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The Fordham Monthly- Address by the Hon. Charles Hughes and Dean Paul Fuller to the graduates of Fordham Law School

Fordham Law School

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Address of Hon. Charles E. Hughes

Governor of the State of New York, to the Graduates of the Fordham University
School of Law

Reverend Rector, Graduates, Ladies and Gentlemen:

I ESTEEM it a happy privilege, on behalf of the people of the State, to give you a word of congratulation at this time, when you are sending forth, from an old and important university, men well fitted for the practice of a noble profession. I consider it personally an honor, as a lawyer of this State, to be here to say a word of greeting and of counsel to those who are about to join the ranks of the profession.

Much of the ground has been frequently trodden, but it cannot be trodden too often. The activities of the profession in some directions have been widened and in other directions have been restricted, but the same qualities, to a very large degree, of mind and heart, are still needed to attain success, and, as has been well said, no society and no profession can rise higher than its ideals.

If there is anyone among you who seeks the practice of the profession of law as a means to the attainment of wealth, he has made a mistake; this is not his place. There are undoubtedly large opportunities at the bar for the gaining of a competence, even for the amassing of riches. These opportunities increase as the profession of law to a greater degree touches the enterprises of business and the occupation of the solicitor and the business manager become, to some extent, confused. But I have never known a man with a talent for acquisition, who by virtue of that peculiar aptitude succeeded in getting rich at the bar, who would not have gotten far richer had he stayed in his proper field of activity.

The ideals of the bar are not the attainment of wealth, although the result of successful effort at the bar is generally a very generous pecuniary reward. In the first place, the man who comes to the bar is one who takes a keen delight in intellectual work; a man who has a love and aptitude for analysis, who delights in intellectual athletics, who finds no comfort in occupations which do not give full play to a keen mind. It is a rare opportunity for mental work. The implication is obvious that lawyers are hard workers. There is no easy life, easy road to success, at the bar, as success is judged by your professional brethren. It is a toilsome path of unremitting endeavor, which knows no regulation of hours of labor, the extent of which is governed exclusively by physical capacity. It means a devotion to the pursuit of knowledge applicable to a particular case, a devotion which means an entire abnegation of self and the surrender to an imperious intellectual demand to know all that can be known about the particular matter in hand.

If you are not capable of receiving that stimulus which presses you on to more and more endeavor, until you have reached the limit of your capacity in your desire to un-
Understand and apply your knowledge, you will seek in vain the rewards of the bar. They will pass to others. But if you have that desire, if you love the work of reason, if you are not content with any particular statement or proposition until you have threshed it out and satisfied your own judgment with regard to its verity, if you desire variety, a large outlook, occupation which gives you every opportunity for becoming acquainted with almost every field of activity, if you desire full play for all that you may have learned and abundant chance to apply every bit of information which may have come within your ken, then in the profession of the law you will live happy, though you die poor.

Therefore it is that, in these days when there is much talk of commercialism of the bar, when the rewards of skill and ingenuity in enterprise are dangled before the eyes of lawyers, it is still important to hold up the old professional ideal of intellectual work, of mental mastery, of the rewards of the man who is willing to give himself that he may know and achieve, who cares not for anything which may be regarded as valuable in the market-place.

It is also important that we should ever remember that the true lawyer is a man of personal independence. He has no right to hold up his head among the members of the bar, if his opinion can be bought or he can be persuaded to go contrary to his convictions by any retainer. That is not a counsel of perfection. There are many men in this city who are living up to that ideal. It is an old ideal of the bar, and it will remain an ideal of the bar, if we may have just confidence in humanity. Personal independence. You are not obliged to take a case. You are not obliged to work for any man. The question is, whether you are running your office or whether some one else insists upon your running it for him. To the extent that a man is in a position at the bar where he must work for a given client, to that extent he has fallen in the profession, judged by proper standards.

Now it is, therefore, very important for young lawyers to realize that they must look after the expenses to which they become committed. In a great community like this, where so much money is required to maintain agreeable standards of living, a man soon becomes enslaved, while he thinks he is pursuing his liberty. The man who is really free is very careful that he does not get his life organized in such a way that he does not dare to be an independent man or respect his own manhood. Now, you can maintain yourself if you desire to do it. If you start out with the idea that you will so limit your expenses and your manner of living and you will so watch the outgo, as proportioned to the income, that there will never be a time when you cannot say to a client who desires you to do an improper thing, “There is the door,” you will be safe.

