



# Department of Justice

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COMMENCEMENT ADDRESS  
OF  
THE HONORABLE GRIFFIN B. BELL  
ATTORNEY GENERAL OF THE UNITED STATES  
BEFORE  
DUKE UNIVERSITY SCHOOL OF LAW

SUNDAY, MAY 6, 1979  
P.M.  
DURHAM, NORTH CAROLINA

DUKE LAW SCHOOL May 6, 1979

Mr. Shimm, your Associate Dean, advised my staff, and I quote, "A reasonably short speech would be in order, because the law school does not want to impose on the Attorney General." Now I once sat where you are sitting, and listened to someone like me make a commencement speech. I know from that experience that Mr. Shimm only was trying to be kind. The truth is that you are all eager to be on your way, and there is little that I could say today that would be long remembered. My best hope is that my remarks might be recalled warmly for their brevity.

Having said this, I do want to speak seriously with you for a few moments, and to try to make a couple of points which I do hope will stick.

Take a moment to reflect on what it is that you have gained from your three years of study at this great University. What lies behind the simple scrap of parchment which each of you will receive in a few moments?

Certainly you have earned entry into perhaps the greatest fraternity of western society, the fellowship of the Bar. You may feel now, after the intensity of the last three years, that you are surfeited with law and lawyers, and that in the future you will strive to have as little to do with lawyers as possible outside the confines of your job. You will find that it will not

work that way over the long haul. There is a community of experience, of mind, and of spirit among lawyers which causes them to gravitate to one another not only during the workday but also for discussion, for recreation, and for relaxation. You may fight this tendency for awhile, but ultimately you too will yield to it, and you should do so gladly. For the Bar is a brotherhood -- or, if you will, a sisterhood or even a "siblinghood" -- which is justly envied by those outside it.

The second thing represented by that piece of parchment is your accession to the esteem which our society accords the professional. It is true that behind the esteem lies a certain ambivalence of feeling on the part of Americans toward all professions, and none more so than the lawyer. At the same time that laymen acknowledge our abilities and our learning, the majority of them are likely to associate us with the messy situations which we are called upon to resolve, and hence to think of us at best as a necessary evil. Do not be disheartened by the negative strains in the public's attitude.

In addition to joining the fellowship of the Bar and gaining the esteem accorded a professional, you have earned by your studies the opportunity to reap material reward. Few lawyers become rich from the practice of law, but none starve. You should never be ashamed that your training and your sacrifices

to this point will enable you henceforward to earn a comfortable living for yourself and your family, if you choose to do so. Freedom from want for oneself and one's loved ones is an admirable goal. All I would suggest on this score is that you not make material success your primary goal in the profession. To do so would be to risk sacrificing other values which, at the other end of your career, you will see to have been more important. To avoid the temptation of placing material gain before all else, simply remember that history never honors the successful lawyer, but only the great lawyer.

There is one other result of your studies which probably is not as obvious as those matters I have discussed to this point. Each of you entered law school with a body of knowledge built up over more than 20 years, but, I dare say, in most cases with little idea of how to apply that knowledge to a career or, what is more important, to the business of life itself. You have gained at Duke Law School additional knowledge, of course, but most importantly, you have acquired a way of thinking which will never leave you, and which will enable you to meet and master anything which your career or the rest of your life may throw in your path. I am speaking, of course, of the legal mind. At this point, I want to quote one of the better known jurists of our time, Judge Henry Friendly:

"What, you may ask, is a legal mind? This is something easier to spot than to define. . . But I can do a little better than that, and give you some characteristics, if not a comprehensive definition. A legal mind is an inquiring mind. It does not accept; it asks. Its favorite word is "Why." . . . It is analytical; it picks a problem apart so that the components can be seen and judged. It is selective; it rejects characteristics that are not significant and focuses on those that are. . . It is a classifying mind; it finds significant differences between cases that superficially seem similar and significant similarities between cases that at first seemed different. It is a discriminating mind; it has a profound disbelief in what Professor Frankfurter used to call 'the democracy of ideas.'"

