Time Warner's new Los Angeles RSN. My 34 years representing the Lakers have been a fun and challenging ride, which has been rewarded with 10 NBA championships and 16 NBA Finals appearances.

I have always loved sports; however, at no time along the way did I ever have in mind a career in sports. It just happened. Many of my peers obtained their positions in a similar manner; they just happened to be in the right place when the opportunity arose. This does not mean that you cannot get into sports if that is your goal, but it is something that you need to work at in order to place yourself in the best possible position when the opportunity does arrive.

You must first decide whether you want to be in sports or whether you want to be a lawyer who does sports law. Not everyone who graduates from law school wants to be a lawyer. Most do. When you graduate, you have the tools to be a lawyer, but you are not yet a lawyer. If you want to be a lawyer in sports, I strongly advise that you work in a law firm environment for three to five years and obtain experience. The experience will definitely benefit you. Most sports law opportunities do not have the capacity to teach you how to be a lawyer, and therefore the people involved generally look for experienced lawyers. And no matter what happens, if you get the experience, you will always be a lawyer.

While you are practicing law, some of the ways that you can try to move above the competition for a sports law position include participating in organizations that give you the opportunity to meet and work with lawyers in the area of sports law. Two of those organizations are the Sports Lawyers Association and the Forum on Entertainment and Sports Industries of the American Bar Association. To have a better chance of succeeding, you should not merely attend the meetings. You should become active. Volunteer to be on committees, write articles for their journals, and when you are out in practice, seek opportunities to speak at their meetings and other events. Get yourself known by those in the profession who are also active in these organizations. This has worked for some people whom I know. Talk to those in the field, ask them for advice—and whether they can recommend someone else who can provide you with more advice. Keep in touch with those with whom you have spoken. I hope that you are successful with whatever approach you take.

I wish you all good luck in your careers.

And, again, I thank you for this evening. ■

Marquette Law Review 1933 Editorial

"Leadership from the Bench"

The *Marquette Law Review,* established in 1916, contains not just longer-form articles and student comments but also, over the years, such other items as memorials, historical notes about the Law School, and speeches. The following "editorial," as the *Law Review* itself termed it, was published in June 1933 and is among the more unusual entries. We offer it as a glimpse into our past.

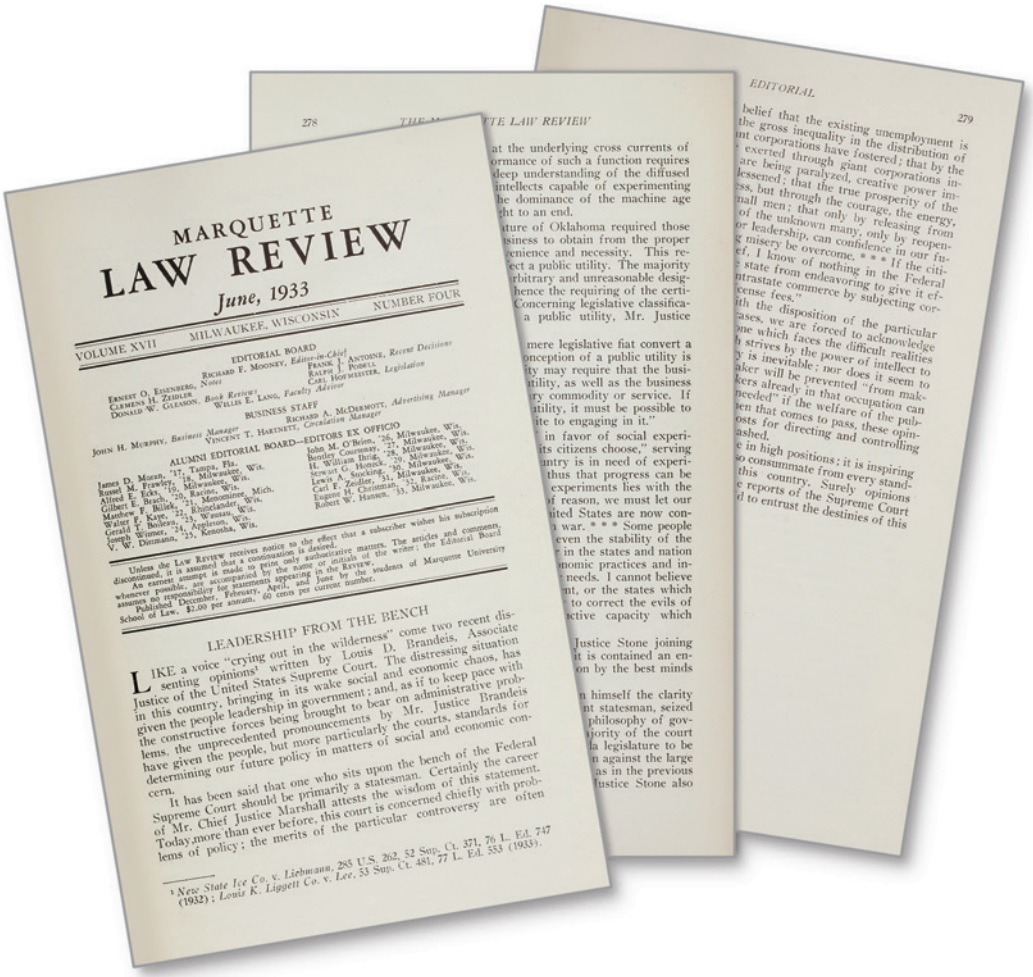
Like a voice "crying out in the wilderness" come two recent dissenting opinions[1] written by Louis D. Brandeis, associate justice of the United States Supreme Court. The distressing situation in this country, bringing in its wake social and economic chaos, has given the people leadership in government; and, as if to keep pace with the constructive forces being brought to bear on administrative problems, the unprecedented pronouncements by Mr. Justice Brandeis have given the people, but more particularly the courts, standards for determining our future policy in matters of social and economic concern.

