

WHAT LINCOLN MEANS TO ME



What better time to reflect on the importance and relevance of Abraham Lincoln. Our nation, and certainly our state, face a multitude of great challenges today. Lincoln knew even greater challenges. Lincoln's legacy is familiar to all of us, and we can certainly appreciate why this man from extremely humble beginnings was eventually considered our nation's greatest president. Lincoln not only preserved

our national union -- he preserved what is great and special about the United States of America. He could not let slavery stand for he knew doing so would guarantee America would fall.

Yet what does all this have to do with Lincoln the lawyer? Lincoln's approach to the practice of law foreshadowed his greatness as the leader of our nation. A decade prior to his presidential run, Lincoln prepared notes for a lecture on his approach to the law. I appreciate his words not only for lawyers but as a set of Golden Rules for life:

- Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser -- in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough.
- The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for tomorrow which can be done to-day.
- There is a vague popular belief that lawyers are necessarily dishonest. ... Let no young man choosing the law for a calling for a moment yield to the popular belief -- resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.

Honesty. Diligence. Peacemaking. They certainly can and should apply to a successful legal career. For Lincoln they also allowed him to carry the horrible burden of a civil war upon his shoulders -- a war that signaled the end of the inhumane practice of slavery in our nation and a war that preserved our nation. Quite an accomplishment for a self-taught prairie lawyer.

Yet, what I most admire about Lincoln is that his story shows us all that greatness can be as simple as consistently choosing to do the right thing.

—Illinois Attorney General Lisa Madigan



For more than two decades, the professional identity of Abraham Lincoln in this state was that of a lawyer. In fact, his scholars have found that in his eclectic practice, he represented tort plaintiffs in about two dozen cases.

Most members of our bar should feel a kinship to Illinois' favorite son of the 19th century. Although he never formally attended law school, which was not required

at the time, he was one of the brilliant minds of his time. But it was as much his good moral character as his intelligence that helped him rise to president of the United States and deal with what would become historic legal and constitutional issues.

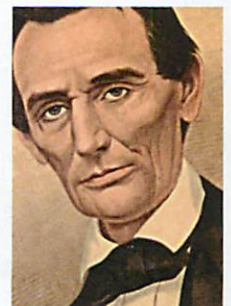
As a lawyer, he made his living collecting five and ten dollars on most cases, sometimes several hundred dollars or in rare instances more than a thousand dollars for his legal services. He took cases as they came, not afraid to represent one side and then the opposite in the next case. Whereas today Model Rules of Professional Conduct may view this as a conflict, the respect he had earned in this state as a lawyer allowed him to do so then.

I purchased "The Papers of Abraham Lincoln," a collection of his documents and cases. It is clear that Lincoln "habitually assisted younger lawyers in the courtroom by offering advice on their cases." Hundreds of years ago, he was dedicated to the notion of mentoring, as am I.

Too many young attorneys today dream of being trial lawyers when instead they find themselves ensconced in law libraries or behind computers writing briefs and motions, never seeing the inside of a courtroom. At my firm, associates hit the ground running, second or third chairing cases when they are knowledgeable about the law and the facts of a case to bring something to the table.

I am glad to see all of the focus on a man who was so important two hundred years ago. It allows us never to forget from where we came. And it gives us a renewed outlook on where we are headed -- as lawyers and as Americans.

—Robert A. Clifford, Senior Partner, Clifford Law Offices



Civility

Lincoln is the exemplar of the civil lawyer. Not a single story suggests otherwise. And there is little doubt that lawyers misbehaved then, maybe even more than they occasionally do today. The respect in which the bench and bar held Lincoln is a reflection of his civility. He treated other lawyers the way he wanted them to treat him. Remember it was Lincoln who said, "If you once forfeit the confidence of your fellow citizens, you can never regain their respect and esteem. It is true that you may fool all the people some of the time; you can even fool some of the people all of the time; but you can't fool all the people all of the time."

While campaigning for William Henry Harrison in 1840, Lincoln offended a local Democrat, W. G. Anderson. Lincoln received a letter from Anderson suggesting that something Lincoln said insulted him "whether you meant them as such is for you to say," and asked Lincoln to explain himself. Lincoln defused the potential rift with civility and respect:

Dear Sir: Your note of yesterday is received. In the difficulty between us, of which you speak, you say you think I was the aggressor. I do not think I was. You say my "words imported insult." I meant them as a fair set-off to your own statements, and not otherwise; and in that light alone I now wish you to understand them. You ask for my "present" feelings on the subject." I entertain no unkind feeling to you, and none of any sort upon the subject, except a sincere regret that I permitted myself to get into such an altercation. /s/ A. Lincoln

Lincoln defends himself, without attacking or insulting Anderson, and apologizes. His letter shows no anger or argument. Rather, he brings the matter to a close in a satisfying manner. Lincoln chose not to aggravate the situation and avoid an unnecessary confrontation. We all can learn from Lincoln's deliberative, calm approach and treat adversaries with professionalism and decorum.

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Conclusion

Lincoln has not walked into a courtroom for about 150 years; yet, he continues to educate us on how to practice law. As we celebrate the bicentennial of his birth, we should look to Lincoln's character for how we should live, act, and think as lawyers. ■

Judge E. Kenneth Wright, presiding judge of the First Municipal Division, is the president of the Chicago Bar Association.

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