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Commencement 2010 Remarks

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David H. Getches, Dean, Univ. of Colo. Law School,
Commencement 2010 Remarks (May 7, 2010).

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Commencement Remarks

David H. Getches

Friday, May 7, 2010

On behalf of our Colorado Law family – faculty and staff, friends, alumni, it is my honor to welcome you here this evening. Most of all welcome – and congratulations to a wonderful group who arrived in this hall as students and will leave tonight as *alumni* – the Class of 2010! *You* are our reason for being here. This is your day. Relish it now; cherish it forever.

You share the celebration with your families – mothers, fathers, spouses, siblings, dear friends, and other loved ones.

To these loyal and loving families and friends I say congratulations, too. You were patient. You gave from your wallets and from your hearts. You tolerated the distractions and absences and the mood swings. You tolerated the argumentative demeanor that they thought made them so clever when they came home after a single semester. They could not have done it without you. *We* thank *you*, the loved ones whose support made this day possible; the Class of 2010 thanks you.

At graduation we are reminded of the importance of family and many of this class carry a legacy from earlier generations. The celebration is even greater for families of our graduates who are themselves alumni of the Law School. Let me read their names:

- Sam Grossman – brother of Joe Morales, Class of 1994
- Jonathan Haskell – son of Daniel Haskell, Class of 1971 and nephew of Russell Haskell, Class of 1970.
- Abbie Johnson – sister of Preston Johnson, Class of 2007
- Stephanie Kanan, daughter of Greg Kanan, Class of 1975
- Blake Reid – son of Kathleen Ellis, Class of 1977 and son-in-law of Doug McQuiston, Class of 1981
- Elaina Shively – cousin of Jared Hassan, Class of 2008.

Seated on the stage along with our faculty, deans, directors, and beloved Registrar are some special guests.

We are eager to hear later from our distinguished speaker, Denver Mayor John Hickenlooper.

I do want to recognize University of Colorado Regent Joseph Neguse, class of 2009.

And Eric Rothaus, class of 2001, Chairman of our Law Alumni Board.

Seated behind me are the faculty and administrators. Second only to the satisfaction and pride of your family is the satisfaction and pride of these people. As Colorado Law students you know them as teachers and mentors, who do what they *love* to do, and do it well. They are known beyond this campus by their publications and accomplishments as authors and experts. But the most enduring satisfaction for the faculty is seeing the contributions and accomplishments of students who go forth to serve the profession and the community.

I ask that our world-class Colorado Law faculty stand, please.

I want to pay tribute to two of this esteemed group who will not be here with us next year. Professor Bill Pizzi, youthful though he may seem, has announced his retirement. Bill joined the faculty in 1975 and has taught over 2000 students who are now among the alumni and who revere him. Now he turns to lecturing abroad, continuing his research and writing, and the occasional round of golf. We will miss his crisp sense of humor and warm smile.

The other person I want to recognize is our Assistant Dean Lorenzo Trujillo. His varied career as educator and lawyer brought him to Colorado Law six years ago. He has been counselor, friend, and mentor to many in this class. His fine work has been recognized by many national awards. He has shared with us his musical talents and knowledge of western history. Now he will spend time consulting with a Denver firm, work on national committees,

music, and time on the family ranch in New Mexico. And we will keep him engaged in Law School affairs. Thank you Dean Trujillo.

Now, please help me recognize and thank our *staff members* who are assisting today, at work even now. Led by Danielle Hayward, they have assisted your class officers in organizing and orchestrating this event and the terrific reception preceding it.

And now to the Class of 2010.

The three years we have spent together have been remarkable in their unpredictability and the gravity of the events that have occurred. You applied to and started law school in 2007. You thought you had seen it all during your high school and college days – a terrorist attack that changed the world forever, two wars initiated, palpable changes in the ways your families thought about security and safety, and world travel.

But when you began, the economy was reasonably stable. You were going into a career that would let you carry out your ideals and make a decent living. And that's how it seemed – for a while. You buckled down, studied, made good friends. Your mind was opened, and you gained new ways of thinking – more ways of looking at a single issue than you ever imagined.

But the economy unraveled. Suddenly we are plagued with uncertainty. What is the family home now worth? What is oil worth? And you might learn what a derivative is and still wonder whether it is worth anything. Didn't smart people see this coming? And the very personal question was: what does it mean to each of us?

All this was surrounded by a dizzying convergence of world events – natural disasters, ethnic unrest, famine – crises of all kinds.

