BROOKLYN LAW SCHOOL

ONE HUNDRED & TWELFTH COMMENCEMENT CEREMONY

JUNE 7, 2013

REMARKS



COMMENCEMENT PROGRAM

Presiding Stuart Subotnick '68

Chairman of the Board of Trustees

Processional Harold Stover

The National Anthem Regina L. Williams

Invocation Rev. Mark T. Cregan '90 C.S.C.

Valedictorian Joseph M. Binder

Student Graduation Speaker

Dwayne Allen Thomas

Conferring of Honorary Degree KENNETH R. FEINBERG

Founder and Managing Partner, Feinberg Rozen, LLP

Address to the Graduating Class Kenneth R. Feinberg

Remarks to the Graduating Class Dean Nicholas W. Allard

Conferring of Degrees Stuart Subotnick '68

Closing of the Ceremony Dean Nicholas W. Allard

Recessional Harold Stover

Music The Broeklundian Quartet

Sandra Schipior, Violin Jennifer Jahn, Cello Naomi Rooks, Viola Susan Lurie, Flute

Stuart Subotnick '68



JOSEPH BINDER '13 VALEDICTORIAN

Good morning. I have to begin by clarifying that I am in no way affiliated with Binder & Binder. There's no relation. I just had to get that out of the way.

Before law school I was actually a professional stage actor, and folks would pay me to do this kind of thing. In that sense, I should be relatively well prepared to make a speech here today. But it will shock you to discover that a few years alone in the library does absolutely nothing for your stage presence.

Class of 2013, I want to offer my congratulations for your achievement. Typically, completing law school is accomplishment enough — but you've managed to do it in the midst of the worst economic downturn since the Great Depression and deep ongoing doubt about the future of our profession. That is so small feat, and I couldn't be happier to share this moment with you.

Some of our friends and family may know that about three years ago, most of us had an introductory week at Brooklyn before classes started — to give us a sense of what law school was going to be like. And I remember, on the very first day, Professor Kuklin was discussing a bunch of famed old opinions that we'd just read. I found everything we read utterly baffling. I couldn't figure out what I was supposed to make of these opinions, what I was supposed to focus on, or where any of this was going. And as I wallowed in total perplexity, Professor Kuklin asked if anyone in the room knew what the word privity meant. I had only just encountered the word myself and assumed it was a rare legal term that only lawyers and, perhaps, wise old sages might know. To my horror, several students in the room raised their hands. I realized at that moment that I would never finish law school. I went home that night and told Hannah that I'd made a huge mistake. Started getting my headshots together, checked the last date for a refund on tuition.

But instead of quitting — which was actually my first impulse — I realized I'd have to work awfully hard at this, that it wouldn't come easy. And I began to appreciate that not only are law school's challenges in harmony with its opportunities — its challenges were exactly what I needed to reinvent myself from this regional theatre actor I was into the lawyer I hoped to be.

And the next three years were so humbling. I don't think one day passed when I didn't go home and work just a little bit harder because of the folks in this room. Sometimes it was another student, who came into class and completely understood a deal structure that had mystified me. Sometimes it was a professor who introduced me to a theory that challenged all of my assumptions about an area of law. Sometimes it was just a footnote in a case or an article. With time, what began as fear — of the concepts I didn't think I'd master, the struggle for grades and jobs — developed into a profound sense of amazement. Amazement at the conceptual complexity of our

work, the opportunity to refine our thinking and writing, and the remarkable group of people I was privileged to study alongside.

Folks like Arthur Flynn, who came to law school after working as a musician in clubs in London and LA; and Rachel Tischler, who had been the general manager of a major regional theater; and Elizabeth Guidi, who had been a history teacher in New York City public schools; and Ethan Blinder, who — in the coolest job — used to care for leopards and tigers in a Florida wildlife sanctuary. And, yes — Ethan and I have considered starting the law firm of Binder and Blinder. I could go on, but even these few examples give you a sense of what a diverse student body we have at Brooklyn.

And in this community, of folks from all different backgrounds, I began to see my own process of reinvention reflected. The beauty of it seems to be that the legal profession actually welcomes and embraces this kind of personal evolution. It's a context where you find new value in your experiences as an actor or wildlife ranger. My sense that students at Brooklyn shared this common commitment to growth, change, and community is what made the law school experience so rewarding for me — and I hope for many of you. Now, we can take these values and skills that we developed together and apply them to whatever challenges we choose next.

