

University of North Dakota School of Law Class of 2017  
Commencement Address  
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Dean Rand, members of the platform party, my former faculty colleagues whose dedication and learning have brought these graduates to this point in their careers, my good friends whose amazing work at the law school supports everything good that gets accomplished, family members and friends of our graduates, and, of course, the class of 2017.

Look at you.

The wandering 1Ls of 2014.

From Torts at Sunrise to Diplomas at Midmorning.

Well done!

And in case no one has told you, you look really good in robes. Smart choice of a career where later on you can get to wear a robe in your day job.

It is such a treat to be back with you this morning. I was overwhelmed by your invitation, and your kindness in letting me be part of your celebration. You know how special you are, and how difficult it was for me to leave you.

I told my wife that this address was a chance for me to give you advice taken from the entirety of my life that you would remember for the rest of your lives. She said, “yeah, good luck with that.”

Dean Rand was as usual more direct. She said, “keep it short and don’t cry.” Yeah, good luck with that.

In 40 years in higher education, as a faculty member at four universities, as a law school dean twice, as a university provost and vice president for academic affairs, I’ve had the opportunity to attend a lot of commencement ceremonies.

This is the first time I’ve had the honor and the responsibility of being the person who delivers a commencement address.

That’s pretty intimidating.

Then I realized: hey, this can be really easy

All I have to do is draw on all those other speeches, and share with you the truly memorable and life-changing passages from 40 years of commencement addresses I've endured – I mean enjoyed – it says enjoyed. So here they are:

Umm, that's kinda trite.

I don't know what that one means.

Whew, that one's pretty condescending.

Wow, I'm pretty sure there was never a time when that would have been an appropriate thing to say.

You know, I don't think drawing on the greatest hits is going to work very well.

The commencement speaker's official code of conduct says that I'm obligated to give you at least some advice.

Some of you know that my wife and I skipped my law school graduation ceremony 40 years ago and went to the opening of the first Star Wars movie instead. So the advice I remember from my law school graduation day is, "Use the force, Luke."

Law school and I were not the best of friends. The school I went to was the un-UND. It was large, impersonal; it was a lawyer factory in the sun, overlooking a lake stocked with alligators. So there's not any advice I'd carry over from there.

And to be honest, some of us spent two years in classrooms together. And if you endured that, your skepticism about taking any advice from me is well earned.

But there is a speaker's code with this requirement, and you know how respectful I am of authority, so I'll give it a shot.

Be polite. Some of you are not Canadian. This will be a challenge for you.

Understand that not everyone wishes you well. Some of you are Canadian. This will be a challenge for you

Look. I'll admit I don't do advice. I'm a teacher. I do assignments.

And I wasn't with you this last year, so you missed out on getting some assignments from me.

But don't worry - I've got one last assignment for you.

It's a take-home assignment, and you've got 40 years to work on it. It's pass/fail, and it's self graded. And it's graded while you're looking in the bathroom mirror, which means you'll be grading it when you're all by yourself – unless, I suppose, your life is a whole lot more interesting than mine is.

Your assignment is to strengthen the infrastructure.

I don't mean roads and bridges, and dams and power grids, although if you do find yourself in a position to pry loose a few trillion dollars, those would not be bad investments.

Your assignment is to work on the civic infrastructure – the social and moral fiber that makes us a people.

And just to make the assignment more interesting, you're going to have to do it under a condition that I don't think has ever obtained in this country prior to this.

You're going to have to do it at a time when facts seem to be fungible with lies.

The titles of a couple of recent books are intended to raise alarms. THE DEATH OF EXPERTISE: THE CAMPAIGN AGAINST ESTABLISHED KNOWLEDGE AND WHY IT MATTERS. WEAPONIZED LIES: HOW TO THINK CRITICALLY IN THE POST-TRUTH ERA.

Now admittedly, experts complaining about the waning influence of experts is not new. In 1963, historian Richard Hofstadter published ANTI-INTELLECTUALISM IN AMERICAN LIFE. Ah, the age of innocence, when it was thought that anti-intellectualism was a bad thing.

I think the “post-truth” label that some commentators use is inaccurate. We're not in a post-truth world. We're sliding – or melting – into a pre-Copernican world.

We've gone from an understanding of living in a solar system that is heliocentric, to inhabiting a universe that is egocentric – a universe where something is true because I want it to be true, because it's more convenient to me for it to be accepted as true, than for me to have to deal honestly with the reality of how things are, and where I'm increasingly likely to go unchallenged in telling you that it's true.

What I think has changed since 1963, when Hofstadter published his book, is the escape of an essentially academic observation into the more general conversation.

One of the things that is most alarming to me today is how pervasive the bitterness about the contest between facts and untruths has become among ordinary folks.

I'm not an historian of this country, but I suspect that we'd have to go back to the time of the Civil War to find a social divide that was as bitter, and as widespread, and as personal, as what we are living through today – a divide that reaches as deeply into so many families, and that ruptures so many friendships.

Unfriending someone on Facebook is just the most benign symptom of the metastasis of animosity that has erupted in this country.

That animosity can take us to an existential crisis. The risk is that, if we are going to be able to come out of this mode of viewing each other as irredeemable opponents, we've got to go through a crisis that blows up the system, either so that something new can be created, or so that something old can be renewed.

Some of you may be sitting there thinking, "what have you done, graduation committee. We wanted a commencement speaker to help us celebrate our accomplishment, and instead we got Dudley Downer."

No, you didn't, because I think that renewal has been a recurring phenomenon in our national history, and because I believe in the ultimate resilience of the people of this country.

We can bridge the chasms in our society. It won't be tomorrow – or 2018 or 2020 – and it won't be without conscious effort, self-discipline, and a willingness to make some sacrifice of personal gain for the common good.

