Fifth Annual Sandra Day O’Connor Medal of Honor*

Seton Hall University School Of Law

November 26, 1996

Remarks of Sandra Day O’Connor, Associate Justice,
Supreme Court of the United States

It is with great pleasure to be with you today at Seton Hall for the awarding of the medal you have named for me.

Upon your graduation from law school, the public will eventually experience the impact of your presence as a member of the legal profession. During the course of your future legal careers, you will serve clients and in doing so profoundly affect their lives and fortunes. Surely the people you will serve expect that you enter the profession not only well trained in both substantive and procedural skills but also possessed of an awareness of the social and moral responsibilities of the profession.

Certainly, the first obligation of a lawyer is to know the substantive law and to analyze and resolve legal problems. That presumably is what you are learning here in law school. The law student should also acquire some practical training to be equipped on graduation with the essential skills required for the practice of law. At least some of you will have some clinical and practical experience during your time here.

But lawyers must do even more than know the law and the art of practicing it. They need, as well, to develop a consciousness of their

*In recognition of the historic achievement of women in the legal profession, the Seton Hall Law Review, the Seton Hall Legislative Bureau and the Seton Hall Women’s Law Forum choose to honor women with the Sandra Day O’Connor Medal of Honor. Named after Sandra Day O’Connor, Associate Justice of the United States Supreme Court, this award honors women who have distinguished themselves in the fields of law and public service. Prior recipients include First Lady Hillary Rodham Clinton, the Honorable Patricia McGowan Wald, the late Congresswoman Barbara Jordan, and Marian Wright Edelman. The award symbolizes the common commitment of these women to promote rigorous, substantive dialogue on contemporary legal and public policy issues. The Seton Hall Law Review, Legislative Bureau and the Women’s Law Forum are proud to celebrate the success of all women in the law and to acknowledge the importance of “equality under the law” for this generation and for those to come.
moral and social responsibilities to their clients, to the courts in which they appear, to the attorneys and clients on the other side of an issue, and to others who are affected by the lawyer's conduct. A great lawyer is always mindful of the moral and social aspects of the lawyer's power and position as an officer of the court. That point was reaffirmed in a case we decided only a few years ago. The narrow question presented was whether a criminal defendant has a right to present through his lawyer a story that the lawyer knows to be false. The Court unanimously found that there was no such right. The Constitution requires lawyers to represent their clients zealously, the Court held; but nothing in the Constitution justifies advocacy so zealous that it exceeds the bounds of the law.

Merely learning and studying the code of professional responsibility is clearly insufficient to satisfy your ethical duties as a lawyer. To a large extent, the code merely focuses on what a lawyer should not do as a practitioner. Such guidelines are no doubt necessary, but they do not address the broader aspects of what a good lawyer should do to live up to the ideals of the legal profession.

Judges are usually not at a loss for words and usually are full of advice. True to form, I want to mention two things that I think are very important for a law student to keep in mind. One relates to how you should go about performing the tasks you will soon undertake. The other deals with the quality of your relationship with your community.

The first suggestion is to aim high, but to be aware that even before you have reached your ultimate professional destination, if you strive for excellence, you can and should have a substantial impact on the world in which you live.

Presumably, most of you plan and hope to reach the point where you have interesting and important legal work to do and you are paid as much or, better yet, more than you are worth for doing it. But if your career path is at all like mine—and, who knows, for one or more of you it may well be, right down to the last detail—you won't be starting on graduation at the top of the ladder. As some of you may have read, the only job offer I received in the private sector upon my graduation from law school many years ago was a job as a legal secretary. So I started my own private practice, sharing a small office with another lawyer in a shopping center in a small community in Arizona. Other people who had offices in the same shopping mall repaired TVs, cleaned clothes or loaned money. It was not a high rent district. I got walk-in business. People came in to see me about grocery bills they couldn't collect, landlord-tenant problems, and other everyday matters not usually considered by the United States Supreme Court. But I always did the best I could with what I had.
When I applied to the Arizona Attorney General’s Office for work, they didn’t have a place for me. I persisted, however, got a temporary job, and quickly rose all the way to the bottom of the totem pole at the Attorney General’s Office. As was normal for a beginner, I got the least desirable assignments. But that was all right, because I managed to take away from these rather humble professional beginnings some valuable lessons.

I learned, for example, the habit of always doing the best I could with every task, no matter how unimportant it might seem at the time. Such present habits can breed future success. As Abraham Lincoln once observed, “I always prepared myself for the opportunity that I knew would come my way.” As his career attests, devotion to excellence in all things—even when it seems that “the world will little note nor long remember” the small task in which you find yourself engaged—can have its rewards.

