

**Yale Law School Commencement Remarks
May 28, 2007**

**Harold Hongju Koh
Dean, Yale Law School**

**Distinguished Guests, Faculty Colleagues, Families, Friends, and
Members of the Graduating Class:**

**Welcome, all of you, to the Yale Law School's 2007
Commencement Exercises.**

We gather here this afternoon to celebrate an institution, to graduate a class, and to renew a solemn commitment.

The institution is the Yale Law School, the class is the remarkable Class of 2007, the commitment is to a tradition of humanity and excellence in the study of law that dates back several centuries.

This is *Yale University's* 306th Graduation, but we cannot say with certainty exactly what number *Yale Law School* graduation we celebrate today. What we do know is that the graduating class that will march before you in a few moments represents at least the 193rd group of law students to receive their legal education at Yale.

The ancestor of the Law School in which you sit was the Litchfield Law School, founded some 50 miles northwest of here, which between 1780 and 1830 trained about 1000 lawyers for the new American republic. More than 200 years ago, a Yale college graduate named Seth Staples began taking apprentices at his New Haven office, including two students, Samuel Hitchcock and David Daggett, with whom he began the New Haven law school that eventually became Yale Law School. By 1814, the Yale College catalogue had begun listing "Law students" on the College rolls, three years *before* Chief Justice Isaac Parker of the Supreme Court of Massachusetts founded a law school north of here at Harvard, and 32 years before a law school was founded at Princeton, which then closed just six years later.

To commemorate these founders, the Yale Law School seal displayed on your commencement program pictures three fields: a field of Staples, in honor of Seth Staples, a greyhound to honor David Daggett (whose original family name was Doget), and an alligator, which became the emblem of the Samuel Hitchcock family after the family left Connecticut and moved to the Bahamas.

In 1843, when Yale University began awarding Yale degrees to Law School graduates, this School was a proprietary venture operated from a rundown rented room over a downtown New Haven storefront. Today we stand in the beautiful Sterling Law Buildings, which celebrated their 75th anniversary last year.

But Yale Law School is so much more than just its buildings. The strength of Yale Law School rests in its people. So before I proceed, let me ask all the members of our faculty and our staff to please rise so that you can recognize their excellence and their dedication.

You have seated before you a faculty that is by acclamation the most influential in the American legal academy. During your years here, you welcomed to it new faculty members Rick Brooks, John Donohue, Heather Gerken, Christine Jolls, Yair Listokin, Jon Macey, Tracey Meares, and Mike Wishnie. Every year, the Yale Law Women organize an election among all our students to determine who should receive the annual law teaching award. This year, for the first time ever, two of our faculty members tied for the Yale Law Women Teaching Awards. They are:

- The Oscar M. Ruebhausen Professor of Law Roberta Romano and
- The Joseph M. Goldstein Fellow and Lecturer in Labor Law Ben Sachs.

Please give them your applause.

Scattered around this courtyard, in the dining hall, watching from the windows, you also have a staff that is surely the most dedicated and humane staff at any American law school. In addition to their teaching award, a few years ago, the Yale Law Women created an annual staff award to honor that member of the Law School staff who has made the biggest contribution to the students. This year, there were 12 nominees and three honorable mentions: Brian Pauze of Audio Visual services, who has sat through more lectures and classes than any other person at Yale Law School; Nikitia Tillman of the Career Development Office, whose cheerful smile boosts students' spirits as they search for jobs; and the incomparable Rosemary Carey, who retires this year after keeping the Yale Law Journal going for more than two decades.

But the winner of the 2007 Yale Law School Staff Award is Gerard Armoogam of our computer services department, who over the past three years has saved countless students in life-and-death computer situations. Gerard, please stand up and take a bow.

But we reserve our greatest pride today for today's graduating class—the 186 JD candidates, the 30 LLM candidates, the 3 Master of Studies in Law, and the 3 JSD candidates of the Class of 2007. Ladies and Gentlemen: as you gaze upon these remarkable 222 individuals, please remember that, when they complete their academic requirements, they will be, quite simply, the finest new law graduates on the planet this year. At all the graduations in all the towns in all the world this spring, there is only one place that gets to say that, and happily, it is us.