There was an historic election in which many of you worked. Hopes raised, but uncertainty persisted.

You kept your calm. Mostly. You broadened your horizons on what kinds of employment you would seek, looking at the more varied uses of a legal education.

But through all this uncertainty, you still could enjoy the people you were with, soak up the knowledge, work, laugh, and commiserate together. Boulder and the Wolf Building were pleasant places to be, after all.

You could share some pride that it was students that made possible a technology-smart and very “green,” LEED gold-certified building. As an academic building that is 61% student funded – the rest from donations – it *is* unique in the nation. It is a project that depended on your paying a \$1000 tuition differential every year, plus a campus-wide fee of \$400 a year paid by 29,000 students across the campus. And no one should forget that the fee was the result of *law student* advocacy. It was passed by a student government whose legislative council included Joe Neguse and your classmate Katie Kramer, while they were mere undergraduates. A remarkable story of civic responsibility for any law school, any group of people.

Your enduring memories of law school will include what happened in the classroom, even in that first year. *Of course* your memories of things like the *Erie* rule and Mrs. Palsgraf getting bonked in the head, and the rule against perpetuities, and strange Latin phrases are burned indelibly into your memory – and will be, at least until after the bar exam.

Those 1L lessons may even include how the first amendment protects “Gimme my beer.” You may remember how Professor Davidson's *probing* question about the word “but” brought down the house. And what about Professor Schlag's diagram of “the Law” scrawled like a cobweb across the blackboard on the last day of class?

To be sure, countless hours were spent studying in the library and slouched over desks at home. You learned well. As a symbol of widespread diligence in studying, let's single out Katherine Gray who achieved the #1 GPA in the Class of 2010.

But there was also time for recreation. Your 1L men's intramural basketball and hockey teams won first place. Some people actually chalked up more than 50 days of skiing. Many ran races. For instance, Chris Achatz and Fran Lata ran the 2009 Portland Marathon. Kristen Larson ran the Denver Marathon. And there were group conquests of Fourteeners.

There was time for fun. Remember the Talent Show, with Hillary Aizenman and Jenn Ford dazzling the audience with their original song writing and performing skills and the harmonizing of Professor Collins quartet's?

One social activity this year was nearly thwarted when only hours before the Barrister's Ball was to start the UMC said it would not honor the contract by not allowing spirits. But Erica Baasten, a perennial leader, rose to the occasion and found a new venue for the successful bash that was held the next night.

There was time for romance. Some came here already married but others like Alicia Anderson and Ryan Hergert met here at Colorado Law and were married after the second year.

Families abound. Peter Linder became a father right before Law School started and Payam Roshandal had a baby as the third year drew to a close, and others had babies in between. This weekend we also celebrate Mother's Day. In this class we have lots of new or almost moms. Will all the mothers in the graduating class please stand.

Standing out among the most impressive accomplishments of this class are public service activities. A few examples: Jeff Rezmovic and Cameron Diehl who started the Colorado Election Law Project (CELP) that mobilized over 100 CU Law Students to be election judges and monitors during the Presidential election.

Stephen Compston tutored local high school students. Cameron Diehl served as basketball coach for at risk high school students at Justice High and several of the students are in college now because of his impact.

Beyond these impressive individual commitments, many in this class were instrumental in creating a Pro Bono Pledge Program under which many of you will have a notation on your transcripts for fulfilling a pledge of at least 50 hours of pro bono public service legal work.

Remarkably, 23 people gave not just 50 hours, but over 100 hours, and Matthew Munch, Erica Bastaan, and Elaina Shively gave more than 500 hours each.

The class propelled the Loan Repayment Assistance Program that assists students who go into full-time public interest work. Some of you joined the effort in your first year to make the program permanent and expand it by fundraising and lobbying to get legislation passed in the General Assembly two years ago. We owe thanks to Danielle Luber and Jonathan White for spearheading a multi-year effort to fund the LRAP program by selling t-shirts and hosting events.

And this class is *full* of leaders. You will soon hear from your illustrious class officers – for all three years – Jon Fee, Heather Seigel, Erik Schuessler and Katie Kramer.

Then there is your SBA President Jenny Van whose smile and urgent, and frequent, requests to help out could not be resisted. What a team with Erica Bastaan!

Leading the Journals were Editors in Chief Zach Mountin, Natalie Pusey, and Blake Reid and their great editorial boards.

