DINNER SPEECH 1999: “WHAT CAN I ADD?”

Good evening.

You have had a very busy couple of days. Your lives have begun to change a little; your lives as lawyers are really beginning. It is an exciting time for you, but keep in mind that this is a marathon. You are in this for the long haul: three years, and for your careers beyond.

Your adrenaline has probably been pumping the last few days, and now you may be calming down a little bit; but calm down, don't drop off. Tomorrow you will actually start classes the real work is still ahead of you.

Now, what do I have to say? What can I add to everything you've already heard? It has been my experience that deans giving introductory speeches like these usually talk a lot about what's ahead and what it means and how it will affect you. He or she will say a word or two about your great responsibility as law students and lawyers. Now, I generally do not consider myself a real conformist, but I have no great intention to make any tidal waves today, so I will follow the tried and true formula. But while I will talk about what's ahead and how it might affect you, I want to dwell a bit on who you are now. Who are you today? What do you love? How do you see yourself? Where do you think you need some work? What do you want to do? Take an inventory of these things. Write them down if you think it will help you remember. Look back in three, five, ten, fifty years and see how you changed and how you didn't. Some things will be different, but some of your answers will still be the same. I imagine that much of what defines you will still be the same. Some of what will have made you great—or not—will no doubt be with you now. I venture that, for many of you, what makes you a caring human being will be the same.

And if I have any theme at all, it is that while you will change here, please always recall who you are and what you are: an involved, compassionate person. Let me get a little personal. I very clearly recall my law school orientation in Tacoma, Washington, in 1978. It was held in the school chapel of the University of Puget Sound in Tacoma, Washington, and one of the speakers talked about the Socratic Method and how law school would change us all, and especially the way that we thought. To be honest, I felt a little threatened by that. First of all, I was not so sure law school was for me. I was only there because I had not yet written a great novel, probably would never throw a no-hitter in the World Series, and could not play guitar well enough to be a rock star. I needed a profession, and since my father was a lawyer who loved his work, I thought I'd try this one. Second, although cognizant of a few minor faults, I sort of liked myself the way I was. I wasn't so sure I wanted someone messing with my mind. But with all that talk about changing my life and all those eager faces staring up at the speaker, I decided then and there that if anyone started chanting, I was going to get up and go. I was immediately reminded of Franz Kafka's grossly vivid novella Metamorphosis, where the protagonist, a young man named Gregor, woke up to find he had changed from a human into a giant cockroach, and his family is disgusted by him. Could law school do that to me? I looked
to make sure I still only had two arms and two legs. I touched my head to see if feelers had grown yet. No, but I was already losing more hair.

Well, although the chanting never did begin and I never sprang wings, I had no doubt then, and am absolutely sure now, that a not-too-subtle bit of brainwashing was going on. The moniker for this brainwashing was teaching my classmates and I to "think like lawyers." All this was part of learning to think like a lawyer. As the legal philosopher Karl Uewellyn facetiously told the first-year law class at Columbia Law School in 1929 about their forthcoming first year of law school:

The first year aims to drill into you the more essential techniques of handling cases. It lays a foundation simultaneously for law school and law practice. It aims, in the old phrase, to get you to "thinking like lawyers." The hardest job of the first year is to lop off your common sense, to knock your ethics into temporary anesthesia. Your view of social policy, your sense of justice—to knock these out of you along with woozy thinking, along with ideas all fuzzed around their edges. You are to acquire ability to think precisely, to analyze coldly, to work within a body of materials that is given, to see only, and manipulate the machinery of the law. It is not easy thus to turn human beings into lawyers. But this Socratic method, this questioning and discussing and more questioning aimed at getting us to be cold-blooded logic machines? Is it trying to beat the humanity out of us?²