We hold this ceremony to reaffirm that they did not do it alone. Behind each and every one of these graduates, there is an inspiring story of family and friends: of parents who worried and sacrificed, of parents who worked as partners or in many cases singly or separately to guarantee that nothing would stand in the way of their child's education. Of grandparents, uncles and aunts who watched over you when your parents could not; of brothers, sisters, cousins, and friends who answered your instant messages and took your calls at all hours; of spouses and loved ones who commuted, worked second jobs, or put their own career plans on hold so that you could make the most of this opportunity; and of children who somehow recognized how important law school was for you.

We on the faculty and staff have had the privilege of educating you graduates, but we all recognize that your real education came long before we met you. As you watch your graduates end their schooling, please think for a moment back to the very first day that you took them to school.

So before we celebrate our graduates, let us celebrate the loved ones *behind* the graduates. Would the families and friends of the Class of 2007 please rise, so that all of us can honor you?

Collectively, the family and friends of the graduating class have traveled nearly $\frac{3}{4}$ of a million miles to get to this graduation. How do we know this? Because for the second year in a row, eleven student groups surveyed the graduating class to learn the location from which each of their guests would be traveling and the mode of transportation they would be using. They learned that the efforts made by all of you to get here will collectively create about 307,300 pounds of carbon dioxide emissions--3,400 pounds from train travel; 29,600 pounds from autos; and 274,300 pounds from airplane flights.

So how to reduce the impact of our ceremony's greenhouse gas emissions on global climate change? Through the efforts of these eleven student groups, the environmental organization WindCurrent has generously donated 400,000 pounds of carbon offsets -- over 280,000 kilowatt-hours of

electricity generated with renewable energy-- to account for these emissions, making this our second annual carbon-neutral commencement. Let's have a round of applause for WindCurrent for its very generous donation, to the many members of the YLS class of 2007 who organized the Students for a Carbon-Neutral Graduation to make this effort possible, and to John Tye of the class of '06 and Hannah Jacobs of the Class of 07, who began this environmentally conscious tradition, that we hope will continue into the future.

As you can tell from this account, the Class of 2007 is a remarkable class. You came here just after *Brown vs the Board* turned 50. Together we watched the horrors of Abu Ghraib and Guantanamo. You survived perturbations at every level: a presidential election, a congressional election, a tsunami, a new pope, Hurricane Katrina, Kiwi Camara, the Taliban guy, Auto-Admit, the first Red Sox World Series championship in 86 years, and yes, even a new law dean.

Through it all, you ran conferences on rebellious lawyering, Access to Knowledge, Executive Power, Progressive Family Values, and the New New Haven School of International Law. You wrote your SAWs and your substantial papers, you ran journals and Small Group Olympics, and you founded the Katrina Clinic, the Small Business Clinic, the Education Adequacy Clinic, the Supreme Court Clinic and the San Francisco Affirmative Litigation Project. You persuaded Yale to divest from Sudan and Allied Universities to seek essential medicines for AIDS victims in Africa. You applied for jobs and clerkships. You competed in Moot Court and Barristers Union and you created new institutions: a new website for women lawyers called Ms. JD, a Darfur awareness videosite called "24 Hours for Darfur," a new Community Bank, YIPPIE, a new men's singing group, Six Angry Men; an opinion journal—Opening Argument—and the social change network. And at a time when politics in America lost nearly all civility, your American Constitution Society and your Federalist Society chapters were the most successful in history, and regularly co-sponsored speakers and debates together. At the Law Revue, you made hilarious fun of your professors—you turned your Dean into a bobblehead, then put your Dean in a box.

While all this transpired, some of you lost loved ones, got married, and several of you gave birth to children. And today, here you all are, together one last time.

So Class of 2007, look to your left, look to your right, and you see what Yale Law School is, and must always be: a community of remarkable individuals, committed to excellence and humanity in everything you do.

From century to century, from graduating class to graduating class, this School remains a *community of commitment: commitment* to the highest excellence in our work as lawyers and scholars, to the greatest humanity in our dealings with others, and to the pursuit of careers not of selfishness, but of service.

In this place, you have confronted one another and comforted one another. You have competed with one another -- very hard -- and supported one another -- very well. You have demanded role models, and when the time came, you have provided role models for each other. And when all is said and done, you leave behind a far better law school, a better Yale, and a better New Haven than the ones you found three years ago.

