

NDLS
Different Kind of Lawyer
Closing Comments
August 20, 2019

Atticus Finch lost that case. His client was wrongfully convicted...and yet, as we just saw, he earned the respect of his community because he chose to stand up for those who needed a defense...he chose to be a Different Kind of Lawyer...

How will you choose? How will you make the fundamental choice that will guide your career?

On the one hand, you can choose to spend your professional life in pursuit of winning.

On the other hand, you can choose to spend your professional life as a whole person in service to others...in pursuit of justice...in the manner our profession was designed.

Let me then leave you with a challenge based on 4 main thoughts.

1. You've Already Won

There are 191 of you here today. 191 newly constructed ocean going sailing vessels fresh from the boatyard of your undergraduate years.

You are in a **safe harbor here**. You are here to prepare yourselves for a trip into open seas, as David Brooks put it this morning.

We have talked today about using your time here to **grow as a person**...to know yourself, to understand the professional landscape, to make the most of where you are, to draft your first professional development plan, to build your professional compass and to take responsibility for the profession...

Your time here is **not a competition**.

There is no race that starts today because you are all going different places.

Your path is **unique** and, because of that, there are no limits on the number of opportunities available to each of you.

There is no competition. Why? **You've already won**.

You DOMINATED middle school.

You won high school, the SAT, college and the LSAT. Your admission here ... to one of the nation's elite law schools ... was the last thing on your winning path.

The real prize...the real challenge: using your time at NDLS to find the path that works best for you... **a path that leads to service to others**.

And...so...CHILL...There is certainly not enough room in this small, intimate anchorage for all of you to be racing around in needless competition with each other.

2. Be Patient with Yourself

Be **patient with yourselves.**

The nature of the academic endeavor here is **fundamentally different** from anything you've done before.

Everything you'll learn here flows from a **common wellspring**. There are fundamental concepts by which human beings get along: fairness, notice, opportunity to fix a problem, estoppel...

Law school **arbitrarily divides** these concepts into subject areas as a means of introducing you to the information.

You learn the material in a **completely different way** that you have learned before. When you were kicking butt in middle school, you learned math by doing lots of practice problems; you may have learned history by reviewing texts again and again. Repetition brought results.

Learning the law doesn't work that way. This process will, as Professor Kingsfield put it, "Turn your brain from mush and teach you to think like a lawyer." It takes effort, to be sure, but mostly it **takes time**.

Think instead of your academic experience here as a **round buffet table**....you have to go around this unique buffet multiple times before you understand how the different courses of the meal fit together...And, as you proceed through your classes, the **pieces will begin to fall into place**...and eventually all of this makes sense. Things will click at different times for each of you...but they will fall into place.

Will you be **frustrated** in the early days? Yes. Everyone who ever went to law school, me at the front of the list, experienced a sense of difficulty and struggle. Will the **frustration go away**? Yes. The frustration always goes away as the pieces fit together. By the end of this year...maybe the beginning of next, **you'll come to see how the pieces fit together**...and the work gets much easier.

Put in the work, to be sure, but allow time to take its course and be patient with yourselves.

And, in exactly 999 days, on May 15, 2022, a rising tide will carry each of you and your new graduation buddies into the open seas. Each of you will set sail from here on your own journey.

3. Avoid the Trap of Winning

And **you'll face the fundamental choice** many times along the way. Am I going to put my self-interest ahead of client and system?

It may **manifest itself in dramatic ways** such as when the lawyer received the confidential report sent in error as we discussed this morning. More likely, though, you'll face the fundamental choice between self interest and professionalism in a **million small moments**....many surrounding issues of how much money you'll put in your pocket.

Our profession contains a trap...it's called "**Winning**"...

"Winning"...writ large...**can take many forms** in other contexts...perhaps most easily seen in a litigation context in which you **do whatever it takes** you're your client to prevail...transactional lawyers can try to 'win' negotiations....expert lawyers can try to 'win' by leveraging a result by twisting and burnishing facts or taking advantage of lesser skilled attorneys...

Many **justify** this behavior by **thinking that you are putting your clients first**...your client should win the case, get the best deal, obtain a favorable ruling...that's your job...the end justifies the means. But, consider this: focusing exclusively on your client **ignores your responsibility to the system**...to society...to work toward justice. It is an **impossible coincidence** that every optimal outcome your client seeks is consistent with justice or fairness.

No....When lawyers tell you that they are **driven by winning**, they are not expressing concern for their clients, they are instead **concerned about themselves**. Winning always brings the lawyer more even if the result is unjust. They seek their self-interest, hiding behind a **fig leaf** of acting on behalf of their clients.

