
Commencement Speech - Washington and Lee Law School

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By Jerome P. Facher

Dr. Elrod, Dean Grunwald, Trustee Marion, guests, friends and the 122 future lawyers of America.

This has been a glorious weekend, and it is an honor for me to talk to you today in this beautiful setting, in this company of scholars, at this great law school.

This is a year of fame and fortune, a year of opportunity, a year of glory, a year to remember.

But enough about the Red Sox - I am here to talk about you.

In 1999, as second year students, you invited me to speak here today. I then had a few minutes left of my 15 minutes of fame thrust upon me because I was one of the lawyers in a very big case in Boston which was chronicled in a book called *A Civil Action* and a movie of the same name in which Robert Duvall was a much better me than me. So much better than me was he that he was nominated for an Academy Award, a feat even I have not accomplished.

I told him that I had made his career, and he told me, in his soft Virginia accent, "Like hell you did, I made yours."

And he may be right, because here I am.

Now that you have completed the third year of law school, you are much wiser and you may wonder about your rash judgment in inviting me, and not Robert Duvall.

Let me reassure you. You have made no mistake. You have picked the right person for the job.

Unlike some commencement speakers I am not going to profess my unworthiness to speak to you, or question the value of what I have to say.

No, I know that you prefer an honest arrogance to a hypocritical humility.

I know what I need to say and what I think you need to hear.

Last year your third year class was addressed by the Chief Justice of the United States and they were privileged to have the view from the highest level of our judicial system.

This year, not unmindful of the future, you have the view not from the pinnacle but from the trenches - the view of a working trial lawyer in the courts of this country.

None of you is likely to be Chief Justice - well, maybe Michael Abelow - who walked away with a trifecta on Friday - and what you need is that view from the trenches as you enter your profession in the 21st century.

I want to talk to you about what will matter most, and make all the difference in your career as a working lawyer.

I see David Brown muttering, "It's the money, stupid." It isn't. And it isn't casual Friday, or casual everyday.

No, it is not money or attire that I am talking about. I am talking about something much more important to your life as a lawyer -- your reputation for integrity and your striving for excellence, and what they will mean to you and your profession.

Reputation and excellence. These are qualities I am passionate about and so are you as graduates of this institution. Nothing will be more important to you than your reputation. Whether you are a litigator or a corporate lawyer, town counsel or district attorney, integrity is the rock upon which your career will be built. Loss of reputation is the greatest loss you can suffer. If you lose it, you will never recover it.

Whether other lawyers or judges or clerks or commissioners trust you and take your word, whether you are straight with your clients (and everyone else), whether principles and people matter to you, whether your adversaries respect you as honest, fair and civil, whether you have the guts to stand up for what you believe - these are some of the hallmarks of integrity.

Personal integrity is at the heart of every law career. You can't get it out of a computer - or from a law book - or from a commencement speaker.

You have to live it and practice it every day with every client, with every other lawyer, with every judge and with every public and private body.

And if your reputation for integrity is alive and well so will be your career and so will be your well being.

Remember, on the day you start to practice, each of you starts with a good reputation - a spotless reputation. From that day on, you hold your reputation in the palm of your hands. Keep it spotless, defend it, and you will keep safe one of the two foundations for a satisfying - maybe even happy - life as a lawyer.

The other foundation is EXCELLENCE and your striving for excellence as a working lawyer.

Excellence matters in every situation all the time for every client. You will have no unimportant clients. Excellence will make a difference to each of them. Never stop striving for excellence - never stop striving to be the best lawyer you can be in every situation all the time.

Does that sound too grandiose and abstract? Does it sound like your high school commencement speaker? It quickly translates to the concrete, as it will on the first day you begin work as a lawyer, whether it is the blockbuster deal, the most complex litigation or the smallest detail of the smallest case or transaction.

If excellence requires that you revise or redraft the document for the fifth time, do it.

If excellence requires another hour or two to prepare a cross-examination, take it.

If you have not found the case authority that matters, keep looking.

If you have not read all the documents, read them.

If you have not mastered the technology, study longer.

If you have not found the right word or the right phrase, think harder.

If you do not know the basics of your craft, master them.

And remember there is no substitute for craftsmanship. There is no substitute for attention to detail.

These and others are the hallmarks of excellence.

And if excellence requires you cut down a speech from 2 hours to a mere 23 minutes, 37 seconds, do it.

As with integrity, excellence cannot come from a book, a computer or even the Internet. It comes from you and the kind of lawyer you want to be.

