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Recommended Citation

Koh, Harold Hongju, "Yale Law School Commencement Remarks May 26, 2008 Harold Hongju Koh Dean, Yale Law School" (2008).
Yale Law School Commencement Addresses. Paper 23.
<http://digitalcommons.law.yale.edu/ylsca/23>

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Yale Law School Commencement Remarks
May 26, 2008
Harold Hongju Koh
Dean, Yale Law School

Distinguished guests, faculty, families, friends, and members of the graduating class: Welcome, all of you, to the Yale Law School's 2008 commencement exercises.

As we begin, let us recall that today is Memorial Day, the day our nation sets aside to commemorate the courageous young men and women who gave their lives in military service to their country. Among us today sit many veterans, including members of today's graduating class. Would the veterans who are here please rise? These individuals served alongside others who paid what Abraham Lincoln called that "last full measure of devotion." Will you please join me in a moment of silence to remember all of those who, by their sacrifice, have made it possible for the rest of us to enjoy the blessings of liberty.

Thank you.

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 2008, 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 307th Graduation, and by our best count, you are the 194th group of students to receive your legal education here at Yale. More than 200 years ago, a Yale college graduate named Seth Staples, along with his students Samuel Hitchcock and David Daggett, began a law school here in New Haven, modeled upon the Litchfield Law School in northwest Connecticut. By 1814, the Yale College catalogue had begun listing "law students" on the Yale College rolls, three years *before* Chief Justice Isaac Parker of the Supreme Court of Massachusetts founded a law school to the north of here, and 32 years before a law school was founded at Princeton, which closed just six years later.

To commemorate these founders, and the tradition they created, the Yale Law School seal displayed on your commencement program pictures 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 Hitchcock family after the family left Connecticut and moved to the Bahamas.

From those early days until today, the strength of Yale Law School has rested not in its buildings, but in its people and its values.

You have seated before you a faculty that is, by acclamation, the most influential in the American legal academy. Scattered around this courtyard, in the dining hall, watching from the windows, you have a staff that is the most dedicated and humane at any American law school. So before I proceed, let me ask all the members of our faculty and staff to please rise so that you can recognize their excellence and their dedication.

But we reserve our greatest pride today for today's graduating class—the 203 JDs, the 25 LL.M.s, the 1 Master of Studies in Law, and the 3 Doctors of Juridical Science of the Class of 2008. Ladies and Gentlemen: when these 232 individuals have completed their academic requirements, they will be, quite simply, the finest new law graduates on the planet this year. Please think about that for just a moment. That is no small thing. 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.

This ceremony reaffirms that they did not do it alone. Behind each person who graduates today, there is an inspiring story of family and friends: of parents who sacrificed, who worked jointly or separately to ensure 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 calls and instant messages; of children who somehow recognized how important law school was for you; of spouses and loved ones who commuted, worked second jobs, or put their own careers on hold so that you could make the most of this opportunity.

I once asked my own father, as he sat writing out one of my tuition checks, whether he regretted paying out so much tuition. He said simply: "Why do we work? Why do we live? We have nothing to give you but love and education, but by giving you that, don't we give you everything?"

We on the faculty and staff have taught you these last few years, but we know that among us today are the people who gave you everything. So would the families and friends of the Class of 2008 rise so that all of us can honor you?

To the parents here today, let me say, as you watch your graduates end their schooling, how can you not think back to the first day that you took

them to school? Back then, who could have dreamed that this day would ever come? And back then, did we really think time would fly so fast?

I know exactly how you feel, especially today, because, in just a few moments, my own daughter is graduating too, from Yale's Jonathan Edwards College, which is holding its graduation across Beinecke Plaza. And so, in a moment, I must leave for her graduation and turn these ceremonies over to my friend and colleague, Deputy Dean Jon Macey.

But I cannot just leave without telling you something from the heart. You, the Class of 2008, are very special to me. You came of age after September 11. You were admitted in my first year as dean. You started while Hurricane Katrina raged. We hiked Sleeping Giant together—twice. And in between, we have spent many hours together, both in and out of class.

In the last three years, you ran conferences on rebellious lawyering, Access to Knowledge, Ms. JD, Graduate Works in Progress, and the 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 Workers Rights and Immigration Clinic, the Supreme Court Clinic, clinics on Education Adequacy and Domestic Violence and the San Francisco Affirmative Litigation Project. You persuaded Yale to divest from Sudan and Allied Universities to seek essential medicines for AIDS victims. You applied for jobs and clerkships, you competed in Moot Court and Barristers Union and you celebrated 40 Nights. At a time when politics in America had lost its civility, your American Constitution Society and Federalist Society chapters co-sponsored events together, and at the Law Revue, you made hilarious fun of your faculty and your Dean.

