Volume 93
Issue 4 *Dickinson Law Review - Volume 93, 1988-1989*

6-1-1989

The Legal Profession: A Critical Evaluation

Arlin M. Adams

REMARKS

The Legal Profession: A Critical Evaluation*

Arlin M. Adams**

I. Introduction

All professions, especially one as central to American life as the legal profession, should undergo a continuing process of examination and self-evaluation. Any group that does not engage in such an exercise loses much that makes it a profession: a shared set of principles and customs that transcend self-interest and speak to the essential nature of the particular calling or trade.

There are greater reasons beyond periodic examination, however, that make this topic most compelling. In recent years, the legal profession has undergone fundamental changes that threaten to sever it from its traditional moorings. A qualitative revolution has occurred within the legal community to the extent that the practice which existed forty years ago is hardly recognizable today.

No calling has occupied a more important and undeviating role in the emergence and development of American society. The practice of law, almost by definition, should establish and promote the common good and bring forth the advancement and betterment of society. As a profession, however, we have departed from the practice as it has been envisioned from the early days of the Republic. This dra-

---

* These remarks were delivered as the Tresolini Lecture at Lehigh University, in Bethlehem, Pennsylvania, on November 10, 1988.

** B.S. 1941, M.A. 1951, D.H.L. 1965, Temple University; LL.B. 1947, University of Pennsylvania Law School; Retired Judge, United States Court of Appeals for the Third Circuit; Of Counsel, Schnader, Harrison, Segal & Lewis, Philadelphia, Pa.; Past President of the American Judicature Society; Lecturer in Constitutional Law, University of Pennsylvania Law School.

matic change has strong overtones for the future. Although many authors have chronicled the recent transition of the legal profession, few are willing to argue that these developments have evolved for the betterment of society.

The sources causing the changes in the legal profession are both external and internal. The external pressures arise from great movements in the body of substantive law and in the types of services that lawyers are now required to perform. The changes in *what* constitutes the practice of law, in turn, have transformed *who* constitutes the practitioners of law. From an internal standpoint, the profession has undergone as drastic a transformation as the substantive law that governs us. I shall attempt to address these two antecedents of professional metamorphosis in sequence.

II. Changes in the Law

Just a few decades ago the rules governing society were almost entirely of the common law variety. Under the common law system, the recognized doctrines of law originated from historic precedent and were gradually forged by lawyers and judges as society advanced and matured. In recent years, however, the proliferation of statutory and regulatory law has relegated the common law to a far less prominent position.

The common law system was designed to adjudicate disputes between two relatively equal parties according to well-established principles. The former common law practitioner drew on diverse and traditional doctrines regarding the relationship between government and property, whereas the modern day practice consists primarily of various statutory, regulatory, and administrative specialties. A large share of litigation today entails large and complicated breach of contract suits, complex real estate transactions, intricate corporate matters, and financial maneuvering in the international capital markets. The substance and function of the types of matters the law addresses has shifted from the small scale of the common law to the large scope of a practice dominated by extensive financial concerns.

The second source of change in the law is the burgeoning areas of practice relating to government. The rise of the administration state — the so-called headless fourth branch of government — has been sweeping. The establishment of quasi-judicial authorities and agencies, such as the Federal Communications Commission, the Occupational Safety and Health Administration, and the Environmental Protection Agency, has accelerated continuously since World

War II, and shows little sign of abating. The number of federal agencies alone has increased from twenty to well over seventy, many with narrow, sometimes overlapping purposes.

Furthermore, in the coming months additional federal bodies governing the closing of industrial facilities and merger-and-acquisition transactions undoubtedly will be established. The proliferation of federal administrative agencies has been matched by a parallel expansion of state and local bodies. As expected, a government of greater size and scope has necessarily increased the share of legal work devoted to relatively novel, specialized administrative areas.

A third and perhaps the most significant development in the law in the past few decades is the emergence of several new forms of legal actions. The number of class action suits and other types of multiparty litigation has grown substantially in the past several years. This phenomenon has led to the introduction of "public" issues into the private litigation setting. Public issues are generally defined as those involving societal concerns and numerous parties, and are thus arguably more appropriate for legislative consideration. In contrast, private controversies are those amenable to judicial resolution between two discrete parties.

