

Welcome to the Class of 2008

It is my pleasant task to welcome you to CU Law School on behalf of the faculty and administration!

You are beginning to get acquainted with classmates some of whom will be part of your life from now on. At graduation we often have the privilege to welcome back the 50-year reunion class. What's remarkable is their indelible bonds, tracing to law school days. They remember one another as they were in that first year of law school, and they share pride – sometime amazement – in the impressive accomplishments of their classmates in the decades that followed.

You may be impressed with what your colleagues have accomplished already – before coming to law school. And you can be sure that you will be impressed with what this multi-talented group accomplishes in the years ahead. This is a room full of tomorrow's trusted lawyers, successful business people, revered community and political leaders.

I want to start by sharing some facts about this class:

- Your class of 167 people ranges in age from a mere 21 to a youthful 49 years of age.
- 5 of you have a CU Law alumnus in your family.
- 53% are CO residents, 46% are females, 21% are minorities.
- You hail from 26 states and 92 colleges and universities.
- 14 have masters degrees and one has a PhD.
- One is a Rhodes Scholar
- The statistical qualifications you bring are remarkable. The average – the *middle* of your class – earned a college GPA of 3.66. The **mid**-range of your LSATs is in the **top 87%** nationally.

The road to CU Law School was purposefully short and direct for some, long and more complicated for others. Among you are some who got a second lease on life – a survivor of a terrible motorcycle accident, another of a disabling car accident, three – yes, three – who survived brain tumors, and some who were more fortunate than their colleagues made it here after experiencing armed combat in service of the nation.

We have accomplished athletes -- soccer players, marathon runners, a skilled equestrian, a figure skater, and more than one triathlete.

At different ends of the earth a few among you grew up in poverty, in squalid conditions, without running water, heat, or electricity. One was a homeless teenager who got a GED, went to community college and finally succeeded in getting a college degree and excelling in student government and volunteer work. Another relishes his unusual upbringing as a child of a family on the carnival circuit.

Many others grew up in relative comfort in the US but have lived, worked, and traveled the world internalizing experiences and conditions far different from home.

For some of you law will be a second career. For instance, we have a debate coach, a computer programmer in biotechnology, a certified mechanic, a mental health case manager, a radio journalist, a fisheries biologist, a Methodist minister, a supermarket manager on the Navajo Reservation, and several teachers. One person founded a non-profit West African drum and dance company. A number of your classmates have started small businesses. One person wrote a guidebook for mountain biking and this led to the founding of two highly successful publishing companies.

Some of you have worked in the law before coming here, as paralegals, legal secretaries, court volunteers, an aide in the Colorado legislature, and one is lawyer from the Czech Republic. A legal assistant says she is prepared for law school after working around the clock at a large NY firm on brutal deadlines.

We have a political fundraiser and a non-profit fundraiser. I will be in touch with both of you soon.

Others bring interesting work experience short of careers. Among the more interesting experiences are mountaineering guide and snowboard instructor. Many have impressive volunteer service including in Americorps, Teach America, and the Peace Corps. One was a violent crimes victim's advocate and another a Cub Scout den mother.

Several veterans are here, and some present members of the military, too. One of you is married to a Special Forces soldier. Some have seen active duty in combat including two of you who wrote your personal statements from Iraq amidst gunfire. We are glad you are here. And we thank you.

A good number of you are the first generation of your family to go to college and a few are the first generation of your family to be born in the US. At least two of the entering class grew up on Indian reservations and write fondly of families and lifestyles there. One is a fifth generation Coloradan, but several were born abroad, in countries that include Albania, Czech Republic, France, India, Romania, Ukraine, and Korea. Several of you speak proudly of your native heritage. Others speak of fleeing from oppression.

Even more telling than statistics about your class are the reasons that you expressed for coming to law school in your personal statements accompanying your applications.

Some came into contact with the legal system and, determined to work from the inside out, decided to go to law school.