Of all the fruits of your years at Duke, the legal mind may well be the most important to you. For it is your mind, your habit of thought, which sets you apart and which lies at the heart of everything else that you gain from being a lawyer. It is the common manner of thinking which will make you so compatible with other lawyers, and them with you. It is your ability to question, to analyze, and to dissect a problem which makes you worthy of the lay person's esteem. In short, "thinking like a lawyer" is in fact what it's all really about, and from that flows all else that is good about being a lawyer.

In sum, you take away from Duke a new way of looking at the world and its problems, and a claim to the esteem of those about you. You also fall heir to the special responsibilities of the lawyer, and in my last few moments with you I want to

impress upon you what I believe to be two of the most important duties of the lawyer.

The first of these duties is to render some measure of public service. It is no accident that many of the leaders of government at all levels, and many of the most constructive contributors to public debate from outside government, have always been and remain today members of the Bar. Those very habits of mind which enable a lawyer to resolve his clients' problems in private practice can be applied successfully to the resolution of broader public issues. Public service is an important part of the grand tradition of lawyering in this country, and each one of you bears a responsibility to prepare yourself for such service, to seek out opportunities to contribute, and to serve selflessly when the opportunity comes. Young lawyers who have worked with me in the law firm, on the court, and at the Justice Department have heard many times my view that just as one owes his church a tithe of his material wealth, so does a lawyer owe a tithe of his talents to the public good. It is our noblesse oblige. I commend the concept to you.

The second great duty is easily stated, but bears some explanation. Simply put, the duty is to act professionally in all that you do. If, by chance, you do retain anything of what

I say today, make it what I am about to say in explaining my idea of acting professionally. For me, acting professionally is what brings honor to lawyering.

The first, and indispensable characteristic of professional behavior is intellectual honesty. Lawyering involves constant disagreement, negotiation, the push and pull of ideas and argument. The process will not work without total honesty on the part of all participants. There is no quicker way to lose one's standing with other lawyers, clients, or judges than to shade the truth. There is no room in the profession for intellectual rationalization of a dishonest or immoral means, end, or motive. As Abraham Lincoln, a paragon of lawyerly honesty, once admonished young lawyers, and I quote, "Resolve to be honest at all events, and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer."

The second characteristic of professionalism is continuous, intense study. No good lawyer deals from the top of his head, and no great lawyer restricts his study only to the law. To emphasize these points, I recall the words of two great lawyers. First, from Lincoln on the path to being a good lawyer -- "The mode is very simple," he wrote to a friend, "though laborious and tedious. It is only to get the books and read and study them carefully. . . . Work, work, work is the main thing." And

from Justice Holmes on the importance of well-rounded knowledge --  
"If your subject is law, the roads are plain to anthropology,  
the science of man, to political economy, the theory of legis-  
lation, ethics. . . . To be master of any branch of knowledge,  
you must master those which lie next to it; and thus to know  
anything you must know all."

The third element of professionalism is complete fidelity  
to both your client and to the system of justice, and the  
ability to discriminate between the two loyalties and to accom-  
modate them without slighting either. You are intuitively  
aware of the importance which fidelity to your clients' inter-  
ests will hold in your professional life, so I want to emphasize  
the equal importance of fidelity to the system of justice. You  
may know that Canon 8 of the Code of Professional Responsibility  
expressly places upon the lawyer a duty to work to improve the  
system of justice. Do not let that be a dead Canon in your  
practice. In this era of overcrowded courts and much senseless  
litigation, living by the Canon will require, among other things,  
that you faithfully adhere to the spirit of the content of  
Rule 11 of the Federal Rules of Civil Procedure. That Rule  
states that a lawyer's signature on a pleading is a repre-  
sentation that he knows its contents, that he believes there  
is grounds for the pleading, and that the pleading is not inter-



posed for purposes of delay. The Rule's spirit, I submit, should be applied in all matters in court proceedings, oral or written.

The final element of professionalism that I want to commend to you is simple civility in all dealings. We live in an aggressive and hurried society, and most people do not make the effort to deal civilly with others. A professional does.

So this is my message to you today. I trust some of it has rung true, and that some of it will stay with you. I congratulate all of you on your accomplishments, and I welcome you to the legal profession.