



STANFORD LAW SCHOOL

Law Class of 2005 Graduation Ceremony
Charge to the Class

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2005 Winner of the John Bingham Hurlbut Award for Excellence in Teaching
May 15, 2005

It is daunting enough to have to speak at a graduation. But you have given me an even more daunting task—to *charge* you. This is a mesmerizing ambiguous term, even after we put aside the one sense in which my task is already moot—we have already *charged* you \$161, 112 for the fully loaded expense of even getting to this day.

So what else might “charge” mean? To charge can mean to order—in our jargon to enjoin—or to instruct, embolden, cajole, instruct, exhort. But in the rituals of graduation, it can also mean to offer a stern moral reminder—to admonish.

Now, one ritual admonition is to remind graduates that they are leaving school in especially perilous times, fraught with exceptional significance, momentous thresholds. *All* graduations occur on extraordinary brinks of unique historical thresholds, unprecedented perfect storms of converging risks and opportunities.

Well, I’m loath to use that old trope. I don’t have enough historical wisdom to make such a judgment. Besides, you probably heard such an admonition at least once before in the last few years, and I’m not sure how many unique historical precipices a soul can bear to stand on so frequently. And after all, law is ultimately more about order and stability than about reaction to historical earthquakes.

Another ritual admonition is that you overcome your humble lack of self-awareness and appreciate the talents and achievements you should be proud of, but then, as the ritual goes, I am to turn on a dime and chastise you to recognize the solemn duties entailed by these very things I just flattered you about a minute before.

Well, on that score, I’m not quite so reluctant. I charge you to appreciate what you brought here—remarkable backgrounds as literary scholars, biological researchers, electrical engineers, social welfare workers. None of these backgrounds was *necessary* to prepare you for law, but all have enriched your collective study of law.

Once here, you did so many things above and beyond what you *needed* to do just to become lawyers. Eighty of you, more than double last year’s number, are gradating with pro bono distinction, and you’ve scored big in the tight competition for public interest fellowships. Many of you have dedicated endless hours to legal scholarship, and not just to the crusty old tradition of THE law review, but to an increasing flourishing of innovative journals here. And you’re on your way to do so many things that diverge from any simple paths of least resistance. Many of you have seized, indeed anticipated, the recent resurgence of the economy to head in increasing numbers into banking and consulting and entrepreneurship. But many of you also continue to lend your skills to the best national law firms in the nation and the best global law firms on the globe. And speaking of geography, you’re heading in increasing numbers back East to DC and NY and Atlanta, bringing your California enlightenment back East as if in repayment for the gifts that those of us from the cultural and intellectual beacons of the Bronx and Brooklyn brought to these Golden Shores.

But here was perhaps your great gift to the culture overall. In a nation riven by the values wars, the battle over who has purified and who has vulgarized our society, you brought family-friendly values back to the Law School musical, so that ironic secular leftists and Tom DeLay and Walt Disney could once again join hands.

Now, what about charging you with the duties these great things entail? Well, graduating lawyers are always enjoined to confront, and perhaps to try to cure, the perpetual identity crisis of our profession. Ritually, I am obligated to cite Tocqueville about us being a nation of lawyers, and specifically to worry about WHETHER WE ASK TOO MUCH OF LAW. Or, were I a federal judge speaking at commencement, I would be obligated to agonize in your presence over WHETHER WE ASK TOO MUCH OF THE FEDERAL COURTS. No judge speaking at a graduation has ever worried that we are asking too *little* of the federal courts.

Now on this score, I won't burden you with injunctions to find a path back to the Golden Age when lawyers were universally respected ethical leaders. If anything, I'll admonish you to be skeptical about such historical stories and to accept that lawyers and America will always live in a relationship of well, not love/hate, but love/not-love or a tense co-dependency.

But though I've said I would avoid any language about unique historical moments of unidirectional narratives, I want to get historically specific, to refine this admonition about the perpetual identity crises of lawyers.

As I said, you came to law school with talents and experiences in excess of, in some ways happily irrelevant to the task of becoming a competent lawyer. This is in part because of the paradoxical state of American higher education. American colleges make it increasingly possible for increasing number of young people to become incipient Humanistic scholars and social and natural scientists, but there are, alas, too few opportunities for you to enter the ranks of the college professors and scholars who taught you these very things.

But the result is that choosy law schools like this one can graduate lawyers with increasingly wide-ranging and critical perspectives. As such you may be more prone than lawyers of a few decades ago to worry, to worry over whether law in general is productive labor or law in the individual experience feels like alienated labor. But it also means that you're better equipped to make more thoughtful demands on law. And to get historically specific again, it's also a recent fact that the single-tracked career of the lawyer is over. The lines between law firms have been dissolving, as are the boundaries between law and other related careers. You're entering a very fluid professional world.

So—and here's where I'll “charge” you in the most authoritarian way. I order you to be resilient, It make take you a while to fit your work to your life and your life to your work, and it may turn out that the harmony will feel better when you're 45 than 35. But if you're patiently resilient about the vagaries of lawyers' careers, you won't turn doubts about any one job into flagellating yourself or the job. You won't have to view law as a way of paying off a debt so that in some perfect future work and life magically become one.

Now just as I'm thinking of lots of things I can order you to do, I'm running out of time before this last chance at having you as a captive audience.

I order you to respect what each other will be doing. Lots of things serve lots of interests of many publics. Economic pies need to be shared more fairly, but they also need to be grown. No one type of lawyer owns the public interest. In fact, all lawyers in this society work on finding one of many productive balances between the public and private interests they represent. Yes, you or some of your classmates may be representing clients other than the ones you would have chosen, but for those who ascribe this problem solely to the for-profit sector, I have some public defender friends to introduce you to. Besides, as for the profit motive, one of the benefits of the volatile economy of the 1990's, especially in Silicon Valley, is that it underscored that law,, while it maybe a good way to make a decent living, is a very inferior way of becoming very rich. You all knew that when you choose law, and you know it now. That's not what your choice was about, whatever legal career you choose.

Well, now I'm really out of time, and there are so many more things I'd love to charge you to do, on so many levels.

I could order you to remember to have a life as well as a career. I could order you to double-check the statute of limitations and that while you should always respect the attorney-client privilege, you must never disobey a lawful subpoena. I could order you to be wary of low-carb diets if you're training for distance events.

But here's my final order, and it's an odd one. I order you to dig out your original law school application essay, to re-read the personal statement you drafted to help get you into law school. (And if you can't find yours, I'll order Faye Deal to get it to you.) Yes, you were younger and perhaps in some sense more innocent then, but you were already your adult self. And yes we all write somewhat more idealistically than we may actually feel when we're caught up in the pragmatic concerns of career planning. But it was still you who wrote about the things you hoped you could do threw law. So I order you to read your statement so you can remember what you committed to aspiring to, and also to remember to keep aspiring.

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