So while I have the stage, I just have to extend a few quick words of gratitude. First and foremost, an enormous, heartfelt thank you to Hannah, for all of your love, patience, and support throughout this process. I love you so much that I will admit in front of all these people that you are the funny one. I'd also like to thank Professors Brad Borden and Dana Brakman Reiser, who have been excellent mentors. Finally, many thanks to my parents, sisters, and friends for your help along the way. All the family and friends in the audience ought to know that your love and encouragement is what got us here today.

To paraphrase a book about this beautiful city we get to call home: we've had hard times in the past, and we'll have them again in the future. But life is surprising. And our paths are impossibly random. And every now and then, through some small collection of miracles, we forget the hard times and find ourselves exactly where we're supposed to be. I hope you all feel, as I do, that this is one of those moments. Congratulations.





DWAYNE THOMAS '13STUDENT GRADUATION SPEAKER

Thank you, Brooklyn Law School, for giving me this chance to earn public speaking endorsements on LinkedIn. I especially want to thank Grady Southard and Marianne Stracquadanio for helping me to stuff the ballot box.

Ladies and Gentlemen, we are here to celebrate! To paraphrase Richard Schroeder, it has taken 3 years, hundreds of pages of writing, and more hours taking exams than I care to count, but we have finally graduated law school!

To our friends and family, I want to thank you for standing by us these last few years. Since you could not experience it with us, I'd like give you a rough idea what our experience was like.

We spent our first week in a class called Introduction to the Legal Profession. The purpose of this class was to provide the students with useful information and to dispel a few myths about becoming a lawyer.

On day I, we learned that the law is not black and white, like it is on Law and Order, Law and Order SVU, Law and Order Criminal Intent, or Law and Order: Special Victims Unit. Rather the law is more like 50 Shades of Grey...though not quite as romantic.

On day 2, we were warned about high levels of alcoholism among lawyers. On day 3, the Student Bar Association invited us to a "welcome to law school" celebration, complete with an open bar.

By day 4, relationships started to form. Frank Marallo spotted Veronica Kapka from across the room and chose his seat purposefully. Veronica got the hint this year.

By the end of that first week, we started to realize that many of us had similar first names. Currently, there are 20 Matthews, 29 people named Alex, and 31 Daniels and Danielles out of 1300 students. We compensated by using everyone's full name. Sometimes that didn't work, and for the better part of a year Anish and Anand were known as Patel #1 and Patel #2.

Law school officially started in our second week, and we began to learn why our lawyer friends tried to stop us from going – law school is hard. However, the class of 2010 informed us that that's what makes it great.

In our first year, we spent ten hours a day studying for each day of class like it was a final exam. In our last year, we spent ten hours a week in school and waited until our final exams to study.

Law students will study anywhere — while standing on a crowded "A" train, on their friends Facebook timelines...security once found a student studying in a closet. Mostly, we studied in the library — the only place in the world you can get shushed by a person while they're on Wikipedia. And while I understand you can take some great pictures in the library, we usually used it for its intended purpose: looking at photos on Instagram.

Our class includes people with undeniable character, such as Ari Rosmarin. This year, our law and police policy class took a field trip to the New York Police Academy. While there, we participated in an actual police training exercise. Working in groups of 2 or 3, we stood before a full size simulation of situations officers actually faced on the job. Our job was simple — control the situation and shoot only when necessary. To make things more difficult, the officer in charge purposely rigged the simulations so that at some point we would have to shoot.

Ari and two other students stood up to take their turn at the simulation. The officer placed a gun in each of their hands, making sure that each student utilized a two-handed grip. They walk into a house to serve a warrant, and suspect runs into the kitchen, grabs a knife, stands within 10 feet of Ari, swinging the knife. A few seconds pass. The rest of us are watching, wondering what the guy with the knife is going to do. And then Ari puts his gun down on the table, picks up a bottle of pepper spray, and even with the simulation rigged against him, proceeds to spray the suspect 21 times. Ari was the only one out of 20 students to even attempt using pepper spray.

While Ari may have enough character for a number of us, we also have a few characters, such as Dan Oliner, who sampled food from every cart within ½ mile of the school our first year to find out which was the best, but somehow didn't find out about the cookies in the cafeteria until 2 months ago.

Daniel Floros, who has held gainful employment relevant to every case we ever discussed in class.

Brigette Volichinsky, who told me I should mention her in this speech just because she's cute.

And one person who never went to class in three years but still managed to graduate on time.

Brooklyn Law is well known for its diversity. Our student organizations represent cultures from all over the world. There's the Latin American Student Organization, the Irish Law Student Organization, and the South Asian Student Association — all of whom served pizza for lunch.

