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# SPECIAL FEATURE

## COMMENCEMENT ADDRESS UNIVERSITY OF PITTSBURGH SCHOOL OF LAW MAY 25, 1985

The Honorable Robert N.C. Nix, Jr.\*

Graduation, particularly when it signals the end of the formal educational process, engenders very intense and often conflicting emotions. The conflict results from the fact that this moment represents simultaneously an end and a beginning.

There is a sense of fulfillment in the completion of longstanding commitments. There is an exhilaration flowing from the realization of long-embraced aspirations. It is a moment pregnant with potential. At that moment the promise of the future is unlimited.

Yet there is also a sense of sadness as one sheds the familiar and departs from old friendships and secure relationships. There is an uncertainty induced by the prospect of an unknown future, the nagging concern of the mastering of a newly acquired skill, and the haunting question as to the ability to succeed in a strange and untested environment.

This is a day of celebration, happiness and gaiety. Yet in the midst of this festive mood there is an urgent need for sober reflection—a moment to consider where you are and to determine where you intend to go. Therefore, I will intrude upon the exuberance of the occasion to direct your attention to your future as a lawyer in America today.

Let me first reassure you that your graduation from this prestigious and fine university attests to the fact that you have acquired the basic skills to ply your trade. In the days to come you will go through the process of seeking certification by the jurisdiction where you intend to practice. I am sure that you will be successful also in that endeavor.

### ANECDOTE

I regret to advise you that it is not my intention today to provide you with a blueprint for riches. It is understandable that visions of summer homes, expensive cars, country club membership and the other trappings of the good life present alluring prospects for the future. However, I can tell you from experience a more lasting gratification can be obtained from the fulfillment of the true role of the lawyer. If incidentally these trappings flow from

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that endeavor they will then provide even greater satisfaction. Justice Oliver Wendell Holmes expressed this view by observing:

. . . [W]e all want happiness. And happiness, I am sure from having known many successful men, cannot be won simply by being counsel for great corporations and having an income of fifty thousand dollars. An intellect great enough to win the prize needs other food besides success.

The lawyer's obligation is to establish himself or herself as a proficient counselor and a skillful advocate for the client. Of equal importance is the lawyer's obligation to diligently work for the enhancement of that system of justice which provides the forum in which we ply our trade. Each of these objectives must be recognized as being of equal significance. Each requires full dedication and commitment. I caution you that some may become so enthralled with their newly acquired riches they lose sight of the goal which occasioned their good fortune.

Jean Jacques Rosseau noted,

Laws are, properly speaking, only the conditions of civil association. The people, being subject to the laws, ought to be their author: the conditions of the society ought to be regulated solely by those who come together to form it. . . .

The glue that maintains harmony and order in our society is our law. The quality of that system determines in large measure the quality of life of that society which is governed and regulated by that system. Rosseau continued by noting that society must act through representatives in the enactment and the administration of its laws. Those given this charge are bound to discharge it with the welfare of the people being ever paramount.

The lawyer's role is critical to the administration of the law. The legal system is the vehicle we employ for dispute resolution. That system is an adversary one. You are the advocates and the quality of that system will depend upon the proficiency of its advocates. When the lawyer is derelict in his responsibility he fails not only his client but also irreparably damages the system itself.

Your training thus far has acquainted you with concepts and general principles; you have been introduced to the methodology by which they are to be applied. However, each case you handle will present a unique challenge requiring research and study. In this context I commend to you two observations by Holmes:

One mark of a great lawyer is that he sees the application of the broadest rules.

The remoter and more general aspects of the law are those which give it universal interest. It is through them that you not only become a great master in your calling, but connect your subject with the universe and catch an echo of the infinite, a glimpse of its unfathomable process, a hint of the universal law.

Traditionally it has been recognized that the pursuit of the law is a jealous mistress. At no time in history has the practice of law been more demanding. The complexities of our times are reflected in the laws that govern us.

