

HOW TO GET LAW PRACTICE.

First, get the best education. To educate is not to cram memory with facts, but to draw out powers of mind. No amount of information picked up in an office, compares with systematic training in a modern law school. One great American lawyer fitted himself for legal study by reading Shakespeare, the Bible and Bunyan's "Pilgrim's Progress." Young men who were denied collegiate or even academic discipline have made their way into law by simple mastery of the English tongue. Again one ought to study law for love of it, or not at all. If he has no love for it he does well to leave it. A friend applied to me for advice as to how to enter the legal profession. I suggested to him not to go into it but to follow up electricity in which he was employed. To my surprise he answered: "I know there is more money for me in electrical science, but I do not like it and do like the law."

The Connecticut rules require that an applicant for examination must satisfy the committee that "before beginning the study of the law, he graduated from a college, high school or preparatory school whose standing shall be approved by the committee, or was admitted to some college or law school, the requirements for the admission to which shall be approved by the committee, or passed an examination upon his literary qualifications before them." If one would learn how to get law practice, let him conform fully to this wise rule.

Many have asked me how to get into an office, and start in practice. Some years ago it was said that "the way to resume specie payments is to resume" and I add that the way to start in law practice is to start. Take an office, put out a shingle and go ahead. If clients do not come, study law and watch practice in the courts. The late William Hungerford of Hartford, a wonderful example of success in legal work once gave hints to me. In his quaint way he said: "I do not quite see why anybody wishes to be a lawyer, but if you really do, I advise you to hire the best office in the city, to buy all the law books you can pay for, and then buy all law books you can get trusted for." The Yankee shrewdness in that advice needs no comment. Yet how many disregard it, and we see them in small and dingy offices with few authorities, not even the rules of court at hand, and with no opinions of their own in which they have confi-

dence. What should we think of a carpenter who has not a hammer or gimlet, and who must go to a neighbor to borrow a jack plane, and what wonder if clients say of the lawyer without books, that he probably does not know his business? Does a good library advertise a lawyer? A client came into an office and made inquiries as to a deed of land to be recorded in Germany. He was told to send to Germany for his deed, and that when brought here it could be executed before proper authority. Then he stood and surveyed the office a long time, and finally said: "Well, sir, you ought to know something about it, because you have books enough."

A member of the bar asks how he can advertise. He cannot advertise as a grocer praises a new brand of flour, or the marketman his provisions, but there are other methods. It is right and professional to get a case put fairly before the public. Perhaps we ignore press reporters too much. A fair report of your case, giving full credit to your opponent, whether you win or lose is one of the best methods. The very fact that the counsel tried the case makes him known to the people. We are never to forget that the case we lose may give us quite as much good standing as the one we gain. Public attention has lately been fixed upon a great heresy trial. The distinguished counsel for Dr. Crapsey was widely known before, but who can doubt that this case which he lost, has advertised him an hundred-fold. The truth is, the public wish to know what the case was, the questions and amount involved, no matter which counsel prevailed in it. A member of the bar went out to a country place and was introduced to a famous banker who at once said to him: "I seem to know all about you, having read your cases in the papers for twenty years." Is it too much trouble, then, to put in type a fair statement of the case containing those points which interest the public, the names of opponents as well as our own, and give it to a reporter as an item of news?

To have clear opinions upon legal points, and to stand up stoutly for them is a great thing. Perhaps the first inclination of a timid practitioner is to leave his office and seek advice. Why not exhaust every source of information before consulting any senior counsel? Clients certainly put confidence in the man who has faith in himself and in his cause. Especially they like a man who does not fear to take the unpopular side. Salmon P. Chase, made an eloquent argument in favor of a woman, a fugitive slave, and a bystander remarked: "that fine young fellow has just ruined himself;" but he rose to be chief justice of our highest tribunal.