One who succeeded as an entrepreneur says "my small business experience showed me just how useful an education in the law is and allowed me to develop a keen interest in business law, contracts, and taxation."

One decided to leave a career in finance on Wall Street citing the more attractive opportunities lawyers have to "engage in endeavors that challenge me while making a meaningful impact on society, or even on one single individual's life."

People do look to lawyers when they need help. Lawyers can function on their behalf at the highest levels. So, one of you who was a teacher of a disabled child wrote: "I can teach a student how to perform essential numerical operations. Unfortunately, I cannot address the larger, systemic flaws that plague some of our neediest and most ignored children. . . I seek a law degree [because] I want to become and advocate for low-income students and their families. . ."

Another person was moved to become a lawyer after seeing a disabled sister mistreated by the few doctors who would accept Medicaid. This agonizing experience in powerlessness committed he to gain the tools to work for the disadvantaged.

Lawyers are typically leaders in their communities. One among you says that he wants to use his leadership experience in the Navy as a lawyer committed to making society better.

For those of you who wrote first hand of experiencing persecution first-hand in other countries the rule of law has special meaning. One whose family fled her native Albania after it was turned into a "concentration camp" by a communist dictator says that it is now wracked by "rampant corruption, lawlessness, chaos, and organized crime." She says "My country needs help and it is now up to my generation to step up. . . . My legal education will make a difference in my life and many others. . . I feel obligated to do my share"

Many of you come here determined to use legal training to improve the natural environment. Not surprisingly there are widely different ideals and methods expressed as to how that should be accomplished, from free market environmentalism to government regulation, to community-based efforts. One person was inspired by seeing how densely developed European towns lived in relative harmony with their natural surroundings and he wants to pursue a career that "promote[s] sustainable development that respects the environment." Another wants to direct her efforts to work in animal law. A geologist says "my work experience with arctic environmental issues and solid background in science will give me a valuable perspective within environmental and natural resource law."

Some of you tie your pursuit of a legal career to you family and culture. One woman writes of her interest low-energy demand housing and says she want to bring renewable energy to her people on the Navajo Reservation, saying “my grandparents wanted me to use my education to help Native people and I feel that . . . attending law school would further my education so that I can truly focus on assisting the Native American communities an protection the environment.”

One first-generation American woman is committed to using her legal training to pursue gender equity.

After assisting non-profits gain technological capacity one of your class intends to pursue technology law to help expand the effectiveness of non-profits in using new communication tools.

Of course many are not certain of a career path but see multiple possibilities. One says she is equally intrigued by the possibility of fighting for the water rights of ranchers and farmers and equally interested in pursuing family law to promote adoption of unwanted children.

One person says her initial desire was to change the world but after years of working as a psychologist with mentally ill clients she harbors “a more seasoned idealism and optimism wherein I have learned the significance of even the smaller victories.”

Work in the legal system, indeed, provides no magic power and it is important to be realistic while retaining one’s ideals. One person who worked in a state civil rights commission says: “my experience at the commission has taught me there is no ‘justice for all.’ I understand that I will not be able to offer legal remedies for every person who seeks my counsel, and I know that at least part of my effectiveness as an attorney will be measured in the way I deal with those for whom the law provides no easy answers.”

Yet some here have already changed the world in ways that matter to people.

Another writes of how as editor of a student newspaper “fighting for government access and free speech opened my eyes to the possibility of fighting for much more important causes.”

One of you wrote of becoming frustrated by a school district’s refusal to provide an education for an autistic boy, and then assisted the child’s family in presenting evidence of the child’s capacity to learn. This succeeded in achieving a district-funded agreement to meet the child’s needs. She wrote: “I am applying to law schools now with the assertive push from the boy who showed me exactly how the legal profession can help those who haven’t yet found the words to speak out for their rights.”

