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Address to New Members of the Bar

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THE AMERICAN BAR FOUNDATION
123 West Madison Street - Chicago 2, Illinois

ADDRESS TO NEW MEMBERS OF THE BAR

FRED H. BLUME

Ladies and Gentlemen recently admitted as members of the bar.

Mr. Bostwick yesterday afternoon told you some of the trials and tribulations of lawyers. All is not gold that glitters. Life is a struggle no matter what vocation you may choose. I have no doubt that you will be able to overcome the difficulties which you may meet on your way and I shall not dwell upon them. We are glad that you have chosen the field of law as your life work. On behalf of the courts and the bar of the state, I welcome you within the folds of a noble profession, which I think is the most intellectual of all. No civilization can exist without administration of justice according to law. And in order that they may be made possible, a profession in that connection is indispensable. The profession of the common law dates back to the fourteenth century. The lawyers of England took an active part in developing the principles of justice, many of which still exist, and aided in insisting upon individual rights and upon constitutional principles which have since that time been embodied in the Constitution of the United States and the Constitution of the various states of the Union. The profession goes back into antiquity. Cicero was one of the great trial lawyers of Rome and one of the greatest orators that has ever lived. And if it is within you, it would pay you to cultivate the art of oratory. We have had some great orators in this country: Daniel Webster, Henry Clay, Calhoun, Blaine, Benjamin Harrison. It is no mean accomplishment and no mean method for getting ahead in your profession, to be able to sway the multitude or the jury by your eloquence. In the late

Roman Empire, those who wished to belong to the profession of law were compelled to attend school, the same as you have been compelled to do. We have no knowledge as to pre-law education, but the students were compelled to study law for a period of five years. Substantially all of the great dignitaries of the late Roman Empire were men who had been admitted to practice law. Hence you can see that the nobility of the legal profession dates back for centuries and practically as far back as any important civilization has existed.

It may be that for a few years you will be struggling to get on your feet so that you cannot pay too much attention to governmental and world affairs, but the time will come when you, as men and women belonging to the top level of intelligence, must take an interest therein. The destiny of our nation will soon be in your hands and in that of men and women of your age. I do not know whether or not you have read much history. It is, in my judgment, the most enlightening study of all. You cannot intimately know the present, without knowing something of the past. History, it is true, never repeats itself exactly. The world and all that is in it is in a constant change. Nothing in the world is permanent except change. Still certain patterns arise from time to time. Looking over the history of the past, we find that the bulk of the people have been more or less oppressed by the existing governments. Commencing with the period of approximately the Renaissance, the people began to awake. The French revolution seemed to teach that tyranny would not be tolerated forever. Education spread in the western world, so that in this apparently enlightened 20th century, it was almost unbelievable that a fanatic like Hitler and Mussolini should be tolerated. But they were. We now find ourselves confronted with at least an equally fanatic, tyrant and dictator, if not greater, namely the communist. Our country is a long way from being ready to listen to the sirens of that creed. Still it is an astonishing thing that even in this country, first settled by those seeking to escape from tyranny and to gain personal liberty, where throughout its history since that time individual freedom has been considered the most important factor in citizenship, there are those who had succumbed to the sirens of the communist. The danger lies in the gradual infiltration thereof in the body politic. You may remember Pope's Essay on Man, where he stated:

Vice is monster of so frightful mien
 As to be hated is but to be seen.
 But seen too oft, familiar to our face,
 We first endure, then pity, then embrace.

Only a few in this country do not recognize Communism as a vice. But, as I stated, gradual infiltration of this vice is the danger, and it is incumbent on you, as lawyers, and your fellow lawyers to stand in the forefront of men and women who are willing to combat that infiltration.

