

BAR ADMISSIONS CEREMONY

October 27, 2006

Fellow members of the supreme court, Presidents Runchey and Kelly, Director Corneille, new admittees to the Bar, and your parents, spouses, children, and friends:

I welcome all of you on this great day when we celebrate your admission to the practice of law in the state of Minnesota.

I congratulate those of you being admitted. This is a marvelous accomplishment—and you should enjoy this day.

I also join in Chief Justice Russell Anderson’s congratulations to the parents, spouses, children, and friends who have helped you get here. No one does it alone. We all need support—so those of you who have provided this support have a right to feel very proud of your role in the accomplishments of the new lawyer in your life.

I have been a member of the Minnesota Supreme Court for over 12 years. This means I have heard well over 20 bar admission speeches and have on several occasions delivered this speech. Thus, for me, the challenge is to come up with something new to say and, if possible, something special. I hope that I will be able to do this.

The idea for today’s speech came to me late last summer. My 95-year-old mother had a serious bout with illness. Her illness caused both of us to focus on the more important things in life—like family, core beliefs, and how we choose to lead our lives. On several occasions, we talked about her family history, which led to reflections on her father, my grandfather, Nels J. Holden. We talked about who he was, what he was like, how he talked, how he led his life, and his beliefs.

My grandfather was an immigrant like so many of our forbearers. He was a Norwegian immigrant. He came to the United States as a young man in the early 1880s and lived most of his life in Aitkin, Minnesota. He was a devoted husband and the father of nine children. He was an architect and builder, and built over 38 significant buildings in the Aitkin area. Many of these



Nels J. Holden

**Eight Points of Good Advice
He Gave His Children**

- I. Obtain knowledge.
- II. Use your time well, whether you work for yourself or for others.
- III. Be trustworthy and careful in your work.
- IV. Use only honest means to accomplish your aims.
- V. Live content and regular, this will strengthen your health and bring satisfaction.
- VI. Protect the infirm and weak as thy mother would protect thee.
- VII. Think before you speak and remember that your action is the mirror in which your inner self is seen.
- VIII. Remember that you are a part of society and in this you have an obligation as well as a privilege.

buildings still exist and at least one is on the National Registry. He was also a scholar, poet, author, patriot, and churchman.

As my mother and I talked, she shared with me some of my grandfather's poetry. Then she

showed me the "Eight Points of Good Advice" that he left specifically for his children. As I looked at these points of advice, I realized how relevant they were to my life as a lawyer and judge.

So this is what my speech will be about today. I want to share with you my grandfather's eight points of advice to his children—advice he gave more than 85 years ago—and to hopefully illustrate how these points of advice can assist in making each one of you a better lawyer.

NO. 1. OBTAIN KNOWLEDGE

Your presence here today bears witness to the fact that each of you has heeded this point of advice.

The law is a profession requiring a considerable body of specialized knowledge and training—knowledge that brings with it both power and empowerment. You are armed with this knowledge—indeed, today the world is your oyster. It is your oyster in the same way that Falstaff's brash young associate Pistol spoke of it in Shakespeare's "The Merry Wives of Windsor," when he said:

Why the world's mine oyster
Which I with sword will open.

Like Pistol, you are armed with a sword to open up a world of opportunities. That sword is your knowledge of the law.

The knowledge you have obtained is something that cannot be taken from you. Daniel Webster recognized this truth when giving a speech at the laying of the cornerstone for the Bunker Hill Monument in the 1820s. Webster said:

Although kingdoms and provinces may be wrested from the hands that hold them . . . it is the glorious prerogative of the empire of knowledge, that what it gains it never loses. On the contrary, it increases by the multiple of its own power; all its ends become means; all its attainments, helps to new conquests.¹

The knowledge you have acquired comes with a professional obligation to use it for the common good—the commonweal. You have a responsibility to use it wisely and justly. Moreover, you have a responsibility to continually expand the extent of your knowledge. You are not done learning. You need to continue to learn the law and to understand its current and future developments—some of which we cannot fathom as we gather today.

Your knowledge also comes with certain other conditions and obligations. You have an obligation to provide access to knowledge to others, others who will come behind you. You need to act now so that others in the future will have access to knowledge. A democratic republic like the one in which we live needs knowledgeable citizens to survive. History teaches that we need an informed and knowledgeable citizenry to provide the backbone of our country. You need to understand that others have acted in the past so that you can obtain the knowledge you have today. You need to act now and in the future so that you will pass on the legacy of access to knowledge to the next generations.

