

"What It Means to Be a Lawyer"

Remarks of John Cannon Few, Chief Judge of the South Carolina Court of Appeals, at the Charleston School of Law graduation ceremony, December 16, 2012, Sottile Theater, Charleston, South Carolina:

This is a special moment, representing success, and *presenting* opportunity, for each of you—for the graduates, yes, but also for the founders of this school, Dean Abrams and the school's administration and staff, and the faculty. It is a special moment for the families of the graduates who have made the sacrifices they have made to enable this moment. But most importantly, of course, it is a particularly special moment for those to whom my remarks are directly addressed—the distinguished December 2012 graduates of the Charleston School of Law—those whose privilege it is to stand here on the precipice of your legal career; those for whom, in our collective anticipation of you reaching this point, everyone in this room has devoted a substantial portion of their life's energy to make this special moment happen—for whose benefit, we will discuss later.

From this moment, we may rightfully look back with pride because this moment is built on success, and we must dutifully look forward with hope because this moment enables opportunity. I am going to spend a little time with you this afternoon looking backward, preparing all of us to look forward, in the hope that we can all gain a better understanding of

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The law, or being a lawyer, is not something that can be captured in a scientific formula. We can read about it in books and we have studied it in classrooms, but we learn it on the street ... from the lives of people. It is more, like artistry than science. So, I am going to attempt to paint for each of us here this afternoon the picture that we had in our minds when we made the decisions we made to be here today. I don't mean the decision to get out of bed this morning and dress in a suit. I don't mean the decision to get in our cars yesterday to drive to Charleston. I don't mean even the decision to physically be here today at all. I am talking about the decisions each of us made, in many cases years, even decades ago, when we made the commitment to put our energy into playing the roles we have played in making it possible for you to be here today—for whose benefit, we will discuss later.

I came out of law school all fired up about the *deep intellectual intricacies* of the law, and I was eager to write about it and argue about it, and soon after I started practicing law I was riding around the countryside of Pickens County with a client in the car. We started at the accident site, where his oldest son, only sixteen, had been killed a year or so before—a place in the countryside, and in the heart of a father—where the deep intellectual intricacies of the law ... don't matter all that much.

From there we drove into the City of Pickens where I was to take the deposition of the roads manager, the man who was supposed to have been responsible for making sure that "Stop" signs, and "Stop Ahead" signs, were not obstructed by vegetation. We returned to my office in Greenville where we met with my expert, so he could go over with us the engineering

requirements for the proper placement of traffic control devices such as "Stop" signs and "Stop Ahead" signs, and distance requirements for sight triangles and other technical matters that went into his opinion that the Department of Transportation had failed to properly maintain the intersection.

So, there's the story. You can see the picture, can't you? The law imposes duties, duties get breached, damages result when 16 year old boys don't see the upcoming stop sign.

- Torts Class
- Remedies, perhaps
- Civil Procedure

That was the picture I had in my mind until, almost unwittingly, during a long period of silence as we drove from one place to another, I asked the heartbroken man sitting next to me,

"How are *you* doing?"

For the next few minutes, my relatively uneducated client taught me a lesson I could never have learned in law school. He showed me that the picture I had was not what it *means* to be a lawyer. He didn't want the vegetation cut from around that "Stop Ahead" sign so no other young boys would be killed at the intersection, although he got it. He didn't want the roads manager held accountable for his failure to properly do his job, although he got it. He didn't want the money we were asking for to compensate his family for his son's death, although he got that too.

Through blind luck on my part, much more because I was looking for something to say to fill the awkward silence than from any understanding of what it meant to be a lawyer, he got what he wanted: simply to be asked how he was coping ... with the death of the hopes we all place in our children. He cried, and I listened, and I cried, and that day, I began to understand what it means to be a lawyer.

These stories play out in all aspects of the practice of law. The stories are not always as emotional as the one I just told, but the stories are always about the challenges that real people face in their real lives, and the stories are hardly ever about the deep intellectual intricacies of the law.