Starting tomorrow, many of you will begin studying for the bar examination under the benign instruction of DVDs across America. Some of you will start work at law firms, others will begin judicial clerkships. Others are off to teaching jobs, consulting firms, investment banks, government posts, and nongovernmental organizations. Many of you are taking public interest jobs as Bernstein, Liman, and Heyman Public Service fellows. One of you is off to compete in the 2008 Olympics; another will hike the Pacific Coast Trail; another will work for the Gates Foundation; another will clerk for the Canadian Supreme Court; still another will work for the American League-leading Boston Red Sox.

And as I said at the third-year dinner, you will always be the most special class to me, because you are and will forever be the first class to start and finish with me as Dean. You may not think that's a big deal, but it is to me. Over the past three years, we've shared so many moments together. There have been so many times—more than you could ever know—when you lifted me with your passion, your talent, your character, your nobility of spirit. As I told your loved ones last night, students like you come along too rarely in a teacher's lifetime; to have you all here at once, and for three years, in my very first class, has been a dean's dream come true. For that great gift, I thank you.

So now, the moment you've all been waiting for. The time has come to present the candidates for the advanced degrees in law. Three years ago, one of you, Ilan Benshalom, carried his infant son Alon to the top of Sleeping Giant on the hike that started his Yale Law School career. Two mornings ago, Alon (now five years old) walked up Sleeping Giant on his

own, while Ilan and Avital carried their sixteenth month old daughter Tamar on their back. And at his 50th reunion, maybe Alon and Tamar will carry Ilan up the hill! There is no more special group within this class than the graduate students of the class of 2007-- the LLM's and JSD's --most of whom arrived in New Haven only nine months ago, from nearly thirty countries, barely knowing one another. They celebrated at a picnic atop East Rock with their families a few years ago, and now leave as one of the warmest, most close-knit group of graduate students in memory.

So to present our graduate students, let me present their guardian angel, Maria Dino, our Director of Graduate Programs.

[Awarding of Advanced Degrees]

Before we present the candidates for the degree of Juris Doctor, I ask you to pay special tribute to those members of the Law School Administration who moved mountains to make these graduation ceremonies possible. Many, many who deserve mention, but let me single out a few:

- Associate Dean Mike Thompson, without whom this Law School could not function;
- Mark Templeton, our tireless Associate Dean of Finance and Administration,
- Megan Barnett, our gifted Dean of Academic Affairs
- Marilyn Drees, who has served during your time here as our Director of Student Life;
- From the Dean's Office, Georganne Rogers, Marianne Dietz, Beth Barnes, Carolyn Poole, and Renee DeMatteo who so ably guide this school every day;
- and our brilliant Registrar, Judith Calvert, who in ways you can never know made it possible for each and everyone of you to march in today's procession.

Finally, let me tell you the story of one very special member of today's J.D. class. Carla Ingersoll always wanted to be a lawyer. In the 1960s, she got married when she was only 19, and family obligations forced her to drop out of college. But at the age of 25, as a single mother of two, she went back to get her B.A. degree at the University of Massachusetts. When her younger daughter left for college, she decided to apply to Yale Law School and entered in 1984. During her first semester here, she spent much of her time in the infirmary, in traction, because of a neck injury while her classmates tape-recorded her classes for her. She worked in the

Homelessness Clinic and slept at the New Haven train station to help her clients. But during her second semester, her partner developed terminal cancer and she began commuting back to Amherst to help him. After her partner passed away, she contracted her own debilitating illness, which immobilized her for more than a decade. Meanwhile, remarkably, her younger daughter Eleanor Lacey –who is here today-- attended and graduated with the Yale Law School class of 1994.

A few years ago, Carla Ingersoll’s medical condition finally began to improve; she re-applied to the Yale Law School and returned in the Fall of 2006. Her first semester back, she earned all honors grades. And today, 23 years after she first entered these halls, she graduates with the class of 2007. Carla went back to law school, her daughter Eleanor writes:

“for her four granddaughters (Haley, Cameron, Sophia, and Juliana) who are with her here today. She wanted to show them that when life is difficult you don’t give up. She did not and will not. ... [My mother] always says that the birth of each of her daughters were the happiest days of her life. [But a]s much as she loves us, I hope that this will be the happiest day of her life.”

I tell you Carla’s story so that each of us can reflect on what a special group of graduates this is. Carla’s story reminds us all to treasure this moment and to take nothing for granted. We are all so very lucky to be here.

