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The Soul of the Profession

Governor Mario M. Cuomo*

One of the most intriguing questions I've been asked by a Summer Associate at my law firm was whether I agreed with the following quote by a respected Director of Career Development at Smith College addressing her senior students who were considering career choices: "The practice of the law today devalues or forbids important parts of the human experience. In most high-end firms, there is no place for the life of the spirit . . . only for the life of the mind and money." I wrote this reply:

I hadn't thought much about being a lawyer when I was a young man: there were no lawyers coming out of my mostly poor neighborhood in South Jamaica, Queens. Actually, there weren't many professionals of any kind. It was only thanks to the good will of the Vincentian Fathers at St. John's University in Bedford-Stuyvesant, Brooklyn, that I was provided a free education in college and law school and wound up an attorney. My luck continued after that when I was provided a further wonderful learning experience as a law clerk to Judge Adrian Burke of the New York State Court of Appeals — reading and hearing arguments made by excellent lawyers, some of them icons like Edward Bennett Williams, former Judge Simon Rifkin and Governor Adlai Stevenson.

Gradually, I fell head-over-heels in love with Our Lady of the Law. I found the beauty of the law's logic and the reasonableness it could assure us . . . fascinating. I learned that sometimes the law has faltered. It's protected slavery; permitted segregation; discouraged workers; tolerated

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exploitation, injustice, and unfairness. And at times, lawyers have manipulated the law unethically, using it only to further their own ambitions or their clients' greed. But the more I practiced and learned about the law, the more I became enamored, not just because of its beauty and brilliance but because of all it was able to do to help make this country the great nation it has become.

The more history I read, the more lawyers I worked with and against and came to know, the better I appreciated that they were among America's best educated, most intelligent, and most influential people. It wasn't just that lawyers were paid more and lived better than most other Americans; lawyers helped write the Declaration of Independence and the Constitution and all the laws that have followed. And every day they help preserve and strengthen the nation by implementing our legal system, which was the indispensable innovation that assured our success as a nation after all previous attempts at a republican democracy had failed.

Thanks to hundreds of thousands of lawyers living and working in virtual anonymity, seeing to it that the system works as it was designed to, the direction of the law in our modern era has been forward and upward toward the light. Overall, although hesitantly at times, the law has inexorably advanced the concept of liberty, secured the rights of the individual, protected the sanctity of conscience, defended our property, and protected and promoted the commerce that has made us the richest nation in world history.

I learned all of that from books, but, in a small and personally satisfying way, it has been confirmed by my own experience. The first firm I worked for let me do some work pro bono for two separate defendants who had been sentenced to death. I was able to get both sentences commuted. On other occasions I was able to win back the homes of more than a hundred families in Corona, Queens, after they had been condemned by the City of New York for a project that would never be realized. And on another occasion I was able to prevent Robert Moses from needlessly closing down the businesses of a score of scrap dealers on the site of New York's 1964-1965 World's Fair.

These were exciting cases especially because we won, and when we did I had the great satisfaction of seeing the smiles of

my grateful clients — and in some cases even feeling the warmth of their embraces. It was easy to feel good about being a lawyer in situations like those.

Little by little however, my respect for the law's awesome capacity became broader and more profound. I didn't need the heroic victories or precedent-setting decisions: I came to understand that just practicing law — helping it do its work of ordering our liberty and facilitating our human relationships — was enough to make me feel I was doing something truly useful. After all, billions of humans have come and gone in world history. Billions are alive today. An infinitesimally small number of us can even be thought of as having succeeded in making a significant difference in the development of the world. But that's not necessarily the test of our worthiness. No single soldier has ever won a war, or ever will, but millions were justified simply by doing all that they could do individually: marching with the right army, fighting for the right cause — even just preparing and waiting to serve — was enough. Each of us, every day, has the ability to do all that is possible for us to do to make things better, and lawyers have more of that ability than most.

Through uncountable numbers of acts by uncountable numbers of human beings, history is made, for better or for worse. And thanks in significant part to our lawyers, it has been mostly for the better. It's nice to close a big deal or win a big case, but a simple closing was a chance to help secure a client's dream. The successful merger of two voluntary hospitals in Manhattan didn't just earn a good fee, it made more and better healthcare available to people who really needed it. Representing a successful and ultimately wealthy client in the establishment of a new business can be a chance to create more jobs for people who need them. And the wealth that we help to create will help fuel an economic system without which our miracle of a nation could not exist, even with its superb legal system.

Whatever anyone else thinks of the legal work I'm doing, even when it's tedious, even when it's frustrating, even when it's exhausting, even when it seems to fail — I believe it is necessary, useful, and good: a real contribution to our society, if only a small one, one too small to be noticed by anyone but me.

I have done other things in my life, but that's the way I thought about the law years ago . . . and I still do. It has made life much easier and more fulfilling for me. It still does!

Not every lawyer I know feels that way today. But the happiest lawyers do . . . and I'm among them. And frankly, I believe most of the lawyers I work with are as well. That is — it seems to me — as it should be.