This diversity was evident in the group of students we took all of our first year classes with. Big shout out to Section 16. This diversity fostered engrossing debates — I brought popcorn to class. Mark Speed disagreed with me on so many points that the class let out an audible gasp on the day we actually agreed on something. But this diversity made for a wonderful environment to learn the law in.

I'd like to turn my attention to our professors, who helped us in this transition from prospective law students to future lawyers — and I hope you don't mind that I've chosen to address you in the way law students customarily address professors.

The issue is whether one student can convey the gratitude of his entire class within one minute of a ten-minute speech. I couldn't find any rules on point, but I figure that if I could find a way to work the word "bootylicious" into this speech, then I can make up a rule to cover the situation. The rule

is simple: I cannot. Therefore, I will leave individual thank yous to my classmates, but I still thank all of you on behalf of the class for your time, friendship, and interest in our development. Personally, I'd like to quickly thank Linda Feldman, Joel Gora, and Winnie Taylor for encouraging me to remain in school when I was going to quit law school and David Reiss for encouraging me to run the school newspaper when it was offered to me.

Finally, I wish to speak to my friends. My message to you today is "Don't worry."

A famous defense attorney named William Kunstler once gave a commencement speech on the subject of Michelangelo's David. In that speech, Mr. Kunstler noted that Michelangelo's is the only representation in art of David before he kills Goliath.

To Kunstler, David was in a moment of suspense — asking, "Do I dare?" while knowing that if he chose to do nothing, no one would have any idea that he was considering slinging a rock at a giant. Mr. Kunstler closes by expressing his wish that the students will also dare if and when the time comes.

In expanding on Mr. Kunstler's speech, I wish to point out something that is largely hidden from view. Normally, we view the statute from below. When viewed from below, we see a strong, confident, young man in the moment before he acts. The only clue we have that something is amiss is that he seems to come up a bit short. But when you view David from above, the picture becomes clear — David is looking up, directly at the giant, and he's afraid. This fear is literally written on his face.

When David is in this moment, he is a novice facing an experienced warrior. And he can lose his life if he takes a swing and misses.

My friends, we will face our own giants over the course of our lives. Today, it's the bar exam and finding a job. Tomorrow, we'll be wondering why our teenagers are dressed like that. But I say not to worry, not because you will never face a challenge, but because I am confident that each of you has the skills to face those challenges as they arise. It is easy for me, as I'm sure it is easy for your friends and family, to perceive all of you as geniuses — and I hope that you will use all of your past success — including surviving these last three years of law schoo — to inform your own definitions of success and to achieve whatever goals you set for yourself. It has been my honor to know you and to speak on your behalf. Thank you.





KENNETH R. FEINBERG Honoree

I thank Chairman Stuart Subotnick for those wonderful words of introduction. My mother would be especially grateful.

Stuart offers a valuable lesson to all who strive for a law degree; while working full time, he attended Brooklyn Law School four nights a week for four years, earning his degree in 1968. When there is a will, there is a way!

And, also, special words of gratitude for my long-time friend and colleague, Dean Nick Allard. He is somebody I have admired and respected for many years. Nick Allard is proof-positive that a Dean can and should blend the highest academic standards with the practical benefits of practicing law — "laboring in the vineyard" by representing clients and advocating on their behalf.

I am particularly grateful that Stuart did not refer to me as a "model" lawyer. A few years ago — while processing BP oil spill claims in the Gulf of Mexico — I hosted a town hall meeting in a Louisiana parish. I was introduced by a local public official as a "model public servant." A local fisherman in the audience grabbed the microphone and shouted to all assembled: "You all know the dictionary definition of a 'model': a small replica of the real thing." Thank you, Stuart, for your careful choice of words.

Faculty, parents, graduates and guests of Brooklyn Law School: brevity is a virtue, particularly on a day when all of you await with anticipation receiving your degrees and heading for the exits here at Avery Fisher Hall. I will not detain you. There is probably a law prohibiting it.

I am honored by your decision today to grant me an Honorary Degree from a school which is located in the shadow of the Federal Court in Cadman Plaza, where I began my work as a mediator and administrator of compensation funds almost 30 years ago.

It was in 1984 that Judge Jack B. Weinstein asked me to design and administer a compensation program to benefit Vietnam veterans suffering from Agent Orange exposure. Thus began a career I never anticipated, providing compensation to the victims of life's misfortune — in Aurora, Colorado; Virginia Tech and, of course, 9/11.