Not all leaders were elected to formal positions. Consider Jessica Kaplan who coalesced Colorado Law students' commitment to diversity when she initiated and led the Diversity Awareness Now Student Organization.

Talk of this class's leadership and commitment to service compels me to spend a few minutes talking about the road ahead for you.

It is no secret that the nation and the world are in crisis, indeed, multiple crises. It is no secret that one of the crises is unemployment – an issue that people in this hall know about! But the existence of crises in a time when some here find themselves unemployed or underemployed despite a wonderful education, high energy and motivation actually validates your decision to become lawyers. Over the rumble of uncertainties I hope you will hear the clear tones of idealism that called you here.

I want to offer that the convergence of these phenomena present opportunities. This profession is all about service to others. Service means *solving problems* for individuals, *righting wrongs* in society, and *upholding broad and essential principles* of our system. That's what a citizen-lawyer does. We all can be one.

Citizen-lawyers live the ideal of using one's skills to serve the common good. They are the ones who litigated the great precedents like *Brown v. Board of Education*. They lead, often as volunteers or at low pay, efforts to solve problems large or small, or make communities or the country better, solving problems from school finance, to solving the financial crisis to the eviction of an individual. All are major problems to those who are affected. We need citizen-lawyers to solve them.

Citizen-lawyers include people like our own Professors Nestor Davidson and Phil Weiser who took a leave from the faculty to serve the nation in high posts in Washington DC, not to mention our alumni like Governor Bill Ritter, class of 1981, and Attorney General John Suthers, class of 1977, and Boulder District Attorney Stan Garnett, Class of 1982.

But citizen-lawyers are distinguished not by high office but by their *principles* and their *works*. And whether in high office or not, they may be vilified in their time for their works – and some may be heroes, but go unnoticed in their time.

Let me talk for a moment about some citizen-lawyers who are *unsung* heroes. Consider the legal services attorney or the public defender or individual who takes a pro bono case. Each day lawyers working in understaffed offices for meager salaries are giving their time and talent for the causes of the poor and unknown. They are champions of a higher cause – equal access to justice.

Many in this class understand the needs of the underrepresented because you gave them representation as a student attorney in one of our clinical programs. Many more of you donated time. As I have already mentioned you helped to promote and design a pro bono pledge program.

This class also understands the difficulties of taking jobs that pay so little you can't make payments on educational debt and so, as I mentioned earlier, you nobly supported the Loan Repayment Assistance Program so that graduates can afford to commit themselves to public service work.

In these three ways you have been part of the effort to achieve equal access to justice for all, regardless of ability to pay: working hands-on in clinics, giving volunteer time, helping support financially the ability of colleagues to serve.

As you know the 1963 *Gideon* case affirmed the right to counsel for indigents in criminal cases many years ago. Last year despite the fiscal crisis, California passed a law intended to expand the right to legal counsel to *civil* cases. This week the chief judge of New York's highest court called for such a right in cases involving basic needs like shelter, sustenance, safety, health, or child custody. This right was also called for by the ABA in 2006.

Citizen-lawyers can press the cause of equal access to justice. They can become the advocates who work for clients who need but cannot afford legal representation.

I urge your continuing concern and commitment to equal access to justice.

Another characteristic of the citizen-lawyer is *principled action* – seeking to right wrongs. For those lawyers working for equal access to justice the principle is clear and constant. But there are other principles that can and must be vindicated using skills and the power of the office of an attorney. You don't have to go looking for them; they find you – in practice, private and public, and in your role as citizen.

Let me give you examples of two of our legendary alumni who not only served, but fought for what was right.

When you think of a citizen-lawyer, think of Philip Van Cise, University of Colorado Law School Class of 1907. Listen to his story. He graduated from this law school and went to work in his father's Denver law practice. He grew restless, enrolled in the National Guard. After a time he was called to southern Colorado to help investigate the infamous Ludlow massacre in which the militia had brutally slaughtered striking coal miners. When the report of the investigation exonerated all but one soldier, Van Cise helped prepare a report denouncing the Guard's brutal attack. He tried to get the attention of the governor and other officials but they chose to bury the facts.

After serving in World War I, Van Cise ran for Denver District Attorney. It was the roaring 20s and prostitution, gambling, and bootlegging were rampant. And the mob in Denver ran a huge stock fraud bunco scheme. Many of his fellow Republicans were involved and they abandoned him. But he was elected.

So DA Van Cise declared war on a powerful organized crime gang that literally ran the city. At considerable risk he took on the then-corrupt Colorado power structure – unlike the wholesome government we now enjoy and expect, thank you Mr. Mayor.

