Welcome to the Stanford Law School convocation for 2020. Convocation is an event designed to bring together the academic community to start the year, just as commencement marks the end of the year. This is only the second annual convocation at SLS – although Stanford has a university-wide convocation, it usually conflicts with our class schedule, and so last year we decided to start our own. A year ago, students from all years and programs, faculty, and staff, were gathered under one roof to reflect and celebrate the beginning of the academic year. As we sat packed together in an auditorium, I don’t think any of us could have imagined that what our lives would be like a year later – more than six months into life in pandemic lockdown, engaging with the world through our laptop screens, with the country in a serious economic crisis and also in the midst of an overdue reckoning with issues of racial discrimination in law and society.

And here we find ourselves at the start of an unprecedented academic year, where building community is both more difficult and more important than ever. By gathering together today in this convocation, I hope we can begin the year with that sense of community that will sustain us through the difficult months ahead.

Who are we? Here at SLS, we have 65 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 194 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, 615 of you call SLS home, 575 JD students and 40 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 Farsi to Malagasy to Romanian to Twi to Urdu. You are equally skilled in an impressive number of computer programming languages. You are graced with athletic skills: among your ranks are swimmers, soccer players, runners – long distance ultra-marathoners, sprinters, and every other distance in-between, volleyball players, cyclists, Ultimate Frisbee players, skiers, scuba divers, snowboarders, basketball players from pick-up games to college teams to professional players in Spain, Hungary and Israel. You thrive outdoors: hiking, backpacking, mountaineering, rock climbing, road-tripping, and backcountry canoeing are just some of your interests. You are talented musicians. You are volunteers. You have a love for board games, crossword puzzles, baking/cooking, juggling and yoga.

In your pre-SLS life, you were consultants, analysts, debators, project managers, patent agents, managers, legal assistants, health advocates, writers and reporters, military veterans, labor organizers, paralegals, camp counselors, press aides and press secretaries, teachers, engineers, researchers, political field organizers, mediators, homelessness advocates, research scientists, trained EMT responders, computer programmers, local and state politicians, and, for those of you pursuing advanced degrees with us, attorneys and policy makers in specialty fields in your home countries.

You are a diverse bunch, with many different backgrounds, identities, viewpoints and beliefs. You all have a few things in common, though: first, you have chosen to bring your energy and ideas here to SLS, to learn together, before launching into the next phase of your career. Second, by choosing law school, you have chosen to believe that law matters, that it can make peoples’ lives better or worse, and by entering the legal profession, a commitment to do your part to make the legal system work better, for your future clients and for society.

It is easy in this day and age to be cynical about the role of lawyers, but what drew me to law was the idea that the rule of law is fundamental to human flourishing, and that lawyers play an indispensable role in society in supporting the rule of law. From the prosecutor or public defender who works to ensure
that those accused of crimes are given a fair trial, to the business lawyer who helps companies grow with security and predictability about their legal rights and obligations so that they can provide products and services that people want and need, lawyers do often invisible work in building a culture of compliance with norms and values embodied in the legal system in which they work.

One of my first jobs out of law school was working for the United Nations at the International Criminal Tribunal for the Former Yugoslavia in the Hague, where I worked on trials involving genocide, crimes against humanity, and war crimes from Bosnia, as an associate legal officer assigned to Judge Patricia Wald, an American judge who was the first woman on the U.S. Court of Appeals for the D.C. Circuit and had been nominated to serve in the Hague by President Clinton in 1999. The ICTY, which was created by the Security Council in the 1990s with the support of the United States, was the first international criminal tribunal created by the international community since the Nuremberg trials of the Nazi war criminals at the end of World War II. The international community, in adopting the 1949 Genocide Convention, had said never again. Yet mass atrocities continued in the decades after World War II. With the end of the Cold War, space opened up for democratization and international cooperation, but space also opened up for civil war and ethnic violence. With the death of communist dictator Marshall Tito in Yugoslavia, a resurgent ethnic nationalism took hold in that region leading to war as the country broke apart. Neighbor turned on neighbor as ethnic and religious hatred took hold. Photos and reports of concentration camps, wide-scale sexual violence, and civilian massacres began to emerge, the international community’s commitment to never again allow genocide was tested.

One of the cases I worked on involved the massacre of 8,000 Muslim men and boys over a long weekend as part of the ethnic cleansing of the town of Srebrenica in Bosnia in 1995. The question presented was first, whether the ethnically targeted slaughter met the legal definition of genocide, and second, whether the particular Bosnian Serb general on trial bore legal responsibility for the crimes committed by troops under this command.
Another trial I was assigned to involved crimes against humanity and war crimes in a concentration camp, again as part of the ethnic cleansing of a region by one of the ethno-nationalist groups involved in the fight.

