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Stare decisis: Rock of legal professional

In her eighth annual professionalism lecture at The John Marshall Law School in February, Illinois Supreme Court Justice Anne M. Burke reminded the student and attorney participants of the importance of creating a strong and honorable professional identity as a lawyer.

As she circulated black-and-white photos of the early members of the Illinois Supreme Court through the crowd, Burke reflected upon her own early days on the court, a time when she felt guided by the strong presence of noted jurists who served on the court during its long history.

Burke noted that drafting opinions in her chambers she felt both in awe of those who had come before and a duty to maintain and build upon the legacy of professionalism established first by justices who “rode the circuit” on horseback.

In our world today, sometimes change has become the only constant. We are bombarded by articles on social and traditional media highlighting successes of those who have “disrupted” the system, or who have broken free of a particular industry’s traditional constructs.

Such is to be perhaps expected during a time of unprecedented advances in technology and communication, and there is no question we are more connected in more expedient fashion than ever before in human history.

The legal profession has not been immune; today’s consumer of legal services may well expect the resolution of a legal matter to be as easy as hailing a ride from a stranger’s vehicle on a cellphone.

BY MARGARET O’MARA FROSSARD AND JOSEPH A. KEARNEY

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But is disruption always necessary? Must we necessarily circumvent the establishment to make progress? Some of the law student readers of this column may not be so sure, and that is good.

Law school is a place not only to learn skills to aid in the practice of

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law, but also to challenge and be challenged. However, some of the basic tenants that guide our profession — namely, the rule of law — must and will remain undisturbed in order for our society to continue to grow and prosper.

The concept boils down to the Latin term that rolls easily off the tongue of any first-year law student

and whose meaning (if not immediately retrieved by its Latin name) is well engrained in the practice of any seasoned attorney, judge or lawyer: stare decisis.

Loosely translated, “to stand by decisions and to let undisturbed the undisturbed,” stare decisis means that we must use the precedent that we are given to apply to the facts of a matter at hand. Judges and lawyers alike are bound to this tenant, and it is the very same immutable force that guided Anne Burke through her early decisions on the Illinois Supreme Court.

First and second year law students furiously learning how to lawyer while also memorizing principles of contract, property and constitutional law are today also challenged by an extremely tumultuous and almost ever-changing political climate.

Those students studying in Loop law schools especially have seen great turmoil of late with protests marching by the windows headed for the Daley Center or Dirksen Federal Courthouse.

Yet, by choosing to exercise their constitutional rights by convening near these most public and civic of spaces — state and federal courthouses — the protesters should also remind our future lawyers

of one thing: That the rule of law in our nation is strong and stare decisis is as much a rock as it has ever been.

The professional identity of lawyers and law students alike can be anchored to this principal alone in order to achieve a successful and meaningful career in the law.