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Commencement 2010

Dean Robert C. Post Remarks

It is now my great pleasure to welcome all of you, distinguished guests, faculty colleagues, families, friends, and members of the graduating class, to the 2010 Commencement Exercises of the Yale Law School.

We gather today to celebrate a moment of consequence in the lives of 196 JD candidates, 23 LLM candidates, 1 MSL candidate, and 2 JSD candidates. When these 222 individuals finish their academic requirements, when the final staple goes through the final paper, and when the last examination is at last graded, they will be, quite simply, the finest new law graduates on the planet.

All the music, all the marching, all the medieval badges, robes, and ceremony that surround us this day, are meant to mark this single, decisive moment of high transition in the lives of these 222 graduates. As with all such moments of transition, it is an occasion both to take stock of the past and to assess the bright but inscrutable future that lies before us.

If we gaze backwards to the past, we can see that there is a long and winding pathway that has led to this graduation. Members of the graduating class have had to accomplish a great deal to arrive at this moment.

It is important to stress at the outset that these accomplishments, however heroic, are not those of our graduates alone. Behind each and every one of our graduates is a story of family and friends: of parents who nourished and sacrificed, who hovered and let go; of grandparents, uncles and aunts who supported and sustained them; of brothers, sisters, cousins, and friends, who stood by them and with them; of spouses and loved ones who strengthened and inspired them.

The real education of our graduates was earned long before they arrived here at the Yale Law School. We are latecomers in their lives, and we have had them in our care only for an instant.

So, as we call to mind the past that has brought our graduates to this precious time, let us remember first and foremost those who truly made this moment possible. Would the families and friends of the Class of 2010 please rise, so that those assembled here today can honor you?

Let us honor also the faculty of this law school, who sit before you on this stage. It has been their responsibility to educate you, members of the graduating class, in the many intricate ways of the law. On this stage is, by common acclamation, the finest and most influential law faculty in the world. They have worked hard to give you a sense of mastery, so that the law might feel, in your hands, intelligible, familiar and responsive. They have offered you their passion for the study of

the law, and in the process they have forever altered the horizons in which you shall sail forward into your life. Let us now, as they are assembled here altogether, thank them also.

We might take this moment also to thank those many members of the Yale community who have worked so hard to make your sojourn among us comfortable and secure. They have rescued your computers, piloted your forays into our remarkable library, maintained this gem of a building, staffed the indispensable dining hall, mailed out your many letters of recommendation, and performed a myriad of other services, of which you might or might not be aware.

I want to give special thanks today to Associate Dean Mike Thompson, whose inventiveness and attentiveness and sympathy for every concern, large or small, keeps this complex place running smoothly; to Associate Dean Sharon Brooks, whose endless good cheer and good advice has benefited every student here; to Associate Dean Toni Davis, whose tender care for the Graduate Program has been made us all stronger; to Associate Dean Megan Barnett, whose talented and tireless enterprise has benefited many of you in the audience; and finally to our devoted and patient registrar, Judith Calvert, who has organized this day and who works harder than any of you can imagine to make sure your requirements are fulfilled so that, in fact, you will be able to graduate.

Thank you all.

When you, the Class of 2010, first arrived in New Haven, my great predecessor, Harold Koh, asked that you look to the right, and look to the left, and see there not your competitors but your friends and companions, your neighbors in the community of the Yale Law School. Over the past years you have studied with your classmates; learned from them; broken bread with them; partied with them; accomplished great things with them; depended upon them; dreamed with them. They have helped you reach this day, and they will be with you long into your bright future. They are among the most precious gifts that you will carry away from this place.

So now, in this instant, you should take a moment to appreciate each other and to breathe in the sweetness of being here, all together, for one last time. This is not a moment you will forget.

Not all those with whom you began this journey can be with you here today. Joey Hanzich was a member of the Class of 2010, but he tragically died early on his journey. Each year you have held a tribute to Joey, and the Law School has established a permanent Joey Hanzich 2010 Fund. On this day, we welcome Joey's family—his parents Dorian and Laura, his brother Ricky, and his aunt Darlene—as well as their friends, who have come to celebrate with you the graduation of the class of 2010. To the Hanzich family I say: Thank you for coming. You make this day complete. We shall always miss Joey, and we shall always carry him with us. I ask now for a moment of silence in remembrance of Joey.

