dissuade a client from filing a frivolous claim or otherwise engaging in conduct that harms our justice system.

A professional understands that zealous advocacy doesn't demand that you forego treating your colleagues with courtesy and dignity. On a related note, a professional treats everyone with respect. She doesn't differentiate between a courtroom clerk and the chief judge of the court—each has an important job to do, and each should be treated with respect.

In fact, that courtroom clerk can be a valuable source of information and advice, provided you give her an incentive to help you. If you don't however, the clerk can make your life a living hell. The bottom line is that you'll have a lot more success in the practice of law (and in life) if people like you.

A professional is confident but not arrogant. The best lawyers that I've known exude a demeanor of quiet self-confidence that never borders on hubris. I'm always skeptical of anyone who's never prone to doubt. And

when in doubt, you would do well to heed Abraham Lincoln's admonition that it's "better to remain silent and be thought a fool than to speak out and remove all doubt."

A professional constantly seeks self-improvement. None of us is perfect, and we must all be humble enough to recognize our weaknesses. Whether it be time management, people skills, writing, or speechifying, a professional works every day to become a better lawyer.

Finally, a professional doesn't take himself too seriously. You are after all a budding lawyer, not the heir to a throne. The most effective lawyers, whether in or out of the courtroom, are those who are self-effacing, courteous, and down to earth. You'll soon begin to hone the analytical and critical thinking skills that will mark you as a lawyer, but you needn't do that at the expense of your sense of morality, your empathy for human suffering, and your good humor.

A Harvard Business Review survey some years ago ranked lawyers and doctors highest on a so-called "loneliness scale" with 61% of lawyers ranking above average. That must change. Take the time while you're on this campus to make lasting friendships, contribute to your community and



enjoy the blessings bestowed on you. Remember that the value of your life lies not in the number of days, months, or years, but in the use that you make of them.

Before I went on the bench, I enjoyed a wide and varied criminal and civil practice, which included work before the U.S. Supreme Court and on behalf of large corporations. But the case that brought me the deepest personal satisfaction was a pro bono matter involving about \$500.00.

My client was an immigrant from Mexico whose employer refused to pay him for wages earned after he was let go. After meeting with the client, I wrote the employer a demand letter, and made a few phone calls to the NC Department of Labor. Eventually, a check arrived settling the claim in full.

I'll never forget the look on the client's face when I gave him that check. He later traveled to Mexico for the holidays to visit family and returned bearing gifts—a beautiful wool blanket, and a bottle of Tequila. I'm not sure what I did with the blanket, but I do remember what happened to the Tequila!

That case, in short, was one of my “Wow” moments as a young lawyer. Even though the dispute was over an amount of money that some might think inconsequential, it’s why I became a lawyer. And it is why I’m proud to be a lawyer today.

Mind you, I don’t view the law through rose-colored glasses. I know all too well that it’s an imperfect institution. But the law remains a singular engine for change in our society, sometimes for the bad, but more often for the good.

As Justice Oliver Wendell Holmes so aptly noted, in what other profession, “does one plunge so deep into the stream of life, so share in its passions, its battles, its despair, its triumphs?” Justice David Souter described the role of lawyers in our society this way: It is lawyers, Souter said, who give us the laws we order our lives by, who defend us when we are accused, prosecute those who harm us and decide our disputes. Without lawyers and the lawyers who later become judges, he said, society would be prone to private acts of vengeance.

Those statements from two of this nation’s legal giants embody the profession that I’m proud to have signed on to. In a moment, you’ll be

asked to take a pledge and make a similar commitment to the ideals of professionalism I've just spoken about.

Exhibiting great care, Dean Mark Martin and his colleagues have chosen you to be future standard bearers of our profession. I urge you to seize the moment, soak it all in, and enjoy the ride. And in three years, I'll be proud to call you colleague.

Until then, Godspeed and good luck!