

**FYI** – Fall 2006 1L Welcome Address

It is my pleasure to extend a formal welcome to the class of 2009, and to congratulate you on finishing Legal Methods. As I thought about what to say to you, I realized that this occasion has special significance for me. My mother, Hazel Gerber Schizer, was a member of the Class of 1959 at the Law School, and it is now fifty years since she and her classmates sat where you now sit, thinking of the three years that lay before them.

**I. A Tradition of Leadership**

Fifty years ago, the Class of 1959 probably felt very much like you feel now – fortunate to have been admitted to this very selective school, curious about their classmates, maybe a little bit insecure, and, of course, excited by the challenge of it all.

Like you, they were also focused on the world outside the four walls of this school, a world capable of inspiring both profound fear and profound hope, just as it does today. My mother's generation was born during the Great Depression. Sometimes my grandparents worried that there would not be enough to eat. The horrors of World War II and the Holocaust were still a recent memory; indeed, the President of the United States at the time was Dwight Eisenhower, who had commanded the Allied invasion at Normandy. (By the way, he also served as President of this University, which, as any academic administrator will tell you, may well have been a more difficult job.) It was useful having a general in the White House, since the Soviet Union had a massive army in Eastern Europe, and also nuclear weapons and rocket technology that threatened to devastate the West.

Even so, people took things day to day and tried not to focus on what they couldn't control, just as we all do now in our post 9/11 world. They also knew that wonderful changes were emerging. The Supreme Court had just decided *Brown v. Board of Education*, a case argued in part by Jack Greenberg, who will teach some of you Civil Procedure. A new era of global prosperity was dawning and, along with free markets, the

United States was also nurturing free governments – in Western Europe and, eventually, all over the world.

As you can see, there was much to be excited about, and frightened about, in the fall of 1956, just as there is today. I am happy to report that, for the Class of 1956, things have worked out quite well so far. We trained them for leadership, and they have been amazingly successful, just as you will be. For example, Larry Wallace spent thirty-five years in the Solicitor General's office, arguing 157 cases before the Supreme Court, which makes him the second most active Supreme Court advocate in history. Harvey Miller is one of the most distinguished bankruptcy experts in the world. Indeed, another well respected bankruptcy expert once said to me, "Harvey Miller is one of the five best lawyers I know, and I don't know who the other four are." You can get to know Harvey because he teaches a very popular bankruptcy course here at the Law School.

I could go on all day about the men of the class of 1959 – senior partners at the world's most distinguished law firms, prominent corporate executives, judges, government officials, and academics – but I will focus instead on my mother's closest colleagues, the twelve women in her class. Think about what it must have been like to be one of twelve women in a class of 300, at a time when some members of the faculty did not think women belonged at Columbia Law School. My mother remembers being called on and beginning her answer by saying, "Sir, I feel." But a well known member of the faculty cut her off. "Miss Gerber," he said, "women feel, men think."

That generation of Columbia women had a singular blend of patience, determination, and, of course, talent. They achieved remarkable things. For example, Nina Appel became Dean of Loyola Law School; Audrey Goldberg was Vice President for Legal Affairs at Intercontinental Hotels; Marie Garibaldi became the first woman to serve as a Justice of the Supreme Court of New Jersey; Ruth Bader Ginsburg was also a member of that class. You know about her career as a women's rights advocate and U.S. Supreme Court Justice. You may not know that she was the first tenured woman to serve on the Columbia Law School faculty, and an expert, among other things, on Swedish Civil Procedure.

Another of Justice Ginsburg's contributions to Columbia is that her daughter, Jane, taught many of you Legal Methods. In fact, the Class of '59 is unique – it is probably the only class in the Law School's history to have three members whose children serve on this faculty. You already know about me and Jane. Many of you will study civil procedure with Suzanne Goldberg, whose father, Richard, was also in the Class of 1959. I wonder how many of you will have children on this faculty some day?

You can see that you have big shoes to fill. You are now part of a great tradition of leadership at Columbia Law School, and we expect a lot of you. These expectations are entirely realistic, in my opinion, given how stunningly credentialed you all are. We received 7,766 applications for your class, the most applications of any of our peer schools. You come from all over the United States – indeed, all over the world. You

have had a range of fascinating experiences already, and you will learn a great deal from each other while you are with us.

## **II. New York is Our Laboratory**

You will also receive the finest legal education on the planet. At Columbia Law School, New York is our laboratory. Our curriculum is as deep and diverse as our dynamic city. Whatever you want to study can be found here. New York is the financial capital of the world, with Wall Street and a battery of corporate headquarters just a few minutes away. As a result, we have had a leading business law program here for nearly 150 years, and it is getting stronger all the time. We are launching a new center on contract law and economic organization as a partnership with the business school; the head of this initiative is Bob Scott, a former Dean of the University of Virginia who joined the faculty this year, and will teach many of you contracts.

