

Yale Law School Commencement Remarks
May 24, 2010
The Content of Your Character
By Brett Dignam
Clinical Professor of Law and Supervising Attorney

Congratulations, Class of 2010. You have made it to the finish line – whiskered and/or wise people. Thank you for the privilege of speaking to your class one last time on behalf of the remarkable cast of characters who sit behind me. Thank you, Dean Post, for your eloquent wisdom, and thank you, Professor Schuck, for your humor. We, your faculty, share in your joy, relief and success today. Our joint adventure is ending. Today we reflect on and celebrate your accomplishments but we also reflect on your future as legal professionals.

When you applied to Yale Law School, you were already a rock star -- an unusual and distinctive person. But the odds were against you. Unlike many law school faculties, this one is deeply involved in the admissions process. We read your applications and probably could have filled your class with perfect applicants -- perfect grades and perfect LSAT scores. But we chose you. We saw something that made us want to spend time with each of you -- a talent, creativity and playfulness that would allow us not only to introduce you to the world of the law as it exists today but also to encourage you to learn, imagine, and explore what the law might become.

You were a remarkable cast of characters when you arrived. Having lived in 63 countries, including Nicaragua, Eritrea and Thailand, you were able to read and speak at least 23 languages. In addition to your impressive scholarly achievements, your ranks included a competitive wrestler, an Egyptian sun belly dancer, a pool inspector, a cowgirl, and a casket salesman. Many of you clearly have talents and skills to fall back on if the law does not work out. It was for these qualities, in addition to your academic credentials, that we chose you. We thought that you would be entertaining and challenging, and we knew that we were giving you the best gift that we had before your arrival – an amazing group of talented and committed classmates who will provide lifelong comfort and engagement.

You were and are characters. Character matters. It makes life interesting and it makes it important. It has informed and will inform every choice you

make. But what role does it have in the life of the law, and what role will it have in your future as a legal professional? It will be central. The choices you made brought you here. The decisions you made while you were here and those that you will make have shaped and will continue to shape your future character.

What were your choices when you were here? This is one of the world's greatest intellectual candy stores. Perhaps you discussed human rights with international scholars and world leaders, heard debates about economics and moral reasoning, attended, participated in, or convened conferences covering topics from the future of Internet speech to rebellious lawyering and your own scholarship. Many of you represented clients – reunited a family, recovered wrongfully withheld wages, fought for freedom of religion or basic human dignity. You wrote briefs and contracts and you published articles. You labored over brilliant, but perhaps deeply flawed or remarkably incomplete, articles others submitted to one of our many journals. For Law Revue, you created memorable, if somewhat inaccurate or perhaps all too accurate, caricatures of the faculty. These activities and others have helped to shape you as a professional, but long after the details and nuances of any particular event or class have faded, the ethos of this marvelous place and the fascinating people you met here will endure. If we, all of us, have taken advantage of our time together, you will have absorbed and internalized a different perspective on the world and on yourselves. It is a perspective grounded in the close examination of ideas and the development of arguments supported by structured critical reasoning. Painful as it no doubt was at times, it has developed your character.

Some of you are no doubt wondering -- What is my character? Do I have one? Character is the embodiment of personal beliefs. But what do you believe and has it changed while you were with us? Do you now believe in the power of chocolate or in the power of those three little words “We the People”?

In 1951, the legendary journalist Edward R. Murrow launched a project called “This I Believe.” In the eloquent introduction, he described “an enveloping cloud of fear – both physical and mental” that had created a “time of confusion” when many had “traded in their beliefs for bitterness and cynicism, despair, or even a quivering portion of hysteria.” The daily radio show he created in response broadcast essays that were written and read by a wide variety of people describing their personal life philosophy in

fewer than 500 words. He described it as a public explication of human truths from “people of all kinds who need have nothing more in common than integrity.” In response to another climate of fear and confusion, National Public Radio resurrected the program in 2004. The instructions given to contemporary participants are simple. First, tell a story. Second, be brief. Third, name your belief. Fourth, be positive. Fifth, be personal. Not a bad template for examining and assessing one’s character or for charting a professional life.