The true form of “winning” sought by the self-interested lawyer is **winning at the game of life**: more money, more power, more prestige, more fame...it has everything to do with the lawyer and, fig leaf aside, nothing to do with the client.

Don't get me wrong: **Advocacy**....remarkably effective advocacy in every context...**can take place squarely within the thematic confines of the Model Rules**: service to clients and service to others...consider this: your best work may be in a circumstance in which you minimize the loss to your client in those situations in which justice dictates that your client should not win...

But, a **focus on winning...to the exclusion** of justice... to the exclusion of professionalism... turns the practice of law, a professional vocation devoted to getting to the right answers while serving others...into **nothing more than another business**....demeans your calling by placing service to self above service to clients and the system of justice.

4. Who Are the Real Winners?

There are **other paths**. Paths on which you can be a wonderfully effective lawyer who rejects “Winning” in favor of leading a whole and real life as a lawyer.

I came across a story that makes this point. A lawyer in Miami, **Javier Lopez**, was receiving an award from the Bar and told of a time very early in his career that he was called to the office of a senior partner of his major law firm. The senior partner told him, “Javier, you are a B+, maybe an A-, lawyer. And, you’ll never be an A+ lawyer because you place too much emphasis on your faith and family.” Lawyers like this will regale you with stories describing the **badges of winning**...of gamesman-like tactics...of leveraged opportunities...of clients who prevailed to the destruction of others....This partner spoke with pride of the family events and vacations that he had sacrificed to become an “A+” lawyer as though each was a badge of honor that Javier would not earn.

Javier asked if his job was in jeopardy. The senior partner told him it was not. Javier’s reaction: he was overjoyed! Why? Because he had just learned that he **could be an A- lawyer**...and have a family...and live a faith-filled life of service.,,

A word of caution: **you would be mistaken** to take my comments here to mean that Javier **doesn’t work hard** and advocate well. He likely works as hard as anyone you know: as a lawyer, as a father and husband, a community leader and servant and as a child of God. I’ll bet Javier works as hard as the A+ lawyer but in many areas of his life...rather than just being focused on legal work.

All of the different pieces of Javier's life **contribute to the creation of a whole person**, a lawyer who has a well-developed sense of the wide variety of human situations that clients face.

Ask yourself, "**Who is the Real Winner** in this situation?" The self-proclaimed A+ lawyer living a life in which work dominates what should be the most important things in our lives?...or the A- lawyer living life as a real person?

I know which one I would rather have represent me. **Give me the lawyer** whose broad life experiences give him an empathy and understanding of the human condition that will make him more effective in virtually every context in which lawyers work. Life experiences give the well-rounded lawyer a **special form of wisdom** that the egghead, workaholic, self-styled A+ lawyer will never obtain. Ironic, huh?

And, worry not...**financial success will follow the well-rounded lawyer**. Live a rounded life and take great care of your clients and the system and you will never have a financial worry. Why? People **will be drawn to your character**. They want to be around you...they want to have you solve their problems...they want to trust you. And, in a **future** in which more and more work will be done by machines, your **trustworthiness will stand out** like a beacon to clients...who want to deal with balanced people...with broad life experiences and a magnanimous character...when facing critically important issues in their lives.

And, so here is my challenge to you. Go forth from here and **make the professional choice**. Turn your back on self-interest...and a misled devotion to "winning"... because you have already won everything worth winning.

As you move toward the open water that follows law school, **set your sails** instead on being called to the **higher levels of service** upon which our profession is built.

Embrace the fact that as a lawyer you have a **unique platform** to help others...you can do things absolutely no one else can do because you can file a lawsuit and appear in court...you can think critically to solve problems in a way that others cannot...your work in serving client and system will help to bind our society together harmoniously under the rule of law.

Use your time here...and the balance of your career...to **set yourself apart** from those in the profession who would reduce this incredible and unique opportunity to serve into nothing more than yet another **pedestrian way a way to make a living**.

Go...live today and every other day of your career **making the right fundamental choice**...by serving client and system...by choosing others before self...by living a whole and contented lifeby becoming lawyer who realizes the practice of law is not an end in itself – it's a calling...a vocation...a vocation through which you choose to use the **God-given gifts** that brought you here to serve a society which desperately needs men and women of character to step forward....

In the end, I challenge each of you today to embrace this path of service...to become a **Different Kind of Lawyer**.

It's been an honor...and a pleasure.... to be here with you this morning. God Bless and Godspeed!