¹ Daniel Webster in an address at the laying of the cornerstone of the Bunker Hill Monument, June 17, 1825.

NO. 2. USE YOUR TIME WELL, WHETHER YOU WORK FOR YOURSELF OR FOR OTHERS.

At my age, a person realizes just how short life is, something that you will grow to appreciate over time. The world we live in essentially recycles its human population in the short period of 100 years. You will come to understand how precious each day, each hour, each moment, each sunrise, and each sunset is. So use your time well—at work and with family and friends—and especially with our children. Use your time well with children, both your own and others, because you will not only benefit from the time you spend with them, but you will provide them with the opportunity to learn and gain knowledge from you.

Here also I want to give some other practical advice for every lawyer. Have the courage to do the difficult tasks that need to be done when they need to be done. Do not put them off. I assure you that if you follow this advice, your life as a lawyer and life in general will be much better for you. Experience tells me that the bane for many promising lawyers has been their inability or lack of courage to do difficult tasks when they need to be done.

No. 3. BE TRUSTWORTHY AND CAREFUL IN YOUR WORK

In the legal profession, care and trust are the currency of the realm: you cannot be a good lawyer if you do not exercise great care in your work or if you are not worthy of your clients' trust. I and my colleagues on our court see what happens when lawyers are not careful in their work. We see the problems that abound from carelessness or lack of attention to detail. Believe me, you do not want to be in the situation of the lawyers who have such problems. You want to be very careful in how you do your work for others.

We also see what happens when lawyers are not trustworthy. Here you need to understand that your credibility and your integrity are among your most valuable possessions. Understand that once you lose your credibility and a reputation for integrity, they are difficult, if not impossible, to regain. So always be careful and trustworthy in how you do your work as a lawyer.

NO. 4. USE ONLY HONEST MEANS TO ACCOMPLISH YOUR AIMS

Here, I want to put considerable emphasis on the word “only.” An honest person needs to be honest at all times and needs to be honest not only externally, but also with him or herself. Avoid those small compromises in honesty that are oftentimes so tempting. Because these compromises may seem small, they sometimes get categorized as trivial or meaningless—just little white lies. Compromises in honesty such as saying “The Will is done; it’s in the mail,” when it is not in fact done; or saying, “I am working on it right now,” when you are not. The truth is that you hope to have it done by the end of the day, but it is not done now. Then, horror of all horrors, something comes up and you do not get it done. You cannot make these small compromises when you practice the law. I have seen how such seemingly small compromises in honesty provide the antecedent for larger breaches that come later, with tragic results for all. Large ethical breaches do not somehow just happen. Experience has taught me that they have their antecedent in numerous smaller compromises. Here again, I want to quote Daniel Webster. He says:

An eminent lawyer cannot be a dishonest man. Tell me a man is dishonest, and I will answer he is no lawyer. He cannot be, because he is careless and reckless of justice; the law is not in his heart, is not the standard and rule of his conduct.²

So, again, I advise you—use only honest means in your professional and personal lives. Abraham Lincoln got it so right when he said, “Always tell the truth; then you do not have to remember what you said.”

Always be true to your inner self. Always make sure that your internal moral compass points in the right direction. This is your best defense against ethical compromises. As Victoria Barnett said in her essay:

Our special need is not to see ourselves as others see us, but to retain the integrity of that part of our lives that others do not see. The challenge is to integrate these two parts of our lives into a healthy whole.³

² Daniel Webster, Address before the Charleston, South Carolina Bar (May 10, 1847), *The Oxford Dictionary of Legal Quotations* 128 (Fred R. Shapiro, ed., 1993).

NO. 5. LIVE CONTENT AND REGULAR, THIS WILL STRENGTHEN YOUR HEALTH AND BRING SATISFACTION.

If we were to summarize this point of advice today, we would probably say “keep balance in your life.” If you want to maintain your health and your satisfaction in both your professional and personal lives, live content and regular—seek balance in your life. Do not let one aspect or one part of your life distort the others, especially your practice of law. Your health, both physical and mental, and your ultimate satisfaction with your life as a lawyer will be threatened if you do so. You will face many temptations that will undermine the balance you need, especially as you start out as a lawyer and face the demand for billable hours and achieving particular goals. But remember, if you are going to remain a good lawyer and a healthy person, you do have to retain balance in your life.