The distinction between public and private issues serves as a point of comparison between the past and the present era. Matters that once were clearly within the realm of public affairs now routinely appear before courts. There has been a clear departure in the perceived role of the judiciary. Litigation encompassing environmental and public health issues, products liability, industrial and nuclear safety, civil rights, and other litigation involving nontraditional plaintiffs is a relatively new development, which reflects this departure.

Much of the expansion in public interest litigation can be attributed to the characteristics of our latter-day economy. Mass producers of consumer goods, environmental polluters, and other large industrial aggregations now possess the ability to affect or injure large classes of citizens. Whether the radical innovations in the conduct of judicial affairs are a reflection of a change in the prevailing notions of the law or of greater economic forces, however, is not the issue at hand. The question whether law is a product of economic determinism or whether law shapes the path of economic change is a subject worthy of its own discrete forum.

In either event, however, the effect of these innovations of the profession is undeniable. The characteristic of gradualism — the be-

lief that law originated from natural truths and was fashioned, through time, to accommodate newly developing human relationships — was the foundation of our common law history. Around this basic orientation, ethical norms and mores developed that fostered the evolution of the common law. Taken as a whole these practices emerged into a philosophy of legal professionalism. This concept of gradual change through reasoned treatment, however, is subjugated, or at least strained, in a legal climate of rapid and drastic transformation.

A. Changes in Lawyering

The decline in professionalism as its relates to the law has occurred, at least in part, because of a diminution in the defining element of gradualism. Change in the law necessarily causes change in the profession. The great emphasis in today's practice on large transactional matters at the expense of individual client service particularly tends to undermine the values that define professionalism. The results of this transformation are readily apparent in how the typical law practice has changed.

A few years ago, single practitioners and small groups of lawyers dominated the practice. A firm with twenty attorneys was considered large. Today, firms with over two hundred lawyers are not unusual, and a partnership of twenty is generally limited to handling only small matters. In 1975, there were only four firms with over 200 lawyers in the United States, and they were viewed with great skepticism. In contrast, a recent survey reported well over 150 firms with more than 200 attorneys and there is far less reservation about the wisdom of the large firm as a legal institution. Indeed, last year, one of these firms celebrated the hiring of its 1,000th lawyer.

The advent of megafirms has substantially altered law practice. It is not unusual now to have firms with offices throughout the nation and even in major cities abroad. Moreover, a firm in Philadelphia attempting to hire students from Harvard, Yale, or Stanford will likely have to bid against firms from New York, Los Angeles, Chicago, and Denver that are seeking to do the same. Thus, the marketplace for legal services and the marketplace for attorneys has grown national, sometimes international, in scope.

The small-town practitioner with intimate ties only to his local community is becoming a vanishing figure. Industry analysts predict that the growth in firm size will continue and will lead to a shakeout where the giant conglomerates will be the principal survivors. In-

deed, proposals have been made in many state bars that would allow non-lawyers to own and control law firms so that they may operate more like business corporations. If this trend continues, there may be no place left for the individual practitioner or the small group of practitioners.

The expansion in the large, institutionalized practice has been made possible, I believe, by three developments in the way lawyers are trained and work. Taken as a whole, these elements — the new labor economies of the practice — constitute the changing *internal* climate of the profession.

The first development is the proliferation of law schools and lawyers. The number of lawyers in the United States has doubled since 1970 and is now well over 700,000, far and away the most lawyers for any nation in the world. The students fueling this expanding army are being trained at a growing number of law schools and in larger entering classes. The elite schools such as Harvard, Yale, and Pennsylvania have attempted to maintain the same number of students. Other law schools, however, especially state university law schools, have greatly expanded their enrollments.

A second factor allowing the progression of larger and larger firms is the fees for services that these firms now charge. This development is especially pertinent to the transactional nature of the practice. Forty years ago, the cost and time spent on legal services was a negligible part of business decisions. Today, the consideration of legal fees is a major factor in many of these transactions.

The rise of large legal fees has had other significant effects. Many have read about the $75,000 starting salaries and $10,000 bonuses given to graduating students, but even these numbers do not reflect the magnitude of the factor of money in large firm practice. *The American Lawyer*, a publication devoted to glamorizing big firms, now publishes annual financial data on such firms. Recent figures show firms realizing over $1,000,000 per year in revenues per lawyer; $1,000,000 in profit per partner; and one New York firm approaching $300,000,000 in total revenues.[1] Under headlines that blare: "Generating Revenue: The Key to The Bottom Line,"[2] the editors assure that faltering local economies will not affect business,[3] and warn that excessive *pro bono* work may lower a firm's

1. THE AMERICAN LAWYER, July/August, 1988, The Am Law 100 Report.
2. *Id.* at 34.
3. *Id.* at 58.

profitability.[4]

Concentration on profit-maximization provides less and less time for lawyers to spend on public and professional activities. Obligations to the community and to the profession are subordinated when constant attention must be given to monetary aspects. Consequently, these vital elements undergirding the ideal of the principled, public-minded practitioner of old are victims of the recent preoccupation with fees, firm profits, and inordinate salaries.