With that, let us proceed to the main event: the presentation of the candidates for the degree of Juris Doctor. And to make that presentation, let me call on Director of Student Life Marilyn Drees:

[Awarding of J.D. Degrees]

Every year, the graduating students elect a member of the faculty to address them at their commencement exercises. The choice is entirely theirs and for that reason, being selected is an unforgettable honor for the faculty member chosen.

This year’s faculty speaker is the Kenneth and Harle Montgomery Professor of Public Interest Law at Stanford. She taught here brilliantly last fall as the inaugural Sidley Austin/ Robert D. McLean ‘70 Visiting Professor of Law. A native of Fairfield County, Connecticut, she is truly one of our own, holding not one, not two, but three Yale degrees. She is a graduate of Yale College, Jonathan Edwards College, where she won prizes for intellectual leadership, best senior essay, debate and public speaking; in 1984 she went on to earn a Master’s Degree in History, and a J.D. from Yale

Law School, where she was Articles and Book Review Editor of the Yale Law Journal, Director of the Moot Court, a Student Director at the LSO clinic, and Head Coach of the Yale Debate Association.

After serving as law clerk to Judge Abraham D. Sofaer of the U.S. District Court for the Southern District of New York and Justice Harry A. Blackmun of the U.S. Supreme Court, she taught for a decade at the University of Virginia Law School, before joining the Stanford Law School faculty in 1998. She is a genuine triple threat: an influential scholar, a brilliant litigator, and an award-winning teacher. One of our nation's leading experts on voting and the political process, and a founder of the academic field of election law, she has served as a commissioner on the California Fair Political Practices Commission and assistant counsel and cooperating attorney for the NAACP Legal Defense Fund. She is coauthor of three leading casebooks on constitutional law and related subjects and dozens of scholarly articles. A respected commentator on legal issues, she frequently appears on the NewsHour with Jim Lehrer, and was named by American Lawyer magazine as one of our nation's 45 leading public sector lawyers under the age of 45. This year, along with her classmate, Southmayd Professor Akhil Amar and Augustus Lines Professor Henry Hansmann, she was elected Fellow of the prestigious American Academy of Arts and Sciences.

To top it off, she is widely regarded as the quickest wit on either side of the Mississippi. To give just one example, last year, I was standing with her when we were approached by her friend, Professor Paul Gewirtz, Director of our China Law Center. I said, "Pam, don't you think Paul looks remarkably youthful?" Without batting an eyelash, she turned to me and said sweetly: "Somewhere in China, there's a goat with no glands."

Already the recipient of UVa's outstanding teacher award and the 2002 John Bingham Hurlbut Award for Excellence in Teaching at Stanford Law School, today she wins the Triple Crown of teaching recognitions. To join her students today, she flew cross country all Saturday night on the red eye. I give you your faculty speaker, Professor Pam Karlan of the Class of 1984 .

[Professor Karlan's Speech]

Thank you, Pam, for that wonderful speech.

That brings me to our final speaker, Yale's newest doctor of laws, Chief Justice Pius Langa, President of the South African Constitutional Court. To reach his country's highest judicial office, our speaker took a remarkable journey. Born in Eastern Transvaal in apartheid South Africa, his family was so poor that he left school at age fourteen because his family could not afford to pay for his formal schooling. He found a job in a shirt factory, where he worked for three years and studied privately until he received his bachelor of law degree and LL.B. from the University of South Africa. Early in his career, he worked his way up from messenger, to interpreter, to prosecutor, then magistrate in South Africa's Department of Justice.

In 1977 he left the government to become an advocate of the Supreme Court in Natal. He practiced at the Durban Bar but his practice, which involved many political trials, took him to many parts of South Africa to represent those most adversely affected by apartheid: the underprivileged, civic bodies, trade unions and defendants charged under apartheid security legislation.

When apartheid crumbled, he played a major role in the country's legal transformation. He served on the board responsible for helping transform police services to conform with the National Peace Accord. He chaired a post-apartheid technical committee to reform health legislation. He served on committees formed to accelerate the release of political prisoners, on the Commission of Inquiry into Unrest in Prisons; he founded the National Association of Democratic Lawyers and served as its national president for six years.

