

Dean Gerken Convocation Speech Excerpt

8.23.23

Everyone offers advice on how to succeed in law school. I don't feel the need to do that, because you are all going to succeed on any conventional measure. You are all going to have professional opportunities that most people only dream of. People will look up to you simply because you graduated from Yale Law School. That's why I'm not going to talk to you about how to succeed in law school, but how to figure out what success is in the first place.

The first and most important piece of advice is about your role within this community. You are about to be taught by a dazzling faculty. You will be surrounded by a caring staff. You will have access to professional resources unmatched by any other law school. And the people sitting with you today in this auditorium will matter most to you. Your peers will form the cornerstone of your education, and you will encounter your classmates again and again for the rest of your career. They will always remember not just what you did here, but who you were.

Communities like this one don't just spring up on their own. They take work to preserve. While this is the beginning of your journey here, you are inheriting a set of traditions passed from generation to generation, cherished by the staff, faculty, and alumni alike. These are the traditions that have preserved this eclectic, deeply intellectual, wildly exciting, and incredibly warm community across the years. These traditions are the reason that this place is so magic.

It is up to you to preserve these traditions, and you will get an earful from all of us, especially our faculty and alumni, if you don't. Excellence and humanity are our touchstones. Ideas are the coin of the realm. Our tradition is not just to have conversations across divides, but friendships across divides. We fiercely protect one another's privacy. We disagree and debate and argue constantly, but we always, always show grace to one another. So the most important advice I can give you is to be the best version of yourself, and all else in your career will follow.

As a member of this extraordinary place, you need to reflect deeply on what it means to be part of a scholarly community and a genuine learning environment. Academic freedom and respectful engagement are the bedrock of any academic institution. Debate, disagreement, and the ability to question even treasured beliefs are the lifeblood of our intellectual life. In a learning environment like this one, it is essential that everyone – no matter what their beliefs – be able to speak and be heard, without disruption or interference. I cannot emphasize how seriously we – and by we, I mean every single member of our faculty – take this commitment.

Some people would call this "free speech," but it's much deeper than that. While the ability to speak freely and the capacity to question everything are essential ingredients for a robust learning environment, they are not nearly enough. Being part of this community also requires humility on your part. We all speak, but we also listen. We try to engage with others with open hearts and enough intellectual distance from our own interests and commitments that we are able to change our minds. We are seeking truth, and we cannot find it without a commitment to learn from one another.

A learning community is also one where people are able to make mistakes, to get things wrong. Learning from one another requires trust, mutual respect, and a deep-seated belief in one another's good faith. Disagreement and engagement matter, but so does kindness, generosity, and a willingness to see the best in one another. Approach your peers as if you don't already know what they think, because you don't. And remember that as we set our communal norms together, it matters enormously how we do it. Being part of a learning community is not about judging or condemning other's mistakes. It's about giving each other the benefit of the doubt and presuming good faith. It means calling each other in, rather than calling each other out, as Professor James Forman puts it to his class every year.

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These are the values that have long nurtured this place. People generally don't love institutions, but they love this one. It might be a mystery to onlookers as to how this law school has been able to maintain and safeguard its integrity for nearly two centuries. But it's easy to tell once you join this community. We are connected by a fierce respect for one another and for the institution itself. Our secret sauce is our commitment to learn – not just from the materials in front of us, but from one another.

Now you have a once-in-a-lifetime opportunity to be a part of it, to engage deeply with some of the most interesting questions and people on the planet. We expect you to learn how to change someone's mind rather than shame them into silence. And we expect you to learn to change your own mind. This experience should challenge you, and it should change you. Push yourself to learn from people with different perspectives. Engage with – embrace, even – all of your peers, not just the ones with whom you agree or the ones with whom you assume you will agree.

None of this is easy. Educational environments are one of the few places in our political universe where people from different points of view are in community and in conversation with one another on a daily basis, and that makes them both wonderful and challenging. I also know that the stakes are high because the rights of cherished members of our own community are under attack. I will never tell you not to advocate for the causes that you believe in or the people you care about. At the same time, it is essential that we preserve and protect our sense of community, that we do the difficult work of being together in a way that allows everyone to reflect, to think hard, to change their minds. At some point you will find yourself poised to say something sharp in class or send a heated email. It's in these moments that we want you to pause and think long and hard about what you do next. You might be wondering how this advice is consistent with what you've been taught – that thinking like a lawyer requires thinking on your feet. And it does. But quick-thinking does not preclude deep-thinking. Know that you will be remembered and defined not only by what you stood for, but by how you stood for it.

It's hard to figure out how to preserve a community when the stakes of the argument are so high, so personal, and at times, so painful to work through. But you will quickly discover that the values that preserve this special community are deeply consonant with the values of the profession you are entering. Lawyers must find truth through argument, fight tirelessly for what's right, and offer empathy and humanity when the moment calls for it. So now is the time to live by the values that make ours an honorable profession.

Given that lawyers are often stereotyped as hired guns who can argue just about any position, people don't often use the word "honorable" to describe our profession. To understand why this is an honorable profession, you need to know what it means to think like a lawyer. Lawyers are trained to find truth through argument; to hold fast to their values while fiercely questioning them. We can argue about everything, and yet as countries slide into authoritarianism you see lawyers laying down their livelihoods – even their lives – to protect the rule of law. And when lawyers fail to live up to these high ideals, it is a source of shame for the entire profession.

What people often miss is that these two core values of our profession – the ability to argue about everything and yet staunchly believe in something – are deeply connected to one another. That may be the hardest thing to understand about our profession, about law school.

How is it that supposedly faithless lawyers have faith in something? It's simple. Our profession has argued about values for generations. After centuries of laying waste to every argument, we see that some are left standing. They are the claims for which a profession trained to identify every

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counterargument cannot find a counter. That's what makes rule-of-law values nonpartisan and enduring. It is precisely because we work so hard to figure out whether there's an argument on the other side that we don't just equate everything we care about with the rule of law. It takes work – the hard work of lawyering – to recognize both when there is a serious argument on the other side and when there isn't.

The hard work of lawyering also requires humility and a relentless willingness to question yourself. You cannot be a lawyer if you equate everything you care about with the rule of law. You cannot be a lawyer unless you can understand – deep in your bones – what's honorable in your opponent's arguments and the weaknesses in your own.

Finally, lawyers are problem-solvers. They don't stand jeering on the sidelines; they get things done, which means they must learn how to reach agreement in communities defined in part by difference. Here again, all of the qualities that make for great law students – empathy, generosity, kindness, and a respect for others – are the qualities that make for great lawyers, and great human beings. That's what I meant when I said to be the best version of yourself, and all else will follow.