The first rule: tell a story. Narrative is where law begins. Cases arise out of conflicting stories. Statutes are crafted and policy is created in reaction to stories. The degree you earned here will give you a role in those stories. Individuals, corporations and governments will bring you problems, seek your counsel and assume that you can tell a story and achieve a result that they believe is just or that they desire. You have a choice about which stories you will tell. It will be important for you to listen carefully, to assess the facts and articulated goals in order to determine whether this is a story that you want and are able to tell. Ideally, you will make this determination before getting locked into a mortgage on the penthouse of your dreams or committing to any particular form of employment. If the stories you are being asked to tell conflict with your fundamental beliefs, you will not be able to tell them with authenticity or integrity. And you will certainly not be having fun. We believe in fun. It will be important for you to remain grounded in your character, to re-examine it periodically and to determine whether it is a reflection of what you believe. Are you living your life, your professional life in a way that reflects your core beliefs? If you are, revel in that. If you are not, make a change.

The second rule: be brief. By all means. Shorter is almost always better. This is not a recommendation that you tweet or text your way through life. Rather than an immediate and impulsive burst of communication, succinct statements of belief often require sustained and intensive thought. One of us has a simple goal -- the production of 500 words every morning. 500 good words – sufficient to articulate a belief with coherence and force. Remember that we only gave you a 250 word essay to convince us to admit you.

The third rule: name your belief. The essays created in the Murrow/NPR project are remarkably diverse. Many of them begin or end with a sentence that states a belief but they are not simplistic. The rationale for an identified belief provides its essence. Albert Einstein’s essay on cosmic religiosity

ends with his belief that “education of the individual” should be “geared toward the service of our fellow man” [rather than] “the glorification of power and outer success.” Many of you may be familiar with a young man named Matt who believes in videotaped dancing (badly) with strangers around the world. His essay explains that belief as a method of diffusing difference that leads to common ground. Remember what you believed in when you arrived here -- as a hip hop artist or a national speed skater. Nurture that passion and others you will acquire; they will enrich your life in the law. Taking a periodic inventory of the simple and essential things that are central to who you are will help to keep you on the right path.

Fourth, be positive. Your positive beliefs will sustain you. In fact, look for joy and celebrate it when you find it. In these challenging times, it is all too easy to be lured by negativity and pessimism. We have seen dramatic evidence of positive beliefs during your time with us. This country elected its first black president. The pundits’ dour prediction that voters would exercise latent, or not so latent, prejudice and vote defensively out of fear that a black man was “unelectable,” was wrong.

Two months later, on January 15, 2009, we witnessed calm courage in crisis. Professional pilot Chesley Sullenberger, III glided a powerless airbus less than 900 feet over the George Washington Bridge and landed it in the Hudson River. Although he immediately credited the crew and many rescue workers, he had meticulously reviewed and executed the three pages of emergency landing instructions during the 90 seconds he had before the plane hit the water. He had also retrieved the maintenance book and walked the cabin (which was rapidly filling with water) twice before being the last person to exit. An outpouring of appreciation and affection followed, for the wisdom, judgment and professionalism that produced this miracle. People were grateful not only for the 155 lives saved but also for an unambiguously positive story.

Three months later we learned a third lesson in the power of positive thinking. A forty-seven-year-old stout woman with a “cheeky grin,” self-described as “unemployed but still looking” and “never been kissed but still hoping,” strode onto a stage to audition for “Britain’s Got Talent,” the English equivalent of “American Idol” (a very popular television show for those of you who might be unaware). Ignoring the skepticism of the judges, Susan Boyle announced that her dream was to become a professional singer. As the audience members rolled their eyes and openly scoffed, she began to

belt out “I Dreamed a Dream” from “Les Miserables.” Within seconds, her pure and soaring voice had melted the cynicism in the theater. Visible disbelief that she had the audacity to audition had been converted to astonishment and then exuberant support of her confident and moving performance. The standing ovation that erupted was reinforced by the judges who identified the transformative quality of the event. Thanks to the speed and ubiquity of Internet posting, millions of people had viewed, cheered and been affected by Ms. Boyle’s performance within days. One version of the video has been viewed more than 92 million times. People watch it because it regenerates their belief in optimism.