Why is this relevant to your law school commencement?

Each one of you is uniquely positioned to play a pivotal role in that rebuilding of the public infrastructure, because ours is at heart a healing profession, and we are a people in desperate need of healing the lacerations in the social fabric.

Commencement speakers customarily tell graduates that they can change the world. I want to break this to you gently. You can't.

But what you can do is reach out and hold on to someone's hand, who reaches out to someone else, who reaches out to someone else, and eventually, with enough of you holding on together, and with all of you committed to a worthy goal, you cannot help but change the world.

Pope Francis gave a TED talk last month, and one of the things he talked about was hope. He said: "Hope is the virtue of a heart that doesn't lock itself into darkness, that doesn't dwell on the past, does not simply get by in the present, but is able to see a tomorrow. Hope is the door that opens onto the future."

He went on: "[A] tiny flicker of light that feeds on hope is enough to shatter the shield of darkness. A single individual is enough for hope to exist, and that individual can be you. And then there will be another 'you,' and another 'you,' and it turns into an 'us.' "

To become an integral part of a vibrant us requires two things from you.

The first is the humility to reach out – to confess a need to draw on the strengths of others to offset the limitations of ourselves.

And the second is the courage to hang on – in the face of a temptation to turn away from the enterprise as the stakes increase and as the opposition becomes more fierce.

And what is the worthy goal of that enterprise?

Each of you will take an oath when you are admitted to the practice of law. The subtext of that oath is a commitment to seeing that justice prevails. So the worthiest of goals for our profession is to fight for justice.

But I'll confess that I don't know how far that gets us in the conversation. We can all be equally passionate about the concept of justice, and at the same time, you know that we may have very different conceptions of what justice is, let alone agreement about what justice demands in a particular instance.

So here's my advice: turn that commitment around. Fight injustice.

The French philosopher Andre Glucksmann said, "I cannot tell you what to be for. But I know what to be *against*."

We must have some shared understandings of what cannot be tolerable. For example, the oppression of the weak and the powerless, the self-centered and the wanton waste of scarce resources, the delight in the humiliation and the degradation of others.

We know what to be against.

Because of your education and your professional positions, you will be given opportunities to fight injustice, sometimes on a macro level, more often on a micro level.

Our country cannot afford for you to shy away from those opportunities.

As lawyers, you know you have only one tool – words.

And your effectiveness with that tool depends more than anything else on one thing, and that is your reputation – your reputation for hard work, for integrity, for accuracy, for balance.

In the face of the coarsening of public discourse, and despite the sinking of too many members of our profession into the morass of public lies, I continue to believe that ours can be one of the healing professions.

When you have an opportunity to mend rather than rend, take that opportunity. When you can be a voice for the silenced, be that voice. When you can take a stand for the invisible, take that stand.

A column in the Washington Post earlier this week quoted the Czech playwright and former President Vaclav Havel, who said this: "The dormant goodwill in people needs to be stirred.

People need to hear that it makes sense to behave decently or to help others, to place common interests above their own, to respect the elementary rules of human coexistence.”

People need to hear that, but even more, they need to see that belief modeled in the behavior of those in positions of power and privilege.

Ours is a healing profession, but make no mistake – we are a profession comprised of broken healers.

The statistics for lawyers are unsettling: disproportionate rates of substance abuse, addiction in so many forms, clinical depression (my companion throughout my career).

Delta Airlines said one true thing during my travel here. “Attach your own oxygen mask before assisting others.” You need to believe that. The whole “seat cushion is a flotation device” – not so much!

What’s the point?

You can’t help others if you can’t breathe. You can’t be there for others unless you are fully there for yourself. And you especially can’t be fully there for yourself if you’re constantly finding yourself falling short when measured against a false idol of perfection.

Perfection is pernicious. It is an unrealistic expectation of others, and it’s the most unhealthy expectation of ourselves.

You are not alone. You didn’t get to this point in your lives by yourselves. Look at the people around you. Look at the people on this stage.

As you go forward, you will have people who are willing to be by your side.

Nothing that you are going to experience is unique to you. No problem you are going to encounter hasn’t been faced by someone else. No mistake you are going to make hasn’t been made by someone else.

You are not alone. Don’t think that you have to do it alone.

Be honest with yourself. Be honest with the people who love you. Let the people who love you be honest with you.

And here’s the final piece of advice: integrate the person you are and the profession you practice.

TO KILL A MOCKINGBIRD’s Atticus Finch was the same person in the courtroom and on the street. He was the same person as a public figure and as a parent.

Follow a single moral compass in everything that you do.

When you stray off course – and all of us do – reach out. There are people to help you. You don't have to do this alone.

By virtue of the education that is being formally acknowledged in the conferral of your degree this morning, and in recognition of the knowledge and the skills that you have acquired and will continue to refine, you have both great power and great responsibility.

In every single encounter that you have, whether it's standing before a judge, or meeting with a client, or even in the closest setting that we can find today to being in the bar scene from Star Wars, which is Wal-Mart at 2 a.m., in every encounter that you have with another person, people will look to you and have expectations of you.

You will have the opportunity to be an influence for good in ways that no other person can be.

At times, that may seem like a great burden. In reality, it's a wonderful gift.

Seize that gift. Nurture it. Cherish it. Revel in it. Pass it on.

And if you are really fortunate – no, if you are blessed – you'll be given a gift of an experience that you can treasure as much as the gift I was given in the Fall of 2014, which was to spend the last two years of my professional career with all of you, and now to share in your accomplishment and joy this morning .

Be well. Be good. And may all the love and the blessings of a fulfilling life be yours.

Thank you.