

REMARKS OF SENATOR BOB DOLE  
CUMBERLAND SCHOOL OF LAW SPEECH  
BIRMINGHAM, ALABAMA  
OCTOBER 20, 1978

*Wife & 2 Young.*

I'LL KEEP MY REMARKS BRIEF, SINCE I KNOW YOU ARE ALL ANXIOUS TO GET BACK TO YOUR STUDIES. BUT EVEN IF I DO RUN OVER, THE GILBERTS WILL STILL BE THERE WHEN YOU GET BACK.

IN MY DAY WE THOUGHT IT WAS NECESSARY TO READ THE HORNBOOK IN ORDER TO BE PREPARED FOR THE RIGORS OF THE SOCRATIC METHOD. OF COURSE, THINGS HAVE CHANGED SINCE I WENT TO LAW SCHOOL. FOR ONE THING, SOCRATES IS DEAD. UNFORTUNATELY, HIS METHOD LIVES.

I APPRECIATE THE TURNOUT THIS MORNING. IT MUST BE A TREMENDOUS RELIEF TO COME LISTEN TO SOMEBODY WHO DOESN'T ASK YOU QUESTIONS.

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ALL OF YOUR STUDIES, ALL OF THAT WORK LEADS UP TO THE DAY  
WHEN THE LAW STUDENT BECOMES A LAWYER. AND THAT LEADS ME  
TO THE FOCUS OF MY SPEECH.

BRANDED

ONCE YOU BECOME A LAWYER, YOU WILL BE FOREVER BRANDED AS A  
MEMBER OF THE LEGAL PROFESSION. PEOPLE WILL BEGIN TREATING  
YOU LIKE A LAWYER - ASKING FOR FREE LEGAL ADVICE AT PARTIES,  
FEELING THEY CANNOT TRUST YOU COMPLETELY, ASSUMING THAT YOU  
KNOW THE ANSWER TO EVERY ESOTERIC POINT OF LAW IMAGINABLE.  
SOME PEOPLE WILL LOOK TO YOU AS THEIR LEGAL BEAGLE HERO,  
OTHERS WILL REFER TO YOUR DEGREE AS A "LICENSE TO STEAL."

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THE FACT THAT YOU ARE LAWYERS WILL COLOR OTHERS' OPINIONS OF YOU FROM THIS POINT FORWARD. YOUR INVOLVEMENT WITH THE LEGAL COMMUNITY WILL BE PART OF THE REPUTATION THAT PRECEDES ALL LAWYERS. AS YOU KNOW, THAT REPUTATION HAS BECOME TARNISHED, OUR DEEDS VIEWED CYNICALLY BY MANY, OUR COMMITMENT TO EQUAL JUSTICE QUESTIONED BY HIGH OFFICIALS AND BY AN UNCOMFORTABLY LARGE NUMBER OF OUR FELLOW CITIZENS.

#### THE LURE OF LAW SCHOOL

DESPITE THIS FACT, I KNOW A LOT OF UNDERGRADUATE STUDENTS WHO HOPE THAT THEY MAY END UP IN YOUR SHOES. MY WASHINGTON OFFICE HOSTS AN INTERN PROGRAM FOR COLLEGE STUDENTS--MOSTLY COLLEGE STUDENTS WITH IMPRESSIVE EDUCATIONAL BACKGROUNDS. WHEN TALKING WITH THEM I AM ALWAYS AMAZED AT THE NUMBER THAT WANT TO GO TO LAW SCHOOL. ANY GROUP OF 12 WILL YIELD AT LEAST 8 STUDENTS WHO WANT TO BE LAWYERS.

THOSE OF US WHO HAVE ALREADY BEEN OUT THERE PRACTICING LAW  
SOMETIMES WONDER WHY EVERYONE WANTS TO GO TO LAW SCHOOL.  
WHEN YOUR STUDIES GET OUT OF HAND, SOME OF YOU MUST WONDER  
THE SAME THING.