NO. 6. PROTECT THE INFIRM AND WEAK AS THY MOTHER WOULD PROTECT THEE.

We lawyers have institutionalized this advice to a certain extent because we have established pro bono aspirations. These aspirations are something that we expect you to achieve. Pro bono work—helping out the less advantaged—is something that goes with your privileged position in our society. I am proud to say that lawyers have established an excellent reputation for service to the less advantaged—a reputation that I believe is not as broadly publicized and understood as it should be. All of you need to understand, nourish, and continue the pro bono tradition—you need to build on it. Remember, do not treat the pro bono aspirations as an obligation—something that is onerous—treat it as the true privilege it is, a privilege to serve others that is part and parcel of your position as a lawyer in our society.

I also want you to do something else: teach yourself to recognize the weak and infirm among us, for if you do not do so, they are very easy to ignore. Put yourself in a position where you will see and recognize those who are less advantaged in society than you are. I am often surprised,

³ Victoria J. Barnett, *Protestant Protest Against Hitler*

even amazed, at some people's capacity to ignore the weak and infirm. I have even recognized this tendency in myself from time to time. For this reason, I repeatedly put myself in positions where I cannot ignore those who are less fortunate than I. As you may remember, I was a VISTA volunteer. Currently, I participate in such programs as Project Home, which provides shelter to the homeless. When I place myself in such situations, I cannot help but acknowledge the contrast of my life with those for whom life has dealt disadvantage, through lack of education, illness, or some other crushing misfortune. When I walk down a street and a person reaches a hand out to me for help, I try not to ignore him or her. At a minimum, I inquire how that person is and what help he or she needs, and then either give some direction or sometimes tangible help.

There are many people in your life who can teach you how to properly treat and act toward others. I am grateful for the lesson that I learned from my daughter Marina. She taught me through her own life experiences. She taught me how to recognize and appreciate all members of society and to reach out to them with a helping hand. So put yourself in situations where you can learn to recognize and help the less fortunate among us.

NO. 7. THINK BEFORE YOU SPEAK AND REMEMBER THAT YOUR ACTION IS THE MIRROR IN WHICH YOUR INNER SELF IS SEEN.

Oh, how I wish that more lawyers would do a bit more thinking before they spoke. Remember that you are constantly being judged based on how you speak, not only as to your knowledge, but your ability, your organization, your preparation, your wisdom. Also, you are being judged as to your aforementioned credibility and integrity because, indeed, what you say is a mirror of your inner self. When you speak, especially as a lawyer, you should always do so with a civil tone. Here, heed the advice of my immediate predecessor on this court, John Simonett, who said:

Lawyering is a profession of civil governance and civility of manners is not a sign of weakness in an advocate, but a measure of true competence and effective representation.⁴

⁴ **Justice John E. Simonett, Associate Justice, Minnesota Supreme court, 1981 to 1994. 1992 Judicial Conference, 11 Eighth Cir. Jud. News, Fall 1992, at 2.**

NO. 8. REMEMBER THAT YOU ARE A PART OF SOCIETY AND IN THIS YOU HAVE AN OBLIGATION AS WELL AS A PRIVILEGE.

As I previously indicated, it is a privilege to be a lawyer. All of you must understand and realize what a privileged role you play as a lawyer in our society. You have skills, knowledge, and access to knowledge that others do not have. As I indicated before, you have an obligation to use these resources well to create a better society for us all.

As a lawyer, you will be involved in the most personal aspects of the lives of your clients, their families, and their adversaries. Clients will come to you with their most difficult problems. They will shift the burden that is on their shoulders to your shoulders. And they will expect your best when you agree to pick up this burden. You have a responsibility to serve them well.

As a lawyer, you will also be involved in the life of the larger community. To fill this role, there are certain things you will need to be. You will need to be a leader. Historically, lawyers have been leaders in all of society's civic sites—community, schools, churches, government, recreation. Remarkably, half of the signers of the Declaration of Independence were lawyers. The reason we are leaders is that it is part of our nature. There is something about us lawyers that puts us in the position where we not only want to be leaders, but it is expected of us. You need to understand that people expect you to be a leader and therefore you should be prepared to lead.

You are a problem solver. That is what people are seeking from you. They are going to ask you to solve their problems, to make their individual lives function better, and, on a large scale, for society, to function more smoothly and more civilly. We need to be innovators in how we seek solutions to problems. Also, be aware that many problems are the result of solutions that were not well thought out—be careful not to propose solutions that create more problems. Be wise and thoughtful with advice you give to others.