The third element permitting the growth of large institutional firms is the level of specialization now required in the legal profession. At one time a lawyer may have dealt with a number of different types of matters in any particular period. Today's young attorneys, however, are required to specialize almost immediately. Sizeable firms generally are organized into departments practicing one type of law. Differentiation of the legal labor force is essential to sustain these large organizations. The necessity to develop "instant expertise" is particularly troublesome, I believe, as it is inconsistent with the traditional vision of legal practice as a diverse and liberal endeavor. Excessive specialization inevitably detracts from the rich and full legacy of the profession.

B. The Strained Judicial Process

With a clearer understanding of what the changing legal environment encompasses, we can now focus on its implications for the historic mission of the practitioner in our society. It is appropriate to ask what effect the confluence of these pressures has had on the judicial system that attempts to adjust to them. The structure of our system of courts and judges was shaped, essentially, for the common law practice of yesteryear. Consequently, just like any other infrastructure designed to accommodate traffic, be it an interstate highway or a shopping mall, the addition of greater and greater amounts of traffic creates a strain and hinders the ability of the system to function efficiently.

The exponential growth in litigation in recent years has imposed such a tension on our legal infrastructure. The number of lawsuits filed in both state and federal courts is unprecedented. Heavier caseloads and the growing percentage of complex multiparty actions create a burden that courts are not institutionally equipped to handle. As a result, the level of procedural excess and abuse of pretrial

4. *Id.* at 20.

procedures has risen as well. That our judicial system, which is charged in large part with the development of substantive law and the efficient administration of justice, must now endure a constant state of procedural impasse is without precedent and is a poor reflection on the state of the profession. A pivotal role of an advocate in our adversarial system is the public duty to advance the edification of the courts and to assist in their efficient administration. Abuse of the discovery process and dilatory tactics abridge this duty and diminish yet another public aspect of the profession.

The political response to the judicial crisis caused by the changing legal atmosphere has been primarily to add more judges to an already overburdened system. Thus, in 1945 there were 100 federal judges; today there are over 700. To a lesser extent, the response has been to hire court administrators and to install high-tech equipment. The emergence of court administrators, whose jobs are primarily to facilitate the operation of the courts, is illustrative of the continuing need simply to keep traffic moving. The question then arises as to what effect a constant preoccupation with the *quantity* of judicial output has on the *qualitative* aspects of that product.

The destruction and replacement of historic doctrines of the law, I believe, is at least a partial result. The introduction of public issues into a judicial setting and increased use of class action methodologies are directly attributable and symptomatic of justice dispensed in wholesale fashion. In a larger sense, the role of judges in this type of environment has changed. The gradualism and intellectual spirit of the common law, where the judge performed the passive roles of preserving legal doctrine and pursuing thoughtful objectivity, are often lost in today's courtrooms.

In recent years, there has been a robust debate within the legal community whether judges should follow a path of judicial activism or restraint. In may ways, this debate embraces a non-issue. The distinction between active and passive interpretation is, I believe, tenuous and better given to philosophical consideration. It is significant, however, that such a debate even exists. Whether a judge should engage in aggressive intervention in disputes departs from the ideal of the neutral and objective arbitrator. Nonetheless, many judges are now known for their predisposition to engage in activism by creating new causes of action rather than the traditional qualities of consistent thoughtful deliberation. This new emphasis in the judicial process is a direct function of what is perceived as the changing legal profession.

III. Disappearance of the Individual Legal Personality

A second, more noteworthy consequence of the shift in the profession is the disappearance of what may be characterized as the individual legal personality. Just as increased traffic flow means that one is unlikely to be acquainted with the person driving the automobile next to yours, the increased traffic within the profession creates its own type of anonymity. Legal relationships, whether lawyer-client or among lawyers, have become far less personal in the past few decades. Practice in a large law firm has a tendency to mechanize the relationship between counsel.