Will we try to make you a professional with no sense of right or wrong and no idea of humane conduct, but only the cold, cool logic of the uncaring technician? No, absolutely not. And, we won't turn you into uncaring, value-neutral automatons. But we'll try to teach you to work within the logical framework of the law, to be precise, to realize that in this business it's not enough to say a result is justified because it's fair or unjustified because it's not fair. We will try to teach you to play by the system's rules. We will also try and teach you to develop a sense of when those rules we play by need to be changed. But beware, because legal education, like any field of specialized study, has a narrowing effect: it sometimes puts blinders on you. What can those blinders lead to? Conceivably, they can make us believe that either there are no values behind legal rules or, instead, that your own values, your own sense of fairness and justice is second rate or unimportant. This, in turn, might lead to a very intense and negativistic form of cynicism about all people and institutions. With such a cynical, negative attitude, you might start to treat your clients, colleagues, and your acquaintances with disdain. You might become hypercritical. In practicing your profession with bankrupt values, you, as lawyers, would be a mere wordsmith who achieves results not because of some primary belief that they are right—either for the particular case or because of some broader systematic goal—but because you are being paid to achieve those results and because you are able to manipulate the strict words of the law to justify that result.

One way to avoid that happening to you is to recall, as you go through this process of learning to think, write, and act like lawyers, that you are first and foremost caring, compassionate, concerned human beings.

So, from today forward, make every effort not to unduly narrow your perspective. You must learn to view legal issues both in the particular context in which they arise and from a broader societal perspective. Always recall your sense of justice. The law exists for a much nobler purpose than insuring that you and I are employed. It exists to order our entire society. In order to keep the law responsive and acceptable to all of us, as lawyers, we must be responsive to the people and values that make up society. Thus, in thinking like lawyers, you must never forget to think like human beings, like the people who sit here tonight. What can you do on a day-to-day level? Many things, but I have only the time to mention a few.

Never forget to treat one another civilly. Treat one another cordially. Learn about the value of cooperation. This is not a place for cliques and exclusions. This is an open institution for learning. It is our pledge that we exist for everyone we admit to learn in an open, welcoming environment, free from prohibitive bias. If you do not feel that pledge is true, let us know—we will do something about it.

Let me say a word about cooperation. Cooperation is a desired trait, but cooperation must be understood in terms of our Code of Academic Conduct. You will soon be lawyers, bound to follow the ethical rules of lawyers. Now you must follow our Code of Academic Conduct. It is your absolute obligation to do so. You do not want to be the subject of a Code proceeding. It will be incredibly unpleasant, and it will stick with you for the rest of your professional life, whatever its outcome. If you come from an environment where cheating or plagiarism were tolerated or one in which people looked the other way, this is your warning. This may be your only warning. We take our code very seriously.

Another thing ahead of you is academic performance. You are all high achievers. You have all done very well at school. No doubt many of you will do great here as well. But every one of you will not be first in the class. All of you will not graduate in the top ten percent. All of you will not graduate with Highest Honors. You will work hard—probably harder than you've ever worked.

Try hard; do well; but please don't define yourself by your grades. Consider the great experience you can have while you are here on Law Review, Moot Court, BLSA, Speaker Series, Law Women, and more. Consider the inner strengths and values which brought you this far. Devote yourself to your studies; don't define yourself by your grades.

Now, what about jobs and money? You will all have loads of opportunities to make money. But consider that once you pass the bar, you are part of an oligopoly. No one who is not licensed, as you will be, can compete with you. As such, it seems to me that you have an obligation to the society that grants you this competitive advantage. Pro bono legal service is not something that you should do; it is something that you must do.
Agencies like Legal Aid and the Legal Services Corporation cannot do the job alone. They are understaffed and overworked. Your help is needed. The high cost of legal services is a problem we cannot ignore. On your current list of what you might want to do, if you've said public service, I'd urge you to keep that fact in mind. But if you decide to do something else, think about your goals; think about what got you to say public interest when I asked you to raise your hand. Do what you think is right, but just think about it. If you do not end up in public interest work, learn that your obligation is still to do public service.

As the sun sets, let me once again welcome you. This is a great law school, and we are better already because you are here. Take every advantage of this wonderful opportunity. I hope that you have truly found something you love. Have a great semester.