

Milwaukee Bar

Remembering, and Learning from, the Best of the Legal Profession

This is an excerpted version of the Memorial Address given by Michael B. Brennan, of Gass Weber Mullins, LLC, at the Milwaukee Bar Association's annual Memorial Service on April 30, 2010. Brennan recalled his father, James P. Brennan, L'60, and other lawyers who had died the preceding year.

Certain members of a profession best represent the various qualities of the legal profession. They have a high level of knowledge and superior competence. They contribute to professional bodies, and they have respect for that profession's rituals. They embody a profession.

I am sure that that is how many of us here today feel about the loved ones, friends, and colleagues whom we gather to remember.

The legal profession itself has a noble past. The practice of law has been seen as a secular calling with its own end: the attainment of a wisdom that lies beyond technique. I like to say that practicing law is "more than just playing legal chess." It has been called "a wisdom about human beings and their tangled affairs that anyone who wishes to provide real deliberative counsel must possess." This practical wisdom, or prudence, is the exercise of good judgment, particularly about the goals or ends of proposed actions, whether for the client, or for citizens in general. Joined with this practical wisdom is public-spiritedness, a devotion to the public good reflected in an active involvement in public affairs.

Recognition of the legal profession's noble past is found in the writings of the historian and political thinker Alexis de Tocqueville. Tocqueville advanced an exalted view of the American lawyer. For Tocqueville, attorneys brought stability to a turbulent society. Lawyers mediated between the government and the people. They assumed a responsibility for the common good through public life, for which they were particularly suited by training and cast of mind.

Tocqueville wrote: "In America there are no nobles or literary men, and the people are apt to mistrust the

wealthy; lawyers consequently form the highest political class and the most cultivated portion of society. . . . If I were asked where I place the American aristocracy, I should reply without hesitation that . . . it occupies the judicial bench and the bar."

I would submit it is these attributes of a lawyer—practical wisdom, public-spiritedness, a mediator between the public and the government—that we should remember in the careers of the loved ones, friends, and colleagues who bring us together today.

. . . What is it about this profession that helped define these attorneys whom we remember today, and

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which defines, at least in part, some of us? I would submit to you, it is more than education, or knowledge, or even professional expertise. It is the contributions they made. It is the vital nature of their work.

To list a person's accomplishments does not always give insight into character. But how a person spends his or her time on this Earth, and the results of these efforts, sometimes does.

The individuals whom we remember today joined a profession. They tried to live by the ideals of that profession. And we, and thousands of others, are better off because of that. And for the same reasons the profession helped define them, it should help define us, to go forward and practice today and in the future those civic virtues we saw, and we see, in them. ■