

“All that I am, or hope to be, I owe to me angel mother.”

-Abraham Lincoln

“Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser - in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough.”

- Abraham Lincoln (1850)

### ABRAHAM LINCOLN’S NOTES FOR A LAW LECTURE

This document was dated July 1, 1850 by Lincoln’s White House secretaries, John Nicolay and John Hay, who collected many of his manuscripts after his death. The note in the Collected Work of Abraham Lincoln indicates that Lincoln could have written these observations several years later than 1850. It is not known, however, if Lincoln ever delivered this lecture.

In these notes, Lincoln provides a glimpse of how he worked and the high standards of diligence and honesty he set. He has sharp words for the dishonest and unscrupulous members of the bar, calling them “fiends” and “knaves.” He warns prospective lawyers, “if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.”

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I am not an accomplished lawyer. I find quite as much material for a lecture in those points wherein I have failed, as in those wherein I have been moderately successful. The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing to to-morrow which can be done to-day. Never let your correspondence fall behind. Whatever piece of business you have in hand, before stopping, do all the labor pertaining to it which can then be done. When you bring a common-law suit, if you have the facts for doing so, write the declaration at once. If a law point be involved, examine the books, and note the authority you rely on upon the declaration itself, where you are sure to find it when wanted. The same of defenses and pleas. In business not likely to be litigated- ordinary collection cases, foreclosures, partitions, and the like- make all examinations of titles, and note them, and even draft orders and decrees in advance. This course has a triple advantage; it avoids omissions and neglect, saves your labor when once done, performs the labor out of court when you have leisure, rather than in court

when you have not. Extemporaneous speaking should be practiced and cultivated. It is the lawyer's avenue to the public. However able and faithful he may be in other respects, people are slow to bring him business if he cannot make a speech. And yet there is not a more fatal error to young lawyers than relying too much on 2 speech-making. If anyone, upon his rare powers of speaking, shall claim an exemption from the drudgery of the law, his case is a failure in advance.

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser- in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough.

Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession which should drive such men out of it.

The matter of fees is important, far beyond the mere question of bread and butter involved. Properly attended to, fuller justice is done to both lawyer and client. An exorbitant fee should never be claimed. As a general rule never take your whole fee in advance, nor any more than a small retainer. When fully paid beforehand, you are more than a common mortal if you can feel the same interest in the case, as if something was still in prospect for you, as well as for your client. And when you lack interest in the case the job will very likely lack skill and diligence in the performance. Settle the amount of fee and take a note in advance. Then you will feel that you are working for something, and you are sure to do your work faithfully and well. Never sell a fee note- at least not before the consideration service is performed. It leads to negligence and dishonesty - negligence by losing interest in the case, and dishonesty in refusing to refund when you have allowed the consideration to fail.

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid, yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief- resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.

Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave.

## A LINCOLN LESSON

Lincoln felt passionately about another important truth: some things, though legally right, are not morally right. For example, after conferring with a potential client on a collection case he believed could wreak untold havoc, Lincoln flatly refused to take the case. In doing so, he reportedly said:

“Yes, there is no reasonable doubt that I can gain your case for you. I can set a whole neighborhood at loggerheads; I can distress a widowed mother and her six fatherless children, and thereby get for you six hundred dollars which you seem to have a legal claim to; but which rightfully belongs, it appears to me, as much to the woman and her children as it does to you. You must remember some things that are legally right and not morally right. I shall not take your case – but I will give you a little advice for which I will charge you nothing. You seem to be a sprightly, energetic man, I would advise you to try your hand at making six hundred dollars in some other way.”

–Williams, Frank, Honorable. (Chief Justice of the Rhode Island Supreme Court) (ret.) *Lincoln’s Lessons for Lawyers*, 36 N. Ky. L. Rev. 295 (2009)

### Delightful Books about Abraham Lincoln

“Lincoln as I Knew Him- Gossips, Tributes & Revelations from His Best Friends and Worst Enemies.” Harold Holzer, editor. (paperback.) ISBN-13: 978-1-5612-681-7 (PB) “Did Lincoln Own Slaves? And Other Frequently Asked Questions about Abraham Lincoln.” Gerald J. Prokowitz. (available in hardcover and paperback.) ISBN 978-0-375-42541-7.