It is a simple question of what you desire most. If you want certain temporary advantages, if you desire immediately that which money alone can procure, you will soon find yourself, by degrees which are imperceptible to you at the time, becoming immeshed, and so entangled that after awhile you will say there is no escape, and you will listen to what the others say about the independence of the bar, and you will know that you are nothing but a hireling and that you are sold out.

But if a young man, coming to the bar, will take the long view, if he will look far enough ahead to appreciate the real prizes of the profession, if he will recognize that as he goes forward, step by step, he must go with his manhood intact, with his integrity unimpaired, he will lose naught in the end and he will achieve that which all members of our profession honor.
In dealing with clients, it is best to be absolutely frank. Never fool a client. If you think there is a weak point in his case, tell him. He may not agree with you, but later he may more highly esteem you.

If you think that he is wrong, don't be at all discouraged because another lawyer, as he tells you, thinks he is right and is ready to take the case. Let him have it.

Don't fool yourself. That is a very difficult lesson to learn, because, when interest prompts, the judgment is so easily warped. The best rule that I have ever heard, and it has been frequently stated, is to cross-examine your client, when he comes into your office, more severely than he will ever be cross-examined in court, and get at the real facts of the case. Then come to your own conclusion about them by honest effort of your own.

Some men's mental processes stop too early. It is very difficult to reason anything out. A subject is presented, an opinion is jumped at, a man who is met in the restaurant or on the corner confirms it, a hastily examined case seems to support it, and a long litigation is the result, and you learn later, from the Court of Appeals, what a few hours' study might have told you. The lawyer must learn, and it is the price of success at the bar, to do his own thinking. He must grapple with his problem and master it. If, occasionally, he gets one that he cannot master unaided and he seeks assistance, then let him master it with that assistance. But he must master it; right or wrong he must come to his own conclusions.

It is not by getting clients and earning fees that you advance. It is by the toilsome discipline of effort in the endeavor to understand the matters that are entrusted to you professionally.

Do not think, graduates, that, because you have had the benefit of three years' training at a university law school so well conducted as this law school, you will start on your career as lawyers, as equipped men of the bar, ready for anything which may be brought to your attention. You are equipped, no doubt well equipped, but equipped to begin, and there is no profession in the world in which age and experience and the discipline of continual practice count for so much as in the profession of the bar.

Therefore it is that you may look forward to no age limit which sets a mark upon your activities. You may look forward to no time when you may be compelled to retire. Others may take up the more active work of the profession and you may not be able to attend at all diligently to this kind of work or that, but as long as your mind is unimpaired, so long will your experience count, and the experience of the sage can never be equalled by the activity of the neophyte.

That is not a discouragement to the young lawyer; rather it is an encouragement, because he has entered upon work which as long as mind lasts he will be able to prosecute with increasing satisfaction and with generous reward.

You will have, of course, presented to you the urgent demands, the importunate demands, of particular cases. Some people are constantly worrying about the question whether a lawyer has any right to act in a case for a client whom he believes to be guilty of an infraction of the law. There is not the slightest question that a lawyer is not only entitled, but may fairly be said to be bound to see that justice is done to it, and that anyone who is convicted shall be convicted according to law. There is not the slightest question that a lawyer is not only entitled, but may fairly be said to be bound to see that justice is done to it, and that anyone who is convicted shall be convicted according to law. But if you believe a man to be guilty and you are intent upon seeing that the orderly processes of the law are conducted, you will have no trouble if you tell your client precisely what you propose to do in defending his rights. You will be saved from all embarrassment if you adhere to the line in practice which is
laid down in theory, and you see that every man gets justice, and that you as a minister of justice do not trifle with the law to see that it is defeated.

In your dealings with courts you will have to be respectful and have due regard to the dignity of the bench. This is a community of law and order. We have our difficult problems. We have umpires to settle them. If there is any man on the bench who does not do his duty, let the facts be shown. But let us have respect for the umpires who decide our questions, and let us uphold the majesty of the law as it is interpreted by the judges who are chosen by the people.

You will make a great mistake if you think that advancement depends upon endeavoring to curry favor with the court. Judges have no respect for lickspittles. An honorable judge admires an honorable fighter, an earnest advocate, one who presents his case with the force of conviction, with the intensity of loyalty to the client whose interest he has espoused. He is no man who seeks the back door. Don't seek it.

You will also find that in your dealings with the courts, as in your dealings with juries, you will make a great mistake in your estimate of American character if you think that sincerity does not count. There is no greater advantage that a client can have than to be represented by a lawyer of recognized independence who brings his character with him to his work.

