Kagan Speaks To Law Grads

By Scott Sandlin
Journal Staff Writer

U.S. Supreme Court Justice Elena Kagan combined gravitas with wry, sometimes self-deprecating humor in urging the 2011 graduating class at the University of New Mexico School of Law to embrace pride, passion and "pro bono publico" — the good of the public — in their careers.

When called upon to give advice, follow the "Rule of 3," she suggested. Have three points, be alliterative, and make one of the points in Latin, preferably last "for a lawyerly hit out of the ballpark," she said.

The "pro bono" comment earned one of many rounds of enthusiastic applause for Kagan, who had already spoken to an invitation-only brunch crowd of 150 at the adjacent New Mexico Court of Appeals building and who later insisted on shaking the hand and being photographed with each of the 100 or so graduates.

It was bright, breezy afternoon as Kagan delivered remarks against a backdrop of cottonwoods and occasional golf carts at the UNM North Golf Course. She quipped in her introductory remarks that, "It took me a little time to get here on Southwest Airlines." A school official said Kagan's arrival was delayed until about midnight.

It was Kagan's first address of any kind whatsoever as a Supreme Court justice — "so we'll see how I do, you know," she said — and her first commencement address outside Harvard Law School, where she served as its first female dean.

The native New Yorker said she had come because of the way UNM School of Law Dean Kevin Washburn — who spent a year teaching at Harvard during Kagan's deanship — had spoken about the students.

The way Washburn spoke of students made her nostalgic, she said.

"It made me remember those parts of teaching law students I loved the most — people on the cusp of their careers, brimming with curiosity about what's soon to come," she said.

Kagan said graduates should be proud of learning to think like a lawyer — with precision and clarity, and attention to nuance, detail and complexity.

"It means refusing to accept simple answers," she said. "It means questioning your and others' premises, never settling for conventional wisdom, always exploring alternatives, always digging deeper. It means learning how to make arguments on the other side of a question and learning through that exercise that there usually are arguments on either side of a question. And finally, thinking like a lawyer means using judgment, sifting good from bad arguments and using the peculiar kind of situation sense that locates even questions of high principles in a grounded context, and thinking carefully about all the consequences of your choices."

The world is a complex place and needs people who don't see the world in black and white, she said, and who are "able to find common ground among disputing parties."

Though people constantly mock lawyers — especially those who countenance or commit bad behavior — the law can be a noble calling.

"This profession is one in which you can make an enormous difference," she said, "in the
lives of individuals and the welfare of society as a whole." Those expert in the law are among society's leaders.

Do what you love, she told graduates, and give back to society.

"You are people to whom much has been given," she said, noting that professional ethics and moral obligation require lawyers to provide legal services to those unable to pay.

Quoting Thomas Jefferson, she said, "There is a debt of service due from every man to his country proportioned to the bounties which nature and fortune have measured him."

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