Moments of transition, like this, hang suspended between past and future. They are comforting, because they are familiar; they culminate all that has gone before. But they are also bittersweet,

because something must end in order for change to take hold. In every ending is the challenge of a new beginning. Moments like this are therefore charged, in part with the excitement of new creation, but also in part with the vague disquiet of the unknown.

Your future is without doubt bright. You are now equipped with one of the great degrees in legal education anywhere in the world. You have acquired magnificent friends and astonishing peers. You have been trained by masters. And you have earned the support of a school that will stand by you throughout your careers.

And yet, of course, in the nature of things, the future is uncertain. And I can't help but think that this uncertainty may resonate with aspects of your collective history. For you, the Class of 2010, came of age in the fires of 9/11, which incinerated our hopes for a peaceful and new world order that could attend the end of the Cold War. And you, the Class of 2010, have also endured tumultuous and historic economic disruption. When most of you first came to this Law School in Fall 2007, my guess is that very few of you were apprehensive about the economic future of the legal profession. But then, of course, all hell broke loose.

Beginning in your first year, in December 2007, and accelerating abruptly in your second year in Fall 2008, the stock market collapsed, Lehman Brothers went bankrupt, credit froze, and our economy went into free-fall. Legal institutions were swept into this maelstrom. Between December 2008 and December 2009, about 43,000 legal sector jobs were lost. The 138 largest United States law firms laid off over 12,000 people in 2009. Overnight, large distinguished firms that had been pillars of the legal establishment simply disappeared.

We are grateful that Yale Law graduates have emerged from this tempest largely unscathed. You in this courtyard are among the lucky few who are equipped to navigate this fierce storm with relative impunity. But the harsh economic weather must, nevertheless, weigh on your minds.

The world into which you now graduate is not the same as the world from which you entered this Law School. And this shift cannot help but color your expectations on this otherwise splendid day. I thought, therefore, that I would say a few words at this time about how you might face a future that continues to shift like a kaleidoscope into ever new and unpredictable patterns and shapes.

One of the great American poets of the last century was Wallace Stevens (1879-1955), who lived here in Connecticut and who practiced law throughout his life. He once wrote a poem that he called *An Ordinary Evening in New Haven*. That poem is an extended meditation upon the original meaning of the name of this city. This place was called "New Haven" because it was meant to be a new refuge, a new sanctuary for the righteous and for the godly. It was meant to be a shining beacon within a hostile New England wilderness.

Stevens writes that if we want to make our own lives into a "new haven," we must meet three conditions. First, we must not fade into what he calls "the anonymous color of the universe." We

must instead grapple with the vivid but stubborn facts of life. We must penetrate, he says, “Straight to the transfixing object, to the object / At the exactest point at which it is itself.”

It takes great discipline to face down reality in this way. Yet we can not rest satisfied with such discipline. This is because we cannot allow ourselves to be dominated by whatever reality our most critical and piercing analysis reveals. A second condition for creating a haven, therefore, is that we must always be alive to the immanent possibility of transforming reality. Stevens writes that we must envision the world around us populated with things seen and unseen, created from nothingness,

The heavens, the hells, the worlds, the longed-for lands

Stevens here is making the same point as Oscar Wilde once did, when Wilde remarked that “A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing.” Without constant recognition of the Utopian potential for improvement, we will be condemned to inhabit a world that is merely dreary, anonymous and fateful.

So, on the one hand, we must see things as they actually are, etched with acid fidelity to the facts. And yet, on the other hand, we must always also imagine things as they might be.

The third condition Stevens sets forth is perhaps his most subtle. It is that we must negotiate this tension between reality and imagination not merely in singular, unique moments, not merely in special distinctive occasions like this graduation, but in the mundane details of prosaic, quotidian life, which Stevens calls the “commonplace.”