Let me share another professional secret with you. Judges, colleagues, partners and other lawyers recognize and respect excellence. They know it when they see it and so will you.

And to share another truth with you, excellence and financial success usually go hand in hand.

Speaking of success, there are other wise precepts I have for you, as Polonius had for Laertes, to guide you in your career.

1. Try not to be too astounded at the fact that people will actually pay money for your advice. Some day you will even be worth it.
2. Once in a while, unplug the cell phone from your ear, and unplug yourself from your computer. These are not body parts. You were not born with them. You can actually live without them.
3. Do me three favors, as small symbols of excellence.

First, don't use impact as a verb. I don't want you to impact anything. I want you to **make** an impact.

Second, don't pick anyone's brain. It is a very ugly phrase - and a very messy procedure.

Third, try not to be a pompous ass. There are too many of us already.

To these bits of practical wisdom, I would add a serious note about the institution you are about to leave, and the profession you are about to enter.

1. You owe this law school, more than you now realize, for everything it has given you, especially the respect for excellence and integrity. Practice law so as to be a credit to it.
2. Teach excellence, not just as a teacher in the classroom but wherever you are, in your firms, in government, and in your jobs. Train others to carry on the tradition of excellence.

This institution has given you a great start in striving for excellence, and in shaping your own standards for personal integrity.

But I have to tell you frankly - it gets much harder after today. The stakes are higher. The problems are no longer law school hypotheticals. They are about real things and real people who depend on you to protect their rights, their honor or their property. Your reputation for integrity and your striving for excellence are your most powerful allies in meeting those responsibilities to your clients.

And reputation and excellence will also be your strengths in meeting another important responsibility you now must undertake -- your responsibility to honor and defend your profession.

It comes as no surprise to you that our profession is under fierce attack.

From outside the profession, we are told that public opinion of us is low. Cheap shots and mean-spirited lawyer jokes are all the rage, and bad lawyering captures far more attention than the good we do and the people we help. Web sites for locating lawyers are called "sharktank.com" and future lawyers have contributed to the chorus of scorn with web sites called "greedy associates dot com" and others like it.

From inside the profession, we hear from lawyers who say they are burned out and from some sorrowful academics (none of whom are at this institution) who say that we are no longer wise advisors, that we are "lost lawyers" and that it is unthinkable that anyone would choose a legal career.

Yet you are here and I am here to tell these gloomy messengers that they are wrong, that we have faith in this profession; that we are proud to be part of it; and that each of you is ready to honor and defend it every day.

Because, whatever you have heard from those preaching doom and gloom about lawyers - the law is still a noble profession with noble players. The law is still an exciting and challenging place where you can puncture pomposity and phony rhetoric; where you can challenge conventional wisdom and reject false assumptions. It is still a bastion of independence and still the last refuge against scoundrels, charlatans and humbugs.

We are still defenders and crusaders, problem solvers and consensus builders, conciliators and

dispute avoiders, advocates and adjudicators and the architects of the legal structures and institutions that affect and protect the lives of all of us.

And what is more, this profession is still fun to practice and still a place where you can do well and you can also do good.

Despite endless wringing of hands, you and I and we are not "lost lawyers," and we have not forgotten the ideals that brought us to law school and to this profession. Those ideals have not changed. What it takes to be a great lawyer - has not changed; and the precious commodities of reputation and striving for excellence - have not changed.

And we are not burnt out. And I am not burnt out. I confess that I cannot go from first to third on a single to right, but give me a file, some documents, a witness and point me to the courthouse and I am ready for trial. And so are you. You too are ready for trial as working lawyers. You are lucky people. You are special people going to a special profession.

So when you are asked what you do -- and you say "I am a lawyer," -- say it with enthusiasm, with pride and passion, and, through your reputation and excellence, do your part every day to restore the lustre to your profession that the detractors have tarnished.

In closing, (aren't those the two sweetest words you've heard this afternoon?) in closing, I say to parents (and grandparents), you too are lucky, not just to have free legal advice, but to have your sons and daughters here today - and to be able to say with pride and joy, "my son, my daughter, is a lawyer."

One final confession: I want you to know that I have strived for excellence in this, my maiden commencement speech (maybe my last commencement speech). I have strived for excellence but I will be happy if you say of it, "It was a good speech, but it was too short."

And so to all of you my thanks, my respect and my congratulations. I tip my cap to you. What the hell, I throw my cap (*Red Sox*) to you. Be excellent lawyers. Have great careers and Godspeed to all of you.