

# **Ethics: Lincoln's Writings Regarding the Law**

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**A Lesson in Ethics and Professional Conduct**

**from**

**Abraham Lincoln, Attorney at Law**

Presented by  
Judge Paulette J. Delk  
Donna T. Snow  
Amy F. Black

The purpose of this hour is to provide a glimpse into the life of Abraham Lincoln, the lawyer, and the honor code that provided the foundation for his bustling law practice. Aside from becoming one of the most profoundly influential Presidents in our nation's history, Abraham Lincoln was an esteemed and revered attorney in his time. Lincoln's character, veracity, and litigation skills made him one of the most sought-after and able litigators in Illinois, and he enjoyed a fulfilling and lucrative legal career, taking on thousands of cases.

We will first take a biographical look into Lincoln's pre-law days, as well as his early days as a new lawyer. We will note that, as Lincoln's law practice grew, he exhibited a high degree of professionalism that quickly elevated his stature in the legal community. We will then discuss that, perhaps surprisingly, a day in Lincoln's two-man law practice in the early 1850s was probably not too different from the day-to-day exercises and agendas of today's attorneys, and valuable lessons can be gleaned by a look at Lincoln's professional practices.

Lincoln's character and integrity gained him the respect of his clients, fellow lawyers and judges throughout his legal career. "He was not a folksy, down-home kind of guy. Instead he was a shrewd, sophisticated, tough and aggressive litigator with a staggering caseload who cared about making money and signed his legal papers as . . . *A. Lincoln*." <sup>1</sup>

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<sup>1</sup> John A. Lupton, *A. Lincoln, Esquire: The Evolution of a Lawyer*, in ALLEN D. SPIEGEL, *A. LINCOLN, A SHREWD, SOPHISTICATED LAWYER IN HIS TIME* 18 (2002).

## Abraham Lincoln's Notes for a Law Lecture

*This document fragment was dated July 1, 1850 by Abraham Lincoln's White House secretaries, John Nicolay and John Hay, who collected many of his manuscripts after his death. The note in the Collected Works 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."*

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 for 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 practised 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 speech-making. If any one, 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.



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## Lincoln's Advice to Lawyers

*Before Abraham Lincoln was elected President, he practiced law for nearly 25 years in Illinois. Occasionally his writings reveal advice he offered lawyers or aspiring lawyers. In this selection of quotations you will notice his emphasis on self-education, the method he used to enter the profession. At the time, studying with an established lawyer was far more common than attending law school. Lincoln could not afford law school, and in his autobiography of 1860 he wrote that he "studied with nobody."*

### Letter to Isham Reavis on November 5, 1855

My dear Sir:

I have just reached home, and found your letter of the 23rd. ult. I am from home too much of my time, for a young man to read law with me advantageously. If you are resolutely determined to make a lawyer of yourself, the thing is more than half done already. It is but a small matter whether you read *with* any body or not. I did not read with any one. Get the books, and read and study them till, you understand them in their principal features; and that is the main thing. It is of no consequence to be in a large town while you are reading. I read at New-Salem, which never had three hundred people living in it. The *books*, and your *capacity* for understanding them, are just the same in all places. Mr. Dummer is a very clever man and an excellent lawyer (much better than I, in law-learning); and I have no doubt he will cheerfully tell you what books to read, and also loan you the books.

Always bear in mind that your own resolution to succeed, is more important than any other one thing.

Very truly Your friend  
A. Lincoln

### Letter to William H. Grigsby on August 3, 1858

My dear Sir:

Yours of the 14th. of July, desiring a situation in my law office, was received several days ago. My partner, Mr. Herndon, controls our office in this respect, and I have known of his declining at least a dozen applications like yours within the last three months.