If, in the course of the toilsome effort during the long years of your apprenticeship, you lose the respect which is paid, not to learning, not to shrewdness, to naught else but character, you will fail, when the time comes when you desire to reach the highest goal.

The lawyer who is sixty appears before the court with a rich experience, with a character beyond reproach, with a reputation for learning and for forceful presentation based on just conviction, has a record that has been made step by step by the refusal to yield to temptation, by the repelling of this and that untoward influence. It has been reached by safeguarding that priceless character which makes a leader of the bar. There never has been a leader of the bar without it.

You may count the riches of negotiators, you may point to those who succeed in sensational cases, but you take the suffrage of the men at the bar, and the leader of the bar in his ripe age is inevitably the man of recognized strength of character, who is un purchasable and therefore in a position to render the highest service that any client can ask.

There are some judges, not present here tonight, probably not living at this time, who sometimes, because of the press of work and the continual grind of their occupation, become a little irascible in dealing with lawyers practising before them. Now, when a judge becomes irascible, it is time for the lawyer to become cool; and there is no case in which simple dignity, self-respect, the instincts of a gentleman show to finer advantage than in a hotly contested case. There are some lawyers who get into a passion when they serve a summons and they never get out of it. As soon as they start a contest they develop all the friction possible. They seem to think that it is a part of the game to become indignant at everybody who is found to be in opposition. They are exasperated at the very outset at the temerity of another lawyer to oppose. They come into court on the first motion, fairly alive with passion because of this first hurdle that must be leaped. They live at a white heat, and, being constantly in their own company, they must be very uncomfortable.

Now, as a good lawyer must work hard, he
must be able to work hard and keep his nervous system in good condition. As he must be an honorable man, so he should be a man that has confidence in the average honor of those whom he meets. And he must be a gentleman. If you read with delight in the old romance of the skilled fencer, who parried and thrust in a desperate encounter without loss of his poise and perfect mastery of his position, you are simply reading an illustration, on a lower, physical level, of what should appear in every forensic contest, where intellect is keen and where the master must be one who does not lose his head.

It is no sign of greatness to be impassioned. It is not a sign of vigor to be passionate. Be earnest. Have convictions. Be forceful. But never hit below the belt, and always, whatever your adversary may do, think that, if he falls below the standard that you have set, you cannot; that there is something within you more important than the success of any case, more important than victory in any verbal encounter, more important than the temporary good opinion of thoughtless observers. There is something within you which demands that you must rise to the dignity of your own manhood and let it be known of all that you are a man of poise, of honor, who can give a blow fairly that is telling, but who will not stoop to anything unworthy of the true gentleman.

The lawyer's service is not ended in his devotion to his client. It is not frequently thought of by those outside of the profession, but it is a beautiful thing, the devotion to clients and the interests which are brought within one's professional care. There are men in this city to-night who are giving up every comfort, who are devoting themselves without regard to any personal interest, in cases that are well nigh hopeless and that promise little or no reward, simply because they are urged on in their zeal to serve a client whose cause has been espoused. It is a noble thing. But there is something far nobler. You have the great advantage of familiarity with the laws of the land. You are trained in the very difficult problems which are raised by the application of abstruse statutes. You know the constitutional history of the country. You have read of the long efforts of those who in the past framed the institutions which have been so largely adopted in our system. You are the natural guardians of the order and well being of the commonwealth. What a misfortune it is that lawyers should fall into any public disrepute!

We are a government of law. It is a very difficult thing for any man, however well intentioned, to actually understand the laws under which he lives. It is an absolute necessity that men trained in the law should give their attention to public questions. However it may be regarded, it would be difficult indeed to maintain the public service without the lawyers being at the call of the people. And then the great department of government having the power to nullify statutes, sitting in judgment upon all controversies, public and private, is recruited from the bar.

Nothing can rise higher than its source and it is not too much to say that the success of American government depends upon the strength of the professional ideals of the bar in their hold upon the practitioner. Therefore it is that coming to this profession you must regard yourselves in the first instance as the sworn ministers of justice. You have no right to advise clients to trick the law. You have no right to nullify the constitution of the State. You have no right to so endeavor to shape things that this or that interest can get the best of the people. You have a right as men and as citizens to defend anybody who is attacked, rich or poor. You may, with a professional zeal, espouse an unpopular
cause. There never was a prouder hour in the life of John Adams than when he undertook the defense of the British soldiers, and although his great career showed him to be a man of strength, it was in those dark hours, when the community that he loved turned upon him with their tirades and sarcasm, that he showed his real strength of character; and as we read his life we find there right at that time his best title to fame.

