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ADDRESS TO GRADUATING CLASS JANUARY, 1949

CHIEF JUSTICE D. GORDON BAKER

Young ladies and young gentlemen, on behalf of the Supreme Court of South Carolina, I am happy to be afforded the opportunity to entertain a motion for your admission to the Bar of the State, with the correlative right on your part to practice before this Court as well as before all other judicial tribunals in the State.

Your presence here today is evidence of the fact that you not only have completed the prescribed courses of study to entitle you to admission to the Bar on grounds of legal scholarship, but also that you have the educational background and the high personal character that traditionally have been deemed to be among the primary requisites for admission to the Bar.

I congratulate you upon the successful completion of your studies.

Admission to the Bar of this State is not merely a formal ceremony. While formal admission is indispensable to your entry into practice, such admission is a governmental mandate and a moral sanction that place you in the ranks of one of the world's oldest professions, and vest you with a power to influence human society that has implications far beyond your probable present conceptions.

The legal profession protects life, liberty and property not merely in the courts of our land, but also in the development of those all-important phases of jurisprudence that have to do with the formulation and establishment of the fundamental legal principles that safeguard life, liberty and property from violation, destruction, and confiscation.

Let us always remember that human life, human liberty, and personal property received the protection of the legal principles upon which the American Constitution is founded as the result of the work and foresight of the profession which you are about to enter. The Magna Charter, first comprehensive charter of human rights, was penned by great lawyers whose labors even today are the guide-posts of the constitutional protection of our rights.

The Declaration of Independence was largely the work of lawyers and was framed upon a clearly discernible legal background.

The Constitution of the United States is preeminently the work of lawyers and the ten original Amendments which were inserted primarily to give emphasis to the dignity of the individual and the supremacy of human liberty over autocratic government are the juridical conceptions of legal minds which refused to risk the welfare of the people to generalities and ambiguities and omissions in the original constitutional document.

So, too, in the field of legislation, practically every piece of legislation which is intended to further the public welfare and preserve and protect the rights of men under our constitutional system is founded upon the work of lawyers. They alone have been found to possess the combination of juridical background, understanding of constitutional principles and the social needs of successive generations, that are necessary to maintain a progressive society.

It is a high privilege to be admitted into the membership of such a profession and it is a high responsibility which each of you undertakes when you apply for admission.

If it be true that the high social and professional standing which formerly attached to almost every member of the legal profession is no longer present, it is equally true that there has never been a time in our history when lawyers played a greater part than they do today in the furtherance of governmental aims within constitutional limitations, and in preserving and protecting the rights and liberties of men against undue and oppressive government interference or oppression.

You will have many opportunities to participate in the great work which lawyers today are still doing in the fields of public work. It is true that you will also have the opportunity, if you choose, to become a part of that happily small segment of the profession whose activities adversely reflect upon the whole, by departures from standards of ethics which every lawyer should adhere to. I entertain no doubt that no member of your group will be in this class.

A famous philosopher once said that there are two kinds of knowledge, to-wit: actual knowledge of a fact and a principle, and the training and ability to find out the fact or

principle by research. You will come to learn that in the field of law the principal kind of knowledge that you will seek to achieve is the second of these. You cannot hope to master the law as something that can be learned by rote or expounded from memory, nor indeed should you ever get the idea that even if you had a mind so colossal that you could take in and remember all that you ever read, this would serve your needs.

The field of law in which you are about to begin work deals with a limited number of general principles, but with tens of thousands of limitations in the decisions of the courts as to whether and when these principles are applicable to the facts of a particular case. To many rules there are more exceptions than incidents of applicability. Your success as a practitioner accordingly depends upon your capacity to determine the applicability of a general principle or an exception to such principle to the facts of your case.

This is no place in which to attempt to supplement your law school study of legal bibliography. It suffices to say that it is in that field that your greatest labors must be directed. When you have learned how and where to look for the law as applied in your particular case, you will have made a great deal of progress as a practitioner.

I am not being facetious when I say to you that you must recognize that in a great majority of the important cases that come before the legal profession, neither the lawyers nor even the lower courts can really know precisely what the law is and how the case should be disposed of. Former Chief Justice Hughes of the Supreme Court of the United States stated the situation correctly when he said that the answer to the question as to what is the law in a given case is that we don't know until the highest appellate court has spoken.

Chief Justice Hughes was of course referring to the fact that it is the appellate court judges who finally interpret the Constitution and statutes and who decide upon the applicability of the legal principles to the facts of particular cases. There are no fixed guides. The Judges of appellate courts themselves differ, as shown by their many dissenting opinions. The successful practitioner therefore is usually the man who knows and understands perfectly the facts of his case and the applicable legal principles, and who has the knowledge of the judicial outlook of the courts of his own State that sometimes enables one to foresee the approach that this particular court will make to a given problem.

Your profession is a hard taskmaster, but the satisfactions and compensations are many. It is a thrilling experience, however often you may have it, to realize that upon your ability and research the life or liberty of a man rests in a criminal case or the well-being of a man and his family rests in a civil case.

Remember that in South Carolina as elsewhere the high traditions and obligations and opportunities of the profession are always present.

From the time of the Constitutional Convention in 1789 to the present time lawyers from South Carolina have stood in the forefront of the profession, battling for human rights in the courts, in legislative fields and in every other political and social field. Make yourselves worthy by industry and character and public spirit to join that galaxy of intellectual men. This I know you will do.