New York is a global media capital, and we have one of the strongest intellectual property programs in the world. You should be sure to take advantage of this while you are here, since intellectual property is of critical importance in the knowledge-based global economy of the twenty-first century. The technological changes we have seen are simply staggering – just in your lifetimes so far – and there obviously is much more to come. What legal rules are likely to generate the most innovation? How do we enforce these rules across borders, in a world in which innovation may occur in one country while production occurs in another? We already had a very strong intellectual property faculty with Hal Edgar, Jane Ginsburg and Eben Moglen, and we have reinforced that strength by adding three more IP experts in the past two years: Scott Hemphill clerked for Justice Scalia and has graduate training in economics; Clarisa Long has training as a research scientist; and Tim Wu, who is fluent in Mandarin, is studying the role of the Internet in China.

New York is also a center of civil rights advocacy, and social justice and human rights have always been at the core of our work at Columbia Law School. I have already mentioned Jack Greenberg and Ruth Bader Ginsburg, and their pioneering advocacy in courts for racial equality and women's rights. Likewise, Lou Henkin is a towering figure in the human rights movement. Following in this proud tradition, we have launched a new clinic on Sexuality and Gender, the first clinic in the nation to focus on gay rights. We are also developing a new initiative on racial justice, which will be a collaboration with leading civil rights advocacy groups. Olati Johnson, a new member of the faculty who will teach many of you civil procedure, is one of a group of faculty involved in this initiative. These two new programs share an important quality: their focus will not be solely on courts. Other decisionmakers – members of Congress, state legislators, and business leaders – also play an important role in promoting social justice. In this spirit, two other members of our faculty, Katharina Pistor and Peter Rosenblum, are launching a project on the global human rights movement and its efforts to influence multinational corporations. After all, persuading Reebok is not the same as persuading the European Court of Human Rights, and it is important to understand both forms of advocacy.

This brings me to another advantage of having New York as our laboratory. This is an international city – the host of the United Nations, a hub of global commerce, and a home-away-from home to people from all over the world. Like our city, this Law School has also always been international in population and perspective. One of the founders of the law school, Francis Lieber, began teaching comparative law here in the 1860's, during the American Civil War. We began training foreign graduate students during the 1880's. (To give you a sense of how long ago that was, think of the state of electric light bulbs in the 1880's.) Today, one in five of the students in the building come from outside the United States. We offer more courses on comparative and international law than any other school, and our faculty are leaders in the field. For example, Jose Alvarez was inaugurated the new President of the American Society for International Law. George Bermann was elected President of the International Academy of Comparative Law, Michael Doyle was named to the Board of the UN Democracy Fund, and Lori Damrosch continues her responsibilities as editor of the American Journal of International Law. Also, take a look at the trophy on display in the lobby. Our students won the Jessup International Moot Court competition last year, beating out 550 other teams. It was the first time in sixteen years that an American team won. You should take advantage of this unique strength of Columbia. Over the course of your careers, the world will grow increasingly smaller, and the scope of your expertise will have to grow correspondingly larger. In whatever you do, a global perspective will be essential.

Because New York is our laboratory, our faculty can engage with cutting edge issues. They serve in government, on boards of directors, as expert witnesses, on bar committees, and as public intellectuals. This means that research and teaching at Columbia is more rigorous because it is more grounded in the chaotic reality of the law.

I could spend hours giving you examples, but as a way to narrow it down, I will focus on a particular subgroup of our faculty – four of our criminal law experts – during a one-month period this summer. For the third time, Jack Coffee was named one of “The 100 Most Influential Lawyers in America” by the National Law Journal. In the same month, the Supreme Court issued an opinion called *Hamdan v. Rumsfeld* striking down the military commissions that had been set up to try suspected terrorists. George Fletcher wrote an influential amicus brief, endorsed by four of the five Justices in the majority, arguing that the sole charge against Hamdan -- conspiracy to kill civilians -- is not recognized under the international law of war. Again, during the same month, Jim Liebman was featured prominently by ABC News and the Chicago Tribune for finding a case in which an innocent man may have been executed. Jim and a team of our students identified another man who bears a striking resemblance to the defendant, had a history of committing similar crimes, and repeatedly admitted to friends and family members that he had committed the murder. Finally, Debra Livingston was nominated to a prestigious judgeship on the U.S. Court of Appeals for the Second Circuit.

Another great advantage of having New York as our laboratory is that we can bring the world into our classrooms, and we can bring our classrooms out into the world. For example, Ed Morrison, who will teach many of you contracts, hosts a number of leading bankruptcy experts in his classes on corporate reorganizations. He is also helping

to organize a roundtable in October about the way hedge funds have transformed the bankruptcy process. In classic Columbia style, the conversation will include not just legal academics, but also economists, investment bankers and legal practitioners. Similarly, Susan Sturm, who will teach many of you civil procedure, teaches a course called “Theory & Practice of Workplace Equity.” She asks each student to study a different company or nonprofit, focusing on the processes they have in place to curtail discrimination. Like management consultants, they interview people at various levels of the organization and write up a report evaluating its approach. What you can see, then, is that from the minute you arrive here, you are not just training to be a lawyer; in a sense, you already *are* one, and you should think of yourself that way.