Never be afraid of an unpopular cause where justice is involved, whether it is justice to the poorest man in the community or to the richest corporation. But never, on the other hand, attempt, by appealing to your right to appear for an unpopular cause, to defend your position in aid of rascality.

We have on the one hand to guard against those who would rush us into ways that are broad and lead to destruction. We have to guard against impatience and the rule of unreason. On the other hand, we have to guard against those who would make our very institutions a cloak for the iniquity which should be exposed. It is for the lawyer to hold the balance true. It is for the lawyer to point to the straight path. It is for him to show justice to all and the equal enforcement of the laws to all as well, and when it is recognized that no man can come into your office with any retainer, however large, and get you to attempt to do that which, if it were blazoned abroad and read by all men, would lead to your disgrace, then it may be known that you are worthy of the traditions of the profession and entitled to be regarded, as you style yourself, a minister of justice.

You have sacred confidences within your keeping. You cannot in any case go against a client whose interests have been placed in your charge. You have the most absolute fidelity as your principle in every action in life. Again and again you will find yourself barred from saying what you would like to say and from taking an action which you would like to take, because of that sacred trust, which at one time you have received and which you dare not dishonor. Therefore be very careful how you get under such obligations. Be very careful how you put a blanket mortgage upon your future. I know of no advice to the young lawyer more important than that. Sometimes in a thoughtless moment, sometimes with the greatest eagerness in what looks like a rich opportunity, a man assumes obligations which imperil his entire usefulness to the future. How are you to avoid it? Simply by taking each step at a time, and when you see a step, however short, that is going to lead you in the wrong direction, stop and let your client get another lawyer if he wants that step taken. That is all there is to be done.

And so it may be that the community may lean upon those who are best trained to serve it and that it will find men free of obligation who may espouse causes that are important to its interest. I have naught to say in aid of any of the careless talk with regard to lawyers and their absolute disregard of public service. We need not in this presence pay heed to such libels, but we must pay heed to the extraordinary temptations of a highly commercialized age. We must give heed to the seductions on every hand, which are in so many cases found powerful enough to lead men away from the path which otherwise they would choose. We must at all times maintain that honesty of allegiance to commonwealth and that sympathy with fellow man which will enable one to himself true and ready to serve, and him shun any obligations or any ass of fealty which would make it impose on him to be of service to the people as

Oh, we have the greatest opportunity, that the world has ever seen! It all depends upon keeping institutions pure and unsullied. It
being able to call men to the service of the State who will not prostitute their talents and whom no special interests can buy. It depends upon having honest representation, honest representation by lawyers who are under no retainers to any special interests, but who can be depended upon to give their talents selflessly for the State. It depends upon having honest representation by lawyers who are under no retainers to any special interests, but who can be depended upon to give their talents selflessly for the State.

It depends upon the insistence in every community that every man who professes to represent the people shall recognize his amenability alone to them, and in the education in the general regard for nobility of character as the highest prize in the general estimate of virtue, which will never be lost as long as we have trust in humanity, we may find confidence as we look toward the future.

Graduates of Fordham University, what are the prizes of life? When you advance toward age, when you find that you have shot your bolt, when you begin to sum up the results of your endeavor, what will you find that you have that is worth while? Will it be accumulation? Will it be the memory that once you successfully tricked a brother? Will it be recalling that once upon a time you deceived a judge? Will it be the memory of chicanery as you approach your end, the success of mere astuteness and the play of intellectual ability purely for selfish purposes? Or then will you count with gratification the fact that you have a noble heritage, a splendid training; that you never prostituted your manhood; that, skilled in a great profession, you gave your services for the people; and though you have little to leave your family, and although at the end you may be destitute of much that could otherwise be produced, you have the love and regard of your professional brethren who would say, "There was a man who did honor to the profession which has nourished those who founded the Constitution of the State."
The first annual commencement of the Law School was held in the theatre of the College of St. Francis Xavier on June tenth. The occasion will be a memorable one, as everything connected with it made for lasting impressions. The snug hall, well filled by an enthusiastic audience, the distinguished men of local and national fame who occupied the stage, and the addresses of the various speakers combined to make the night such as Fordham may justly be proud of. On the platform were the Rev. Rector of the University, with Rt. Rev. Joseph F. Mooney on his right, and Hon. Charles E. Hughes, Governor of the State of New York, on his left. Among others present on the stage were the Dean and Faculty of the School, Dr. James J. Walsh, Dean of the School of Medicine, Hon. Alton B. Parker, Hon. David Leventritt, formerly Justice of the New York Supreme Court; Justices Amend, Dowling, Stapleton, O’Gorman, Hendrick and Brady of the New York Supreme Court; Edward J. McGuire, former Judge Joseph Daly, William M. Byrne, formerly United States District Attorney for Delaware; John J. Delany, former Corporation Counsel; Hugh Kelly, Eugene Philbin, and Patrick F. McGowan, President of the Board of Aldermen.

