



## REMEMBERING A GREAT PRESIDENT ON HIS BIRTHDAY

BRUCE BEESLEY, PRESIDENT, STATE BAR OF NEVADA

*“The practices and customs of courts and individual judges cannot easily be gleaned from written decisions or local rules.”*

Abraham Lincoln was born February 12, 1809. He is widely regarded as one of the United States of America's best presidents. This month, we celebrate the 200th anniversary of his birth. While Lincoln is remembered as a great president, the majority of his career was spent as a practicing attorney rather than as a politician. This column is dedicated to President Lincoln, the lawyer, and the similarities of practice in the mid-1800s to those of today.

Before Lincoln's admission to the bar, he worked for the local justice of the peace, writing legal documents. He appeared in a number of lawsuits as a witness and was sued for failing to pay his debts a few times. Nevertheless, it was not until he lost an election to become an Illinois legislator that he seriously turned his attention to becoming an attorney.

In Lincoln's day, those interested in becoming an attorney usually studied under a lawyer or judge. Lincoln, however, lived in an area where there were no attorneys, so he studied the law on his own, borrowing books from a law office over 20 miles away. At the time Lincoln turned to the law, there wasn't a bar exam. Rather, the court focused on whether the applicant had good moral character. Lincoln satisfied the court on this count and, in 1836, the county court certified him as a person of good moral character and the Illinois Supreme Court issued him a license to practice law in all courts of the state.

Lincoln's practice consisted primarily of litigation over contracts or debts. He handled the occasional criminal trial, bankruptcy and other matters of equity. Despite his sound

reputation, he did engage in some pork-barrel activity, obtaining a judgment after a trial for \$3 for the conversion of a hog. The matter was reversed on appeal by the Illinois Supreme Court.

Fees in the mid-1800s were mainly charged at a flat rate and were collected before representation was undertaken. In Lincoln's first years as an attorney, he generally received fees of \$5 to \$10 dollars per case. In 1838, however, he received the sum of \$500 to defend a murder case.

Lincoln was a dependable partner. At the time of his nomination for president, Lincoln was in practice with William Herndon. The two had been partners since 1844. When Lincoln was elected to the presidency, he asked Herndon to leave the sign over the door unchanged, to “give our clients to understand that the election of a President makes no change in the firm of Lincoln and Herndon.” Lincoln advised Herndon that he planned to return to their practice after his presidency “as if nothing had ever happened.” Of course, history tells us that, through no fault of Lincoln's, that partnership was never resumed.

So, on the occasion of Abraham Lincoln, Esq.'s birthday, let us celebrate the fact that an attorney's moral character is still an important quality, that fee structures, clearly communicated to the client and reasonable according to the task, are still the best way to ethically practice law, and that relationships with our colleagues should be of the sort that withstand both the good and the bad times in our lives. Cheers, Abe. **NL**



*I want to acknowledge my use of Lincoln as a Lawyer, by John P. Frank, a partner at Lewis and Roca from October 1954 to January 2002, as background for this column.*

State Bar of Nevada  
**MISSION**

Our mission is to govern the legal profession, to serve our members, and to protect the public interest.