When Presidents, Governors, Judges and Attorneys General ask you to serve the nation and answer the call, I, like you, agree to serve. The public interest defines our role as lawyers serving our nation. Whatever our chosen path, we are all members of a noble profession. And the "public interest" lies at the heart of it.

You know all about the "public interest" here at Brooklyn Law School. The Edward v. Sparer Public Interest Law Fellowship Program is acclaimed nationwide. Your clinical and externship programs are among the best in the country. And your nationally recognized Policy Clinic sets the standard for other law schools to emulate. Refusing to rest on your laurels, you have just announced an accelerated 2-year J.D. Program, an essential feature of your flexible "Brooklyn 2-3-4" attendance option.

And now I have been asked, again in the public interest, to design and administer a compensation program to help the victims of the Boston Marathon bombings less than two months ago. The honor I receive here today from this great law school reinforces my resolve to do the job and do it right.

It is because of horrors like 9/11 and the Marathon bombings that we, as lawyers, rise to the challenge. Forged by crisis and well aware of our common bond and obligation to serve society—something we learn every day in law school — we do not shirk our responsibilities or look for excuses not to serve. Instead, we step up — whatever the nature of our legal practice or our specialized area of law — to serve our community and our entire nation.

In 9/11, some 3,000 lawyers offered their services *pro bono* to assist the victims and families of an unprecedented tragedy. And today in Boston, hundreds of lawyers have volunteered their time and energy to help fellow citizens in need.

This is our profession. When we discuss "the public interest", it means something more to us than words on a page, or comments in a classroom. It is what we are. It defines our profession. And it is the glue that binds our nation together, especially in times of need.

We must defend our honorable profession when the critics mount their attacks. They ignore how lawyers serve our nation every day under the rule of law.

Life has a way of balancing out the good with the bad.

Last month, we confronted a storm in Boston characterized by suffering and tragedy.

Today, the sun shines on you, the 2013 graduating class of Brooklyn Law School. You are now prepared to become the next generation of leaders in our society. You have been trained as thinkers. But beyond this, you have been trained to lead — to go to the head of the line in advancing so many public and private causes. Whether it is business or criminal law, litigation, or numerous other legal specialties, you have, over the past three years, developed the judgment, commitment and self-confidence to lead our nation in times of both peace and uncertainty.

Take advantage of the benefits bestowed upon you today. Bask in the glory of what you have achieved. You have earned it through discipline, commitment and doggedness. But do not rest on your laurels. Your law degree today is not an insurance policy, a guarantee of a successful future. Because with the glory of today, you also assume an obligation to justify the faith that this great law school and our nation have in you.

The challenges may be national in scope — bombings in Boston, 9/11, civil rights and civil liberties — or reflect more personal, individual obstacles that you strive to overcome. But you are

Brooklyn Law School graduates, and you should exhibit the type and degree of self-confidence that goes with the diploma handed to you today.

Do not be afraid to avoid the safe path, the easy road, the comfortable option. Take chances, reinforced by the knowledge that you are entitled and expected to do so because of the diploma you receive today.

I have always viewed my law degree — and the daily practice of law — as an opportunity to venture into unchartered territory, to opt for the challenging and the unfamiliar. First, it was working for Senator Kennedy, the most imaginative and committed Legislator of our time.

Then, it was one of our nation's most influential Judges of the past half century, Jack B. Weinstein, who put me to work using the law of mass torts to help Vietnam veterans returning from an unpopular war.

Now, today, I confront the latest complex challenge — valuing life and loss arising out of the Boston Marathon bombings.

I use my law degree every day to strike out in new directions, to pursue the unfamiliar road. Today, your law degree affords you the same opportunity, to ignore fear of failure, to be bold, to be pioneers and innovators in using the law to better our nation and the world.

Graduates of Brooklyn Law School — break the mold; explore new opportunities. The law is ever changing. You can play an important role in making the law more relevant than ever in this, the 21st Century.

Trust your instincts. "Conventional wisdom" means something quite different than it did ten years ago — or even yesterday.

I often recall Winston Churchill's definition of success: "The ability to go from one failure to another with no loss of enthusiasm."

There is more than one way to make out a life. Your law degree from this great law school provides you the flexibility, the options, and the different roads to pursue your dream. Do not assume that there is a clear path to success.

If I have learned anything over the years — if I have one lesson to convey to you today based on my own experience — it is the uncertainty and unanticipated curve balls that are thrown at us every day.

