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## REMARKS ON THE LEGAL PROFESSION AND PROFESSIONALISM

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## REMARKS ON THE LEGAL PROFESSION AND PROFESSIONALISM\*

THE HONORABLE MICHAEL A. PONSOR\*\*

I want to begin by offering my thanks to my friend and law clerk, Laura Edmonds, for her kind words in introducing me. I am also grateful to Dean Dunn and Associate Dean Lusardi for extending the invitation to make these remarks. My most special thanks and good wishes, however, go to all of you in this year's entering class, both for your patience in listening to my brief observations and for your optimism and courage as you begin your journey into the legal profession.

I think it is worthwhile, at this early stage, to focus on two places, or locations: first, where you are starting out and, second, where you want to end up as professionals, and specifically as legal professionals. Where are you? I suggest that you take a minute to look around and congratulate yourselves on your point of departure. You are in a good place. As you probably know, Western New England College School of Law is at the very top in all surveys, nationally, in terms of the satisfaction of its students—far ahead of many other schools that one might expect to be in that position. The school's status does not derive from the fact that life

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\* Delivered on Wednesday, August 19, 1998, at Western New England College School of Law, Springfield, Massachusetts, to the entering class of Western New England College School of Law.

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here is one long toga party. You will be working very hard, and much of what you will be working on will probably seem dry at times. Studying law is not fun in the “pizza and video games” sense, and WNEC is not on top because life here is one continuous laugh riot.

This institution enjoys its high rating, I believe, because of the strong feelings of respect and good will, both between the students and the faculty and among the students themselves. This is a striking feature of the WNEC environment. Although students may be learning what is called an adversarial system, they are not adversaries in regard to each other or in regard to the faculty. This may not be true at many other law schools, in which terror and humiliation are viewed as appropriate and necessary educational tools.

Students here may tease each other, but they do not attempt to injure. On the contrary, the students I have encountered try, without exception, to support and encourage their fellow students. The faculty are the same way. When you get into a conversation with a professor here about the students, what you will hear in their voice and in their words will be fondness and respect. This is just a great environment to learn the law in, and I do congratulate you on starting here.

So that is where you are beginning from. Where are you going? You may end up in a lot of different places, but one of the directions you are heading in is towards what we call a “profession” or “professionalism.” Many of you are already professionals in one field or another. You may be here to gain some expertise that will simply help you to do the work you are already doing more competently, or with greater resources. Most of you, I imagine, are at or near the threshold of your profession.

What do we mean by a professional, or professionalism? We can approach this term from three directions. First, a professional is, as the dictionary tells us, simply someone following an occupation as a means of livelihood. This aspect of what you are doing cannot be sneezed at. You are here to hone your skills with a view eventually to getting work sufficiently valuable to justify receiving a salary and supporting yourself and your family. For most people, however, this aspect of professionalism is merely the beginning. Something more draws us to the law.

Second, and more importantly, a professional is an expert. I define an expert as someone who can function efficiently, confronting tasks that would make an untrained person panic, or freak

out. The ultimate example is the emergency room physician, or a battlefield medic, who can move calmly from task to task, selecting and performing the most important or critical tasks and keeping cool when most of the rest of us would be paralyzed.

Lawyers, in less dramatic environments, do this kind of work every day. A lay person who is being charged with a crime, going through a divorce, or seeking damages from a terrible injury is hardly less lost than the person on the operating table. This man or woman will be counting on you to know what things to do, what order to do them in, and what to avoid. It is a serious responsibility, and it is very satisfying to perform it. And, like a doctor advising a patient on a serious disease, a legal counselor relies not just on technical expertise, important as that is, but on depth of character, humanity, and compassion in rendering assistance. This is hard work but there is none more rewarding.

Third, we can think of profession in its deepest and most radical sense—the taking of vows, the declaration made upon entering a religious order, from the Latin, “*professio*.” With the practice of law, we are stepping beyond simply earning a livelihood, important as that is, and even beyond the rendering of expert, humane assistance, as essential as that is, into something like a system of belief. It would take me far too long to lay out the details of this system, and I am not sure I am even capable of it. Certainly the values underlying our legal system are a topic of debate among legal philosophers. But the system you will be working in does require a kind of belief to sustain it: a belief, in the end, in the possibility of justice, not the inevitability but the possibility. You are entering a world with a heart beating at the center of it, a soul, and your work will reflect your own version of that spirit.

So I will boil down my view of this third aspect of professionalism into a final piece of advice about where you will finally arrive from this starting-off place. Do not allow yourself to become cynical about what you do as legal professionals. Even with all the lawyer jokes and the mundane pressures on any practitioner, do not get jaded. You are starting out at a good place. You can arrive at a place where it will be possible to earn a livelihood, using your special expertise to render valuable assistance to others, and expressing our deepest social values. It is good work. It can be a good life.

Congratulations and good luck.