

Keynote Speaker: Mary Jo White '74

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Thank you, Janice, and thank you, the Class of 2017, for inviting me to speak today. As a graduation speaker, you always try to convey a few thoughts worthy of this important milestone, and the exciting future that each of you has before you. If the truth be told though, most of us don't remember who the speaker was at any of our graduations, or a single word they spoke.

Former Governor Mario Cuomo perhaps said it best when he advised humility. He said: "Commencement speakers should think of themselves as the body at an old-fashioned Irish wake. They need you to have the party, but nobody expects you to say very much." Good advice and, recognizing that I stand between you and the parties that will follow today, I will talk fast.

Seriously, it is a tremendous honor to be asked to return to the Law School 43 years after I graduated in 1974 and 18 years to the day since I addressed the Columbia Law School Class of 1999. Much of what I have to say to you today is not so different from my thinking in 1974 and 1999, although a lot has obviously happened to me and the world since 1974 and 1999.

As for me, I am in the 47th year of a great marriage and the 43rd year of a great legal career. I have a wonderful son and daughter-

in-law, both graduates of this law school, and more importantly, the parents of our spectacular 18-month-old granddaughter. I am also back for the sixth time practicing law at Debevoise & Plimpton, where I was a summer associate in 1973.

As for the world, it is a harder, more complex place in 2017. Civil and human rights have never been more at stake; the planet's continued existence is in jeopardy; free and untainted elections in the United States and other democracies are under assault by self-interested, hacking nation states; and the threat from global terrorism is even graver than when I spent nearly a decade as United States attorney fighting al Qaeda and Osama bin Laden, culminating in the horrific attacks of 9/11.

Pretty daunting stuff and lawyers will be involved in and needed for all of it. But where do you, as new lawyers, fit into the picture? The answer is—just about everywhere.

To explain, maybe the best place to start is with the informal title of my remarks: “Do the Right Thing: You Are Needed and Ready.” Don’t worry, I am not given to moralistic sermons. My message this morning is more grounded in the reality of the life you face as working lawyers, now that you are about to receive your law degree, (hopefully) about to pass the bar exam, and enter your first job as lawyers, most of you at large law firms where I also began and have spent half of my career.

When I urge you to do the right thing, I am advocating primarily two things. First, that you fully use your Columbia legal education, both as lawyers and as citizens. Doing so will include working hard and embracing the uncertainties you face today, without a script, for what is likely to be a 40- to 50-year legal career. Second, in whatever job you have, use as your north star your moral compass that should always be flashing to remind you to do the right thing, as you see it, no matter what the pressures may be to do otherwise.

Your life as a lawyer will not always be easy. You will not always win. You will at times be frustrated, and even heartbroken. That, too, is part of being a lawyer. You may have heard the stories of these three young lawyers:

- One lost one of his first criminal defense cases, and saw his client executed.
- The second lost a large, civil judgment and nearly saw his client forced into bankruptcy.
- The third young lawyer was himself tried and convicted of treason.

The names of these three young lawyers: Abraham Lincoln, Mahatma Gandhi, and Nelson Mandela. They were all to go on to greatness, but the road was never easy, and they were tested again and again. You will be too. But you have the tools and, I am confident, the sense of purpose and principle to meet every challenge.

A. Your Legal Education Has Prepared You Well

There were times as you sat in your classes when you undoubtedly questioned whether you had made the right choice in going to law school and wondered what you were really learning. The work was hard, the concepts often elusive and difficult.

I remember well the terror we all felt in my Class of 1974 of being called on and grilled by brilliant, and some would say a bit sadistic, professors. I remember, too, how inadequate we felt when we compared our fleeting glimpses of insight to the dazzling creativity, deep knowledge, and wisdom of the exceptional scholars and lawyers who have always been attracted to teach and inspire at Columbia Law School.