My own experience is pretty much limited to the courtroom, especially over the last 12 years since I became a judge. I have been moved by everyday moments such as a lawyer reaching over to place a hand on the shoulder of a nervous client, to reassure her that she has someone there to guide her, a champion. I have been shaken during moments when lawyers singlehandedly turned the entire emotional tide of a very intense proceeding, stopping the system from steamrolling the rights of the client.

These things that lawyers do have little to do with the deep intellectual intricacies of the law that I came out of law school so eager to pursue. These things are the stories of people. They are the realities of everyday human suffering. They are the occasions for the uncommon courage of a lawyer. They are the recipes for a society to have justice, freedom, and hope. It is

these stories of ordinary lawyers helping everyday people that cause the extraordinary thinkers in our history to remark that lawyers play such a key role in the preservation of liberty.

These things that lawyers do, in many ways tell, in some ways write, the stories of the lives of people. What are the ingredients of these "life" stories of people? You've all heard the simplistic statement a good story must have a beginning, a middle, and an end. Anyone will tell you a great story must have emotion. The very best stories are built on human conflict and tragedy.

The stories of the lives of people already have all that.

My favorite stories must have a heroine, or if I can't have that, a hero.

And now we are talking, about what it means to be a lawyer.

Our heritage as lawyers is full of stories of heroes, of "Champions." One of my favorites is Andrew Hamilton's defense of John Peter Zenger, and how that victory ensured the freedom of the press in America. In South Carolina, James Louis Petigru stood against the tide of popular opinion over nullification, and sacrificed his career for what he believed was right, for the people. Recognized for his "Championship" only after his death, Petigru's epitaph in St. Michael's churchyard, right down the street, reads: "He withstood his people for his country, but his people did homage to the man who held his conscience higher than their praise."

Sixty one years ago this City was the scene of one of the great "Championships" in American legal history. Sixteen years before President Lyndon Johnson nominated him for the United States Supreme Court, a young lawyer named Thurgood Marshall came to Charleston, put the hopes of all of us on his back, and in a case called *Briggs v. Elliott*, made the first challenge, ever, to the Constitutionality of segregated schools, a challenge that ended successfully three years later in the Supreme Court's decision in *Brown v. Board of Education*.

With great respect for Dean Abrams and Judge Sanders, who analogize the law to baseball, when I think of what it means to be a lawyer, I often think of football. Those of you who are graduating who were in my evidence classes know that I am about to tell the story of the 2005 National Championship game, the Rose Bowl, when Vince Young led Texas from 12 points behind with 6 minutes left to beat Southern Cal on a touchdown with 19 seconds to play. Google it, there's a You Tube video called "2005 National Championship Part 2." Watch it from the 6:42 mark. See if you draw from it, as I do, the image of the power that a quarterback, or a lawyer, can have when he puts the cause of others on his back.

You know, I don't really even like the University of Texas, and I suspect hardly anyone in this room does either. There are other football images of champions out there. How about Peyton Manning? ESPN recently called him the greatest comeback champion in history because he broke Dan Marino's NFL record of 47 game-winning 4th quarter drives.

Why do we have football? Why do fans plan their whole weeks around, and spend thousands of dollars a year to be able to attend, football games? Is it out of the generosity of our hearts so that Vince Young, Peyton Manning, and other football "champions" can enjoy their triumphant marches down the field to our adoring screams; so that *they* can enjoy the glory of football

victory? No! Football fans, we, put all that energy into what they do on the field so that for a very brief moment of respite from the realities of our lives we can put our hopes for glory onto the backs of *our* champion, and march down the field with him to *our* glory. The game of football is for the fans—just as the practice of law exists for your clients.

Well, not only do I not like Texas, I don't particularly like the University of Tennessee, or Peyton Manning, and believe it or not I am not that big of a football fan, and like I am sure is true for many of you, all this male-dominated imagery is growing a little bit tiresome, so, let's consider another image of the "Champion," and what *she* can show us about what it means to be a lawyer.

