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Foreword: Lawyers, Law Firms & the Legal Profession: An Ethical View of the Business of Law

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Lawyers, Law Firms & the Legal Profession: An Ethical View of the Business of Law*

*Margit Livingston***

PROFESSOR LIVINGSTON: I want to welcome all of you to today's Symposium on legal ethics. The program will deal with some issues of professional responsibility that affect all lawyers, such as conflicts of interest, and some that are of particular interest to commercial and bankruptcy practitioners, such as the recent study of bankruptcy professionals' compensation. In addition, at lunch, my colleague Professor David Franklin will give what I know will be a fascinating talk on the present and future impact of the United States Supreme Court under Chief Justice John Roberts's leadership.

Of course, we all know the old joke that legal ethics is a contradiction in terms. The general public tends to think of lawyers in their worst moments as shysters and con artists. And, I'm sure, sometimes we are left shaking our heads as to why this perception exists almost universally. Every profession has its bad apples, and we are no exception. But lawyers, I think we can all agree, are a vital component of a democratic society, protecting the rights of both victims and accused, assuring that injured parties receive compensation, and representing the underprivileged and the voiceless. Dick the Butcher plotting rebellion in Shakespeare's *Henry VI* utters that oft-quoted line: "The first thing we do, let's kill all the lawyers."¹ That line has been interpreted in a number of different ways—from Shakespeare's expression of contempt for attorneys to his profound regard for them as the guardians of the rule of law. I prefer the latter interpretation. In the movie *A Man for All Seasons*, Sir Thomas More, speaking to his son-in-law, gives one of the more resounding defenses of law: "This country is planted thick with laws, from coast to coast. . . . And if you cut

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1. WILLIAM SHAKESPEARE, *THE SECOND PART OF KING HENRY THE SIXTH* act 4, sc. 2.

them down, and you're just the man to do it, do you really think you could stand upright in the winds that would blow then?"²

But enough of the inspirational rhetoric, and moving on to the more concrete and practical: The Symposium proceedings will be published in the summer issue of the DePaul Business and Commercial Law Journal, which is in its sixth year as the successor to the former DePaul Business Law Journal and the former Commercial Law Journal, published by the Commercial Law League of America. Six years ago, DePaul University College of Law entered into a cooperative arrangement with the Commercial Law League of America for the publication of the new DePaul Business and Commercial Law Journal. Former DePaul Dean Wayne Lewis and I worked with Max Moses and Elliott Levin of the Commercial Law League of America to bring about this affiliation.

Through this affiliation, DePaul has been able to produce a top-rated journal devoted to in-depth analysis of theoretical and practical issues in the fast-changing arena of corporate, antitrust, commercial, and bankruptcy law. The Journal is published four times a year and is distributed to almost 5,000 subscribers in the United States and around the world.

DePaul University College of Law is fortunate to be co-hosting with the Commercial Law League of America the Sixth Annual Symposium of the DePaul Business and Commercial Law Journal. I am delighted to welcome the Commercial Law League members who are here attending the League's Midwest Regional meeting as well as Chicago-area practitioners, professors, and law students.

Our speakers today represent an impressive array of judges, practitioners, and academics from all over the country, and I know we will benefit from their insights into the "business of law" and such knotty issues as whether the billable hour must die, whether lawyers can handle successfully the conflicts that arise as they make the transition from one firm to another, and whether anything can be done to raise the public perception of the legal profession.

Before we get to the first speakers, I would like to thank some individuals who have contributed to the success of the DePaul Business and Commercial Law Journal this year and to the planning and creation of this Symposium. Dean Glen Weissenberger of DePaul University College of Law has been steadfast in his support of the Journal and the Symposium over the years. And, as always, the Commercial Law League of America has given us invaluable financial and editorial

2. A MAN FOR ALL SEASONS (Highland Films 1966).

assistance. Our partnership with the CLLA has been absolutely indispensable to the Journal's continued success.

In addition, I want to thank especially the student Editorial Board of the Journal. The student editors, as well as their staff members, have dedicated much time and effort to the quarterly production of the Journal. This year's editors included Beau Bump, Timothy Havlir, Michael Kim, Mariann Carbone, Michael Shamma, and Jessica Baer.

I would like to acknowledge particularly the outstanding performance of the outgoing Editor-in-Chief, Holly Howes, who, through her devoted efforts and exceptional leadership abilities, has maintained the high publication standards for the Journal. And finally, Symposium Editor Don Carrillo has done an admirable job of coordinating all of the myriad details necessary to produce what we hope you will find to be a relevant and thought-provoking program. Thank you very much.