Certainly, in these ways and in the unsurpassed quality of a Columbia legal education, the Classes of 1974, 1999, and 2017 are much the same. But the Law School and the world in 2017 are also markedly different. Two of the most important differences are transformative changes in technology and greater diversity, both in the Law School and the legal profession.

My class of 1974 had only 45 women and 31 minority students; the class of 2017 has 196 women graduates (46 percent compared to 17 percent in 1974) and 34 percent of your class identify as a member of a minority ethnic group, compared to 12 percent in 1974. Students in both the J.D. and L.L.M. programs, including all 700-plus of you, increasingly come from all over the United States and nearly every country of the world; about 9 percent of your class identify as non-resident aliens.

Greater diversity greatly enriches your law school experience. It also dramatically enhances your ability to communicate and resolve disputes in the outside world—which is itself rich in diversity and in its spectrum of difficult problems where understanding and collaboration are essential.

Whether you realize it or not, even now as you graduate, you have been taught well and absorbed what you need to know to continue to learn and grow and function as a fine and high-minded lawyer throughout your career. You are imbued with a respect for the rule of law and fundamental fairness that will never leave you and which must, more than ever, be defended against those who would ignore or dilute these pillars of our justice system. You have also been expertly taught to analyze the facts of any

situation and to identify the range of possibly applicable legal principles that must be constantly drawn upon in representing clients.

Indeed, your professional career has been “jumpstarted” by what the J.D. or L.L.M. degree you receive today represents. The Columbia Law School diploma is uniquely respected throughout the world and gives you a presumption of excellence. The rest will be up to you. Do the right thing by making your legal education and your legal career count—to make the profession and the world a better place.

B. The Meaning of Being a Lawyer

While we are on the subject, what is this thing called a “legal career”? What kind of animal is this creature called “lawyer”?

Roscoe Pound, one of the towering figures of 20th century American jurisprudence and dean of the Harvard Law School, said this of the legal profession many years ago:

“The term [legal profession] refers to a group of men [thankfully, now women too] pursuing a learned art as a common calling in the spirit of a public service—no less a public service because it may incidentally be a means of livelihood.” (Emphasis added.)

What does it mean to pursue a legal career “in the spirit of a public service”? What especially does it mean for lawyers in private practice or who work in private industry?

At a simple definitional level, it means that all lawyering is a service business and that all lawyers serve at least some segment of the public—whether it be a Fortune 500 CEO or an indigent defendant. But “in the spirit of a public service” says much more by urging upon us as lawyers the responsibility to also work for the good of the public and for the constant betterment of the legal profession and society generally.



For lawyers in the public sector, the meaning of pursuing their profession “in the spirit of a public service” is pretty clear—working on behalf of the public interest. But what exactly does that mean? As an example, a public prosecutor, which I was for about 15 years, has the ethical responsibility of “a minister of justice and not simply that of an advocate.” That means to always seek justice—to do what is right—not merely indict and convict people. That broader obligation is critical to the credibility and fairness of our entire system of justice.

Although it is perhaps not as obvious, the private sector is also a place where lawyers do and should seek justice—sometimes for a paying client; very often, by doing significant pro bono work; and by always being a voice of justice within your law firm and with your clients.

The legal profession and lawyers are—whether we or the world like it or not—involved in nearly everything and every human drama of any significance. Sometimes, that means a leading role in a monumental turning point in our country’s or the world’s history: crafting, then implementing the Declaration of Independence; desegregating the South; participating in the Nuremberg war trials; combatting racial profiling or police brutality; or stopping the environmental pollution and warming that threaten us globally.

More often, being a lawyer means functioning closer to the ground: preparing a will for a dying client; drafting the deal documents to finance a hospital or shopping mall; helping parents adopt an abandoned child in a foreign country; going to our nation's airports to help immigrants caught up in a travel ban; or helping clients address the legal consequences of a massive cyber-attack. You can and will do great things, and small but important things, throughout your careers.

