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ADDRESS OF WELCOME

FRED H. BLUME*

Gentlemen recently admitted to the Bar:

Representing the Bar of this State, I welcome you into its midst. You have joined, as it were, an exclusive club some 700 years old, a club composed of men of the highest intellect in the nation. That you have that intellect is shown by the fact that you have passed the requisite examination and have not been found wanting. You are following in the footsteps of many predecessors who practiced under the rules of the common law dating back to about the middle of the 12th century. So, to say the least, you have joined a club worthy to be joined.

To have a legal training is, today more than ever before, recognized as one of the best ways to meet the economic complications of society of today, even though you do not engage in the actual practice of the law. Do not, however, expect the life of a lawyer engaged in the practice to be a bed of roses. The young lawyer, just admitted, is fortunate if he can join a lawyer or firm of lawyers with an established practice, or if he can get support or partial support of his parents or others while he is struggling to establish himself. I recently read an article about the young lawyers in the city of New York which portrays the struggle through which they are apt to be compelled to go, and showing that many never get established as lawyers, but are compelled to seek other pursuits to make a living. Many of those who start out in the practice by themselves will find the start difficult. However, hundreds of thousands of young lawyers before you have found it difficult to get a start, but have ultimately succeeded. Do not be discouraged. Old lawyers pass from the stage of life. Younger men must take their places. Persistence in your pursuit, which my high school professor called stick-to-itiveness, will ultimately insure success. It may be that in the beginning your practice will be confined to practice in the justice court, but there is nothing dishonorable in that. Many of us were compelled to start just that way. Be sure to pay the utmost attention to such cases the same as you would do to cases which you might have in the district or supreme courts. It will prepare you for better and more lucrative cases. You may have to do your own typewriting for some time. That won't hurt you. I did it for many years.

And let me say a few words as to what I think you should do in cases which come before you, whether simple or not. A little reflection will show that the course which should be adopted by a lawyer in connection with cases before him is not much different from the course pursued by judges.

* Chief Justice, Supreme Court of the State of Wyoming.
Address delivered at the annual meeting, September 16 and 17, 1954, at Rock Springs, Wyoming.

The first step which a lawyer must take when a case is laid before him is to get the facts clearly in his mind. Some facts may be very simple. You may have to sue on a promissory note for instance. Frequently the facts are involved, and it is of prime importance that they be thoroughly understood. Many cases, it is true, are decided upon conflicting testimony, and in cases of that kind the lawyer is often helpless, not because of his own fault, but because he has been misled, wittingly or otherwise, by his client. But even in such cases the detailed facts must never be overlooked, particularly those which may avoid the consequences of vital testimony given by the party on the opposite side. The facts in many cases may not be disputed, or very little so. But the governing rule of law may not be clear. You cannot expect the solution of the problem to be laid in your lap by some goddess. You must use your God-given intellect. Your mind must function as it was intended to do. The duty to your client demands a vigorous attack on the work before you. So you might say that the second step which a lawyer must take in a case before him is to constitute himself, as it were, the judge in that case; that is to say he must use his sense of justice in order to determine what the law should be in the light of the facts. That is a point of the greatest importance. Every normal man has a sense of justice, limited, it is true by his experience. But a lawyer starting out in the practice need not doubt its existence. Without such innate sense of justice in men, knowledge of even the fundamental principles of law would be impossible. It is only by reason of it that the complicated and varied problems arising in life can be adjusted. As stated by Sir John McDonald (Preface to *Del Vechio* in *Modern Phil. Series*): "The sentiment of justice is a real fact as the existence of electricity. By that ideal laws are judged. Clinging as we may to the facts of experience, we shall be compelled to judge the facts by the standard not derived from that experience."

Another author (Gmelin, 9 *Modern Phil. Series*, page 125) states: "When a case is to be decided, you had better leave the law books alone. After you understand the facts thoroughly consider what would be right according to your common sense and the law of nature and equity; then when you have thoroughly made up your mind on the case, look at your Code of Laws, and behold, you will find that the law fits your own conclusion exactly in almost all cases."

It is by reason of the innate sense of justice that the rules and principles of equity grew up; in fact equity is identical at bottom with the sense of justice. By reason of that we know generally what constitutes conduct of good faith and what is right and proper.

It would, however, be a great mistake to depend on your sense of justice alone. That sense grows and develops with experience. A man may overlook certain factors or facts which at first glance are deemed to be unimportant. So that the third step in your case is to go to the books,

and see what the courts have said on the subject, and if you do not find a case exactly in point, look and see what courts have said in analogous cases, and be sure to look for cases in which the analogy is close. You may not always be successful in your undertakings. Do not let that discourage you. Continue to strive and do your best. As said by the late philosopher Josiah Royce:

“No statesman ever founded an enduring order. No poet ever gave us just the song that in his best moments he had meant and hoped to sing. No human life ever attained the fulfillment of the glorious dreams of its youth.”

So in your case, the fact that at times you lose your case — as will likely be true — should but serve to make you strive harder and better in the future.

Above all, be honest with yourself, be honest with your client, be honest with the courts. It is a canon of ethics that you must be courteous to the courts. But that is simply one of the facts of life. That canon of ethics is merely on the same plane with your duty to be courteous to your clients, and courteous to your fellow lawyers. Courtesy on the part of the lawyer in his walk of life is one of the facts at the bottom of his success. Lawyers are entitled to take advantage of the rules of law even though it may disconcert the lawyer of the other side. But trickery and discourtesy will get no one anywhere and will be a distinct hindrance to his success in life.

The first few years of the practice of the law may seem long. But that feeling will soon pass. In fact, as some of us know, the stream of life flows fast. If you want to paddle your canoe through and over that stream safely and successfully, watch the banks, and avoid the whirlpools and the eddies. If you happen to get into one, stop and think and keep your head, so that you will not go under. And when you finally pass through life's canyon to the westward, and you see the sunset with its ever lengthening shadows, fast disappearing and gradually creeping and fading into dusk and darkness be sure that you will be able to look back and say that you have fully met the acid test of human destiny.