The All-Supreme-Court-Opinion Baseball Team

Patric M. Verrone*
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Randy "Ex Parte" MILLIGAN, First Base

Rod "Dred" SCOTT, Second Base

Willie "Read 'em Their Rights" MIRANDA, Shortstop

Bill "Clear and Present Danger" SCHENCK, Third Base

Clyde "Necessary and Proper" McCulloch, Catcher

Gates "Board of Education" BROWN, Left Field

Joseph "Plessy" V. FERGUSON, Center Field

Claudell "International Shoe Versus" WASHINGTON, Right Field

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Preacher ROE & Ben WADE, Starting Pitchers

Byron "Appointed Counsel" GIDEON, Relief Pitcher

Curt "Free Agent" FLOOD, Designated Hitter


In the 1992 presidential campaign, both President Bush and Vice President Quayle launched attacks on lawyers. They stimulated some fanatical followers to recall the line in Shakespeare's Henry VI: "The first thing we do, let's kill all the lawyers."

Those who employ that infamous quote apparently are unfamiliar with the context in which it was spoken. In the Shakespearean tale, Jack Cade of Ashford was a common rabble-rouser hoping to foment a rebellion against the throne. He enters a tavern and announces: "When I am King, as King I will be . . . there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery; that they may agree like brothers and worship me, their Lord." At that point, Dick the Butcher, a simple follower, declares "The first thing we do, let's kill all the lawyers."

To the mind of the rabble, it was lawyers who wrote and enforced the country's laws. Do away with lawyers and thereby do away with the rules of civilized society. One would hope that those who blithely cite Shakespeare's line today do not share the underlying motivation of this play's character.

Of course there are lawyers who are scoundrels, boorish and unethical in practice and a discredit to the profession and an offense to the public. But no profession as a whole does more to enforce high standards of personal conduct than the bar. Be considerate of your client, lawyers are told. Be deferential in court, they are instructed. Treat your opponent with courtesy and dignity. Failure to adhere to those standards is likely to result in discipline by the organized bar.

Practicing lawyers have been told, since law school days, that they will derive ethical inspiration from the demeanor of judges. Certainly judges treat each other with respect, even when they may disagree in individual cases on legal principles. Obviously lawyers can usually look to the scholarly and dignified justices on the highest court in the land for guidance on how to conduct themselves in a courteous and temperate manner, even in contentious litigation.

Sadly, however, not always.

On June 24, 1992, the Supreme Court decided Lee v. Weisman,1 a case

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1. California Supreme Court Justice.