If you wish to be a lawyer, attach no consequence to the *place* you are in, or the *person* you are with; but get books, sit down anywhere, and go to reading for yourself. That will make a lawyer of you quicker than any other way. Yours Respectfully,  
A. Lincoln

### Letter to James T. Thornton on December 2, 1858

Dear Sir

Yours of the 29th, written in behalf of Mr. John W. Widmer, is received. I am absent altogether too much to be a suitable instructor for a law student. When a man has reached the age that Mr. Widmer has, and has already been doing for himself, my judgment is, that he reads the books for himself without an instructor. That is precisely the way I came to the law. Let Mr. Widmer read Blackstone's Commentaries, Chitty's Pleadings's -- Greenleaf's Evidence, Story's Equity, and Story's Equity Pleading's, get a license, and go to the practice, and still keep reading. That is my judgment of the cheapest, quickest, and best way for Mr. Widmer to make a lawyer of himself. Yours truly  
A. Lincoln

*NOTE: Lincoln sometimes misspelled Widmer's name in the above letter.*

### Letter to John M. Brockman on September 25, 1860

Abraham Lincoln's Advice to Lawyers

J. M. Brockman, Esq.

Dear Sir: Yours of the 24th. asking "the best mode of obtaining a thorough knowledge of the law" is received. The mode is very simple, though laborious, and tedious. It is only to get the books, and read, and study them carefully. Begin with Blackstone's Commentaries, and after reading it carefully through, say twice, take up Chitty's Pleadings, Greenleaf's Evidence, & Story's Equity &c. in succession. Work, work, work, is the main thing. Yours very truly  
A. Lincoln

For interesting reading, see also [Notes from a Law Lecture](#)

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Source: *Collected Works of Abraham Lincoln*, edited by Roy P. Basler.

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It has been noted that

Lincoln was, upon the whole, the strongest jury lawyer in the state. He had the ability to perceive with almost intuitive quickness the decisive point in the case. In the examination and cross-examination of a witness he had no equal. He could compel a witness to tell the truth when he meant to lie, and if a witness lied he rarely escaped exposure under Lincoln's cross-examination.... His legal arguments . . . were always clear, vigorous, and logical, seeking to convince rather by the application of principle than by the citation of cases . . . He seemed to magnetize everyone. He was so straight-forward, so direct, so candid, that every spectator was impressed with the idea that was seeking only truth and justice. He excelled in the statement of his case. However complicated, he would disentangle it, and present the real issue in so simple and clear a way that all could understand. . . . His illustrations were often quaint and homely, but always apt and clear, and often decisive. He always met his opponent's case fairly and squarely, and never intentionally misstated law or evidence.<sup>2</sup>

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<sup>2</sup> John A. Lupton, *A. Lincoln, Esquire: The Evolution of a Lawyer*, in ALLEN D. SPIEGEL, *A. LINCOLN, A SHREWD, SOPHISTICATED LAWYER IN HIS TIME* 20 (2002) (quoting Arnold, one of Lincoln's peers, discussing Lincoln's abilities as a litigator).

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*People v. Goings* – “There [is] mighty good water in Tennessee.”<sup>4</sup>

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<sup>3</sup>Stuart & Lincoln published advertisements in the *Sangamo Journal*, and this ad appeared in the April 15, 1837 issue. ALLEN D. SPIEGEL, A. LINCOLN, A SHREWD, SOPHISTICATED LAWYER IN HIS TIME 23 (2002).

<sup>4</sup>ALLEN D. SPIEGEL, A. LINCOLN, A SHREWD, SOPHISTICATED LAWYER IN HIS TIME 40-41 (2002).

Resources used in these materials and presentation include the following:

BRIAN DIRCK, LINCOLN THE LAWYER (2007).

ALLEN D. SPIEGEL, A. LINCOLN, A SHREWD, SOPHISTICATED LAWYER IN HIS TIME (2002).

Andrew L. Reisman, *An Essay on the Dilemma of "Honest Abe": The Modern Day Professional Responsibility Implications of Abraham Lincoln's Representations of Clients He Believed to be Culpable*, 72 Neb. L. Rev. 1205 (1993).

<http://www.abrahamlincolnonline.org>

For the Model Rules, see American Bar Association Model Rules of Professional Conduct, 2012 edition as amended in August, 2012, and available on the American Bar Association's website at <http://www.americanbar.org>. In 2002, Tennessee adopted the Model Rules as a guideline for modeling the Tennessee Rules of Professional Conduct.