The crimes represented the total breakdown of the ordinary rule of law, and the response – the creation of a criminal court – was an attempt by the international community not only to punish the perpetrators, but to reestablish a set of legal norms.

This was the same model followed at Nuremberg in the trial of Nazi war criminals after World War II. Having defeated fascism militarily, the Allies sought to ensure that the ideas of freedom and rule of law behind the Atlantic Charter prevailed as well.

At Nuremberg, the American Supreme Court Justice Robert Jackson took a leave from the bench to serve as chief prosecutor for the allies. In his opening statement he said:

“The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.” Fifty years later, the ICTY was created on the same theory.

Like any criminal trial, the day to day proceedings involved both legal minutiae and sometimes emotional testimony. Witnesses in the concentration camp trial described being raped, tortured, and watching friends and loved ones killed. In the genocide trial, survivors of the massacres described being wounded but miraculously alive under a pile of bodies after execution squads had machine gunned crowds of prisoners, lying still and pretending to be dead, fearing that they might be discovered and finished off or buried alive in a mass grave, until night fell and they could crawl out into the woods under cover of darkness. One mother talked about losing her husband and two sons in the massacre. In testimony that has stayed with me to this day she said
“How is it possible that a human being could do something like this, could destroy everything, could kill so many people? Just imagine this youngest boy I had, those little hands of his, how could they be dead? I imagine those hands picking strawberries, reading books, going to school, going on to excursions. Every morning I cover my eyes not to look at other children going to school and husbands going to work, holding hands.”

That question got me: how is it possible that a human being could do something like this, could kill so many people? Why do massive human rights violations occur, and what role does law have in preventing and punishing such crimes? How can law be part of building a world where the word “never again” is more than an empty phrase.

In the past few years, as I have looked at the profound changes and challenges facing society – issues like persistent racial inequality, climate change, migration and refugee issues, questions of free speech and democracy in the age of Facebook and Google, and the role of new technologies like artificial intelligence, two things have become increasingly apparent: first, lawyers have a vital role to play in ensuring that our societies and legal systems adequately respond to these issues, and second, that lawyers cannot do this by working only with other lawyers or sitting alone in their offices thinking about these issues.

Instead, these issues can only be adequately addressed by lawyers working with those clients out in the world who are affected by these laws and policies and centering the voices of those clients, and by working with those from other disciplines – engineers, scientists, business people, economists, historians, and

We do that at SLS, through the work of our clinics, our research centers, and policy labs, all of which are grounded in understanding and contributing to the world.

Take an issue like climate change: we need to train our environmental law students not only in today’s statutes and regulations, but to look at issues like how clean energy can be developed and financed in the private sector or with
government support, how global warming will affect people, the landscape, and the economy in different areas, and how legal regimes can either mitigate or exacerbate these effects.

Similarly, a thorough knowledge of history is important to understand the ways in which law and legal institutions have been too often complicit in creating the structural framework that undergirds the lasting racial inequality in our country. From the ways in which our Constitution and laws supported the enslavement of black people, to segregation and disenfranchisement in the post-Reconstruction era, to discriminatory policies around real property that have fueled lasting wealth inequality, to contemporary criminal justice, voting rights, and other issues. We can’t ensure a better future without understanding our past.

At this critical juncture in addressing so many difficult questions as a society, as government and politics are increasingly polarized and dysfunctional, I believe places like Stanford have a profoundly important role to play in bringing together expertise from across disciplines to create and disseminate evidence-based knowledge, and to train the next generation to help society grapple with these problems.

Stanford is particularly, perhaps uniquely, well situated, to meet that challenge.

Stanford Law students are not just here to become competent lawyers but leaders in the profession. To achieve this SLS must offer all of you the skills needed to flourish. This includes not only knowledge of the law and legal reasoning but awareness of systemic legal failure, not only skills such as legal research and writing, but the cognitive and emotional skills needed to mediate conflicts, to hear divergent viewpoints, and to express your own and advocate your client’s on terms that enhance rather than diminish understanding.

These issues are central both to our educational mission and to the future of the profession – the ability to express and navigate difference is not simply a lawyering skill, it is very essence of the rule of law in a pluralistic society.
In the very difficult circumstances in which we find ourselves this year, dealing with one another with generosity, courage, and compassion is more important than ever.

As hard as this moment is, in your lives, and the life of this country, I am still filled with optimism. When I think about all the passion and excitement that our students bring, and the knowledge, wisdom, and experience of our faculty and staff, I know we have so much to contribute to the world. The work you will do this year is important, not only to your own careers, but to the world -- to all those you will serve through your work as advocates, counselors and leaders, to this community, this country and the world.

As you engage in study, research, and work this year, I hope you will keep that bigger picture in mind – of the vital role of the rule of law in flourishing societies, and the role of lawyers in protecting and promoting the rule of law, fairness, equality, and respect for human dignity. I wish you the best in the coming year and beyond.