When the poor and defenseless appeal to one of us, they invoke the chivalry and valor of the profession. If a young man wants to

get law practice let him take up the cause of those who are weak, poor and cannot defend themselves. This is not to advocate taking cases on mere speculation, or making a bargain for a share in the controversy. There are cases where counsel are justified in going to great lengths in order to prepare and try the cause of a poor man. We never can tell what turn a case will take in a critical moment. A train was thrown off by a misplaced switch, and the engineer killed. One company owned the train, another controlled the track and switches. Was this a case of fellow servant, or was either company liable? After a long search, a young attorney found the case of *Farwell v. Boston & Worcester R. R. Co.*, 4 Metcalf 48-61, and the opinion of Chief Justice Shaw, who put that very case by way of illustration, and held that the company owning the track would probably be liable. By this authority a handsome settlement was secured and when the check was handed over, the president informed the attorney that he would never have obtained it, if he had not looked up that opinion of Chief Justice Shaw.

Another question of great interest to the practitioner is whether he shall run for office. Now that depends. If he can get an office which is in the line of his profession and will introduce him to business, of course it is well to take it. But with profound respect to every legal brother, is it not wise to avoid frequent attempts to get some position or place? The best office for a lawyer is his own office, and the best "place" for him is the one where he does hard work. Office-seekers in our craft are often those who dislike this, and shrink from the effort required to master a difficult proposition. They want some easy place with good compensation. It is better to take no place incompatible with the best legal service. A student who afterward became chief justice of the Supreme Court of the United States, applied to a senator for a position under the government. The reply was: "I would give you a half dollar to buy a spade, for then you might come to something, but once settle a young man down in a government position, he never does anything more—it is the last of him." But how does the average youth stand as contrasted with those who have law business ready made for them? There are such lawyers. Fine offices are fitted up for them; libraries are furnished them; receiverships, positions as corporation counsel, executor, administrator or trustee, and retainers from the best business houses are provided for them. They build up nothing, but inherit everything. They are not perplexed with the difficult question where to go:—parents or friends settle that for them. But what is all that to most of us? If a boy is to be born to good luck, does it make any difference whether he inherits a line of

business or a million dollars? Really he knows nothing about the struggle of life. Charles O'Connor wanted law books and could not buy them. He saw an offer of a lot, at two dollars per volume. He could not raise the money, but finally induced a business man to endorse his note and got the books. After he had become the most famous lawyer in New York, he was able to load with favors the family of that benefactor who assisted him to what he thought a fortune—one hundred and fifty-six law books.

Then there is the question where to locate, so very hard to one who has no foothold in cities or business centers. A distinguished jurist once gave me points upon this subject. He said that a young lawyer without a location, ought to start in a country town, try small cases, learn everything about details of practice, but be sure not to spend his life there. Having mastered practice, go to a large city, no matter if as large as London. No doubt it is difficult even after much experience, to get a start in a large city, but the advantages are so great that lawyers will do well to consider this advice which came from the late Joel Hinman, chief justice of the Supreme Court of Connecticut. An excellent plan is to begin near a large city, stay long enough to become well acquainted, then move into the city. In that way the country lawyer gets hold of clients, and they will follow him to the city, where they go for business. Many successful attorneys have this firm support from a country clientage, and it helps them greatly.

Mere oratory will not advance a man to the front rank in our profession. Indeed oratory has gone out of fashion, and the stately and pompous speeches of a former generation would hardly be tolerated in this age of business. The trial of a cause is no longer a show for spectators, but a field for quiet and good work. Lord Erskine's remark that: "No man can be a great advocate who is no lawyer" is true now as when that wonderful sailor and midshipman got into the bar and astonished the people of England by his brilliant defense of Captain Baillie. Lord Campbell makes the following comment upon Thurlow:—"Let me then anxiously caution the student against being misled by the delusive hope which the supposed idleness of Thurlow has engendered—that a man may become a great lawyer, and rise with credit to the highest offices, without application. Thurlow would never have been chancellor if he had not studied his profession; and he would have been a much greater chancellor, and would have left a much higher name to posterity if he had studied it more steadily." The same writer says of Lord Camden that when he was Charles Pratt and ten years old, he had the misfortune to lose his father, Sir John Pratt who had become

chief justice of the Court of King's Bench. But the biographer adds that this was the remote cause of his future eminence. "While he was studying law and young at the bar, the run of the house of the chief justice of England, with the chances of sinecure appointments would have been very agreeable, but would probably have left him in the obscure herd to which the sons of chancellors and chief justices have usually belonged." It is well known that Camden's practice was so limited and he became so much discouraged that he thought of leaving the bar for the church, but in 1752 William Owen, a bookseller, was prosecuted for a libel upon the House of Commons, and the poor lawyer, but future chancellor, was retained for the defense and made his mark and fortune.

