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# The Model Lawyer

Lucian Minor

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cent word, or any discourtesy, especially to an inferior.

A cardinal rule with him would be, to consider the interests of his clients as his own; and, as a consequence, to keep them out of all needless or unavailing litigation, even as he would avoid it himself. As a means to this, he would rigorously cross-examine them about their cases: as rigorously, sometimes, (if he would elicit the whole, exact truth,) as he would cross-examine an adverse witness in court. For so prone to self-deception is human nature, that a client often wholly (and honestly too) overlooks a very material fact or point in his case—and a fatal one—till he is made to see it by the vigilant acuteness and integrity of his counsel; or until it defeats him at the trial.

But the litigation being begun, he would exert all his powers so to marshal the proofs, of law and fact, as to place the merits, on *his client's part, in the strongest light*; and win the victory if truth and right permitted.

At the bar or elsewhere, he would never take any *little* advantage of a brother lawyer; nor, of course, an unfair advantage of any person whatever. And he would always veil the ignorance or rawness of a young adversary, as much as possible.

In his professional speeches, he would use no arguments which he did not honestly think fair, and relevant: and he would make it a point of conscience always to address the reason, or the just feelings, of the court or jury—never their prejudices.

In arguing law-questions before tribunals necessarily ignorant, like our county courts, or before weak judges, he would never maintain legal propositions which he did not believe to be correct.

In draughting wills, deeds, and other instruments, he would aim at all possible brevity and simplicity: convinced that the lumbering verbiage common in such things is pure quackery and pedantry; mischievous in them, and much more mischievous in legislation, which is infected from them.

On the difficult subject of fees, he would strive to regulate his charges with an eye to fourfold justice: justice to himself, to his client, to his brethren, and to the dignity of his profession.

## THE MODEL LAWYER.

[In an address delivered some years ago by Lucian Minor, Esq., on the life and character of Professor Davis of the University of Virginia, the following description of a model Lawyer is given. We have thought it would not be out of place in the columns of the Messenger.]—EDITOR.

LET US CONTEMPLATE SOME OF THE TRAITS OF A MODEL LAWYER.

Suppose a proper foundation of good principles and good feelings to have been laid in his childhood; his mind, in all its faculties, to have been formed, trained, and stored, by studies with proper exercises; his license for practice to have been obtained; and his life as Lawyer to have begun.

With a thoughtful regard for the feelings of others, (without one particle of self-conceit,) a high self-respect would constantly actuate him; a certain feeling of dignity: not the dignity that struts and swells, displaying itself in fine clothes, pompous language, or arrogant demeanor; but the dignity which is above a mean action, an inde-

Whenever he found himself mistaken in a law point which he had laid down, he would as soon as possible own the mistake: not only to his client, in private, but publicly, in open court.

Out of the immediate track of his profession, he would employ his powers to forward any cause for the public good, that the chances and changes of society might present to him. If Humanity appealed in behalf of any suffering class, he would be foremost in seconding her call. If ignorance prevailed so fearfully among the people, as to threaten the country's free institutions with overthrow, he would strain his energies to make the blessed light of knowledge irradiate every log-cabin within the country's borders. He would strive to allay the rage and counteract the perpetual unfairness of Party-spirit; so as to leave the public mind cool and clear for calm, deliberate views of true public interests—Did the Laws become so complex and voluminous that lawyers could not know them, and judges were continually losing sight of enactments and decisions hidden under their own multitude? He would ply his efforts to get them simplified and condensed: thus refuting the vulgar belief—far more current than those imagine, who do not converse much with the vulgar—that lawyers try to increase the number and complexity of laws, in order to make themselves more necessary.—Did any prodigious evil, twining itself among the heart-strings of society, spread moral pestilence—spread vice, and beggary, crime and death, through the land? He would breast the torrent mischief, though it caused half or more of his earnings,—and though, by resisting it, he incurred the hostility and lost the patronage of those, who dispense nearly as much practice to lawyers as all other men put together.

If his aims were in advance of his age, he would prudently veil their forwardness from the common eye; lest the multitude of timid, or the smaller number of jealous men, should obstruct him. For the comparatively few, who are interested in abuses, have but to give *reform* the nickname of *innovation*,—with an appeal to “the ways,” or “the wisdom,” “of our forefathers;”—and the many, who would be bettered by the change, are

immediately up in arms against their very benefactor, who proposes it.

If our model lawyer but adds to the traits I have supposed, very great powers of mind—most of which may be his own gift to himself—we might behold in him one of those benefactors to mankind, of whom not one to a century appears: “Giant minds”—in the language of a great Italian—“giant minds, that rise above the level of their fellow men, and stretch out their hands to each other across the interval of ages; transmitting to every succeeding generation the torch of science, humanity, and art.”