If airplanes had not struck the World Trade Center and the Pentagon, if deranged gunmen had not murdered so many innocent victims in Colorado and Virginia Tech, and, just weeks ago, if bombs had not tragically marred the Boston Marathon, my career would have taken a very different turn. You should not plan your future as if certainty will prevail. Life has a way of diverting us from the chosen path.

It is the road that others refuse to take that often proves to be most illuminating. Brace yourself for the unpredictable. How you respond to unanticipated challenges will test your mettle and

determine your worth. Your Brooklyn Law School degree should give you the confidence to take on challenges and achieve personal and professional success.

Your degree today is more than words on paper. It carries with it the keys to spiritual and professional fulfillment.

I hope you fulfill your own individual dreams. Do not be defeated as you toil in a profession often characterized by the laborious study of a dry and technical system, the greedy watch for clients and the resolution of often sordid, mannerless conflicts. Supreme Court Justice Oliver Wendell Holmes said as much when he delivered a talk to undergraduate law students at Harvard over a century ago:

To those who believe with me that not the least godlike of man's activities is the large survey of causes, that to know is not less than to feel, I say — and I say no longer with any doubt — that a man or woman may live greatly in the law as well as elsewhere; that there as well as elsewhere he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable.

And I know better than to try and trump the words of Justice Holmes!

I congratulate you on this milestone day. Go out and live greatly in the law.





NICK ALLARD JOSEPH CREA DEAN & PROFESSOR OF LAW

Good morning everyone: Trustees, faculty and staff, alumni, distinguished guests, friends, parents and family members, and, most importantly, Brooklyn Law School's Class of 2013.

At this moment we can stare out from the brink of fundamental change in the world of law. From the precipice, we clearly can see that for this great generation of new lawyers the future will bear little resemblance to that of the past. What a daunting, exhilarating, fabulous time to begin your careers, wherever they might take you, on paths as yet uncharted. Legal institutions and what lawyers do with their education will change breathtakingly faster, more fundamentally and radically over the relatively brief blink of your upcoming professional lives — more change than was witnessed during the entire long arc of the common law era, dating from King Henry's pipe roll of cases on sheepskins, to the signing of the Great Charter at Runnymede, on up to the founding of our brilliantly self-correcting, cantilevered constitutional nation of laws. Today you become the new guardians of our enduring democratic republic.

For the first time in the history of mankind, lawyers are the adventurers, the 21st century pioneers. Soaring over the top hyperbole? Perhaps! I have worked so long in Washington D.C. I cannot tell. I am not even sure why people snicker when I say that my modesty is world famous. But I do fear and worry about blasphemy, so I will <u>not</u> also suggest that we will be more surprised and blessed by what you future law givers will accomplish, than were the people of Israel when Moses brought those tablets down from the mountaintop. I am tempted, but I will <u>not</u> say that.

The impending legal revolution will occur on your watch. Everyone wants more for less. So you newly minted lawyers will have to be faster and cheaper, and also better, which means thoughtful, sound, wise and creative. The walls protecting the traditional citadel of law practice are tumbling down by super storm trumpet blasts of change as surely as those ancients walls of Jericho fell – letting non-lawyers in to do work that can be done cost effectively and well without a J.D., and letting all of you out to pursue your life's work wherever and however you choose; free to use your hard earned license for critical thinking and critical problem solving, in myriad new ways; maybe doing work lawyers never did before. You will also grasp and master how advanced information technology in a mobile interconnected world disrupts and transforms law and you will teach us at the law school how best to prepare your younger legal siblings to follow you using new technology. It is also very fortunate for you that a microcosm of the world is within almost an arm's reach radius of Joralemon Street because just as the world is within Brooklyn, the age of the completely insular, local lawyer is dead and gone forever.

You are ready for the new world of law. The education you have gained at our great Law School, the sweat equity you have put into your studies, your hours and hours of training, the honing of

your mind into the finest tool known to mankind prepares you to be agents of powerful legal change — change for the better.

Make the most of it. I know you will not disappoint us. If G-d granted me the chance many, many years from now to return for a brief visit to learn about your achievements, I would look for and find Professor Joseph Crea, Class of 1947, at a faculty meeting or in his eighth floor office and ask him how you were doing!. Without a doubt, Joe would reassure me, reporting what has always been the case for over a century of BLS graduates, that each of you had made a difference, and in ways small and large, pioneered innovations, blazing trails that led the way for others. In short, you will become tomorrow's leaders of lawyers.