In 1994, he was appointed a Judge of the new Constitutional Court of South Africa; he became Deputy President of that Court in August 1997. In 1998 he was appointed a chancellor of the University of KwaZulu-Natal and now serves as Chancellor of the Nelson Mandela Metropolitan University. In 2001, he was appointed the first Deputy Chief Justice of South Africa and in 2005 was named South Africa's first black Chief Justice. He credits his own life struggles with making him a better judge, who has worked to promote democracy and constitutional governance not just in South Africa, but also in Fiji, Lesotho, Sri Lanka, Zimbabwe, Rwanda, and Tanzania.

At this morning's ceremony, President Levin said:

"You have worked as a guarantor of democracy, protecting and defending your country's new constitution, and helping transform the

courts from agents of oppression into institutions of justice. Your entire judicial career is characterized by concern for the oppressed, remedying society's wrongs, and working for human rights in South Africa and throughout the world.”

Class of 2007, I give you your fellow graduate, Chief Justice Pius Langa.

[Chief Justice Langa’s Speech]

Ladies and gentlemen, that concludes our commencement exercises. But as you have learned during your time here, no Yale Law School ceremony is truly complete without an ancient Korean saying. That saying is this: *Never let your skill exceed your virtue.*

As lawyers, you will develop skills that will give you power that few in our society possess: the tools to throw people in jail, to save millions of dollars, and to destroy people’s lives. Please use this power wisely. And remember that each of these tools has its time and place.

So please use the awesome power of cross-examination to break down a hostile witness, not to terrorize your children. Use your drafting skills to win your clients lawful relief, not to shield them from their lawful responsibilities.

Please remember that your clients are not just those who pay you. Your clients include the integrity of the law itself.

So in the years ahead, please remember two phrases. The first is “I don’t know.” In the years ahead you will often not be sure. Don’t fake it. If you don’t know, be honest and tell them you don’t know. As you have surely learned here, there is no shame in not knowing. You can’t know everything. You will find out and answer them soon enough.

Let me ask you to remember a second word: “No.” All lawyers want to tell their clients yes. What is much harder is to tell your client no. We all recently learned about two groups of lawyers in the Justice Department. Both groups included Yale Law School graduates. One group was asked by the White House to approve an illegal program, at the hospital bed of the ailing Attorney General. Their answer, and the Attorney General’s, was simply “No.” A few years earlier, another group of Justice Department lawyers—again including graduates of this school--were asked to write an opinion asking whether American officials could lawfully torture detainees. Instead of saying no, they answered, “here’s how.” That was the wrong

answer. Their job was to say no, what you are asking violates the law, and we should not do it. It is illegal, and it is wrong.

So may The Force be with you, yes, but please, please, don't let it take you to the dark side.

Let me close with a familiar question: How should you live your life as a lawyer? Let me ask you to remember the simple lessons that you have learned here.

- Find your friends in small groups.
- Remember that practice without theory is as thoughtless as theory without practice is lifeless.
- That accomplishment alone, without humility is tragic.
- And that excellence alone, without humanity is worthless.
- And as the years go by, please ask yourself: don't you, as one of society's most privileged, owe something to the least privileged?

In the years ahead, you will find, there will be bad news and good news. You will face difficult choices, and in making these decisions, you will feel very lonely. For all the love and support that is arrayed around you today, you will find that there are some decisions that only you can make, and those decisions will be for you.

But the good news is that as you make these decisions about life and law, more and more, you will come to trust yourselves. You will come to believe in yourselves. After years of seeking wisdom from others, you will find it in yourselves.

So before you leave this special place, please take one last moment to look up here at your teachers. Think about the ideas and the hours they have shared with you.

Take a moment to think of your loved ones--both those who are here and those who could not be here. Draw strength from their enormous faith and love in you.

Take a moment to look at one another-- your classmates and soulmates on this journey—and consider all that you have taught and shared with one another.

And finally, please take this last moment to look inside yourselves. Trust the wisdom that you find there.

Remember your dreams. Remember your values, those values that brought you here, and that brought you through here. As Adlai Stevenson once said, “don’t forget when you leave, why you came.”*

Happy Graduation, Class of '07!

Good luck and Godspeed!

* Adlai E. Stevenson, “The Educated Citizen,” Speech to the Senior Class Banquet at Princeton University, March 22, 1954, IV *The Papers of Adlai E. Stevenson* 337. 345/