

## Graduation Speech

June 11, 2022

Thank you for this incredible honor.

As many of you know, I teach in the law school's clinical program, where students learn while providing critical legal services to underserved communities. I see the Hurlbut award today as a recognition of our phenomenal clinical program as a whole. On behalf of all of your clinical teachers, thank you.

Class of 2022: we've taught almost all of you in our clinics, and you have truly shone. We have seen you do so many things – research, writing, counseling, negotiating, arguing in court, and so much more. You've helped clients obtain post-conviction remedies, filed compassionate release motions to save people from contracting COVID in prison, written briefs on behalf of coastal public access activists, and advocated with the US Patent and Trademark Office for increasing diversity in the innovation system. You've represented organizations like Feeding America and the East Bay Center for the Performing Arts. You've protected the rights of Sabbath observers in the workplace and prevented high schoolers with unaddressed psychological needs from being expelled from their schools. You have done such amazing and important work!

In the clinics, we're privileged to work very closely with our students. We clinicians talk often about meeting students where they are. For that to happen, there has to be deep, vulnerable connection between teacher and student, through which both the teacher and the student are open to transformation and growth. I've been fortunate to have many of these amazing relationships with students in this graduating class. Today, I want to share some of the things I've learned from you.

Let me start with something heavy. In the clinics, we often walk alongside our clients as they go through difficult experiences, like deportation, criminal convictions, eviction, school expulsion, and more. In my field, immigration, the past several years have involved so much suffering.

One of your classmates, Andrew Toney-Noland, reflected on this suffering while in the clinic.

Andrew shared the idea of a “non-anxious presence,” a term coined by family systems therapist Edwin Friedman. Andrew wrote: “A ‘non-anxious presence’ refers to a person who can remain present and connected to someone who is experiencing a difficult moment, while retaining a strong enough sense of self not to get pulled into anxious reactivity. Such a person can serve as an ‘anchor’ for someone who is dealing with a crisis, remaining both present *with* and identified *apart* from someone.”

I've thought a lot about Andrew's words as I planned for what I could say today.

Class of 2022, you have been through a lot over the past three years. In the Fall of 2019, when you started law school, then-President Trump was impeached for the first time. Then in the winter of 2020, the pandemic began, and we started to lock down at home. In May 2020, George Floyd was murdered and this country entered a new chapter in racial reckoning. A few months

later, we elected Joe Biden as president, followed by months of election challenges, culminating on Jan. 6, 2021 with the insurrection. And then, as 2021 continued, we started returning to the Law School in person, as vaccines become more available. But the bad news seemed to keep coming, with the withdrawal of U.S. troops from Kabul and the ever-resurgent variants of COVID carrying new Greek-letter names. As 2022 began, Russia invaded Ukraine, and the U.S. surpassed one million COVID deaths. Throughout, we've had mass shootings, as well as wildfires, flooding, and other manifestations of devastating climate change. And our country has grown ever more polarized as we hear news of a leaked Supreme Court opinion.

Have I depressed you yet?

All of what I've shared so far is about the world you've all been in. But you've had our own deep difficulties on a personal level. The pandemic meant that you had to deal with so much, with your own physical and mental health. The health of your families and communities. You've also had to endure incredible loss, the devastating loss of your beloved classmate Dylan Simmons.

As we all struggle with anxiety, depression, and other human responses to all of this, it sometimes feels like too much to bear. At these times, Andrew's eloquent words are useful. Sometimes, the best we can do is to sit in non-anxious presence with each other. To serve as anchors for each other. Of course, that's not all that has to happen – we need communities of care and support, we need to channel our frustration into action and much more. But before all of that, it is essential that we have quiet moments of deep support. I have seen you do this for each other, time and again, over the past years.

As you transition to law practice, and take on the world's challenges, I hope you continue to sit in non-anxious presence with each other. That you continue to be each other's best resources in the years ahead.

I've learned other important things from you as well.

In the clinic, we employ a strengths-based approach. It is an idea borrowed from social work, about how we should focus on each other's strengths during collaboration and client representation. The idea is that we, and our clients, are resilient – we have resources, networks, and personal strengths that are empowering.

I've seen you as you lifted up your classmates' strengths, time and again. I have never seen students so often and so deeply recognizing each other's strengths!

To share just a few of the words that you've used to describe each other:

“engaged”

“incredibly supportive”

“always there for me to take a moment together and breathe”

“so conscientious about allyship, anti-bias, and collaboration”

“showing grit, determination”

“beyond brilliant and gifted”

As Miye D’Oench, one of your classmates, put it: “there are people who are actively working **against** social justice, but they are not nearly as talented, cool, funny, or beautiful as us.”

Looking out at this crowd, I have to agree with Miye!

As you start your careers, I hope you will continue to lift each other up. To invest in connection. These connections allowed you to learn from each other, even though you’re different and you don’t always agree.

Let me share one last lesson I’ve learned from working with you.

Even though I’ve been a lawyer for almost 25 years, I still enjoy the practice of law. [pause] Yes, really.

But, the older I get, the more I lean into the word **practice** when it comes to the law. This means I try to have what Zen Buddhism calls a beginner’s mind. Having a beginner’s mind means being open to learning, being flexible, being curious. By being a beginner, over and over again, we can keep learning new things.

I’ve shared the joy of the beginner’s mind with you in the clinic. We’ve rejoiced when we have found a pathway forward in interpreting the immigration statute, or in negotiating with opposing counsel, or in counseling a client.

A beginner’s mind is also useful in dealing with seemingly impossible challenges, like the ones you may face as you start the profession.

One of the most challenging times in my professional life happened in the days after September 11. Shortly after those horrifying terrorist attacks, I started a new job at the ACLU of Northern California. It was difficult and exhausting to read the news every morning. There was so much suffering, on so many levels. The country was reeling from terrorist attacks. Prisoners were taken without process at Guantanamo. South Asian and Muslim communities were targeted. It was a time when even **progressive** legal organizations were worried about speaking out against detention without due process.

The path forward wasn’t clear. But I told myself that I was a beginner again – I didn’t know the answers, but I knew how to learn. And I had so much to learn from Arab, Muslim and South Asian community members who were enduring the brunt of the civil liberties assault of those times. Being a beginner meant listening with humility. It also meant being okay with mistakes, lots of mistakes. Any time you’re a beginner, any time you do things for the first time, you make

mistakes. And I certainly made many. But from the mistakes, from the listening and collaboration, came creativity, growth, and the path forward.

I know you know how to be a beginner – we have seen you do it in the clinic. In fact, learning how to embrace the discomfort of being a new lawyer is what clinical education is all about.

As you enter the profession, my advice is to keep bringing a beginner's mind to today's challenges. As the rule of law crumbles in various places around the world, as we struggle with the gap between justice and law, as we experience the racism and xenophobia that is part of this country's fabric, as we endure ever-worsening climate change, we have not figured out the path forward. But, you all know how to learn. You know how to be a beginner.

I can't wait to see what you all achieve.

On behalf of the Stanford Law School faculty, congratulations, JD and advanced degree students!