And particularly moving is the story of one woman among you who, at the age of 12, testified against and secured the conviction of a man who had kidnapped and raped her. Then she went on, with her parents, to secure a change in state laws concerning sex offenders, and has spoken widely on the subject. She is here knowing she can make a difference; she already has.

* * *

Law does, indeed, transcend all of these issues, and it provides opportunities to assist clients and causes. It matters to society and it matters to people in all walks of life. How well a lawyer does her or his work can determine how much of a family’s wealth goes to taxes and how much stays in the family; whether a person accused of a crime goes free or goes to jail; whether business partners stay together or break up, and how well society functions.

You are about to embark on an adventure that will enable you to charm your friends and families with knowledge about – or at least the arguments on various sides – of issues like –

- What are the limits to the amount of money juries can award to a plaintiff?
- When and why is it illegal to download music from the Internet?
- When has Sipowicz gone too far in coercing a confession?

And you have chosen a particularly exciting time to go to law school. Just look at any newspaper.

- On the international front, the media focuses us on questions of when one nation invade another lawfully
- The US government asks under what circumstances it can engage lawfully in torture and whether government can lock up people indefinitely and without a trial if they are suspected of cooperating with Afghanistan after it was declared an enemy
- Should Congress revise the Patriot Act that allows the government to see library records and other data about private individuals?
- The environment is protected by a host of laws that depend on the “best available science.” We look to lawyers to sort out when science is good enough.
- A proposal has been floated by a CU law alumnus to settle an Indian land claim by getting land to build an Indian casino near Denver.
- And there is litigation over whether this University is responsible in money damages if a football recruit assaults a woman at an off campus party.

The stories that dominate the news show that law and lawyers are central to solving problems from the local community, to the nation, to the world. The issues that we debate here are important to people well beyond lawyers.

While you are in law school two, and perhaps three Justices of the US Supreme Court will be replaced. The Court’s importance to society is underscored by the attention given to the confirmation process. That’s not surprising. It is a Court that decides matters that affect not only arcane areas of the law but also vast, public policy questions.

As you will soon see, calls for the Court just to “follow the law” are overly simplistic. The Court chooses the small number of cases that it will decide each year. And increasingly, those cases calls for judgments on issues on which there is no settled “law.”

Can the state display the 10 Commandments at the public building? Yes and no. Last term, the Court upheld displaying stone tablets with the commandments carved in them on the Texas Capitol grounds along with other historical displays. But it also held that framed copies hanging inside Kentucky courthouses were contrary to the First Amendment. What’s the difference? The majority said the question was whether the state remained neutral on the question of religion, and that it had in the Texas case and had not in the Kentucky case. Do you agree?

The media hasten to label decisions – as well as Justices – conservative or liberal. This is typically a silly effort.

Is this term’s decision that states cannot carry out their laws legalizing marijuana for medical uses a conservative decision? It favors controlling drug use. But it also lets federal law trump the rights of states to pass their own kinds of laws – an affront to ideals of federalism.

Is a decision conservative if favors business development and avoids having federal courts second-guess local governments? That would describe the case that allows condemnation of private homes for urban redevelopment and construction of commercial buildings – an alleged threat to private property rights.

Whatever you might think of individual decisions, I’d like to suggest to you that the broadsides against the entire judiciary that come from controversial decisions are extreme and dangerous. The courts are attacked for being “activist” – a criticism that usually means that the critic does not like certain decisions.

The Terry Schiavo case was a horrendous spectacle of court bashing. The clear consensus of the courts that considered the last ditch efforts to stop the removal of her artificial life support was that it was not a matter for the courts to decide. Is this “judicial activism”? Are the critics really concerned about activism or about judges who do not advance a particular political and social agenda?

Attacks on the judiciary are rampant. One religious leader railed that the Schiavo case showed the federal courts were worse than “terrorists who fly into buildings.”

And attacks go beyond anti-court rhetoric. This year in Atlanta a state court judge, Rowland Barnes, was murdered in his courtroom and in Chicago members of federal Judge Joan Lefkow's family were murdered in their home by an aggrieved person who had been before her court.

