

PURSUIT OF THE GOOD LIFE IN PROFESSIONALISM*

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Long ago, Thomas Jefferson wrote in the immortal Declaration of Independence that one of our “unalienable rights” was the “pursuit of happiness.” Jefferson called the pursuit of happiness “self-evident,” but it is a perplexing concept. What is happiness? And isn't there a great difference between the “pursuit” and its achievement?

Most philosophers equate happiness with the “good life.” However, the good life does not define happiness; instead it merely substitutes one ambiguous phrase for another. Thus, it leaves one still searching for, what some deem, the elusive happiness.

As lawyers, we also seek a good life or happiness in our profession. Let me offer a vision or, perhaps more accurately, standards to which all of us can aspire and which most of us can achieve, if the necessary commitment is made.

I. A CRAFT TRADITION

First, to be happy in our profession requires one to regard lawyering as a “profession.” All around us today, we hear voices saying that law is a “business,” focused on the crassest elements of a business — profit, relentless management, and a frenzied race for the most lucrative bottom line. To be sure, comfort, even affluence, is something we all want. But if that is all there is, and all we gain, I believe it ultimately provides little satisfaction in our professional life.

Satisfaction in our profession comes from viewing our practice

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as a calling that elicits ideals, pride, and ethical responsibility; a profession with a craft tradition that shapes our work with balance and precision, hewn to purpose; a profession that values dispassionate analysis and embraces civility and elegance, rejects sloppiness and flaw, employs self-discipline, and sets limits, even upon the fierce desire to win. A tradition that understands that one apt word or phrase can clarify an issue or avoid a calamity, or convert contention into consensus. A tradition that savors the fine tuning, the feel of rightness — a tradition that has ideals, pride, nobility, guts, and honor. This is the kind of profession in which we can find much pleasure and satisfaction.

II. *BEING INVOLVED IN THE HUMAN STRUGGLE*

The second element of happiness is involvement in the drama of humanity. In our practice, we may have a thousand cases, perhaps more, some momentous, some trifling, most transitory. But, almost every case, no matter how small, immerses us in the human struggle — with all its hope, its futility, its wonder, its grandeur. Each case is warm with life, strong in expectation, involved in human aspiration; in which service to a client commands loyalty molded by objective and independent judgment and where always present, heady or faint, pressing or elusive, beats the duty to justice. The melding of human concerns with the law is part of the worthwhileness and joy of our profession.

III. *FEALTY TO THE RULE OF LAW*

Third, a fulfilling part of our profession is a commitment to justice and the rule of law. “Justice,” as Daniel Webster once said, “is the great interest of man [and woman] on earth.”¹ Justice protects liberty and human rights; it advances equality, fairness, and a civil society. Justice is the fundamental end of a democratic society. Lawyers, above all, have the opportunity to make a limping legal structure work for justice, secure an independent judiciary, champion our nation's liberties and be part of the struggle to advance human worth and dignity. I can say with assurance that those who participate in that struggle find both the struggle and the achieve-

1. THE PAPERS OF DANIEL WEBSTER 695 (Andrew J. King ed., The Federal Practice Legal Series Vol. 3, 1989).

ment fulfilling.

IV. *PRO BONO SERVICE*

The fourth element of a good life in our profession is pro bono service. Apart from our role as lawyers, as human beings, a life that is not involved in some manner of correcting injustice, by alleviating suffering or aiding the desperate or needy, lacks a crucial element for a fulfilling life. For lawyers in particular, if we are truly to embrace a profession concerned with justice and deserving of respect in our society, we must address the central goals of justice: to help those in need and ensure equal access to justice. Pro bono service enriches these goals of justice. And let me add that pro bono service is almost always memorable and satisfying. In recollection, it is an integral part of the joy of our profession.

V. *CONCLUSION*

Learned Hand once wrote that there are few callings in this world which give greater opportunity for satisfaction to one's self and which are of more benefit to one's citizenry than the practice of law.² If we follow the above elements, what will surely emerge at the least, is self respect, and at the best, a professional good life.

2. See LEARNED HAND, *THE BILL OF RIGHTS: THE OLIVER WENDELL HOLMES LECTURES* 1958, at 73-77 (1958).