But starting at the bottom, and working hard while you are there, can have its present consolations and benefits as well. The pay is lower, the prerequisites are nonexistent and usually the title isn’t that impressive. But, you will quickly learn, as did I, that the person at the bottom, despite a low rank on the totem pole, nevertheless can have some power. This is true because that person develops the factual predicate upon which everyone else acts. No one learns more about a problem than the person at the bottom, whose job it is to develop the facts and make the first analysis. There is a saying among lawyers, “most cases are won or lost on the facts.” Remember, though you may begin as a lowly footsoldier, your power rests in your ability to see, interpret, and communicate the facts.

The person at the bottom also gets the first opportunity to propose a solution to whatever the problem is. That first proposed solution, if supported by the right facts and logic, often will be the one that is finally adopted. Though it may be some years before you have the authority to decide which solutions will be adopted, you can begin right away to generate the ideas that make those solutions feasible. For those of you who do not move from your eventual law school graduation directly into a partnership in a 200-person law firm or a cabinet-level position in government, this should give you at least some solace.

The second suggestion I have to help make your life in the legal profession ultimately meaningful and fulfilling is to become involved in the community in which you eventually find yourself. Become a part of it by participating in it directly and fully, whether as a volunteer worker, or an elected or appointed representative in some community agency or institution, or simply as a citizen who persuades others to take needed
action. You will find that the individual can and does make a difference even in this increasingly populous, complex world of ours.

The individual can make things happen. It is the individual who can bring a tear to my eye and then cause me to take pen in hand. It is the individual who has acted or tried to act who will not only force a decision, but have a hand in shaping that decision. Whether the individual acts in the legal, governmental or private realm, one concerned and dedicated person can meaningfully affect what some consider to be an uncaring world. At Seton Hall, you are investing three years to acquire the skills to become a more effective person, and the experiences and insights to become a more caring person. Your efforts will pay enormous dividends in the future—not only for you but for countless others who may also benefit from your actions.

Let me make a more concrete suggestion about how you can participate in your community. For most of this country's history, it has been accepted that lawyers will devote a portion of their time to representing people who need legal assistance even though they cannot afford to pay for it. The gap between the need for legal assistance and the ability to pay for it seems to be widening. Various factors explain this development. As our society has become more regulated and more transient, we have become more litigious. Costs of legal services have escalated beyond the means of many people to afford them. Legal services offices and high volume, low cost clinics fill some of the demand for legal assistance. But the gap must be narrowed further by lawyers volunteering to help where help is needed, and without regard to the lawyer's compensation. The American Bar Association has sponsored various programs to assist in developing pro bono work. Some are calling for mandatory pro bono services. Implicit in all such activities is the concept that lawyers have moral and social responsibilities in such instances and that those responsibilities need to be discharged by the Bar, willingly, and some would say, even unwillingly.

When I was in private practice I gave time for some pro bono service. I remember well the excitement of handling such matters and the feeling of service to one's fellows that it gave me to render the needed legal assistance. No legal service for which I was paid gave me the greater satisfaction than simply helping someone who needed it without expectation of financial compensation.

After all, we as lawyers and judges hold in our possession the keys to justice under a rule of law. We hold those keys in trust for those seeking to obtain justice within our legal system. There is tragic evidence all across the nation that a substantial number of our citizens believe our legal and judicial system is unresponsive to them because of
racial bias; that, too often, equal justice is but an unrealized slogan. Lawyers particularly must be sensitive to the role of law in our society and to view their responsibility to the public as transcending the purely technical skills of our profession.

I hope every student here today will take some of the opportunities that will surely come your way to perform some *pro bono* legal services for others in need. Use your skills to help provide both the perception and the reality of equal justice under law.

Be a full participant in life's opportunities; join in trying to leave the world a little better than you found it on your arrival; use your talent and the legal education you are getting to help those who need it and in ways which will make all of us in the legal profession proud of your efforts.

Thank you for honoring me with the medal established in my name. You will honor me best by accepting some of my unsolicited advice.

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**Remarks of Deborah T. Poritz, Chief Justice, Supreme Court of New Jersey**

I am delighted to participate in this celebration of women lawyers that has been taking place throughout the day. And I am especially honored to be with all of you here, now, to honor Justice O'Connor.

I know that those of you who took part in today's sessions came together to learn from one another, and to celebrate the achievements of the many women who have blazed trails for the rest of us to follow. As the first woman Attorney General and the first woman Chief Justice in the State of New Jersey, I am often asked how I like being a role model for other women. I have responded with some discomfort, for I have not thought of myself as a model for others—it seems too self-important, pretentious. But I have learned that when you are the first to do something, being a role model is something you cannot escape.

People look to you as an example—it's not a choice. It's a fact.

I do look forward to the day, I have said this many times, when so many women have served on the Supreme Court, have been Attorney Generals, that their achievements will no longer seem so remarkable because, then, we will have reached our goal of equal opportunity for women.