At this point, I am going to digress for just a bit and talk about a certain hazard that our role as a problem solver can create for our families, especially our children. As problem solvers, we expect to solve problems. But I learned the hard way that that is not always what our families ask

of us, especially our children. My daughters would often come home after a day of school or work and want to visit with me. Generally about seven or eight minutes into the conversation, I would recognize the problem I thought they wanted me to solve. I would then propose a solution. It would perplex me that my children often became dismayed not only with my proposed solution, but with me in general. It took me a long time to understand that my children were not asking me to solve a particular problem; all they wanted me to do was listen. Just talking to me would help them seek their own solutions to whatever was on their minds. My proposed solutions only got in the way of this process. As lawyers, we need to understand when our skills as problem solvers are needed and when all that is being asked of us is to listen.

We also need to understand the limits legal and judicial remedies can provide. The legal system cannot solve all problems and frequently is not the best place to go for a solution. My colleague, John Simonett, talked about the danger of our courts becoming the new church in society. What he meant by that is the courts should not be the place where people come to seek resolution of problems that are more appropriately resolved in other societal institutions, what I refer to as civic sites in our society. We need to understand that these other social institutions need to be supported and, as I have indicated, those institutions include family, neighborhood, community, church, schools, civic organizations, and government. We need to be able to identify, to seek out, and to use the right forum to solve any given problem. This means that, even as lawyers, you should not automatically run to the courts as your first choice as a forum.

When you took your oath today, you swore to support the Constitution of the United States and the constitution of the State of Minnesota. As these documents reveal, our society and government were established to protect the rights of the individual, and to secure “liberty and justice for all.” Liberty is a fundamental concept that underlies our constitutions. It is what has made us the great nation we are today. Liberty is something that is very precious, but if not properly understood, it can easily be lost, even unintentionally given away. You need to be

prepared to answer critical questions about how our government works and why the preservation of liberty is so important.

Before I swore you in today, I told you that you must believe the oath in your heart. The same is true about the liberties that are embodied in the constitutions you swore to support. Judge Learned Hand said of liberty:

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. [Rather] * * * the spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of * * * men and women; the spirit of liberty is the spirit which weighs their interest alongside its own without bias.⁵

As lawyers, you also need to be able to articulate why the rule of law, not of men, is essential to a free society. We are a society governed by laws, not by men or women. Understand that it is our commitment to the rule of law that protects us from the arbitrary exercise of power. Here I make a special plea on behalf of the judiciary: act to preserve judicial independence. You need to be defenders of an independent judiciary.

Now that I have shared with you my grandfather's eight points of advice to his children, it is appropriate for you to inquire whether, if you heed these words of advice, you will be a successful member of our profession. I cannot guarantee that result. But I do know that my grandfather followed these words of advice and this is what was said of him at the time of his death: "His work

⁵ Judge Learned Hand, The Spirit of Liberty, Address at "I Am An American Day" in New York's Central Park (May 21, 1944), available at <http://www.ifcwtc.org/words22.html> (last visited Nov. 7, 2006).

was so highly satisfactory and his integrity so manifest” that the community of Aitkin asked him to locate there permanently, and he earned their everlasting respect. Not a bad epitaph—one earned by following his own advice.

NELS J. HOLDEN

Nels J. Holden was born in Resor, Norway, on April 28, 1864. He came to America as a young man and soon found employment on account of his excellent education in Norway, which qualified him as an architect and builder. He started his career in Duluth, Minnesota, but in 1895, he was induced to go to Aitken, Minnesota, to erect the Hodgeden residence. His work was so highly satisfactory and his integrity so manifest that the community asked him to locate there permanently. Thirty-eight buildings were erected in Aitkin and elsewhere by this master builder, including the Methodist Church and parsonage, the Catholic rectory, Carnegie Library, the Willard Hotel, the bank buildings, jail, numerous private residences, and the Casey commercial block.

The Holden family home built on 40 acres southeast of Aitkin is encircled by over 100 fruit trees and has long been looked upon as one of the ideal homes of this county. Twelve children were born to his union with Gertrude Paulsen of Westby, Wisconsin, nine of whom survived him. When told by his son while in Rochester Hospital that he had but a short time to live, he took his son by the hand and said, “God’s Will and not mine be done.” (The foregoing is from the 1924 obituary of Nels J. Holden.)