As I look out at your graduating class, I am humbled by the thoughts of what you will achieve. Philosopher William James wrote, "The greatest use of a life is to spend it for something that outlasts it." And that, my dear students, is why your faculty, our hardworking law school staff, your trustees, your alumni supporters, and — yes — your Dean are dedicated to your education and success. What you will do is our purpose.

On a personal note, I thank each and every one of you for the warm welcome you have extended to both Marla and me during this lightning fast first year that I have been privileged to serve as your Dean. Each of you has made it very easy for us to fall in love with you and with Brooklyn Law School. I can honestly say, without any exaggeration or embellishment, that you are the finest, smartest, most talented graduating law school class that I have ever addressed as Dean.

Our Chairman of the Board, Stuart Subotnick, who, as Ken Feinberg noted, exemplifies the best of Brooklyn Law School, and who works tirelessly and skillfully for the advancement of the school and its students, has appropriately asked you to acknowledge the support of your parents, family and friends who have helped you reach this milestone day. It is no small thing.

As I look out I cannot help but think that you are sitting in the most expensive theatre seats in New York City. Yes, this is the colossal elephant in the room, which, while some might consider it foolish and reckless for me to take on, I feel compelled to address.

What, indeed, is the worth of your legal education? What value will it have to justify the investment you and your families have made with your dollars, your efforts, and your time?

First, by mastering the language of liberty, the language lawyers speak, you learned much more than how to do well for yourself, you now can do good.

Today, though the State Bar examiners might have something to say about this, you are lawyers, and that is a noble profession, proudly independent and connected to the unselfish service of others. It always has been. Ken Feinberg, your commencement speaker, my friend and mentor these 30 odd years, is a beacon for all by showing what a lawyer can do to serve the public interest. He honors us by his presence and I thank him.

¹ At a faculty lunch this spring we celebrated Professor Crea's 98th birthday. He continues to teach, fund raise, participate with vigor in the full life of the Law School, and mentor his namesake Dean.

² The Thought and Character of William James (1935)

Whether you will serve as a judge or public official, as an officer of the court, a champion of the unpopular cause, a drum major for justice, or a successful corporate counsel as was Abraham Lincoln, for example, your law degree is not meant to be a mere slip of processed parchment collecting dust with other bric-a-brac and tchotchkes.

Thurgood Marshall took the trolley from his home in Baltimore to Washington, D.C. to study law at Howard University. Those of you who have a commute to school can relate. He made that trip because he was not admitted to his segregated home state university law school. Marshall greatly admired Professor Charles Hamilton Houston, the Dean of Howard Law School and the first general counsel of the NAACP Legal Defense Fund. "The law is a weapon," Houston taught, "If you know how to use it." It was a lesson Marshall never forgot. As they say, the rest is history.

I look out at you today and I see each of you who have such promise. I truly hope we have encouraged you to use law to fight the good fight, to correct wrongs, resolve disputes, advance economic opportunity and participatory democracy and, above all else, to uphold justice. Make us as proud of you tomorrow as we are today.

Second, you have learned how to make society work. We lawyers are inextricably woven into the fabric of America and serve by giving the pluralistic tapestry of our nation the strength and flexibility to survive and weather change and diversity. We are, after all, and hopefully will ever be, a nation of "Equal Justice Under Law" — the very words carved into the stone above the majestic entrance of the United States Supreme Court. As lawyers, you will also protect the rights and property of people and facilitate the flow of commerce at home and abroad. In the words of one great giant of the bar, William Reece Smith, "[You will] serve both to secure through ordered government the collective interest of society's members and to protect the individual interests of these members from the excesses of government. Above all, we serve to assure freedom, peace and opportunity."3

Third, you are now equipped to be the mentors and role models teaching upcoming generations lawyers are the secular rabbis of our society. In brief, you can be wise. While you now know a lot about statutes, regulations and precedents, that is but a mighty thimble of limited shelf life information. In words still apt, from a judicial giant, a man who has a school named after him on lower Fifth Avenue, and with words that he spoke to graduates of another law school up north near the Hudson, Justice Benjamin Cardozo said,

The thing even more important that you have learned is the ability to think legally, an understanding of the method, the technique, by which the [legal] process works. It is in truth a fascinating process, baffling, elusive, infinite in the variety of its aspects, and yet infinite also in its appeal to the heart and mind and spirit of generous and ambitious youth. The new generations bring with them their new problems which call for new rules, to be patterned, indeed, after the rules of the past, and yet adapted to the needs and the justice of another day and hour. Yours will be the task of formulating these rules when we, who have done our little as best we could, shall have laid the burden down ... The process of justice is never finished, but reproduces itself, generation after generation, in everchanging forms, and today, as in the past, it calls for the bravest and the best.4