The debate has gotten out of hand. The risk posed by mindless critics of our judicial system is an erosion of the rule of law itself. As lawyers it is our job to foster respect for the judicial system and for law. Civilized discussion surely includes thoughtful criticism and spirited discourse. Lawyers know how to do this among themselves. They fight hard for the cause of their client, and sometimes they lose. But they recognize that the system itself has value for society.

In law school and beyond in your legal career you will be disappointed and even irate over some legal results. But you will know better than to damn the entire system. You may strive to reform and improve the law, but you will grow to understand that the law, and its most important agent, the judiciary, is what stands between our society and tyranny. Thus, when Shakespeare put the words "the first thing we do, let's kill all the lawyers" in the mouth of one of his comedic characters in Henry VI, it showed that this dim-witted killer knew that the rather far-fetched revolution he was contemplating could be thwarted by lawyers – by the rule of law.

What is the rule of law? The rule of law is a framework for expressing the values of a society and mediating behaviors. At best, the rule of law is what brings us together as a people. It is what protects individuals and otherwise powerless people, their liberty and property, from the excesses of big government and big economic interests.

The role of lawyers in securing the rule of law is central. Other institutions have faltered. We have seen corporations and even organized religion brought down in dishonor.

Fundamental to the rule of law is the independence of the judicial branch of government. It is the one branch that should not be driven by political agenda. But it seems to be the non-conformity to a political agenda that draws the most venom from the courts' critics.

* * *

There are three things you will learn, or we will reinforce, in law school:

One is to see issues from 360 degrees – from all sides – and to analyze them fully. This is sometimes called "**thinking like a lawyer**", a phrase that may soon haunt you.

Another thing you will take away from here, if we succeed, is a sense of the **trust and honor** that goes with being vested with the responsibility to represent someone else – to stand up for their life, property, business, or cause. We have our own student-administered Honor Code that Dean Trujillo will speak about. It is the lowest common denominator; conducts that violates it is over a forbidden line. Don't go near the edges of it. Our mission, here and in the profession, is to pursue a higher calling. As Justice Cardozo said, "not honesty alone, but the punctilio of honor the most sensitive, is then the standard of behavior."

A third goal is to foster the sense of **civic responsibility and leadership** that the personal statements of so many of you expressed.

On this latter point I want to point out that you begin a journey here that will culminate in graduation from a spectacular new building. This will change our surroundings and make our lives and work more pleasant. We will take you on a tour of the bustling site this morning!

The project is especially significant, however, not because of the structure we will occupy but because making it a reality signifies a new approach to dealing with a crisis in public higher education funding, which has been all but abandoned in this state. Spearheaded last year by the law students in this school, a campus-wide building fee was passed by the CU-Boulder student government that enabled us to build the new law school building.

Our students and faculty also were instrumental in lobbying through legislation that makes the University of Colorado an "enterprise", gaining it a measure of needed financial independence. This

accomplishment and the new building are monuments to leadership and civic responsibility, characteristics of the legal profession and especially of the traditions of the University of Colorado School of Law.

* * *

This is a community that we are all proud to be part of. You will soon meet the second and third year students who are, like your class, emerging leaders and professionals. May this next three years be a great adventure that leads you on to further adventures. The alumni, whose ranks you are now joining, the people who once sat in the same seats where you are sitting, include trusted legal representatives of families and businesses, defenders and prosecutors, leaders in government, politics, commerce, and the non-profit world. They include a plurality of Colorado judges such as the newest 10th Circuit Court of Appeals Judge Tim Tymkovich, the President-elect of the American Bar Association Karen Mathis, Colorado House of Representatives Majority Leader Alice Madden, and our new President of the University of Colorado, former US Senator Hank Brown.

Speaking for the whole faculty, we are delighted to have you with us. You are our reason for being here.