NOTE: Nels J. Holden is survived by one of his nine children, Helen Holden Anderson, the mother of Justice Paul H. Anderson.

Holden biography from Bar Admission Ceremony Program

There is one last story that I want to tell you about my grandfather, and remember that this story is set at a time quite different from our own. At the time my grandfather died, a Norwegian-Swedish Lutheran marriage was seen as a mixed marriage. A Scandinavian Lutheran really never thought of marrying a German Lutheran. Protestants and Catholics did not trust each other. They looked at each other with considerable suspicion, for they knew that the other surely was destined to go to hell because of their respective beliefs. But when my grandfather died, something unusual happened in Aitkin—something that became the talk of the town and was even a bit scandalous. The Catholic priest

crossed the threshold of the Methodist Church, a church that had been built by my grandfather, and he did so in order to join the Methodist congregation and others to pay their final respect to my grandfather and the life he lived. Such an act was uncommon, if not unheard of; it was even risky; yet the priest did it—and he did it out of respect for the life that my grandfather had led. Each of you should have as a goal that when your time comes to be remembered, people like the Catholic

priest in Aitkin will want to be present to pay respect to the way you have lived your life—persons of all backgrounds, of all religions, of all colors, will want to come to honor you.

So to answer my rhetorical question about heeding these words of advice, they will not guarantee your success, but they will surely be helpful in pointing your internal compass in the right direction.

Today I have talked about the privilege of being a lawyer. I have come to understand what privileges I have in being a member of the legal profession, in serving others, in being a part of the development of law in this state and our country, and in working for a civil society ruled by law. My profession has also given me the privilege of speaking with you today and sharing with you some of my professional and family traditions, and I appreciate very much your attentiveness.

Finally, there is one other very special privilege that I have exercised today. It is the privilege to share with you and to honor my mother's memories of her father—Nels J. Holden. Memories that were frozen in time in 1924 as they only can be when a 12-year-old girl suffers the loss of a beloved father whom she adored. My mother has carried these memories with her throughout her life. She has shared them with me, and today I have had the privilege of sharing her precious memories with you.

COMMENTS AND OATH

NOTE: Before addressing the new admittees to Minnesota's Bar, Justice Paul Anderson presided over the giving of the oath. The following are his comments that preceded his giving the oath.

Today you officially become a member of the legal profession. By doing so, you commit yourselves to a life that is defined by special virtues and norms of character. You are entering into a special subculture that has a well-defined moral ethos and outlook. The last step in this process is to affirm an oath in which you publicly profess a commitment to a high standard of conduct.

This oath binds you to a specific code of ethical conduct. Thus, it is appropriate at this point, before you take it, to pause for a moment to consider what it means to take an oath. Sir Robert Bolt did a marvelous job of articulating what it means to be bound by an oath in the play *A Man for All Seasons*. In the play, Sir Thomas More's daughter Meg, when visiting her father in the Tower of London, pleaded with him to swear an oath to Henry VIII even though her father did not believe such an oath in his heart. Sir Thomas More responded to his daughter's plea as follows:

When a man takes an oath, Meg, he's holding his own self in his own hands. Like water (He cups his hands.). And if he opens his fingers then—he needn't hope to find himself again. Some men aren't capable of this, but I'd be loathe to think your father one of them.⁶

Like Sir Thomas More, when you take this oath, you are holding your own self in your hands and pledge to honor this oath for the rest of your career as a lawyer. Hold it firmly

⁶ Robert Bolt, *A Man For All Seasons*

in your hands and also your heart; never let it slip through your fingers for if you do so, it will be very difficult, if not impossible, to find it again.

I now ask you all to stand and repeat the oath after me.

MINNESOTA ATTORNEY OATH OF ADMISSION

**I SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES
AND THAT OF THE STATE OF MINNESOTA
AND WILL CONDUCT MYSELF AS AN ATTORNEY
AND COUNSELOR AT LAW
IN AN UPRIGHT AND COURTEOUS MANNER
TO THE BEST OF MY LEARNING AND ABILITY,
WITH ALL GOOD FIDELITY
AS WELL TO THE COURT AS TO THE CLIENT,
AND THAT I WILL USE NO FALSEHOOD OR DECEIT,
NOR DELAY ANY PERSON'S CAUSE
FOR LUCRE OR MALICE,
SO HELP ME GOD.**