³ See Michael I. Swygert, A Consummate Lawyer – William Reese Smith, Jr. (Durham, N.C., Carolina Academic Press 2010) and Book Review by John H. Morrison, The American Oxonian (Spring 2011)

⁴ "The Game of Law and Its Prizes." Address at the seventy-fourth commencement of Albany Law School, June 10, 1925 reprinted in Selected Writings of Benjamin Nathan Cardozo (Margaret E. Hall ed. 1947) reprinted 1980. Page | 12

Yes, I am trying to inspire you — guilty as charged. The psychic intangible benefits of our noble profession of law are ample — as the popular credit card ad says..."Priceless."

However, I just caught a glance or two, just a few, from those of you who want me to "get real." I hope I don't sound like the zoned-out greens keeper played by actor-comedian Bill Murray in the movie Caddyshack, who memorably riffed about the time he caddied for the Dalai Lama. As the story goes, the Dalai Lama stiffed the caddy on a tip. In lieu of cash, he guaranteed the caddy the promise that upon his death bed the caddy would be granted ... "total consciousness". Murray "famously quipped, "So I got that working for me, which is nice."

Well, you cannot take eternal peace, much less rhetoric about nobility, liberty, or rabbinical teaching, to the bank to pay off your loans, to straighten your child's teeth, or — my lips to G-d's ears — make your annual generous contribution to the Brooklyn Law School Fund. (By the way, it is not true that you must make a gift to pick up your real diploma! But the book for donors remains open until June 30.)

So, just a few words about your real-world prospects.

A good legal education, which is expensive and includes demanding reading, writing, scholarly dialogue, and practical training is more necessary, more valuable than at any time before. Your education has given you the power to create your own destiny, whether in a law firm, taking a company public, structuring a strategic merger, serving in government, or working in public service where you might represent an abused child, a developmentally challenged adult whose caregiver has died, an asylum seeker from a war-ravaged region, or as an entrepreneur working at one of hundreds of start-ups in the Brooklyn Tech Triangle, or maybe even starting and growing new companies like City Storage or Subway Sandwich, as so many Brooklyn Law School graduates have done before.

The beauty and value of a Brooklyn Law School degree is that you may choose "all of the above" or "any of the above." And when you leave Brooklyn Law School you are ready to both start working effectively the day you graduate and also able years later to answer questions no one has ever heard before.

Your future success in very practical terms has been our priority. Believe me, we know that most of you want to, need to, pass the bar, get jobs, and begin worthwhile careers.

You are ready. Dean Haverstick and Director Chaitovsky would not have admitted you, and our esteemed, demanding teachers would not have qualified you for your degrees, if you were not capable of admission to the bar. I will pass on something you may not like to hear. There is a direct correlation between studying and bar examination results. Keep at it, pace yourselves, do the work. If you are having difficulty for any reason, making time to study because of jobs or other obligations, preparing for the exam, handling the logistics of review classes, let us know. We care. You may recall that in January and February I met with dozens of your numbers in every quartile, one on one, to discuss bar preparation and jobs. I'm no saint; the faculty urged me to do that to make sure every member of your class has a fair fighting chance to be admitted to the bar.

Now, what could I possibly say about the tough challenges you are facing finding jobs that you do not well already know yourselves firsthand about looking for work in a slowly recovering economy and rapidly changing job market for new lawyers? Well, the mildly good news is that your class so

far is landing jobs at a higher rate than the two previous graduating classes. So the economic climate, over which we have no control, may be improving. In addition there are fields in which the demand for legal services is expanding — demand for your services is up — areas where you can get in on the ground floor and build a career as an expert, such as alternative dispute resolution, compliance and risk management, financial regulation, health, communication and internet law, privacy and data security, to name a few. Hockey legend Wayne Gretsky famously advised to skate where the puck is going, not where it's been. It is not easy, but look for jobs where they will be, not where they were.

And remember how flexible your skills are. Your education enables you to work in countless private sector and public sector fields. All of you sitting here can be architects of bridges across divides, engineers of consensus from chaos, crusaders for the voiceless and disenfranchised.

Also, if you seize opportunities, many of you will find yourselves eventually doing worthwhile, meaningful work in fields you never expected, or perhaps did not even exist when you left the law school. Ken Feinberg just told you he has a career he never anticipated. Countless numbers of our most successful alumni women and men can say the same thing. Who would have thought I would be standing here as a law dean? Not my mother. She expected to see me in the White House. My father is just very relieved.

