Stanford Law School 2013 Graduation
Charge to the Class
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I stand between you and the recessional and, more importantly, the reception, where you will gather one last time with your classmates and your friends, your family, your loved ones, and you will savor this moment of accomplishment and of fellowship with each other.

And, yet, there is one last part of this graduation ceremony. My job is to "charge" you as a class at this final moment before you become alums of Stanford Law School. I will refrain from commenting on the irony of a dean delivering "a final **charge**" to law school graduates. In order to figure out what a charge is supposed to be, I tried to find the origin of the idea of a "charge to the class" and as far as I can tell—or, I should say, as far as Google tells me—there is not one. But, we are at Stanford—we don't care about the pedigree of this term. We look forward, we give it our own meaning, and my meaning is this: A charge should remind you of the great possibilities ahead and your capacity to take them on and to thrive, but it should also cause you to reflect critically on those possibilities.

I ask that you remember two things—one is about the many possibilities that your talent and your training in the law have created and the other is a caution about the limits of that training.

The possibilities of law and legal training are extraordinary. It is worth starting high, on a lofty plane, I think. (This is, after all, a graduation. Go big, or go home, I say.)

At the loftiest level, law is a substitute for force as a way of resolving disputes. A society that respects law uses it as a check on both the force of the state and the power of

individuals. It's no accident at all that the first order of business for leaders of a military coup is dissolving or otherwise disabling courts or other bodies that impose legal constraints on the state. Nor is it any accident that, in the absence of functioning legal systems, the physically powerful, the brutal, and the fiendishly clever dominate others.

In a really quite fundamental sense, then, the existence of and respect for law is foundational for a civilized society. It is a necessary condition. Respect for law is, at bottom, a commitment to **rules** and **reason** over *force*. It has been said for a long time that law is a noble and learned profession, and I think that this is really the core reason that study of the law is "noble and learned." Rules and reason are a superior way of resolving disputes than might and force for all sorts of reasons (that's the *noble*) and training in the law is training in those rules and that reason (that's the *learned*). Obviously, having people who are trained in the law is only one of many factors that lead a society to observe and respect law, but it's a pretty important one.

Okay. I said I would start high, but this essential and noble heart of the law was no doubt easy to forget when you learned about supplemental jurisdiction, Rule 23, the tax treatment of carried interest, section 706 of the APA (that's my personal favorite), or any part of the UCC. It will probably be even easier to forget when you are keeping track of billable hours, dealing with an unnecessary deadline imposed by an unreasonable client, confronted with a witness who is lying, or coping with any of the numerous daily challenges of practicing law. But it's worth reminding yourself of this lofty point about the law because the great possibilities that come with legal training are all connected to it and because it makes the difficulties of the profession so worth bearing.

What *are* those possibilities that come with being trained as you have? There are too many to count, really, but let me take a stab at identifying a few.

At this point, many of you are planning to start your career in some form of conventional legal practice—from law firms, to government, to nonprofits. I think you should remember that there is something grand about that, a connection to what I just referred to—that in doing those jobs you will be taking part in, and supporting, a system that respects law and reason over force.

There is more than that, though. As a lawyer, you will owe a fundamental ethical obligation to someone other than yourself— you will be duty-bound to represent the interests of another, the interests of your client. By itself, that is an honorable choice and one that will allow you to not only fulfill your duties but will make you a better person. One great struggle in life is to view things from others' perspectives, to see beyond your own narrow view and your own selfish interest. Owing a professional duty to another will force you to step outside and resist the natural, but unattractive and dangerous, human tendency toward self-involvement and selfishness.

The nature of that duty to others, however, opens up more possibilities and opportunities. That duty to your client does not require—in fact, it does not allow—blind adherence to the client's wishes. Your duty is to advise and represent that client, constrained by your best understanding of the law and your deep understanding of the client's particular situation. In effect, the law itself is a constraint that is built into that duty to the client. Here, again, the everyday part of being a lawyer is connected to that most lofty of ideas that I started with—we have a system based on rules rather than the personal whimsy of the most powerful among us. Part of this bargain is abiding by, coping with, or working to change the rules you don't like.

There is something else to say about your training in law and the opportunities it creates for you as a professional and as a human being. You came to Stanford enormously talented already, and we believe we have trained you to understand the law, and one very important part of that is understanding and appreciating the ***ambiguity*** in the law.

Appreciating the ambiguity, that nuance, gives you two opportunities. First, it is what creates space for all kinds of lawyering—bad, good, and great. It is in this space that your smarts, and your knowledge, and your skill will allow you to be creative, ingenuous, or even brilliant.

Your appreciation of ambiguity also teaches you something else. It has given you an appreciation of—and, I hope, respect for—the range of reasonable views that people hold on the correct answer to a question, the best course of action, or even on the nature of the good life. You have been trained, that is, to have some critical distance, including from the position you yourself may have settled on. That appreciation should breed respect and civility, make you a better decision maker, and, maybe most important, make you a wiser person.