Stevens writes that you can make your own life into a New Haven, into a refuge and sanctuary that is vivid and significant, only if you are willing to transform the commonplace practices of your everyday life. That is why he entitles his poem an “ordinary” evening in New Haven. What matters most is what you do day in and day out. Special occasions, unusual crises, decisive turning points, these are of course important, but ordinary life, everyday life – that is what really matters if you wish to create a haven for yourself in this world.

These are three lessons that we have tried to teach here, in this little corner of New Haven. We have educated, trained, and disciplined you to face down the facts; to know how reality works, and never, ever, to blink at what you see and what you know. Yet we have also simultaneously sought to impress upon you the endless, glowing possibilities of transformation that always inhere in the practices of law. We have continuously urged you never to lose sight of the “The heavens, the hells, the worlds, the longed-for lands.”

We have done this so that you will not rest content with the flawed institutions you will certainly find when you leave these walls. We have done this so that you will not lose sight of the utopian and dystopian possibilities that will constantly attend everything that you do after your

graduation. And we have done this so that, in your everyday adult life, you will have the pleasure and the responsibility of being always aware and alert and vividly alive to the potential of reshaping law, so that the law might become a more adequate instrument for your ideals and principles.

The essence of your education here at Yale in New Haven—what I think makes us absolutely distinct among educational institutions anywhere in the world—is our unrelenting effort to empower you with both the knowledge and the confidence to remake legal institutions. Over the past years, we have persistently encouraged you to work together with your instructors and your classmates to imagine and to build legal institutions. We have trusted you to envision these transformative possibilities, because we have entrusted you with our future.

This trust that we have given you is a gift that comes with a price. That price is not merely your tuition; it includes also an obligation to use the benefits of this education to improve the public good. You are now trustees for all those who wanted to be here but could not come. Indeed, you are now trustees for everyone who cares about the law and about our nation. You have the obligation to put to good use the invaluable lessons you have learned here. And this debt can best be discharged if, after graduation, you inhabit the daily routines of your professional life with capacity, imagination, moral compass, and courage.

We know that you will repay our trust. You have already accomplished dazzling feats. While you have been here, you have never faded into the anonymous colors of the universe. We have watched with pride as you have acquired the discipline and competence to remap the geography of the law. And we are so happy now to be sending you out into the world as persons who know how to go “Straight to the transfixing object at the exactest point at which it is itself,” and yet who know also how to refresh the law and to make it responsive. It is a great satisfaction to us to witness you inhabiting this tension in your daily engagements with the law.

Make no mistake. After this graduation, you will be tested. As Stevens writes,

Life is a bitter aspic. We are not

At the center of a diamond.

But what I invite you to consider this day is that the flaws, the risks, the dangers that lie before you in the future—these are simply the raw materials out of which you will fashion your own new worlds. Our wish for you is that you may possess the self-respect to fashion extraordinary things out of your ordinary lives. To do this, you do need not be confident about what events might bring, but you do need to be confident in your own capacity to master events and to respond to them with grace and intelligence. That is the point of the education you have received here.

Among the responsibilities that accompany the law degree with which you are now invested is fidelity to the rule of law. This fidelity must be a fixed and permanent point in your moral compass. It will require you always to take the long view, never the short view. It will require you to remember that when law is severed from competence, it cannot long survive; but that when law is indifferent to justice, it becomes an abomination. It will require you to seek within the law the fundamental principles and values upon which the historical integrity of the nation depends, and it will require you to maintain faith with these principles and values. It will require you to conserve one of civilization's great achievements.

Because when you leave here you will become leaders in your chosen fields, these responsibilities will not lie lightly upon your shoulders. You will no doubt face many insoluble problems. But it is the wish of all your teachers here that you may encounter the unimaginable adventures that lie before you in the years to come with the same verve and intelligence, with the same unfailing self-respect, with the same moral courage, with the same pleasure and delight, that you have displayed during your time here among us.

We hope that you will follow the dreams that have grown strong within these walls, so that you may make whatever corner of the world you choose to inhabit, your own, unique, New Haven.