As for choosing a particular job, one size doesn't fit all and one size doesn't or shouldn't fit anyone for an entire career. Be open to new opportunities and don't be afraid to make changes in your career. Seize upon—grab—as many legal slices of life as you can that appeal to you. Spend time in both the private and public sectors.

Don't let anyone else's view of what is a good job—or not—dictate your choices. Listen to yourself—your heart as well as your head—and follow that internal voice where—and really wherever—it leads you. That is the right thing to do with your legal career.

C. Doing the Right Thing Sometimes is Hard

In whatever legal job you have, you will also be called upon to advise your clients to do the right thing. Sometimes, you will be pressured to do the opposite, whether by a client, political or media criticism, or because it is the easier path. I certainly confronted such pressures a number of times as U.S. attorney and chair of the SEC, when editorial writers and politicians loudly and quite stridently took a different view of what I should do on a particular case or policy issue. The pressure to go against what you think is right also occurs in the private sector, albeit usually less publicly, when another lawyer or your client tries to convince you of something you do not believe is right. Stick to your guns.

As in every profession and in everyday living, your greatest asset will always be your integrity. Never compromise that—even once. Do not deviate from what you know is right, even if it is for a good cause or might help your career. Guard against using your talent and considerable intellectual and technical gifts to rationalize a choice that is too close to the ethical edge. Remember, nothing about being a lawyer requires you to compromise your personal integrity and nothing is ever worth that.

I also hope you will take a broad view of what doing the right thing is when advising your clients. In a speech to the ABA many years ago, Archibald Cox, the former solicitor general of the United States and Watergate special prosecutor, expressed concern that so few lawyers of the 1980s and 1990s seemed willing to give advice "in the spirit of a public service"—to say what is often hard to say, which is that: "Yes, the law lets you do that, but don't do it. It's a rotten thing to do." That advice captures the essence of doing the right thing. And we need you, the Class of 2017, to give that kind of advice to clients—to urge them to do what is right and to follow a course that comports with both the letter and spirit of the law.

D. Do the Right Thing in Your Non-Legal Life

Doing the right thing in your personal and non-legal life is also important.

Remember that you are first a person, a child, a friend, a sibling and eventually a wife or husband, and a parent. You are also a citizen. You are all these things first and then you are a lawyer.

We lawyers sometimes forget that. We have our own vocabulary and way of looking at the world that tend to set us apart and exclude others. We often work so hard that we don't make enough time for anything or anyone else—not for causes we care about; not for literature; and not for our families and friends.

I guess it shouldn't be a surprise then that lawyers are viewed negatively with some frequency. All those lawyer jokes must be coming from somewhere. Even those of us who are lawyers cheer loudly during the classic movie, *Jurassic Park*, when the nerdy lawyer is the one eaten in the Porta-John by the T. rex. That lawyer's name was Donald Gennaro of the firm of Cowan Swain & Ross—someone not even a mother could like—the one with the briefcase, glasses, and Bermuda shorts who abandons children to save himself.

Don't be like Donald Gennaro. Be a good person and a good citizen.

As a citizen, there will be many times in your lives when some practice, law, or event will strike you as wrong, unfair, or bad for society. Maybe it will be the lack of gun control, racial or religious discrimination, domestic violence, the death penalty, or the atrocities in Syria.

Whatever it is and whenever you see injustices, never be too busy to try and change things. It is the right thing to do for every good citizen and certainly no less for citizens who happen to be lawyers. Indeed, our legal education has given us special tools that will often make us particularly effective citizens in many situations. Use those tools often—to be good citizens, as well as good and honest lawyers.

Before I finish, I would like to ask one final thing:

That you find a few minutes later today to let your parents know how grateful you are for them and what they have done for you. And that you recognize and appreciate that your law degree is their achievement too. They have literally given you life, and so much more. Now, it is up to you to do right by them and the generations to come by doing the right thing with your new degree, career, and life.

Congratulations, Class of 2017, you did it. Now go do great and good things. You are needed and ready.

