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# Yale Law School Commencement Ceremonies May 25, 2009 Kate Stith, Acting Dean

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*Yale Law School*

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*Yale Law School Commencement Ceremonies*

*May 25, 2009*

*Kate Stith, Acting Dean*

Members of the Class of 2009, members of the faculty and staff, family and friends – welcome, all, to the Yale Law School Commencement ceremony.

This is a great day. Graduation day! We are here to celebrate the graduation of these immensely talented and wonderful students. These students who have come to us from 44 states and 26 countries. These students who will soon be entering into private and public service throughout this nation and throughout this good earth.

But before we talk about the graduates, I want to speak about three other groups of men and women -- without whom some in caps and gowns would not be here today.

First, we should take note that while this is Graduation Day at Yale, it is also a day of solemn national remembrance: Memorial Day. First proclaimed in 1868, Memorial Day became (by the early 20<sup>th</sup> century) a day to commemorate all the courageous men and women who sacrificed their lives fighting for their country. In the ensuing years, Memorial Day has

become an occasion also to thank and console their comrades-in-arms, as well as the families and loved ones of those who died in battle —indeed, it has become a day to thank all the veterans of our nation’s armed services. This includes several members of today’s graduating class who have proudly served our country (or who plan to serve) in war and in peace.

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I now ask you to join me in a moment of silence in remembrance of those who have given their lives in military service to our country. In their memory, we rededicate ourselves to the ideals for which they died.

[10 seconds of silence]

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The themes we associate with Memorial Day -- sacrifice, service, community, gratitude, and commemoration -- are certainly apt for this Commencement ceremony.

As we sit in this courtyard at the center of our School’s life, and at the end of your time here, it is fitting that we begin our ceremony by honoring the place where community, service, and sacrifice began for all of you: in the bosom of your families. You, the families of our graduates, have guided

these extraordinary men and women throughout their lives. We appreciate the values of learning and of service that you instilled in them long before they arrived here.

To all of the family members and friends who are gathered here: We are grateful for the support that you have given these talented students as they poured so much of their hearts and souls into their academic activities here – their classes; their conferences; their representation of clients in our clinics; their work on journals, the Barristers’ Union and the moot courts; their mentoring of new students at the School; their late nights gathering data and debating theories and policies; their entrepreneurial success in creating new student organizations, reading groups, clinics, and programs; and, not least, their examinations and papers.

We know that the great effort and long hours these graduates have devoted to their law school education bespeak also the great effort and long hours that their families and friends sacrificed to make these commitments possible. So, mothers, fathers, grandparents, sisters, brothers, partners, husbands, wives, children, godparents, aunts, uncles, cousins, and so many wonderful friends: We thank you, and we congratulate you for your part in making today *graduation day* for your special loved one! Graduates, please

stand and join me in expressing gratitude to those closest to you who have supported you, from infancy through this day. (Applause)

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There is a third group of people, some of whom are here, who have been indispensable during your law school years. A great institution of learning attracts unusually gifted persons in all aspects of its operation. These individuals have worked alongside you and other students here at the Law School, and most of them nominally have today “off” from work but nonetheless have come to watch you graduate. I refer, of course, to the women and men who gently made sure that we faculty finished our letters of recommendation for you, and then “merged” and mailed them; the men and women who rescued your computer from certain death and who taught you how to navigate our extraordinary library; the people who prepare and serve the unusually tasty and wholesome food in our dining hall, who clean our hallways, who help you find library books, who make sure your journals are actually published, and who lock the doors at night. We thank these devoted and invaluable members of the Yale Law School family.

And I want to recognize in particular some individuals whom most of you know well. First, Dean Asha Rangappa and her staff in the admissions

office, who put your files together and made sure that each was read by three faculty members, and Patti Barnes and her staff, who kept your financial aid coming.

We recognize also Sharon Brooks, Dean of Students, and Toni Davis, Dean of the Graduate Program, both of whom will come to the podium later in this ceremony, who between them helped virtually all of you through thick and thin during your time here as students.

We must recognize Dean Mike Thompson, who protects you in ways you may not even realize and without whom this Law School literally could not function.

We recognize the talented and tireless Megan Barnett, who is our Dean of Academic Affairs and, for your last semester, has also been the Acting Dean of Finance and Administration.

We also recognize our outstanding Registrar, Judith Calvert, who made sure you met the requirements for graduation and who is also the stage-manager-in-chief for today's ceremony.

*I* recognize especially Georganne Rogers who, with the aid of Marianne Dietz, Beth Barnes, and Carolyn Poole, runs the best dean's office in the country. There are those here on the dais who would say, with good

reason, that it is Georganne Rogers who actually runs the best *Law School* in the country.