BUT I THINK I KNOW WHY SO MANY PEOPLE WANT TO BE IN YOUR  
SHOES--WHY SO MANY ARE INTRIGUED ENOUGH TO SPEND THREE YEARS  
AND A LOT OF MONEY IN LAW SCHOOL. THE LAWYER FASCINATES  
PEOPLE TODAY BECAUSE HE SEEMS TO HOLD THE KEY TO WORKING  
OUT SO MANY OF THE COMPLEXITIES OF CONTEMPORARY LIFE. THE  
LAWYER IS IN A UNIQUE POSITION TO WORK THROUGH THE COMPLICATED  
TECHNICAL ASPECTS OF COMPLYING WITH FEDERAL REGULATION,  
TRANSFERRING PROPERTY AND HELPING PEOPLE FIND THEIR WAY IN  
A SOCIETY MARKED BY MORE AND MORE LITIGATION. WHETHER PAYING  
TAXES, OR COMPLYING WITH OSHA--A LAWYER IS A CENTRAL FIGURE  
IN THE LIFE OF MANY AMERICAN CITIZENS.

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IN A SOCIETY WHERE LIFE IS BECOMING MORE AND MORE LIKE A PUZZLE, MORE AND MORE BRIGHT STUDENTS ARE INTERESTED IN BECOMING PROFESSIONAL PUZZLE SOLVERS. THEY HAVE IDENTIFIED A CHALLENGE IN CONTEMPORARY AMERICAN LIFE--AND THEY ARE INTERESTED IN MEETING IT--AND IN MAKING MONEY AT IT.

BUT PROSPECTIVE LAW STUDENTS ARE NOT THE ONLY ONES WHO HAVE TAKEN NOTICE OF THE ROLE WHICH LAWYERS PLAY--AND THEIR INCREASING IMPORTANCE.

### A THEME OF RESENTMENT

THE THEME OF RESENTMENT THAT IS BUILDING AGAINST LAWYERS IS FED BY OUR INCREASING IMPORTANCE. PEOPLE DON'T LIKE TO DEPEND ON OTHERS TO FIND THEIR WAY THROUGH THE MAZE OF CONTEMPORARY AMERICAN LIFE. BUSINESSMEN WOULD RATHER RUN THEIR BUSINESSES THEMSELVES--WITHOUT HAVING TO DEPEND ON LAWYERLY ADVICE ON LAWS THEY DON'T UNDERSTAND AND WOULD RATHER DO WITHOUT.

ACTUALLY, THE RESENTMENT THAT WE FACE AS A PROFESSION IS PARTIALLY A REFLECTION OF THE RESENTMENT TOWARD BIG GOVERNMENT AND OVERREGULATION. SINCE WE ARE THE BENEFICIARIES OF MUCH OF THIS COMPLICATION, WE TAKE MUCH OF THE HEAT. HOWEVER, THAT IS NOT A COMPLETELY ACCURATE PICTURE.

## PUBLIC'S PERCEPTION OF LAWYERS

THE PUBLIC PERCEPTION OF LAWYERS AS A CLASS IS BOTH SCHIZOPHRENIC AND PARADOXICAL. WHILE MANY HAVE A GENERAL DISTRUST OF LAWYERS, MOST HAVE GREAT FAITH IN THEIR OWN ATTORNEY. TOGETHER WITH THE GENERAL FEELING THAT LAWYERS ARE VEXATIOUS, LITIGIOUS AND MASTERS OF ALL WORDS SLIPPERY AND INEXACT, OUR IMAGE IS GLORIFIED, SOMETIMES BEYOND RECOGNITION IN THE PUBLIC MEDIA. WE ARE VARIOUSLY DESCRIBED AS DEFENDERS OF CONSTITUTIONAL RIGHTS, EXPLOITERS OF TECHNICALITIES, ZEALOUS ADVOCATES FOR THE DOWNTRODDEN AND HIRED MOUTHPIECES FOR BIG BUSINESS. AND ALL OF THESE CHARACTERIZATIONS BEAR SOME RELATIONSHIP TO THE TRUTH. ALL HAVE FOUNDATION IN REALITY BECAUSE OF THE WIDE VARIETY OF PRACTITIONERS WITHIN THE LEGAL COMMUNITY.

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BUT WHERE WOULD OUR NATION BE--INDEED, WHERE WOULD  
CIVILIZATION BE--WITHOUT LAWYERS.