At one time, admission into the bar meant passage into a sort of egalitarian fraternity. The large firm of today, however, imposes both explicit and implicit hierarchical arrangements among its attorneys. Under these circumstances, professional alienation can flourish. A lawyer who is required, even before graduation, to focus on a specialty can easily view himself more as a technician and less as a servant of the profession itself and its role in the larger community. Since practice in a sizeable firm necessarily involves large, institutionalized clients, the real sense of inclusion and obligation to the broader community is often lost.

The idea that a lawyer's day-to-day experience can be so divorced from actual contact or knowledge of his or her clients was virtually unknown just a few short years ago. Yet an attorney working for a substantial institutional client can have very little, if any, relationship with his client on a personal basis. Deprived of this type of gratifying professional satisfaction, more and more attorneys must find an external reason, whether individual enjoyment or money, to gain a sense of purpose.

Although there are numerous and diverse opportunities for an attorney to obtain satisfaction through public interest or *pro bono* work, those relationships too have taken on a distinct institutional flavor. Large organized programs are now required to provide *pro bono* services. It is most unfortunate that a graduating law student, because of the demands of time and money, has so little opportunity to secure a personal sense of reward by using his or her skills to assist an indigent individual.

Perhaps even more significant than the mechanism of lawyer-client relations is the loss of personal community among lawyers themselves. It is not unusual, in fact quite likely, that lawyers in a typical firm are practically strangers. That fact alone is not startling because any large organization, be it a university, a hospital, or a

bank, must be operated on an impersonal, organizational level. The case of the large, urban law firm is particularly disturbing, however, because of what must be subordinated to organizational structure.

The collegiality and democratic spirit that once governed relations within a firm have been replaced by bureaucratic forms of control and frequently a somewhat oppressive "up-or-out" mentality. The sense of individual legal personality is sacrificed to the concept of firm identity. Moreover, the sense of professionalism and professional identity among lawyers is often replaced by the commercial exigencies of large firm competition.

Lawyers have historically provided a wellspring of governmental and political leadership to the nation. The common law was an incomparable incubator for developing the qualities and dedication that we ascribe to sound, progressive, and energetic civil leadership. Scholarship, broad vision, and equanimity — elements that marked a successful common law practitioner — also defined the hallmarks of a dedicated public servant.

The disappearance of the individual legal personality threatens to disrupt the profession's important role in preparing public servants. I question whether apprenticeship in a large firm today can be a measure of the training that the common law practice provided. Can the specialized, institutional experience of a large firm become the equivalent of development through individual common law practice in the selection of our next generation of governors, judges, mayors, and other officials? These questions should be quite high in the pantheon of considerations for the continuing mission of our profession as large legal entities capture the most promising legal talent available.

Regrettably, the answers to these questions appear to be in the negative. The large firms of today are simply not producing this type of leadership. Last year, of the nearly 11,000 students graduating from the top law schools, only 243 chose to begin their careers in some type of public interest work.[5] Plucked directly from school and dropped into well-paying positions that demand enormous commitments of time and energy, it is not surprising that these young attorneys might view public service as secondary and unrewarding.

The law firms themselves, however, must also share responsibility for not contributing to the leadership of their communities. As a young attorney, I was encouraged to enter public life by the senior

5. Kaplan, *Out of 11,000, 243 Went into Public Interest*, Nat'l L.J., Aug. 8, 1988, at 1, col. 1.

partner of my firm as an opportunity to serve the public. Today, the structural and financial necessities of maintaining a large firm create pressures that, in turn, deter young lawyers from entering public service. Within the business mindset of large firms, it simply is not profitable to lend talent to the community at large.

IV. Commercialization of Law and Practice

The third, and perhaps most pervasive manifestation of the change in the legal climate is the decline of professionalism and its replacement with commercialism. If one general theme could encompass the many changes in our legal environment, it would be the adoption of the mores and manners of the marketplace at the expense of expressions of professional affiliation. One might legitimately ask: "What is wrong with this?" After all, lawyering is like any other calling; young people still choose to go into law primarily for monetary reasons and, more often than not, are rewarded for that choice. I suppose that one would be hard-pressed to persuade the general public, whether on a street corner in New York City or Davenport, Iowa, that what the practice of law is all about is not money. But the real danger lies when those *within the profession* are convinced that what it is all about is material success.