When I was in your position and hung out a shingle for the first time, I confidently represented that I was an attorney at law. I was quite capable of handling the myriad of questions of the client. I hasten to add that I am not

referring to antiquity. In the course of three decades that situation has dramatically changed.

The general practitioner in law is becoming as extinct as the general practitioner in medicine. Every field of the law has developed to the point that requires the full time and attention of the lawyers practicing in those respective areas. The practitioner, who is only occasionally called upon to attend to one of these matters, is instantly overwhelmed by the changes that have occurred since his or her last sojourn in the area.

This is a syndrome that I personally find distasteful. There is nostalgic appeal possessed by the general practitioner whether it be law, medicine or any other field of endeavor. He represents the accomplished artisan in his field. Its passing is to be deeply regretted. Some day we may return to a simpler environment. However, for the foreseeable future that does not appear to be a real possibility. I therefore urge you to select an area of the law to focus upon. I suggest that this is the only way that you can be assured of your competency to properly serve your client and discharge your responsibilities to the system.

I have already mentioned that your efforts in establishing and maintaining your competency are a contribution to the enhancement of the total system. You nevertheless also have the continuing additional obligation to become involved in direct efforts to improve that system. You must recognize that our system is in a constant state of evolution. All within that system must combine our energies to assure that the changes will be designed to improve the quality of our services. As the forum for dispute resolution we are charged to seek "justice." That amorphous goal requires the system to render decisions that comport with society's prevailing sense of fairness and propriety and at the same time comply with our highest moral and equitable principles.

You must realize that those principles that you have labored long to master are not immutable nor is the system we employ infallible. Our perception of the accepted verities, such as justice, truth and fairness is continually changing. Principles that have been accepted as fair and just in one age, have been denounced as barbaric by succeeding ages. Systems deemed innovative and efficient in one generation have been viewed as crude and primitive by a succeeding generation.

I call this to your attention, so that you will not be reluctant to offer your suggestions and views because of your neophyte status. Nor should you hold the system in such awe as to blind yourself to its imperfections. There will always be a need for improvement and your fresh ideas provide a valuable resource in this continuing effort.

You are coming to the bar at a most exciting time. As a result of the trauma of the 60's, America has been going through a period of reassessment of traditional values. Many of the former precepts have been found wanting and incompatible with today's perceptions. Reassessment from time to time in the life of a society is essential to its continuing growth and vitality. Where existing structures are inadequate and where traditional institutions are no longer serving the purpose for which they were created, they must be discarded.

However, we cannot tear down without fully committing ourselves to the task of rebuilding. That is what we are about in America today. Recognition

of our prior mistakes should not cause us to question our ability to proceed with the task of rebuilding. In proper perspective, past failing merely identifies areas that must be addressed. The revelation and examination of past and present faults should not engender dismay and frustration, but rather should inspire the formulation of corrective measures.

In this context, we must reject the position that an ordered society is incompatible with the newly-recognized right of individual liberty and self-determination. The response to the threat of anarchy is not repression. Rather, as Edmund Burke stated, "Freedom and not servitude is the cure of anarchy." A realization of the worth of the individual and the right of self-fulfillment does not provide a license to the individual to ignore his or her relationships with the remainder of mankind. Freedom is *not* threatened by responsibility and obligation. Liberty is *not* lost in an ordered society. To the contrary, an ordered society is the only organ capable of assuring its constituency the enjoyment of true and lasting freedom.

The development of our law will provide the shape and design of these emerging traditions. You as the lawyer will participate in that developmental process. Your youth and freshness can provide an invaluable insight to the judgments that we are now being called upon to make. You will assist in the refining of concepts such as justice, truth, propriety and fairness to bring them in accord with the perception of society at this point. The results of this effort will determine the course of society for many years to come.

It is for this reason that I say it is a particularly exciting time to become a lawyer. This is an opportunity of which I sincerely hope you will take full advantage.

I wish you happiness, health and success. I can assure you that if you remain ever faithful to your obligations as a lawyer, you will experience a sense of gratification that is in itself more than sufficient reward.