MORE THAN ANY OTHER FACET OF THE GOVERNING FORCES OF SOCIETY,  
LAW, BY RECOGNIZING CHANGING VALUES AND REACTING TO THEM,  
HAS CONTRIBUTED TO THE EVOLUTION OF IDEAS, TO CHANGES IN  
ATTITUDES AND TO THE MARCH OF CIVILIZATION.

### NEGATIVE IMAGE

BUT, THE PUBLIC TENDS TO OVERLOOK THAT ASPECT, SEEING ONLY THE LAWYER WHO PROFITS BY OTHERS MISFORTUNE. CERTAINLY IT IS NOT DIFFICULT TO IMAGINE WHY THE PUBLIC VIEWS OUR PROFESSION WITH SUSPICION AND APPREHENSION. NOR IS IT DIFFICULT TO UNDERSTAND WHY WE MAKE SUCH EXCELLENT FODDER FOR POLITICIANS IN SEARCH OF POPULAR WHIPPING BOYS. WE ARE SEEN AS RATHER MYSTERIOUS SEMANTIC SORCERERS, FABRICATORS OF THE SLIPPERY PHRASE AND DESPOILERS OF COMMON SENSE ENGLISH. BUT THE MAIN REASON FOR THE SUSPICION AND APPREHENSION OF LAWYERS IS THE FACT THAT PEOPLE FIND THEMSELVES IN OUR COUNSEL DURING TIMES OF DISTRESS AND TROUBLE, AND ALMOST ALWAYS AGAINST THEIR WILL.

OF COURSE, THAT WILL NEVER CHANGE. BUT THERE ARE SOME THINGS THAT LAWYERS CAN DO TO IMPROVE THEIR IMAGE.

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BE HONEST

FIRST OF ALL, BE HONEST. I KNOW THAT SOUNDS SIMPLE - I HOPE IT IS SELF-EVIDENT. BUT THE IMAGE OF THE CROOKED LAWYER IS THE MOST PERSISTENT, AND MOST DAMAGING COMPONENT OF THE PUBLIC'S VIEW OF THE BAR. THE LEGAL PROFESSION IS ONLY AS GOOD AS ITS COMPONENT PARTS. EACH MAN AND WOMAN AT THE CUMBERLAND SCHOOL OF LAW HAS THE OPPORTUNITY--INDEED, THE MORAL RESPONSIBILITY--TO CONTRIBUTE TO THE UPLIFTING OF THE GENERAL STANDARDS AND LEVEL OF CONFIDENCE IN THE LEGAL COMMUNITY. THE ADMONITION - "BE HONEST" - REALLY DOESN'T LEND ITSELF TO DETAILED VERBAL ELABORATION - RATHER, IT MUST BE ELABORATED IN THE LIVES OF INDIVIDUAL LAWYERS. I WILL NOT ATTEMPT TO ELABORATE VERBALLY, BUT I HOPE THAT YOU WILL GIVE THAT SIMPLE ADMONITION MEANING BY YOUR ACTIONS AS A LAWYER.

## DOING THE JOB WELL

MY SECOND SUGGESTION IS THIS: YOU SHOULD PRACTICE IN SUCH A WAY THAT IF ALL LAWYERS MODELED THEMSELVES AFTER YOU, THERE WOULD BE LESS NEED FOR LEGAL SERVICES. YOUR PRACTICE SHOULD MINIMIZE THE SORT OF VEXATIOUS ENTANGLEMENT WHICH PEOPLE RESENT MOST ABOUT THE LAW AND LAWYERS.

THIS IS EASIER SAID THAN DONE. IT MEANS DRAFTING CLEAR, PRECISE CONTRACTS THAT WILL NOT BE THE SUBJECT OF FUTURE LITIGATION. IT MEANS PREPARING WILLS AND TRUSTS THAT CLEARLY STATE THE INTENTION OF THE TESTATOR AND PROTECT HIS WISHES FROM LEGAL ATTACK LATER ON. IT MEANS PROVIDING TAX ADVICE THAT KEEPS YOUR CLIENTS AWAY FROM EMBARRASSING DISPUTES WITH THE IRS. IT MEANS DISCOURAGING UNNECESSARY, HARRASSING LITIGATION.