Like those positive stories of spectacular success, the story that brought you here likely had an element of chance – of the stars being aligned or lightning striking. It is useful to recognize, embrace and be humbled by the role of serendipity in each of our lives. Indeed, one of my colleagues offered you a talk on “How to Become a Law Professor by Accident.” Of course, there is more to it than that. Although Captain Sullenberger and Ms. Boyle can be described as changing countless lives in a few minutes, their success was built on years of diligent practice, training and persistence. Sully describes that day as “a very large withdrawal” of the “small, regular deposits” he had been making in the “bank of experience: education and training.” Residents of Susan Boyle’s small village were unsurprised; they had been listening to her sing for years and knew that she had a good voice. President Obama describes his mother waking him early each morning so that he could do extra homework and excel in school. You, too, will continue your training and education. You will continue to learn from your loved ones and from each other, but you will now also learn lessons from your professional lives, from your interactions in the world outside of this safe haven. Gradually, you will develop the confidence and experience to execute real change -- transformative moments in your professional lives.

Fifth rule: be personal. This is your life. It is about to acquire a new dimension, life as a legal professional, but it remains your life to craft and protect. Guard it vigilantly. Use your talent and your wisdom to exercise your judgment in a way that reinforces rather than undermines your beliefs. Each of you will be required to integrate the professional and personal parts of your lives.

If you live a truly integrated life, you will probably have contact with children. Whether you observe them in public places, represent them as

clients, bring them into this world or into your home for short or long stays, listen to and learn from them. They have a great deal to teach. Personal observation tells us that many of you are already their students. First, they will demand your undivided attention. The sheer volume of their adamant insistence will require it, at least before they are socialized. Listen in a focused and undistracted way. As the paradigmatic lawyer Atticus Finch explained patiently to his perceptive and persistent daughter Scout in Harper Lee's classic "To Kill a Mockingbird," to really understand a person you need to "stand in his shoes and walk around in them." We do not recommend walking in toddler shoes but listening carefully will save you time and improve your lives both as parents and as professionals. Second, for those of you who will represent clients, young children have innate instincts and are skillful at both direct and cross-examination. The simple questions that are the repertoire of every young child – Who? What? Where? When? How? and the relentless Why? (often enunciated in multi-syllabic form) will provoke nostalgia for the law school classroom. They also provide an excellent roadmap for factual investigation. And every two-year old is a model of the terse and emphatic response "No," an important tool in navigating a witness through cross-examination. That two-letter word will also be useful more generally to you. Remember and use it. Doing things well requires one to be selective. Saying "no" to even an enticing opportunity that will stretch your sanity is an essential technique. Third, children have strong passions and express them with clarity. They know what they want and how to get it. Perhaps ironically, this is particularly true after they reach the "age of reason" and later when they become teenagers and acquire mastery in the art of argument. They excel at negotiation and will wear you down if you allow it. This is a particular hazard for parents and others who model legal reasoning in the home during the early years of a child's life. One word of caution: do not practice your forensic legal skills at home. Rules of evidence have no force; you are likely to lose and this will be disheartening. If you do win, everyone will regard you as a bully who took advantage of legal training; tears are sure to follow and you may well earn the moniker "Frequently wrong, never in doubt." Children will also lift you up, surprise and continually remind you not to take yourself or anything too seriously. They will give your life meaning and light. Think of your interactions with them as payback for all of the joy and challenge you brought to those who raised you.

Your three years here have given you strategies, but do not lose sight of the passions that brought you here. They were bright and evident upon your

arrival. Find a way to incorporate them into your daily life and insist that your professional life develops rather than stifles them. Your legal education has given you tools to provide for yourselves and your family. Time will often be more difficult to find than money. Find time to get certified as a yoga instructor in Brazil, to climb Mt. Kilimanjaro or anything else that will fuel your passion.

People will rarely come to you with simple problems. They will seek your counsel when they cannot find a solution or when a problem is so complex that they do not even know how to frame it. You will not always be able to find an answer, or at least the desired answer. Our medical colleagues give students a white coat at the beginning of their education. It has been described as a symbol of the power to cure, the promise of treatment if cure is impossible, and the constant obligation to comfort. We should remember this. When we cannot find the perfect solution or even an acceptable solution, we have an obligation to deliver our judgment, even if it is unwelcome advice, with candor and compassion.

With our many privileges and the inordinate luck that brought us to this place, we should find much to be positive about. Each of you has the talent, skill and determination necessary to make a difference. It is what brought you here. With the relationships that you have forged and the tools you have developed while on Planet Eli, we send you forth to do just that.

Finally, we believe in YOU. You will each rock every house you enter. An ancient text describes those who seek justice as stars in the firmament. We will be watching you shine; we intend to be guided by your light.