

As Time Goes By – An Off-Key Keynote of Note

by Dale Carlson

Imagine this: You are seated in the Grand Ballroom of the Waldorf-Astoria at the Judges' Dinner. After the usual pre-prandial drinks and multi-course meal, you settle in for dessert and what you may have come to expect will be a light-hearted and entertaining speech from the keynote speaker.

On this occasion, however, you are destined to get more than you bargained for.

The speech opens on a sober note, to wit: "I do not have the slightest interest in providing entertainment for dinner parties or for anyone else. . . . My sole reason for coming here is to impress upon you the need for the legal profession to start playing a truly responsible role in our society."

By mid-speech, fighting words are flying through the air: "The patent lawyers here tonight may have been wondering why so far I have not alluded to them. Yet patent lawyers exhibit the same tendencies that pervade other segments of the profession. They too are skilled in the tactics of obfuscation and delay. Moreover, I believe that many patent lawyers do harm to the economy and to the credibility of the patent system. Frequently they represent the narrow economic interests of their clients, to the detriment of the public, by using such tactics as indiscriminate patenting of minor design details."

Although the Judges' Dinner audience generally behaves with decorum that is fitting of the grandeur of the occasion, at the moment things have gone awry. Hurling through the air are insults from the audience directed at the keynote speaker. The speaker and members of the audience engage in heated debate. In short order, pandemonium erupts throughout the Grand Ballroom!

Perhaps this is a dream . . . only a bad dream. However, you wake up from your dream to find that the date is March 30, 1979. You are attending the NYIPLA's 57th Annual Judges' Dinner. The keynote speaker is seventy-nine-year-old

Admiral Hyman G. Rickover, head of the U.S. Navy's nuclear fleet and aptly nicknamed "Father of the



Dale Carlson, a partner at Wiggin and Dana, is NYIPLA Historian and its Immediate Past President.

Nuclear Navy." His speech is ominously titled "Lawyers Versus Society."

Viewed with the unique balm that only time can offer, the Admiral's speech makes a lot more sense than the audience hearing it at the Waldorf may have realized. He was fed up with the delay tactics and obfuscation associated with the endless litigation that the government was embroiled in over seemingly petty issues. He sensed that lawyers may be the only ones capable of fixing the mess endemic to an overly-litigious society he believed lawyers were responsible for abetting.

His message, albeit one largely lost on the audience at the Judges' Dinner, is that lawyers in their individual capacity have the responsibility and duty to act above self-interest, and narrow client interest, to protect a free society; otherwise, the free society will not remain free.

The Admiral put it thusly: "A free society cannot exist unless the public has confidence that justice through the legal system is available equally to all; that courts can and will deliver justice in a timely manner which people of ordinary means can afford; and that lawyers, as officers of the court, are men of integrity, well trained and dedicated to resolving differences in society fairly. Further, the responsibility must rest with each member of the bar."

Admiral Rickover's speech is reproduced in its entirety in this issue of the Bulletin. If he were alive today, the Admiral would doubtless be pleased that his words, and the facts he alluded to, are being re-visited now, when clearer heads can prevail.

As you re-visit Admiral Rickover's speech, or visit it for the first time, it may be helpful to keep his approach to analyzing facts in mind, to wit: "Sit down before fact with an open mind. Be prepared to give up every preconceived notion. Follow humbly wherever and to whatever abyss Nature leads or you learn nothing. Don't push out figures when facts are going in the opposite direction."¹

In many respects, the Admiral's take was dead-on. However, on the evening of March 30, 1979, he may have been the only person in the Grand Ballroom with that insight. Today, we may look at things a little differently.

With kind regards,

Dale Carlson

(Footnotes)

¹ As quoted in *Business Insider*, December 2010.