Aung San Suu Kyi, the daughter of the father of modern Burma, who was imprisoned on house arrest for more than fifteen years because she had the audacity to put her people's hopes for democracy on her back and challenge authority. Understanding what she meant to those she served, refusing to accept the injustices they suffered, refusing to give up until the wrong was rectified, setting aside concerns for her own safety and comfort, she endured. She was released from house arrest in November, 2010, and was elected to the Burmese Parliament in April of this year where she fights, still, for democracy. Like Thurgood Marshall's victory, a true "National Championship."

Why I am comparing these great heroes and heroines (and by that I mean Marshall and Suu Kyi, not the football players)? Why am I relating them to what it means to be a lawyer? Like them, lawyers do not exist for our own purposes, but for those we are here to serve. To that extent, and to the extent people put their hopes in us to champion their cause, the comparison, even to football, can be a very good one. However, to the extent that Marshall's and Suu Kyi's victories, and again even the football victories, require greatness of their caliber in order to fulfill that role of champion, the comparison to lawyers begins to break down.

It also breaks down to the extent a champion must win a "National Championship." One night early in my time at the Court of Appeals, I was so excited about finishing a project deep into the intellectual intricacies of the law. I was serving on a selection committee the next day for an award to be given to lawyers. At about 7:00 I began to review the notebook of the profiles of the lawyers we were considering for the award. When I got into it, I was floored by the amazing lawyers out there in our communities, working for people, right here in South Carolina. There were a lot of candidates, and I stayed up literally all night studying their profiles, sometimes with tears running down my face. The people I was reading about were not "National Champions," but they were just as important to the people they served as Marshall, Suu Kyi, and other more well-known champions.

I suspect that no one in this room has won the Rose Bowl. Hardly any of us will revolutionize a national education system, or bring a nation's tyranny to its knees. But all of you now have the opportunity to be Champions. Our championship is to put a client on our back and navigate them through a situation they don't understand; a situation that scares them; one they're not equipped to handle; one as to which they need advice based on law, and hand-holding that is not; a situation that demands a lawyer's power, and welcomes a lawyer's grace. These people you are now committed to serve need your ear; and they need your voice!

As I was finishing up reading through the profiles of these great lawyers—these Champions—I was reminded then, as I am this afternoon, of the importance of that irrepressible voice of a lawyer. That voice of Power that needs no one's permission to speak; that speaks candidly, creatively, passionately, decisively, yet with understanding; understanding not simply that it can speak, but that it must speak; speak with an understanding of people: their fears, desires, values; their hopes, their dreams, their tragedies.

Aung San Suu Kyi was awarded the Nobel Peace Prize in 1991 for her work as a champion and for her voice in support of democracy. She was unable to personally accept the award at that time, however, because she was imprisoned. In June of this year, she finally made it to Oslo. She gave an amazing speech. Google it, watch it. See if you draw from it, as I do, the image of the power that a woman, or a lawyer, can have when she puts the cause of others on her back.

There are moments in her speech when it seems as if she is purposefully speaking to lawyers. That's because the great thinkers are always speaking to lawyers. When William Faulkner accepted his Nobel Prize, he said he was speaking to poets. But as I have reflected on his words over my years as a lawyer, I believe he was talking to us. He said:

"I decline to accept the end of man. It is easy enough to say that man is immortal simply because he will endure: that when the last ding-dong of doom has clanged and faded from the last worthless rock hanging tideless in the last red and dying evening, that even then there will still be one more sound: that of his puny inexhaustible voice, still talking."

Being a lawyer is far more complicated than the image of a champion whose inexhaustible voice can change lives, and change the world. But at its core, being a lawyer is about what you mean to others. A very large part of you now belongs to the clients, *and* the causes, you will represent. Let this image of what you mean to the people who consider you a champion, who rely on your ability and your resolve to be *their* voice.

let what you mean to them
define
what it means to you
to BE a lawyer

As you stand here on the precipice of your legal career, understand that this is not only what we expect of you—this . . . is the privilege you came here to earn!

Congratulations on your success; Seize this opportunity!