Certain minor questions are often asked. A young lawyer will inquire whether he shall go into society, make acquaintance, or join secret societies for that purpose. Of course to get acquainted with business men is highly desirable, but mere society is poor diet for any earnest man. One member of the profession told me that he should be glad to join certain societies for business, but that it would be very distasteful to him. Perhaps a legal and classical education tends somewhat to isolate us from the community. The fact is, most of us must plod along, for we cannot fly, as was said of Matt. Carpenter: "He had a way of saying things that was peculiarly his own, without affecting or seeming to be peculiar. He talked about the points involved in a case and discussed grave and weighty questions of law almost as a bird sings." We may never sing or soar in regions of the law, and it is a comfort to read of Mr. Carpenter that throughout his life "he was a marvel of industry, and has not left behind him a more diligent and devoted student in the profession."

There are other things to study than law. Are men so busy making money that they have no time for mental discipline? Rufus Choate tells us that he took a few minutes each day with favorite authors, English, Greek, Latin, and French. He adds: "It has been said there never was a great character, never a truly strong masculine commanding character, which was not made so by successive struggles with great difficulties. Such is the general rule of the moral world, undoubtedly all history, all biography verify and illustrate it."

Has a lawyer any fondness for mathematics or foreign languages, why should he not keep up his studies in them, and thus keep his mind bright? Will he do less in office or court for having read a few pages in Homer or Xenophon, Virgil or Tacitus, or for having worked out problems in algebra or geometry?

Little is said about wit as an aid in obtaining law practice, because so few men have it. Wit is really quick sight, a rare and wonderful gift, and doubtless there are men to whom a new situation or sudden turn in a case comes like a flash of light. A lawyer once listened with great patience while the opposing counsel abused his client, and then getting on his feet he replied: "May it please the court, my learned opponent's clients are all saints, and as to his witnesses, they are simply spirits of just men made perfect." This was the same keen-witted member of our profession who said: "In my county a new lawyer comes on every train, and they expect an old one to go out on every hearse." An anecdote related of William Fullerton is, that a woman solicited charity from him and would take no refusal, saying: "Oh, Mr. Fullerton, the Lord has blessed you throughout your life," to which the famous advocate replied: "Well, that is so, but he seems to have deserted me now," and the indignant lady departed.

Now, to sum up: No advice or hint is given as to how to conduct law practice or try cases. If any man seeks law practice there is one road for him to travel and it is not a royal one. He must get the best facilities and work hard. It does no good to blame the public for failure to appreciate him. The people do find us out and their judgment is apt to be far better than we think. They know who attends to business, and if any one of us is a drone in the legal hive they know him. He who is willing to grapple with a hard proposition and stick to it till he masters it, is the one whom the people will trust.

A wonderful legal contest is now going on in New York city. Can any one who even casually reads the papers, fail to see the faithful labors and preparation, in short, the work out of court, done by the District Attorney and his famous opponent in the Thaw trial? Can any lawyer, old or young, read this trial and not see how opportunity comes to a man and makes his fame world-wide, perhaps in a single day? Dr. Johnson has told us that the writer of dictionaries has been "considered not the pupil but the slave of science, the pioneer of literature, doomed only to remove rubbish and clear obstructions from the path through which learning and genius press forward to conquest and glory without bestowing a smile on the humble drudge that facilitates their progress." Still, I make a plea for the humble drudge in law. He does well to toil and dig. He is making the road smooth. His day of conquest and glory may be far off or near, but if he is ever to find it, probably not brilliant genius but faithful industry will push him to the front and crown him with honor.

Lewis E. Stanton.