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Lawyers Need Courageous Imagination

Alfred C. Aman

Indiana University Maurer School of Law, aaman@indiana.edu

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Lawyers Need Courageous Imagination

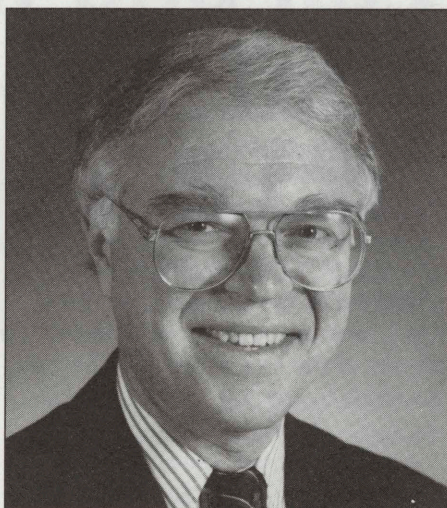
On May 8, Dean Alfred Aman addressed the 1993 law graduating class. These are excerpts from his remarks.

Anyone who has been around the Law School this year knows that this has been a very special year. It has been a year of celebrations, all dedicated to the sesquicentennial of our Law School. We've had parties and picnics, music and art, lectures and conferences, and even a clown—all in honor of our Law School's past, present, and future. It has been a wonderful year, marking wonderful achievements spanning 150 years.

But all of these celebrations pale in comparison to the one we are enjoying today, and that is the graduation of our Sesquicentennial Class. In this year of celebration and rededication, nothing could be a more powerful emblem of our enduring mission than this commencement, the commencement of the Sesquicentennial Class. Your legal education is the fruit of the legacy of the last century and a half. You are what all of these celebrations have been about.

As graduates, you join a long line of distinguished alumni and alumnae. Some of these graduates are famous. Others have served society and the bar with quieter distinction. All of them have achieved their own brand of greatness, whether they are well known by the state and nation, or within the smaller circle of their clients, families, and communities. Whether their greatness is known by many or just a few, we value our graduates equally.

Today, we celebrate you as unique individuals, now qualified by your education and your spirit to join the



Dean Alfred Aman

legal profession. The purpose of this ceremony is to acknowledge your individual achievements—and the collective stewardship of the legal profession and this school.

Individuals, communities, professions—the connection among these is another theme that we celebrate today. Some have called this connection “vocation”—the sense of one's own calling to some particular form of service. Others call it professionalism. I want to call it by another name, and that is “imagination.”

I believe that what ties together all of our graduates—their successes and fulfillments—is their individual imaginations.

A legal career requires imagination. At the Law School, we have aspired to educate your imaginations, to give them space and safety, but we have always known that imagination cannot, fundamentally, be taught. Certainly, it cannot be standardized. As your faculty, we could try to nourish students' imaginations, but

we could not make them grow. We could challenge them, but we could not make them strong. We have always known that your growth and your strength as lawyers would be as much or more your doing as ours. Teaching is cooperative. Learning is mutual.

The law also is collaborative. The wonderful paradox of the law—its profound humanity—is that it is a collective endeavor built from the inspiration and courageous imaginations of individuals who act in the law's name. A courageous imagination guarantees a deeply fulfilling life and career; it defines its own sense of what is worthwhile and the terms of its own success.

Lawyers—good ones, anyway—must have courageous imaginations: The imagination to create new legal arguments in the courtroom; to help solve difficult political problems in communities; to create opportunities for people less advantaged than themselves; to envision a just society.

It is easy to underestimate the courage it takes to be a lawyer every day. When you look at the careers of those who have achieved great things—and I don't mean only the rich and famous—it is easy to imagine, in retrospect, that their legal arguments, their actions, and the choices they made over the span of a career were always obvious and clear to them.

My own feeling is that most of the important moments in one's life and career are about challenges faced for the first time. All of us—no matter how long we have been in the business—write on a clean slate every day. It takes imagination, creativity,

and courage to do this, in the classroom no less than in the courtroom: the courage to take positions, the courage to take risks for the sake of one's priorities, the courage to make commitments and to take on responsibilities.

For examples of courageous imagination in the law, I invite you to look to your right, look to your left—as I do, looking to our guests, and my faculty colleagues on this stage.

This year, we celebrated two particular witnesses to the kind of courageous imagination it takes to be a lawyer. One was a former student—now a justice—Shirley Abrahamson, the first—and still only—woman to serve on the Wisconsin Supreme Court. The other was a former member of this law faculty, the late Ralph Fuchs. I want to say a word about each of them.

In her Sesquicentennial Lecture on Dec. 3, 1992 (150 years minus two days from the Judicial Address that inaugurated this Law School), Justice Abrahamson reflected on the history of the school, and also on a bit of her personal history—what it meant to be a member of the tiny minority of women in the law school, facing the demands of beginning a career without any (or many) women role models to advise or reassure her that it could be done. Mostly, she talked about the judiciary—but it was clear that to this powerful judicial mind, the reality of the Constitution was linked to another, the reality of personal courage and intellectual imagination on the bench and at the bar.

Also this year, just a few weeks ago, the Law School inaugurated the

Ralph Fuchs Lectureship, in memory of a beloved colleague and distinguished member of our faculty from 1945 to 1985. Fuchs had left a teaching position elsewhere because that campus was too slow to integrate. In Bloomington, he was a dedicated teacher and scholar, and a tireless and effective civil libertarian. As president of the Indiana Civil Liberties Union, he confronted many of the abuses of the McCarthy era. He took the same leadership role in combating racial discrimination.

On the national stage, the legal profession lost a courageous imagination this year, when United States Supreme Court Justice Thurgood Marshall passed away. Justice Marshall argued *Brown vs. Board of Education* as a young lawyer and led the NAACP at a time when legal apartheid ruled the South.

In today's retrospect, it seems as if all of the legal challenges he mobilized could have come out only the way they did—successfully. It is easy to underestimate his personal role as an agent of change and to imagine that the civil rights he fought for were destiny. It is easy to imagine that our times are different or that we ourselves are different. But if we imagine instead what it might have been like to invent a new vision of justice and to take the risk of persuading with it, then perhaps we can grasp just how much intellectual (and, at times, even physical) courage was necessary in that splendid legal lifetime.

My point is—there is still plenty to do, and you have the means to do it. You are well-educated and well-trained lawyers; you succeeded here, and that proves you are qualified to

succeed anywhere. Your education here and the diligence and dedication it has required of you (not to speak of intellectual talent) will serve you well in your search for the sort of career we wish for you, and that is a courageous one. As a very wise person once said, "talent, like love, is only useful in its expenditure, and it is never exhausted." The rewards of a career go to those who go beyond the call of technical competence to use their imaginations courageously in the service of others.

You are individuals; you will make your own choices in your own way; you will persuade and be persuaded in your own way, in the language and the name of the law. You will have countless opportunities to exercise your courageous imaginations—sometimes in ways that will be very public, but more often in ways that will be intensely private. Some of these might be known only to you, your client, and perhaps a judge and jury. Some may even surprise you.

We have faith that your careers will be long ones, stretching well into the 21st century. Courageous imaginations, too, are long term; they are both patient and impatient. Justice takes constant work, demanding ongoing collective effort and personal struggle. Wherever your careers take you in the law, your creativity and values will meet daily challenges. My wish for you is that you will relish this adventure, and thrive on it.

—Alfred C. Aman Jr.
Dean and Professor of Law