

Convocation 2019

Welcome, everyone, to the inaugural opening convocation of Stanford Law School. Today's convocation begins what I hope will become an enduring tradition. Today, all of us who will call Stanford Law School home this year – students from all years and programs, faculty, and staff – have been invited to come together under one roof to reflect and celebrate the beginning of the 2019-20 academic year and then to break bread together at the reception that follows. What I would like to talk about in the next several minutes is who we are, the mission of this law school and how each of you can contribute to its fulfillment.

Who are we? Here at SLS, we have 64 full-time faculty members, whose research and teaching mark them as national and international leaders in their fields. Whether publishing pathbreaking scholarship or mentoring students one-on-one, we have the best law faculty in the world. We have a number of lecturers, full and part-time, who bring their practical legal expertise to the classroom and contribute to the unparalleled legal education that we provide. Our 224 staff members keep this place running and provide vital intellectual and professional leadership in support of the school's research and teaching missions. We have research fellows, data scientists, librarians, IT experts, custodial staff, career counselors, administrative assistants, web designers, and so many other experienced professionals. Some members of our staff have been here for over 40 years, and have helped us adapt to the ever-changing educational and professional landscape over decades.

As for our students, you are an astonishing group, and consistently through the years have hailed from all over the country and the world. This year, 679 of you call SLS home, 569 JD students and 110 international graduate students in your ranks. You are from nearly every state in the U.S. as well as many countries around the globe. You speak languages ranging from Arabic to Ancient Greek to Kiswahili to Navajo to Pashto to Wamaa. You are skilled in an equal number of computer programming languages. One of you can read Egyptian hieroglyphs. You are athletic: among your ranks are rowers, mountaineers, equestrians, Tough Mudders, skydivers, hikers, ice fisher-people, a person skilled in lumberjack and woodcraft skills, and many marathoners. Before you began studying here you were teachers, investigative reporters, product engineers, military officers, pilots, bloggers, legislative assistants, and, for those of you pursuing advanced degrees, attorneys practicing in specialties around the world. You all have one thing in

common, though: you have chosen to bring your energy and ideas here to SLS, to learn together, before launching into the next phase of your career.

That's who we are. What is the mission of this law school and how do the people in this room contribute to that mission?

Although as a professor of constitutional law, I myself am not an adherent to strict forms of originalism, in this instance, I think it is helpful to go back to the university's original purpose as stated in its founding documents. When Stanford University was created in 1885, the founding grant described the "nature, object, and purposes of the institution."

Its nature, that of a university, with "studies and exercises directed to the cultivation and enlargement of the mind."

Its object, "to qualify its students for personal success, and direct usefulness in life."

Its purpose: "to promote the public welfare by exercising an influence in behalf of humanity and civilization, teaching the blessings of liberty regulated by law, and inculcating love and reverence for the great principles of government as derived from the inalienable rights of man to life, liberty, and the pursuit of happiness."

From the day Stanford opened its doors, the University has seen the Law Department, now the Law School, as central to these purposes, and the University's mission has in turn informed the work of the Law School.

So these are the components of our mission: the cultivation and enlargement of minds; the preparation of students not only for personal success in the legal profession and worlds of business and government, but usefulness to the world; and promotion of the public welfare, including the blessings of liberty regulated by law and respect for the great principles of government derived from inalienable human rights.

In the remaining minutes, I want to reflect on two personal qualities that I think are essential in the pursuit of our mission: empathy and courage.

First, empathy. Empathy is defined as "the capacity to understand or feel what another person is experiencing from within their frame of reference, that is, the

capacity to place oneself in another's position" – that is, the ability to see and feel the world through someone else's eyes, to put yourself in someone else's shoes.

Within the walls of Stanford Law School, we have people of many different backgrounds, identities, and beliefs. We do not all look alike, we were born both near and far, and we did not all grow up in the same kinds of families or communities. We have different abilities, different strengths and weaknesses. We play different roles in this community, as learners and teachers and contributors to the life of the school. Because of these differences, we do not all experience this law school in the same way. We do not always agree on the right outcome or rule in a given area of law, and we may differ in our views of the meaning of justice itself.

The "cultivation and enlargement of the mind" that is at the heart of a university education requires questioning orthodoxies, taking a look at things from a different perspective, and a certain rough and tumble of ideas. To work well, this requires not just openness to those new ideas, but also empathy. When something happens that makes you feel defensive, or attacked, or like you don't fit in, pause. If someone tells you that what you have said has offended or hurt them, don't immediately dismiss them as overly sensitive. Take a moment to put yourself in their shoes: what might it feel like to often be the only black person in a room here on campus, to be the child of immigrants, to be devoted to your religious faith in a way not shared by most of your peers, to have come here to this bucolic campus as a combat veteran or as a parent to a young child.

Conversely, if someone has said something that upsets you, pause to put yourself in the other person's shoes and ask, assuming good and honorable intentions, how and why might this person see this differently than I do?

I don't mean to advocate for some kind of total moral relativism, in which all views are equal. One of my first jobs as young lawyer was working for the UN in the Hague on a genocide trial that arose out of the ethnic cleansing during the war in Bosnia in the early 1990s. Sitting through a genocide trial will teach you: some ideas are evil, and must be called out as such. Nor should it always be the burden of those who suffer to explain their suffering. But in a place as small as Stanford Law School, we should be able to spare each other a little grace, a little unearned mercy, as we speak and listen to one another.

The second personal quality essential to our mission: courage.

The enlargement of minds and the promotion of the public good requires you to speak your minds, to be willing to challenge the conventional wisdom when necessary, and sometimes to take a riskier path in life. I cannot make it *easy* for you to swim against the tide, for it is the very nature of the tide to sweep most of those caught in it along. But I can tell you that it is very important to be courageous enough to turn against the tide when the moment calls for it.

That might be in the classroom, when you raise an idea your peers or the professor disagree with. It might be calling out new or different ways that things might be done in your workplace. It might be pursuing research that you think is important, even if others don't yet recognize that. It might be seeking to challenge the law and how it is applied even when others tell you that is not likely to succeed. It might be in your future practice when you tell a client that what they want to do is against the law and you won't help them get away with it. It might be when you turn down a job that seems safe and conventional and prestigious, that helps you keep all your options open, in order to pursue a less certain path that brings you closer to the reason you came to Stanford Law School.

Without this kind of courage, there is no way to accomplish our mission. Humanity and civilization, the blessings of liberty regulated by law, a life of personal success as well as usefulness to others -- history and human experience teach us these things are not created nor sustained without courage.

And so: this first convocation at Stanford Law School, in which we are called together to reflect on our shared mission for this coming year and the role that each of us play in that mission. This year, seek to enlarge your minds, bringing your courage and empathy to the task. Endeavor to find how you can be useful to the world and promote the public good. Your minds are needed more than ever as the world faces new and complex challenges. I know you are up to the challenge. Have a great year.