The profession occupies a key role in a democratically organized society. Americans tend to divide the dimensions of public life into two general spheres. One half is the business or economic realm. An economy based on capitalism and the institution of private property are the source of this culture. Economic freedom, efficiency, and material reward are its basic values. The other half of what constitutes our public affairs is the political or civil culture. The highest virtues here are political freedom, equality, and justice. Its institutional foundations are the free-functioning political process and the unbiased administration of justice.

Each culture or set of values must be allowed to flourish; that is what, to a considerable extent, constitutes the genius of the American polity. Furthermore, it is important that neither should grow to dominate the other. A correct balance between the influences of our civil government and the business marketplace is the perpetual challenge of democracy. Given this challenge, it is the proper role of the lawyer to stabilize the social equilibrium of the forces and counterforces of a dynamic society. The law is an affirmation or expression of the structure of our government and our consensual beliefs. Lawyers must operate as its vigilant defender. Just as the true

entrepreneur may be viewed as the paradigm of the business culture, each lawyer should represent the epitome of the values and virtues of the civic culture.

When the legal profession adopts too many of the commercial aspects of business, the civic values that lawyers should represent are in danger of being eroded. It is for this reason that mourning the decline in professionalism is not merely an exercise in sentimentality. We must not permit the practice of law to become just another white-collar industry. Nor must we permit lawyers to be viewed as economic units of production and their work product to be seen as "widgets." Such a mercantilistic vision would be tantamount to an admission that our civic heritage is quantifiable and can be exchanged, and that what was once self-evident and inalienable is no longer so.

Yet, evidence of this development can be found in several respects. The one that is perhaps most representative, and coincidentally the one I personally find quite troubling, although probably necessary, is the timesheets that lawyers are required to have nearby throughout the working day. Aside from being a continuous distraction, these instruments are a repeated reminder that everything a lawyer does can and should be quantified for payment. In large cities, some firms have begun billing based on one-twelfth of an hour. That means that every action that a lawyer performs, whether opening mail or answering a short telephone call, will be recorded and billed to the client.

The commercialization of the profession, however, runs far deeper than timesheets or expense accounts. The decline in professionalism has deprived an entire generation of practitioners of suitable role models. At the risk of sounding nostalgic, I believe that the profession has lost its grasp of the big picture and of the aspects and aspirations of the higher calling of this secular ministry.

Lawyers that are perceived as most successful today, or at least the ones gaining the most remuneration, are those who specialize in merger and acquisition work. This development is particularly illustrative of the overall commercialization of practice, in that elaborate takeover schemes in large part involve the reorganization of interests while adding little value to society. Seldom in these complex, money-changing arrangements is there room for consideration of the public interest or societal consequences. The ideal of the lawyer as vindicator of the rights vested in our civic culture is lost. Just as the inventor of the hula hoop or bikini once gained the greatest reward in the

business culture, the lawyer specializing in junk bonds is the new example of success in the legal firmament.

Nor is commercialization of the civil culture lost on the general public. One astute social observer remarked recently that members of our society are no longer referred to as "citizens" but instead are simply grouped into the class known as "consumers." When the philosophy of every free person possessing an equal franchise in our democratic society is lost, and citizens are best recognized for their position in the macroeconomy, our civic heritage has been seriously compromised.

Just as we might despair over the loss of the true entrepreneur in society, the decline of professionalism in legal practice should invite equal consternation. The public perception of the profession is now gained more through avenues such as *The People's Court*, *L.A. Law*, or television and telephone book ads for attorneys, rather than from the practice of the profession. What could be more discouraging than a generation of individuals receiving their understanding of their civic rights and obligations through these vistas?

Equally distressing is the prospect of members of the profession *affirmatively accepting* this commercialized vision of themselves. Law schools, which should be the bulwark of the loftiest ideals of the profession, are frequently more hospitable to various hucksters or personalities of law rather than to the great role models of yesteryear. It is a melancholy commentary that the inventor of a heart valve frequently will labor in obscurity while the promoter of some new patent medicine, whether a baldness cure or weight loss miracle, will gain immediate attention and riches. But the decline in the professionalism of the legal practice and the rise of the poor substitute of commercial manners, is an equally regrettable indictment of our society. When the giants of legal history are relegated to the back of the classroom or the rear of a bar association meeting, it is important to consider who is moving to the front.