### **III. A Time of Intellectual and Personal Growth**

You are in for a period of explosive intellectual growth. For example, how many of you feel at ease stating your views orally, and making subtle distinctions without writing out your thoughts in advance? If you are like I was when I started law school, you are not at all comfortable speaking in front of a group. That will change here, and it’s a very important skill, whether you end up as an academic, a public interest advocate, or a movie producer.

We will also help you think more precisely about a problem. The Socratic method pushes you to figure out what you really think about an issue. Once you state your position, we offer a hypothetical that is meant to cast doubt on the position you took, forcing you to distinguish the hypothetical, and thus to be clearer about what you are really saying. For example, we might ask you whether you think preemptive war is an acceptable instrument of statecraft. If your inclination is to say “no,” perhaps based on your views of recent conflicts, we might then ask you whether it would have been wrong for the British and French to force a regime change in Nazi Germany in the early 1930’s, a step that could have avoided the deadliest war in history and the mass murder of millions of civilians. In response, you would want to distinguish the case of Hitler, thereby clarifying what sort of preemptive war you think is inappropriate. On the other hand, if you’d said initially that you thought preemptive war *was* appropriate – again, perhaps based on your views of recent events – we would ask you what you thought of Pearl Harbor, the Japanese effort at winning a preemptive war against the United States.

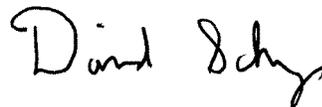
You will find that things sometimes are more complex than they first seem. It is not enough to decide what the right answer is on a given question. You have to think also about what precedent is being set. It may be tempting to help the underdog in a given case, for instance, but if we do it by adopting an irrational rule, who knows what harm that rule will do in a future case? You start thinking more carefully about the incentives that a given solution creates, and about the ways it can be abused. Process also takes on new importance. Lawyers don’t just think about what the right answer is; they also think about who needs to be involved in making the decision, about what steps need to be taken to develop a consensus or resolve a dispute, and so on. You also come to understand the ways in which process can influence outcomes. For example, it is a classic lawyer’s gambit to rely on process objections when the true objection is to the substance but the battle over substance is unwinnable.

Although we will train you to be more nuanced in your thinking, I want to be clear that nuance and moral ambiguity are not the same thing. There is still right and wrong in the world, and the most important quality you will ever have is to distinguish the two. This profession is full of temptation, because it brings with it a great deal of power. We are training you to be leaders and, as such, you will have considerable influence over other people's lives. You will also be in a position to advance your own personal interests. There is nothing wrong with that -- you are entitled to take care of yourself and the people who depend on you -- but you must be careful not to cut corners or to rationalize. At the end of the day, it is more important to be honest than prominent. Your integrity comes first. More than anything else, it defines you.

But, of course, many things define you. You will be a lawyer, to be sure, but you will wear other important hats as well: you will be a friend to the people you love; you may be someone's spouse or partner; and you may be a parent too; indeed, some of you are already. One of the greatest challenges in life -- and one of the greatest sources of joy too -- is to play all of these roles at once. This is hard because you have only so much energy and time. But your life will not be complete if you excel only at your profession. Don't feel as if you have to be serious all the time. Keep going to sappy movies, or loud clubs, or all-you-can-eat sushi buffets -- or whatever it is that makes your friends smile when they think of you. When he was about your age, future President Harry Truman, wrote to his fiancée that "when people can get excited over the ordinary things in life, they live." Take pleasure in the rhythms of everyday life -- in the comforts of air conditioning, your morning coffee, or the amusing thing your friend said before. Every day, try to do something you enjoy -- something just for you -- no matter how busy you are. And most important of all, be sure always to have friends and loved ones who share your life. This brings me to my last point for today. Remember that one of the finest things this school does for you is to introduce you to each other. As you look around this room, you see people who I hope will become your lifelong friends. So it was with the Class of 1959, and so it will be with you too.

Congratulations again on completing Legal Methods, and welcome to our Columbia family.

Warm Regards,

A handwritten signature in black ink that reads "David Schizer". The signature is written in a cursive, slightly slanted style.

David M. Schizer  
Dean and the Lucy G. Moses  
Professor of Law

**Some Brief Statistics for the Class of 2009:**

- Received 7,766 applications, more than any of our peer schools
- The LSAT scores of our entering class are the highest ever
- More than half the students scored in the 99th percentile
- The median scores increased to 172 (up from 171 in 2005); the top 25 percent scored 174 or higher (up from 173).