Of course, with the threat of Communism hanging over the world at present, individual liberty must suffer to a more or less extent until that

threat is removed. But there is another factor we should consider, not altogether unrelated, and which has bothered this country from the time that our national government was founded. It was founded with the idea that local self-government should be preserved wherever possible, leaving to the Federal government only such power as was essential to make us one nation. What has been the result? When I was young I studied considerable history. I noted the centralization of government in France, in Germany, in Italy, and especially in England. If you have studied the history of the common law, you have found that the courts of the king centralized the judicial power in their hands. I had noted the tendency of centralization in the hands of our Federal government even at that time. More than half a century ago, on May 30, 1902, addressing the veterans of the Civil War, I, judging from the history of other countries, stated in my youthful enthusiasm as follows:

“Thus the Federal Government has gained an enormous influence upon the minds of the people. There can be only one result. More centralization of power in the hands of the Federal Government must follow, and the states as such, with their own legislatures, and their own state officers will ultimately be swept out of existence, or their powers and their functions will be so reduced and diminished as to be merely nominal. That centralization of power is wise and beneficial in many respects cannot be doubted. But what the final outcome will be, several generations yet to come will be unable to foretell.”

The picture may have been somewhat overdrawn, but it came close to the truth, if the present tendencies continue. I did not say whether too much centralization was or was not an evil. I had no sufficient experience to tell. I did not then know that to raise a grain of wheat to feed to your chicks might, in my short life-time, be considered as part of interstate commerce. I did not realize that I would see the day when the Federal Government would regulate, control and direct almost every phase of our lives. The danger of the continuance of the tendency of the past is quite apparent. But we become apathetic. The infiltration is gradual. We first endure, and then embrace the evil. On July 4, 1861, in a moment of crisis, President Lincoln put this question to Congress: “Must a government of necessity be too strong for the liberties of its own people, or too weak to maintain its own existence?” It is quite apparent that the answer should be No, just as Lincoln thought. A balance should be struck somewhere. But where is it to be? While there may be disagreements on minor points, it would seem to me that we should all agree that one method to maintain our freedom is that governmental functions which can reasonably be performed locally should be left to the states, even though it might be thought that some of these functions cannot be so performed as efficiently. Inefficiency in local government in most cases is equalled by inefficiency in bureaucratic government.

Furthermore, we have heard a great deal lately about free enterprise.

When I was a boy, that was taken for granted. It is hardly necessary for me to say that free enterprise and opportunity for individual initiative is quite important for maintaining individual freedom. You, as lawyers, and your fellow lawyers, represent that principle as well as any other class of people. It is only through your individual efforts, through your constant striving, that you can get ahead and get to the top of your profession. If you were under the control of the Government, as are the men of Russia, you would have no liberty. And what is true in your case is true of others. A gradual deprivation of individual enterprise of one class after another will ultimately effect all. A few days ago I read an excerpt from *The Virginia Law Weekly*, reprinted in the *Journal of the American Judicature Society* in August, 1953, as follows:

"An attorney has perhaps the best opportunity of anyone to advance on his own ability, because that ability is the only limitation on the heights which he may achieve. And being leaders in their communities, lawyers should set the example by reaching the very peak of their capabilities.

"In addition, the lawyer has the best opportunity, as a leader, to try to create ambition in others. And it is only a driving ambition to 'beat the game' of life that can make us strong from within. . . . the only real security lies in opportunity. If a man dreams of castles on top of the Rockies, he should have the opportunity to realize his dream. It is only as long as he can realize that dream that he will work for it. And when he cannot, he will cease to make the most of his abilities. The ultimate loser is the nation."

Thus you, as lawyers, have an important part to play in maintaining the American way of life. And we trust that you will not fall down in your duties in the important period which lies before you.

THE POOREST BUSINESS MAN

RICHARD R. BOSTWICK

For a few moments I wish to talk to you today regarding the most important item in any law office—more important than any particular case—more important than any group of cases or any other type of business handled in the office. This importance is basic because the fee is the final result of all work done in a law office. Now in talking about the nature and computation of fees, I want to exclude certain types of fees, namely: the contingent fee, retainer cases, and statutory fees, such as probate. The cases which I am concerned with are the ordinary type of employment that every law office handles.

Question: What Does It Cost You to Open the Office Door?

As in any business, it is first necessary to determine what the product costs before you are able to determine what you may sell it for. Now if you