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BY DOING OUR JOBS RIGHT THE FIRST TIME, AND BY REFUSING TO ENCOURAGE LITIGATION, WE CAN SPARE LAYMEN THE ANGUISH OF EXPENSIVE FRUSTRATING, LEGAL DISPUTES. BY GUARDING AGAINST LEGAL PROBLEMS, WE CAN HELP PEOPLE AVOID A CONSIDERABLE AMOUNT OF THE UNPLEASANTNESS AND VEXATION THAT CHARACTERIZE THE CONTACT MOST AMERICANS HAVE WITH MEMBERS OF OUR PROFESSION.

JUST AS WE NEED MORE PREVENTIVE HEALTH CARE, AS LAWYERS WE MUST DEDICATE OURSELVES TO RENDERING SERVICES WHICH WILL REDUCE THE NEED FOR LEGAL "CURES".

OF COURSE, THE ONLY IRONCLAD RULE OF LAW IS THAT THERE IS ALWAYS AN EXCEPTION.

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BY FAILING TO FILE SUITS ASSERTING THE CIVIL RIGHTS OF INDIVIDUAL AMERICANS, BY REFUSING TO REPRESENT CLIENTS ON A PRO BONO BASIS, AND BY FAILING TO REPRESENT CLIENTS ZEALOUSLY WITHIN THE BOUNDS OF THE LAW, WE CAN LESSEN THE AMOUNT OF LITIGATION IN THIS COUNTRY. THAT IS NOT WHAT I HAVE IN MIND.

FOR INSTANCE, IT IS FAR SIMPLER TO FAIL TO ASSERT A CONSTITUTIONAL PRINCIPLE THAN TO ASSERT IT LOUDLY. BUT OUR SYSTEM AND OUR CONSTITUTION WOULD BE POORLY SERVED BY SUCH SILENCE. FORTUNATELY, THIS HAS NOT BEEN THE CASE.

WHEN CHALLENGED, THE LAW HAS PROVEN THAT IT CAN CHANGE NOT ONLY ITS TRADITIONAL ROLE BUT ITS BASIC FUNCTION BY PRECIPITATING THE ADVANCING TIDE--INDEED, BY MAKING WAVES AND OVERTURNING THE VESSELS OF PREJUDICE AND CONVENTION.

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CUTTING BACK ON THE SIZE OF GOVERNMENT

THE THIRD THING I CAN SUGGEST IS THIS: AS LAWYERS, WE SHOULD EXERT OUR INFLUENCE TO CUT BACK ON THE SIZE OF GOVERNMENT AND THE OVER-REGULATION OF AMERICAN LIFE.

SINCE LAWYERS UNDERSTAND BEST THE PROBLEMS CAUSED BY TOO MUCH GOVERNMENT, IT IS OUR RESPONSIBILITY TO OPPOSE LEGISLATION AND REGULATIONS WHICH CREATE NEEDLESS LEGAL PAPER SHUFFLING. EVEN THOUGH MORE LAWS AND MORE REGULATIONS ARE GOOD FOR LEGAL BUSINESS, THE GREATER GOOD DEMANDS THAT WE OPPOSE THE GROWTH AND GRASP OF THE FEDERAL GOVERNMENT.

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I'VE RUN ACROSS MANY PEOPLE THROUGHOUT OUR NATION WHO SUSPECT THAT LAWYER/LEGISLATORS LIKE MYSELF ARE IN CAHOOTS WITH OTHER LAWYERS AND THAT WE PASS BILLS PRIMARILY TO KEEP OUR FRIENDS PROSPEROUS AT THE EXPENSE OF THE AVERAGE CITIZEN. WHILE I CAN ASSURE YOU THAT THERE IS NO BROAD BASED CONSPIRACY ALONG THESE LINES, I MUST ADMIT THAT LAWYERS HAVE NOT DONE ENOUGH TO SIMPLIFY THE LAW.

OF COURSE, THIS RESPONSIBILITY FITS IN WITH THE LAWYER'S RESPONSIBILITY TO PUBLIC SERVICE. BECAUSE OF OUR ABILITIES ACQUIRED IN LAW SCHOOL AND IN PRACTICE WE ARE UNIQUELY SUITED TO SERVE IN A VARIETY OF POLICY-MAKING POSITIONS.