Finally, we recognize the faculty, my colleagues – who read your application files and decided they wanted you to be their students; who learned *with* you and *from* you; who challenged you and who, by challenging you, taught you the most important lesson of all: that when you don't know the answer, admit it and then work hard to figure out the answer, (if there is one).

This is the faculty that, as previous deans have reminded us, is “by acclamation the most influential faculty in the American Legal academy.”

These accomplished and influential scholars will be spending the coming days grading your final exams and papers, so that the contingent agreement that President Levin and I made this morning can be executed – WHEN you have been recommended by the faculty, your degrees SHALL be conferred.

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Let me end these introductory remarks by noting something unusual and special about today's graduation. Every year the graduating class chooses a Commencement speaker. The choice is entirely theirs. This year

is the first in my 24 years on the faculty that the graduates have chosen as their speaker the Dean of the Law School. That person is, of course, Harold Hongju Koh. This is a great choice. This is the best choice you could have made.

In March of this year, when President Obama nominated him to be The Legal Adviser at the State Department, Harold relinquished his decanal activities in order to devote himself to the task at hand. I shall have more to say about Harold later in the ceremony. For now, I simply want to congratulate you for ensuring that the person who has been your dean throughout your years at Yale Law School is with you at Commencement and will be able to share with you – as he has shared with other graduating classes – his wit, his wisdom, and his humanity.

It is only fitting that, when we call each of your names to ascend to this dais later in the ceremony, Harold will be the person who is photographed congratulating you. I will stand just beyond Harold, and I, too, look forward to congratulating each of you.

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Introduction of Michael Graetz: It is a tradition at the Law School to invite professors who are retiring at the end of the academic year to speak at the



outset of our graduation ceremony. This year Michael Graetz has accepted our invitation, for which we are grateful. Michael is a great scholar, a great teacher, and a warm and devoted friend. He is the Justus S. Hotchkiss Professor of Law, and he is retiring this year after more than a quarter-century on our faculty. It is our good fortune that Michael, like other emeritus professors, has decided to become a professorial lecturer at Yale Law School. So he will be teaching and supervising students here on a part-time basis next year and, we hope, for many years to come.

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Introduction of Toni Davis. Most of the people in the audience are here to commemorate the graduation of a J.D. student. The J.D. is the degree that most of our graduating students will receive. But in addition to our J.D. program, we have two graduate degree programs at Yale Law School.

This year 28 students will receive the degree of Master of Laws – an LL.M.; each of these students has already received an initial degree in law and has studied here for the past year, taking a full complement of courses and working closely with faculty members, to meet the requirements of the this degree.

We also have a handful of students who will receive the degree of Doctor of the Science of Law – the J.S.D. These are students who previously received an LL.M. degree at Yale Law School and who went on to write a dissertation under the supervision of our faculty, a dissertation which must constitute a “substantial contribution to legal scholarship.”

To present the candidates for these advanced degrees in law, I call upon their advocate, friend, and Dean: Toni Hahn Davis.

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Introduction of Sharon C. Brooks. Every year the Yale Law Women present an award to a staff member who has given exceptional service, beyond the call of duty, to all of the students of the School. The person who received that award a month or so ago well deserved this recognition. I was fortunate to be present at the award ceremony. There I witnessed the testimony of several students who gave personal accounts of how this colleague had helped them in matters of surpassing importance and in matters routine. These students spoke for all the students of the School. As it happens, the person who received this Yale Law Women’s award is also the person whom I now call upon to present the candidates for the degree of Juris Doctor – our incomparable Dean of Student Affairs, Sharon C. Brooks.

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Introduction of HHK (graduation speaker)

Harold Hongju Koh, the son of immigrants who came to this country to ensure a life of opportunity and freedom for their children, is a distinguished teacher of civil procedure and an eminent scholar of international law and transnational jurisprudence. All of us are grateful for his extraordinary teaching and scholarship for the past 24 years, and, especially, his passionate and energetic stewardship of the Law School for the past five years as Dean.

As I mentioned at the outset, President Obama has nominated Harold to be the Legal Adviser of the Department of State – the top lawyer at the State Department and thus the most important international lawyer in our government. This is why he is leaving us now – or, more precisely, why he will be giving up the deanship and embarking on a public service leave from his professorship at the Law School. This is an important distinction. Harold is not leaving. He is going on leave. And this will be his second public service leave; during the Clinton Administration, Harold served for

two years as Assistant Secretary of State of Human Rights, Democracy and Labor.

We wish Harold the best in his new position at this important time in our nation's history. We look forward to his Olympian-rank service, once again, to our country.

For my part, it has been a pleasure and a privilege to work with Harold, publish with him, teach with him, and also to know him as a close friend. He is an outstanding scholar; a challenging *and* beloved teacher; a champion of the rule of law and of human rights; and a compassionate and insightful adviser to countless colleagues and former students around the country and around the world.