What I've suggested is that, whatever you do with your law degree, your training in law gives you many opportunities. It will allow you to shine as a professional and to grow as a human being. More than that, your training and ability as a lawyer (even if you are not practicing as one) makes you part of something fairly grand—you understand, and are equipped to pursue, rule-based resolution of disputes as opposed to the alternative ways of resolving disputes that are rooted in force, brutality, or trickery. And that makes you part of a system that is a necessary condition to the existence of a civilized society. This may feel remote as you put together the documents for a deal, or the appellate brief, but I do not think it should. It's worth remembering.

One way to remember this connection between what you have been trained to do and societal flourishing is to remember that lawyer jokes flourish in a society like ours, one where the commitment to resolving disputes through rules and reason is fairly robust. If you lived in a society where other forms of power dictated the resolution of disputes, the joke that 10,000 lawyers at the bottom of the ocean is a "good start" probably isn't

very funny. Many members of the graduating class will remember Sri Srinivasan's story about his client, who on the steps of the Supreme Court was absolutely confident that he would win his case because, as he said, that's how it works in America. (He did win.)

Another way to remember this rather lofty idea of what a lawyer does is to think about the work that many of your classmates have done in law school and will do during their careers. Many of you will spend all or parts of your careers working to make sure that society's commitment to rules and reason remains robust *even in those circumstances where it is most threatened*—where the victims are those least able to represent themselves, where exigencies of the moment overwhelm longer-term commitments of our better selves, where a reviled and powerless minority is subjected to the wrath of the majority. And, some of you will use your law degree to advocate for changes in the law that you believe are required by the demands of justice. I believe that every one of you will be doing important work, but those of you who will use your talent and training to very directly advance rule by law where it is most threatened will remind us all, in a very salient way, of that noble heart of the law. You will also be my personal heroes. And I know that I am not alone.

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I believe that the opportunities you have for a life in the law are far greater than the risks. And my charge to you is that you always keep that in the front of your mind and that you seize those professional and personal opportunities. But I also ask that, throughout your career, you take time to critically reflect on the risks of life in the law.

There are many things to watch for. The critical distance that is an important part of being a good lawyer may also make you too risk-averse—if you are too risk-averse, you will not take great leaps. But you must take great leaps. The pressure to follow the wishes of your client, even when those wishes veer in directions they should not go, or

to feed your temporary needs may cause you to breach your ethical obligations or to take actions that will mar your reputation. And deep immersion in the law can, honestly, blind you to other ways of thinking and other ways of being.

It is this last point that I would like to linger on for the moment, because it is professionally and personally dangerous, although in a subtle way. This point was crystallized for me in a reading group some years ago with some students. In the group we were discussing the book *Remains of the Day* by Kazuo Ishiguro. The book is, in my estimation, among the most beautifully written books in the English language. And it is beautiful in a way that fine lawyers appreciate—it is elegant, it is spare, it is precise (there is not a single wasted word).

One of the students in the group expressed great frustration with the book. In explaining her frustration, she ruffled through the pages impatiently and said something like "I mean, I just kept thinking as I read this, what is the claim of this book?"

O dear, I thought. How law school has ruined her. She has learned so well to think like lawyer that there is nothing left of the rest of her. She cannot appreciate the beauty of this language, she cannot wonder at the power the author has to evoke these characters, this place, this time.

The great irony, if you know the book, is that it actually has a powerful claim. The claim is about the very real tragedy of allowing a professional identity to fully swallow the entire self, at an enormous cost of losing human connection.

So, would you watch for that? Do not allow your thinking like a lawyer, as much as it has become a part of you, to squash all else inside of yourself. Do **not** have critical distance when you are asked to spend the rest of your life with someone. Jump for joy

when something wonderful happens. Cry when something awful happens. Wonder at beauty and art and music.

And, in your professional life, sometimes go with your gut; don't ignore your heart when it tells you the rules, the system, are stupid or unfair; say yes when the spreadsheet says no. I cannot tell you when you should abandon your thinking like a lawyer except to say that sometimes your common sense, your sense of justice, or your instinct should trump. It's up to you to figure out when that is. Another way of saying it is that you need to maintain a critical distance, personally and professionally, from your skill at being a lawyer.

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One last plea. You have amazed me and inspired me every day that I've been here. You have done so with your energy, your decency toward others, your commitment to community, your desire to do good, your spirit, and your flat-out, amazing, over-the-top talent. I wanted to know what you all thought of yourselves, and your time here, and so I spent some time in the last week asking some graduating students how they would characterize their time here. I *know* there was selection bias in the answers, but, even so, they reminded me why I have come to love and admire Stanford Law School in my short time here.

Two words were used to describe your time at SLS many times— they were "inspiring" and "community." That's a pretty great accomplishment that that is how so many of you feel about your time here. Here are the other words that were used— innovative, open, intelligent, spirited, charitable, energetic, committed, fun, and (naturally) beautiful. I loved all of these words and they certainly resonated with me. As much as I like the words that were used, I was also struck by the ones that were not. There are no words here about pedigree or status. That's also pretty great.

So here's what I think. I think the rest of the world could use a little of what we have at Stanford Law School. When you head out, could you make a point to bring with you a little of what we have here to your new place? Don't worry—you won't take it away from us. If we work at it, it's an inexhaustible good. Help create a *community* that really feels like one. Be part of a place that *inspires* its members. And strive for all of the wonderful other things we have here. If you can carry some of this place with you elsewhere, you will make the world a better place.