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### PUBLIC SERVICE

CERTAINLY, THE LIST OF PUBLIC OFFICIALS WHO HAVE COME FROM THE RANKS OF THE LEGAL PROFESSION IS IMPRESSIVE. ONE OF THE MOST IMPRESSIVE EXAMPLES IS THE GENTLEMAN FOR WHOM THIS SPEAKERS FORUM IS NAMED--CORDELL HULL. HIS CONTRIBUTIONS AS CONGRESSMAN, SENATOR, AND SECRETARY OF STATE STAND OUT AS A CLEAR EXAMPLE OF THE SERVICE WHICH LAWYERS CAN RENDER IN GOVERNMENT.

ONE OF THE MANY LAWYERLY ATTRIBUTES WHICH ARE USEFUL IN CONGRESS IS PATIENCE--AND PERSISTENCE IN THE FACE OF SOMETIMES VERY DIFFICULT ODDS AND VERY INVOLVED LEGAL ISSUES.

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THE ATTEMPT TO ARRIVE AT THE BEST POSSIBLE TAX LAW IS ONE OF THE LONGEST RUNNING EFFORTS IN THE HISTORY OF OUR NATION. IT BEGAN WITH CORDELL HULL WHO AUTHORED THE FIRST FEDERAL INCOME TAX ACT IN 1913, AND AUTHORED THE REVISED ACT IN 1916.

THOSE OF YOU WHO HAVE STUDIED FEDERAL INCOME TAX CAN APPRECIATE THE DIFFICULTY OF WRITING THE FIRST TAX BILL WITHOUT BENEFIT OF ANY PREVIOUS BODY OF FEDERAL INCOME TAX LAW.

AND WE ARE STILL WORKING ON IT, STILL TRYING TO MEET THE CHALLENGES THAT CONTEMPORARY CONDITIONS AND WILY LAWYERS PRESENT TO THE INCOME TAX SYSTEM.

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ONE CONTEMPORARY CONDITION THAT CORDELL HULL COULD NOT HAVE ANTICIPATED IN 1913 IS THE HIGH BURDEN OF TAXATION AND HIGH RATES OF INFLATION. TODAY, THE COMBINATION OF THESE TWO FORCES IS CREATING A VERY REAL ECONOMIC CRUNCH FOR AMERICANS.

### INDEXING

THAT'S WHY I'M SPONSORING LEGISLATION WHICH WOULD REQUIRE AUTOMATIC YEARLY TAX CUTS TO OFFSET INFLATION. IT'S CALLED TAX "INDEXATION" AND IT WOULD COMMIT THE GOVERNMENT IN ADVANCE TO SLASHING INDIVIDUAL TAXES NEXT YEAR, THE YEAR AFTER THAT, AND FOREVER--AS LONG AS INFLATION CONTINUES TO FORCE HARD WORKING AMERICAN FAMILIES INTO HIGHER AND HIGHER TAX BRACKETS EACH YEAR.

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TODAY, THE COMBINATION OF A PROGRESSIVE TAX STRUCTURE AND INFLATION MEANS THAT EVERY TIME THE COST OF LIVING GOES UP 10%, GOVERNMENT REVENUES GO UP 16%. THAT'S WHY INDEXATION IS AN IDEA WHOSE TIME HAS COME. IT'S FAIR. IT TELLS GOVERNMENT NOT TO EXPECT BIGGER REVENUES EACH YEAR BECAUSE GOVERNMENT WON'T BE ALLOWED TO TAX INCREASES IN INCOME BROUGHT ON BY INFLATION.

THE ADMINISTRATION OPPOSES THE IDEA, OF COURSE. AND, PARTLY BECAUSE OF ADMINISTRATION PRESSURE, THE SENATE REJECTED MY PLAN. BUT IT ATTRACTED STRONGER SUPPORT THAN EVER BEFORE AND I WILL CONTINUE TO PRESS MY CASE IN FUTURE YEARS, WITH ALL THE PATIENCE THAT MY LEGAL BACKGROUND PROVIDES.