V. Conclusion

We must be on guard to assure that my assessment of the state of our profession is not merely the product of an affection for days past. In this regard, I am reminded that in 1905, Louis Brandeis, later a Supreme Court Justice, remarked that the profession at that time caused him much concern. He was alarmed at the progressive encroachment of material influences on the great and beloved principles of the law. A year later, Roscoe Pound, soon to be Dean of

Harvard Law School, in a seminal address entitled "Causes of Popular Dissatisfaction with the Administration of Justice," criticized the prevailing legal institutions as not being able to serve a nation on the verge of realizing its destiny. Pound noted the absence of any encompassing "Philosophy of the Law" that would allow the profession to guide the nation through the challenges of the new century.

Even if what I have said thus far can be attributed to generational politics, and I concede that the trust of my comments parallels to some extent those of Brandeis and Pound, there still remains the constant necessity to re-examine the ideals and premises of the profession. Even if we are not in the last days of the principled practice of law, the current developments, as I have sought to describe them, deserve careful attention. The quest for Pound's "Philosophy of the Law" must continue if our profession is to lead society once again into the potentials of a new century that soon will be upon us.

Assuming that the state of the practice deserves the scrutiny of both the legal and non-legal communities, it is customary for the commentator to point out the obvious but unchosen answer. If there exists such an answer or path to be pursued, however, it will not be found in these remarks. The most compelling reason for this is simply that I am not in possession of any such remedy.

If there is an answer to the renewal of the professional ethic in the legal community, I do not believe it will come from any technical adjustment in the rules. The dramatic forces at work in the profession, both internally and externally, will not recede through administrative tinkering. That type of technocratic answer does not exist and, even if we could discover it, it recalls a solution more representative of the business culture. There simply is no quick antidote to materialism.

Rather, if a reassertion of professional faith is to occur, it must arise from a reaffirmation of our civic heritage. Members of the profession, the lawyers and the judges, must again possess a sense of their individual legal personality and faith in the ultimate mission of their calling. Additional bar programs or law school requirements may help, but by themselves they will not recapture the passion and dedication of a lapsed faith. The role of the lawyer has not changed. The members of the profession must be willing to reassume it, and to do so with necessary vigor.

On the occasion of the two-hundredth anniversary of our Constitution, I outlined the aspects of what I view as the unchanged role

of the practitioner.[6] These basic qualities, I submit, merit reiteration. The first is service to the community. Lawyers must again recognize that they have been entrusted with a great privilege, and that obligations to the community go with that privilege. Attorneys have occupied a singular role in service to our society from the framing of our Constitution to the Civil Rights Movement. Members of the profession must once again accept the responsibility of formulating theories and rules to allow the various elements of the public to expand the ability of a nation to serve its citizens. Any enduring philosophy regarding legal practice must be rooted in the belief that lawyers receive their license and are empowered by the greater society, and must therefore labor to insure its progress. The idea of the practice of law as a completely private exercise for private ends is contrary to this conviction.

A second characteristic is dedication to what Justice Holmes called the "craftsmanship" of lawyering. There must be a renewed sense of pride in the work that lawyers do, not merely for its value in the marketplace, but for its historic function of vindicating the rights of citizens.

The third characteristic is devotion to the profession itself. The changing face of the law demands that lawyers reassert their professional ties and responsibilities. Members of the bar have traditionally recognized the importance of supporting their bar associations and continuing an active role in legal education. Profit must not become our dominant ethic. Nor must profit become the primary engine for professional change. A renewal in the faith of professionalism must originate from within and reverse our troubling path. Only when such a new direction is pursued will good sense and professional virtue prevail.

Despite the sobering tone of my remarks, I am not completely discouraged. Although many of us have halting doubts about recent developments in the profession, I believe it can still fulfill what is highest in the yearnings of the human spirit. Our history has been replete with inspiring figures: John Marshall, Oliver Wendell Holmes, Benjamin Cardozo, and Learned Hand, to name a few. Each can serve as a beacon.

As Judge Hand eloquently put it in addressing the conflict that is normal in a pluralistic society:

> For it is always dawn. Day breaks forever, and above the

6. A. Adams, Remarks at the "We the People 200" Convocation with the Supreme Court Justices at the Arch Street Friends Society (Oct. 2, 1987).

eastern horizon the sun is now about to peep. Full light of day? No, perhaps not ever. But yet it grows lighter, and the paths that were frequently so blind will, if one watches sharply enough, become hourly plainer. We shall learn to walk straighter. Yes, it is always dawn.[7]

7. L. HAND, THE SPIRIT OF LIBERTY: PAPERS AND ADDRESSES OF LEARNED HAND 101 (I. Dillard 3d ed. 1974).