While all this transpired, some of you lost loved ones, got married, and gave birth to children. And today, here you all are, together again one last time. So Class of 2008, 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. You have kept this place 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 competed with one another—very hard—and supported one another—very well. You have confronted one another and comforted one another. 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.

Over these last few years, you've heard many words from me. Some of them, I hope you will take to your graves: like "federal courts are courts of limited subject matter jurisdiction." By the way, if that comes as news to any of you, let me tell you now that "federal courts are in fact courts of limited subject matter jurisdiction." Who says you don't learn any law here at Yale Law School?

You may fear that there is a lot about law that you have not learned, and you know what? You are certainly right. But in fact, everything really important about life and law you have already learned here:

How should you live your life as a lawyer?

You find your friends in small groups.

If you have to, scramble.

Don't worry about how others grade you. Instead, just do your best: it's the most that you can do; it's the least that you can do.

Please remember that the role of lawyers is to be leaders.

That accomplishment alone, without humility, is tragic; and that excellence alone, without humanity, is worthless.

Don't forget to work for those who need you the most because it is the duty of the most privileged to serve the least privileged.

And please, never ever let your skill exceed your virtue.

In the years ahead, your clients will not be just those who pay you. Your clients will include the integrity of the law itself.

So please learn two phrases: first, "I don't know." If you don't know, say so. In the next few years, you will often not be sure. Don't fake it; be honest and tell the truth. Not knowing is no embarrassment. You will find out and give the right answer soon enough.

And please remember a second word: "No."

All lawyers want to tell their clients yes. What is harder is to tell your client no. We have all learned about two groups of Justice Department lawyers, both of whom included Yale Law School graduates. One group was asked to approve an illegal program, at the hospital bed of an ailing Attorney General. Their answer, and the Attorney General's, was simply "No."

Another group of Justice Department lawyers was asked to write a legal opinion authorizing American officials to torture detainees. Their job was to say no. It is illegal and it is wrong. Instead, they answered, "here's how." That was the wrong answer. So may The Force be with you, yes, but please never let it take you to the dark side.

After the grandeur of today's ceremonies, most of you will start studying tomorrow for the bar exam under the benign instruction of DVDs and IPODs across America. As you focus on clearing this one last hurdle, you may find yourself distracted by bigger things: the economy, the environment, the presidential election, and the war in Iraq that has made today's Memorial Day so poignant.

More than any class I can remember, you are becoming lawyers in a time of transition. If the period from the fall of the Berlin Wall to the fall of the Twin Towers marked the Post Cold War era, and September 11 to the present marked what some have called the Age of Terror, the next ten years will be what I call the "Interconnected Age," Globalization 2.0, if you will. In Globalization 2.0, all issues will connect to one another—the economic, the political, the military, the environmental—and all of them will connect to law in unexpected ways.

You become lawyers at a time of challenges to freedom around the globe: in Zimbabwe, in Burma, in the Middle East, right here in the United States of America. As Tom Friedman of *The New York Times* recently noted, last year was by far the worst year for freedom in the world since the end of the Cold War. Almost four times as many states declined in their freedom scores as improved. And among the least democratic countries in the world are those who derive most of their revenues from oil. So as the price of fuel rises, and with it the price of food and housing, we will need to cut our reliance on fossil fuels, not just to save money, not just to protect the environment from global warming, not just to promote our national security, but to promote the rule of law and reduce our dependence on the lifeblood of dictators that weakens democracy worldwide.

At Class Day yesterday, Britain's Tony Blair told the graduating class that like it or not, you are the Global Generation, so you must learn to be global citizens. If there is one issue that I would ask you to devote yourselves to in the years ahead, it is that timeless challenge first put to us in the Gettysburg Address: "that we here highly resolve that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, and for the people, shall not perish from the earth."

Let me close with a final request. Today, you understand more acutely than ever before, the difference between knowledge and wisdom. For years, as you have grown in knowledge, you have sought wisdom from others. But today is the day, after years of seeking wisdom from others, to start finding it in yourselves. In the years ahead, please trust the wisdom you find inside

you. Remember your values, the values that got you here, and that got you through. And as you leave here, please remember why you came.

Good luck, Class of 2008!

I love you. I envy you. I expect so very much from you.

Godspeed and God bless you!