At the same time, we already feel the loss of his boundless energy, his invigoration of so many parts of the Law School, his commitment to the public interest, and his advocacy for a legal profession committed to service to others. We are thus most pleased that the graduating class has chosen Dean Harold Koh to give the Commencement Address today.

As those who don't already know him will soon observe, Harold is also an enthusiastic and powerful communicator, and he has strong and

considered views about many subjects, both momentous and seemingly commonplace. During his deanship, he proudly kept the whole Law School community informed of the achievements of its individual members, often by emails time-stamped 4:12 a.m. or thereabouts. And he never missed an opportunity to try to solve whatever problems came to his attention. I know no one more generous in times of personal need, or institutional need. When the economic crisis came upon us this year, he masterfully and transparently explained how these events might affect the Law School – reassuring us that the Law School would remain strong and vibrant, and bringing us closer together as a community.

It is my honor to introduce to you your dean, our dean, Harold Hongju Koh.

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Introduction of William Drayton:

Bill Drayton is a social entrepreneur. By the time he graduated from Yale Law School in 1970, he had already launched a service organization at his undergraduate institution, Harvard, while here at the Law School he had created Yale Legislative Services, a student group that provided analytical, drafting, and other services to legislatures across the Northeast.

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Upon graduation, Bill joined McKinsey and Company, where he served clients in both the private and public sectors. There he also developed an abiding interest in the ways that organizations work.

The defining moment in his career came in 1980, when he created Ashoka: Innovators for the Public, named in honor of a leader from the third century B.C.E. on the subcontinent of India, a leader who dedicated himself to social welfare, tolerance, and economic development. Bill has been able to devote himself entirely to Ashoka and other reform organizations since 1984, when he won a MacArthur Fellowship.

Ashoka seeks out entrepreneurs throughout the world, and provides these men and women, known as Ashoka Fellows, with a living stipend for two or three years while they build new institutions to pursue economic development, social awareness, environmental progress, health, and human rights.

When asked what a “social entrepreneur” is, Bill once explained it this way: “Social entrepreneurs are not content to give someone a fish, nor even to teach someone how to fish. They will not rest until they have revolutionized the fishing industry.” From a handful of fellows selected in India in 1981 on a budget of less than \$50,000, Ashoka now counts 2600

fellows in more than seventy countries, and has an annual budget of some \$35 million.

In 2005 we awarded Bill Drayton the Yale Law School Award of Merit, our highest alumni honor. We are pleased that today the University of which we are a part has awarded Bill its highest honor. I will ask the audience to stand to recognize this graduate of whom we are so proud, and ask Bill to then say a few words.

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### Closing

We began this ceremony on a note of remembrance, honoring those who dedicated their lives in service of our country.

Now we invoke not memory, but the promise of the future. Each of you has served and enriched this community during your time here by contributing your intellect and energy to classes, clinics, and scholarship. In all that you have done, you have shown a commitment to Yale Law School's high ideals and to the rule of law.

But this is only the beginning of your careers in the law. Your work begins in earnest now. Your most important accomplishments lie ahead of you. We who remain at the Law School, and the family and friends who

join us today, look forward with eager anticipation to learning of your contributions to your profession and to the life of our country, and to other countries and organizations that span the globe.

On this stage this afternoon, and at the University Commencement this morning, you have seen many ways in which one can pursue the highest ideals. Here at Yale Law School, some of us enter careers in public service, offering our talents to the government or to the non-profit sector and to the search for knowledge in the academy. Others discover or create other ways to serve—as entrepreneurs, writers, and even as teachers in high schools and grade schools. And many of you will enter the private practice of law now or in the future.

Let me pause here to underscore the self-evident fact that the graduates who will play a role in ensuring the public interest and the rule of law are not limited to those who serve in government or in non-profit organizations. That is good and important work – do it if you wish and if you can. But the *public interest* is not so narrowly defined. At Yale Law School, we reject such a cramped view of the public interest, such a limited understanding of the role of lawyers in a democratic society. Those who enter the honorable practice of law in any organization, public or private, contribute to the public interest, broadly and properly understood, by



advising clients on how to conduct their affairs within the law, and by counseling them how to do so in a way that causes the least harm.

You are entering a profession, and a world of commerce, that are changing rapidly – and in ways that few now can fully understand. But we do know that you have the ability, the education, and the ambition not just to successfully navigate the world of law and legal practice as they evolve in the future -- but actually to influence their evolution. We look forward to the better profession, and to the better world, that you will help create.

We also look forward to your return to the Law School in the years ahead, to share with us, and with the students of the future, your insights and your achievements. In body and soul, to the very marrow of your professional life, you will always be part of the fellowship and community that is the Yale Law School. I encourage you to cultivate and to celebrate your membership in this extraordinary community in the years to come.

Our ceremony is now concluded. We continue our celebration with a champagne reception. Ave Atque Vale: Hail and Farewell.