The oration was delivered by Mr. Eugene F. McGee, A.B. (Fordham), who also took the honors of the graduating class. He was followed by Dean Fuller, who, preliminary to presenting the graduates, made an address that was full of the burning zeal and high seriousness of the prophets. The degree of L.L.B. was conferred upon Thomas P. Brennan, Louis C. Hartman, A.B. (Fordham), Thomas C. Larkin, A.B. (City College), Vincent L. Leibell, A.B. (Xavier), J. Joseph Lilly, A.B. (Holy Cross), Eugene F. McGee, A.B. (Fordham). After the address of the Rev. Rector of the University introducing the Governor of the State, His Excellency arose amidst hurrying applause and addressed the graduates for three-quarters of an hour. We print the speech in full in another part of this issue.

Next year’s graduating class numbers at present twenty-nine students, while the class below it counts sixty-two law men.

The Fordham University Bulletin of Information, Vol. 1, No. 1, containing the announcement of the School of Law for 1908-1909, has been issued, and may be had by addressing the Secretary of Fordham University, Fordham, New York.

Address of Dean Fuller

In the presence of the distinguished company come together to encourage you at the commencement of your career, it seems idle for me to add my welcome. But it would not be mete that you should gather here to receive the muniments of title that attest your proficiency in the study of the law without a word at once of warning and good cheer from the one who has had at least the titular supervision of that study, a supervision which the zeal and devotion and whole-heartedness of your Professors has made little more than a
pleasant and platonic cooperation. I shall not, however, abuse the accident of office to delay long the better things that await you.

You are a small number. Let this be the occasion for the more enthusiasm. Small bodies have hitherto done great things. The Thermopylae was held by a handful against unlimited numbers, and to-day it is still the earnest few who stand manfully by their convictions, that guide the turbulent popular current into safe channels.

All vanguards are small, and you are the vanguard of a rapidly growing host. The Law School, of which you are the pioneers in a graduating class of six, numbers already one hundred students, zealous young men, earning their own livelihood, and bravely answering our invitation to "scorn delights and live laborious days" through a three years' course, when easier opportunities were at hand to obtain the coveted degree. Many, I am encouraged to hope, will avail themselves of the fourth year, which we offer to all who appreciate how broad is the field of the law and how essential its proper administration. I wish to present one single thought for your consideration, and I shall do so by emphasizing the underlying purpose of your careful training. That purpose is to weave into the warp and woof of your every act the unyielding, indestructible fibre of integrity. I do not mean that vulgar honesty which makes safe another's money lying within your grasp, or a fund left in your keeping. These are temptations to which all your traditions and your boyhood teachings have made you immune.

I speak of that integrity which will not reach out for a prize of which another is more worthy; that integrity which will not strive for nor accept a private trust or public office for which you are not fitted; make no pretense at knowledge you do not possess; take no retainer for which you cannot render adequate service; promise no service which runs counter to your best convictions; the integrity which makes the performance of your task your first consideration and compels you to give to the protection of your client's right all that is in you, at every sacrifice of rest or pleasure, of greater profits, or larger ambitions; the integrity which devotes all your labor, all your knowledge, all your intelligent and untiring research to the preparation of the case you have undertaken, until the facts and the law have been fully presented to the Court. Let me conclude with an illustration.

Some years ago, a lawyer, scarcely yet in his early prime, was negotiating in Paris the settlement of a controversy of vital personal interest to his client in America; a heavy payment had to be secured, and his opponent required a draft of a quarter of a million. The lawyer agreed to give it. He was not a man of large means, and his prudent negotiator cabled to a leading banker in New York: "Is Mr. X's draft good for a quarter of a million?" The banker replied in language not common to financial magnates: "Good for anything he puts his name to." If you are faithful to the standard which Fordham has held up to you, when anyone asks if you are fit to take charge of a given case, the answer will come: "A Fordham graduate! Fit for anything he undertakes." Hold to the standard and you will do honor to the University that sets her seal upon you, and you will conquer the verdict of your own conscience, without which all other approval is but sounding brass and tinkling cymbal. In doing this, let me add, you will do no more than follow the example of one who by no other art than adhering to that narrow path, has so established his fitness for every trust committed to him, that his clients to-day are the eight million people of the Empire State.