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### FISCAL RESPONSIBILITY NEEDED

THE CARTER ADMINISTRATION HAS ALREADY PROPOSED MORE TAX INCREASES AND OPPOSED MORE TAX REDUCTIONS THAN ANY ADMINISTRATION IN RECENT HISTORY. PRESIDENT CARTER HAS ALREADY SECURED A \$225 BILLION SOCIAL SECURITY TAX HIKE, ONE WHICH WILL HIT HARDEST AT MIDDLE INCOME FAMILIES BEGINNING NEXT YEAR. HE'S SEEKING ANOTHER \$125 BILLION IN ENERGY TAXES, A PROPOSAL WHICH EVEN HIS DEMOCRATIC COLLEAGUES IN THE SENATE HAVE REFUSED TO ENDORSE. AND HE'S THREATENING TO IMPOSE \$35 MILLION A DAY IN IMPORT FEES ON CRUDE OIL, APPARENTLY ON THE THEORY THAT IF THE OPEC NATIONS DON'T RAISE THE PRICE OF OIL, OUR OWN GOVERNMENT SHOULD EXTRACT THIS WINDFALL FROM ITS PEOPLE.

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NOW THE PEOPLE ARE SAYING ENOUGH IS ENOUGH. ALL ACROSS THIS LAND, POLITICIANS ARE BEING FORCED TO SCALE BACK THEIR PLANS FOR BIGGER AND BIGGER GOVERNMENT, TO SHELVE PROPOSALS TO PAD THE PUBLIC PAYROLLS, TO, AT THE VERY LEAST, TALK ABOUT THE NEED FOR FISCAL RESTRAINT.

JUST AS LAWYERS ARE BEING MOTIVATED TO IMPROVE THEIR IMAGE, THE POLITICIANS AND BUREAUCRATS ARE GOING TO HAVE TO DO SOMETHING ABOUT THEIR IMAGE. WE LAWYERS SHOULD HELP THEM, BY EXERTING OUR CONSIDERABLE INFLUENCE ON THE SIDE OF LESS GOVERNMENT.

UNLESS WE PRESS FOR GOVERNMENT RESTRAINT, OUR NATION IS GOING TO CONTINUE ON THE TREADMILL OF ECONOMIC STAGNATION WHICH WAS THRUST UPON US BY TOO MANY YEARS OF BIG DEFICITS, HIGH INFLATION, AND EVER-INCREASING TAXES. THAT MAY BE GOOD FOR CERTAIN ELEMENTS OF THE BAR--BANKRUPTCY LAWYERS AND SUCH--BUT IT WILL NOT BE GOOD FOR AMERICANS.

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BECAUSE OF OUR UNIQUE POSITION TO INFLUENCE THE FLOW OF CURRENT EVENTS IN THIS COUNTRY WE HAVE A DUTY TO WORK AT PROTECTING THE GENERAL GOOD, EVEN WHEN OUR OWN NARROW INTERESTS CONFLICT. WHILE WE CAN APPRECIATE THE FEELINGS THAT MOTIVATE AMERICANS TO FEEL UNKINDLY TOWARD LAWYERS AS A GROUP, LET US NOT ALLOW THAT RESENTMENT TO FEED ON THE RESIDUE OF OUR OWN IRRESPONSIBLE ACTIONS.

INSTEAD, AMERICAN LAWYERS SHOULD ANSWER THE HIGHER CALLING OF WORKING ON BEHALF OF THE GENERAL PUBLIC, BY BEING HONEST IN THEIR WORK, BY HANDLING LEGAL WORK WELL, AVOIDING THE VEXATIOUS ENTANGLEMENT THAT PEOPLE RESENT, AND BY THROWING OUR INFLUENCE ON THE SIDE OF LIMITED GOVERNMENT.

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BY DOING OUR JOBS HONESTLY AND WELL, AND BY TRYING TO LIMIT THE NEGATIVE IMPACT OF TOO MUCH LAW AND TOO MUCH REGULATION, WE CAN COMBAT THE NEGATIVE IMPRESSION OF ATTORNEYS AS THE BENEFICIARIES OF COMPLICATED GOVERNMENT. MORE IMPORTANTLY, WE WILL, IN FACT, BE DOING A BETTER JOB FOR THE AMERICAN PEOPLE.