He couldn't use the police who were owned by the mob. So he hired his own investigators and used techniques he learned in Army intelligence. He won the war and brought down the mob, then won a sensational trial in spite of jury tampering. He wrote a gripping book about it all called *Fighting Organized Crime*. The story inspired the Newman-Redford film, *The Sting*.

Van Cise's next battle was not as satisfying. He took on the Ku Klux Klan which had begun fire-bombing black homes and harassing Catholic and Jewish neighborhoods. The Klan had filled the void left when the city government was purged of organized crime. It infiltrated the government of Mayor Stapleton and counted as members many in the state's power structure. Van Cise fought the KKK and helped weaken them, escaping tar and feathering and gunshots himself. He continued the fight after he left office and lived to see the Klan lose power. But he was blackballed by the Bonfils family who ran the *Rocky Mountain News*, and his own family was socially isolated, reviled by the power-elite.

Van Cise and his career were nearly forgotten in this twist of fate. At least until last month, when the Van Cise-Simonet Justice Center was dedicated by Mayor Hickenlooper and Governor Ritter.

For the ideal of a citizen-lawyer, think of another Colorado Law alumnus, Ralph M. Carr, class of 1912. Carr was a water lawyer from San Luis Valley. He was appointed U.S. Attorney for Colorado and reluctantly ran for Governor. Before he was elected he warned the Republican Party leadership that he would look to his religious faith, the wisdom of Abraham Lincoln, and his own conscience to guide him. That he did.

Came December 7, 1941 and the Japanese attacked Pearl Harbor. Two months later, the Roosevelt Administration ordered people of Japanese descent to be "relocated" to camps. Carr saw it as his patriotic duty to speak out against this policy and to welcome Japanese people into Colorado. Meanwhile, other governors were indulging hysterical, racist rhetoric. Carr said, "As long as I am Governor, I am going to work toward the goal of retaining the kind of government our boys are fighting for." He saw the incarceration and seizure of property from Japanese as a travesty of justice, saying America must honor the principles of the Constitution for "every man or we shall not have it to protect any man."

The media excoriated him and Colorado voters punished him for his principles and Carr lost the 1944 election to Democrat "Big Ed" Johnson.

For half a century Carr was virtually forgotten. Later he had his day. In 2008 the new state justice center was named the Ralph M. Carr Justice Complex. And last summer the Governor signed a bill making US 285 down to New Mexico the Ralph M. Carr Highway.

Doing what is right, regardless of what is easy or popular, is not a thing of the past. We see lawyers who oppose the government arrested and jailed in China. We see them beaten in Pakistan.

The tradition of standing for principle as public-citizens is carried on by our recent alumni who represent inmates at Guantanamo asking that they receive the most basic human rights. By those representing controversial causes and individuals, causes that may be opposed by powerful interests. By fighting for a voice for abused children, for the environment, for victims of wrongdoing, even actions of corrupt, moneyed private interests or the government itself. Not everyone understands the lawyer's role. But you do. It is our duty to take on these causes, as the Colorado lawyer's oath says, "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed."

You are already citizen-lawyers. Volunteerism is a way of life already for many of you. You have given thousands of hours. You have shown leadership. You have championed equal access by enlivening the Loan Repayment Assistance Program. You have represented the underrepresented in our clinics.

I have no doubt that the values you brought with you here, coupled by what you learned here, equip you to do what is right.

The Rules of Professional Responsibility like the Honor Code, do not cover everything with precision. But by this point in life, you know what to do. As Marcus Aurelius said, "If it is not right, don't do it; if it is not true, don't say it." The citizen-lawyer goes a step farther. If it *is* right, stand up for it.

In time, the short-term agony of job-hunting will be over. Many here will go on to be judges, trusted counselors, business people, leaders in communities, states, and the nation. Whether you seek public notice or not, I hope that every act of your professional life is one that you, your classmates, and your families would be proud to see across the front page of the newspaper. And if you *do* act heroically *don't* expect to see it emblazoned in the papers or celebrated in your time. If it is, that's fine. But like Carr and Van Cise, you may be criticized and never live to see your work recognized.

The world you are entering is, indeed, radically different from the one you knew as you decided to come to law school. It is one with more need for access to legal services, more need for principled action, more need for citizen-lawyers than ever before. It's a world that needs you and your ideals in whatever career path you follow.

Thank you.