My final words on this topic are to acknowledge that finding a good job is hard. Keep at it. Try not to be discouraged — and know that when you march out of this hall our commitment to help you continues. You know that we are overhauling and updating our entire career and professional development operation. Your job prospects have been our top priority this past year and will continue to be so. We have increased alumni assistance to graduates, plan to extend public service graduate fellowships, and are taking several other new steps which should be helpful to young alumni. So stay in touch, let us know how to help.

Well, it has been quite a memorable year! I joked earlier but the distinctions and achievement of the great Class of 2013 are shining examples for others to emulate. And what an achievement it is for every single one of you to walk across this stage and accept your well-deserved degree. You outlasted all sorts of adversity, including hurricanes, floods, eclipse, blizzard, major downtown fires, locust-like cicadas, and now today torrential rain again. What's next? Frogs? Boils? Neither the dreary weather nor difficult challenges you face should dampen the happiness and satisfaction you feel today.

For those of us who remain at the Law School, it is a joyful but also bittersweet occasion because it is a time when people we have worked closely with and who we have grown fond of move on — and not only you graduates. Permit me to highlight just two pillars of our law school community who are taking on new responsibilities.

Beryl Jones-Woodin joined the faculty in 1984 after serving as an Assistant U.S. Attorney in the Civil Division of the Eastern District of New York. She served as law clerk to one of the giants on the bench, Judge A. Leon Higginbotham. Not only has Beryl taught courses in copyright law, art law, and professional responsibility, she has also served as the Robert B. Catell Associate Dean for Student Affairs since 2003. From fire alarms to family day to snow days, from online policy, to student organizations, to liaising with first responders, and pulling Deans into compassionate conversations about lactating rooms. As Dean of Students, Beryl's responsibilities, often unheralded, and sometimes mysterious, have been vast. What has remained constant is her dedication to

counseling students, and always with a trademark calm, reassuring manner. Beryl has done it all, and we thank her for years of service and welcome her back to the full embrace of the academic mission of the faculty.

I also acknowledge Professor Claire Kelly, who was nominated by President Obama to the Court of International Trade, and recently confirmed by the United States Senate. We expect Claire to be sworn in next week. Claire graduated from Brooklyn Law School in 1993, and has been a member of the faculty since 1997. In addition to teaching and writing in the area of administrative law and international business and trade law, she serves as Associate Director for the Dennis J. Block Center for the Study of International Business Law, and as the faculty advisor for the Brooklyn Journal of International Law. She is also the co-founder of the Law School's Trade Secrets Institute, and was instrumental in creating fellowships for this institute. Claire is also one of the most beloved members of our faculty. She has taught and mentored countless students, nurturing their work and encouraging them to reach further and achieve more than they would have otherwise. She has served on countless committees, chaired the Long Range Planning Committee, and for her sins, served on the recent Dean Search Committee. To say we will miss her as a full-time member of the faculty is an understatement, but we are confident she will visit us often, and remain a close and integral part of the BLS community.

Now it is my distinct pleasure to ask that the administration, the faculty, as well as all your family and friends, join me in giving you a well-deserved round of applause before we confer your degrees.

CLOSING OF THE CEREMONY

To conclude I chose as our Scripture to borrow and liberally adapt from the words of the three wise men: Gladstone, Churchill, and Holmes.

- May you be inspired with the belief that [law] is a great and noble calling, not a mean and groveling thing, that we are to shuffle through as we can, but an elevated and lofty destiny.
- Today is not the end, it is not the beginning of the end, it is the end of the beginning.²
- Your education begins when what is called your education is over.³

So, congratulations on the commencement of the rest of your education and your life's work.

Good luck and thank you.

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¹ John Morley, <u>The Life of William Ewart Gladstone</u> (vol. 1, 1903, p. 184) from a speech made at the Hawarden Grammar School (September 19, 1877) (William Gladstone's word was "life." I substituted "law.")

²Winston Churchill, The End of the Beginning: War Speeches (1943), p. 266. Speech made at the Lord Mayor's Day Luncheon at Mansion House, London (November 10, 1942)

³ Max Lerner, <u>The Mind and Faith of Justice Holmes</u>: His Speeches, Essays, Letters and Judicial Opinions 32 (1946): from "Your Business as Thinkers," conclusion of a lecture on "The Profession of Law" delivered to the undergraduates at Harvard University (February 17, 1886)