It has been said that one who sits upon the bench of the Federal Supreme Court should be primarily a statesman. Certainly the career of Mr. Chief Justice Marshall attests the wisdom of this statement. Today, more than ever before, this court is concerned chiefly with problems of policy; the merits of the particular controversy are often brushed aside in an effort to get at the underlying cross currents of public welfare. The adequate performance of such a function requires a

[1] *New State Ice Co. v. Liebmann*, 285 U.S. 262 (1932); *Louis K. Liggett Co. v. Lee*, 288 U.S. 517 (1933).

court composed of men with a deep understanding of the diffused elements of our social order and intellects capable of experimenting with new and untried methods. The dominance of the machine age over the lives of men must be brought to an end.

In the *Liebmann* case, the legislature of Oklahoma required those who desired to engage in the ice business to obtain from the proper authority a certificate of public convenience and necessity. This requirement made the ice business in effect a public utility. The majority of the court considered this to be an arbitrary and unreasonable designation, unwarranted by the facts, and hence the requiring of the certificate to be an oppressive regulation. Concerning legislative classification of a hitherto private business as a public utility, Mr. Justice Brandeis says:



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LEADERSHIP FROM THE BENCH

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[1] *New State Ice Co. v. Liebmann*, 285 U.S. 262, 52 Sup. Ct. 371, 76 L. Ed. 747 (1932); *Louis K. Liggett Co. v. Lee*, 53 Sup. Ct. 481, 77 L. Ed. 553 (1933).

"Of course, a Legislature cannot by mere legislative fiat convert a business into a public utility. But the conception of a public utility is not static. The welfare of the community may require that the business of supplying ice be made a public utility, as well as the business of supplying water, or any other necessary commodity or service. If the business is or can be made a public utility, it must be possible to make the issue of a certificate a prerequisite to engaging in it."

Mr. Justice Brandeis declares himself in favor of social experiments, with "a single courageous state, if its citizens choose," serving as a laboratory. He considers that the country is in need of experiments, carefully considered, for it is only thus that progress can be made. The responsibility in regard to such experiments lies with the court; but "if we would guide by the light of reason, we must let our minds be bold. . . . The people of the United States are now confronted with an emergency more serious than war. . . . Some people believe that the existing conditions threaten even the stability of the capitalistic system. . . . There must be power in the states and nation to remould, through experimentation, our economic practices and institutions to meet changing social and economic needs. I cannot believe that the framers of the Fourteenth Amendment, or the states which ratified it, intended to deprive us of the power to correct the evils of technological unemployment and excess productive capacity which have attended progress in the useful arts."

Thus does Mr. Justice Brandeis, with Mr. Justice Stone joining in the opinion, conclude his mighty dissent. In it is contained an entire economic philosophy, one which invokes action by the best minds in the country.

Just one year later, this man, who combines in himself the clarity of a great jurist and the foresight of a pre-eminent statesman, seized another opportunity for further exposition of his philosophy of government. In the *Florida Chain Store* case,[2] the majority of the court held a regulatory tax of chain

[2] [This is the *Liggett* case. – ed.]

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stores by the Florida legislature to be unconstitutional because of an obvious discrimination against the large chains. The dissent is based upon the same grounds as in the previous case, and this time Mr. Justice Cardozo and Mr. Justice Stone also dissent. In concluding Mr. Justice Brandeis states:

"There is a widespread belief that the existing unemployment is the result, in large part, of the gross inequality in the distribution of wealth and income which giant corporations have fostered; that by the control which the few have exerted through giant corporations individual initiative and effort are being paralyzed, creative power impaired and human happiness lessened; that the true prosperity of the past came not from big business, but through the courage, the energy, and the resourcefulness of small men; that only by releasing from corporate control the faculties of the unknown many, only by reopening to them the opportunities for leadership, can confidence in our future be restored and the existing misery be overcome. . . . If the citizens of Florida share that belief, I know of nothing in the Federal Constitution which precludes the state from endeavoring to give it effect and prevent domination in intrastate commerce by subjecting corporate chains to discriminatory license fees."

Portrait of Justice Louis D. Brandeis.
Collection of the Supreme Court of the United States.

Whether we agree or not with the disposition of the particular controversies presented in these cases, we are forced to acknowledge that a new leadership has arisen, one which faces the difficult realities of our present condition, and which strives by the power of intellect to overcome them. Control of industry is inevitable; nor does it seem to be far in the future when a shoemaker will be prevented "from making or selling shoes because shoemakers already in that occupation can make and sell all the shoes that are needed" if the welfare of the public as a whole demands it. Surely when that comes to pass, these opinions will be looked upon as guide posts for directing and controlling the unknown forces that will be unleashed.

Leadership should come from those in high positions; it is inspiring to know that a man, writing opinions, so consummate from every standpoint, graces the highest tribunal in this country. Surely opinions such as his have seldom appeared in the reports of the Supreme Court or of any court. One should not be afraid to entrust the destinies of this nation to him. ■