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Commencement 2011 Remarks

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David H. Getches, Dean, Univ. of Colo. Law School,
Commencement 2011 Remarks (May 6, 2011)
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Commencement Remarks

David H. Getches

Friday, May 6, 2011

On behalf of our Colorado Law family – faculty and staff, friends, alumni, it is my honor to welcome you here.

Welcome to our honored guests. Most of all welcome – and congratulations to a wonderful group who arrived in this hall today as students and will leave tonight as *alumni* – the Class of 2011! *You* are our reason for being here. Cherish this day. It is *all yours*.

You share the celebration with your families – mothers, fathers, spouses, siblings, dear friends, and other loved ones. To the loving families and friends I say congratulations, too. You were part of this journey, too – financially and emotionally. Family discussions were forever changed when any simple conversation was

perverted by the bright law student responding: “But, it could be argued . . .”

These graduates could not have done it without you. *We* thank *you*, the loved ones whose support made this day possible; the Class of 2011 thanks you.

[Applause]

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:

Jennifer Berg, daughter of **Gary Berg**, '79

Kara Lyons, daughter of **Tom Lyons**, '77

Matthew Montgomery, son of **Dennis M. Montgomery**, '74

Charles Sommers, son of Steven Sommers, '76, and brother of Stephanie, '08.

Christopher Turner, son of **Cecil Turner**, '67

Garreth Winstead, son of **Edwin Winstead**, '84

And **Emma Pucci**, who has some ten cousins, aunts, uncles, and so on, who are Colorado Law alumni.

[Applause]

We are joined in the auditorium tonight by [special guests]

University of Colorado Regent Emeritus **James Martin**, an LLM candidate].

New York Court of Appeals Judge **Eugene Pigott**, father of **David Pigott**.

Dean of the College of Arts and Sciences, **Todd Gleeson**, father of **Katherine Hinde**.

Seated on the stage with me are our distinguished speaker, **Justice Monica Marquez** and our Honorary Order of the Coif recipient, **Beverly Ledbetter**, '72. Each is an inspirational role model for people beginning a legal career.

They sit with Associate Dean **Sarah Krakoff**, Senior Assistant Dean **Whiting Leary**, Assistant deans **Kris Jackson**, and **Susani Harris**, and Registrar **Cindy Gibbons**.

And our faculty. 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 whatever satisfaction they gain as scholars is eclipsed by the gratification of 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.

[Applause]

Tonight, I want to pay tribute to one faculty member, Professor **Michael Waggoner**. Mike retires this year after 37 years, making him our longest serving active faculty member. He has taught Tax and Civil Procedure and other subjects to literally thousands of students, now alumni, who hold him in high esteem. Those in the class who had Professor Waggoner will surely recall him whenever they hear someone say “So far, so good?”

Mike is a great citizen of the school and served for many years as Associate Dean. He is regularly a marshal at commencement as he is tonight. We are counting on continuing to see him at law school events and colloquiums. Thank you Professor Michael Waggoner!
[Applause]

We also bid a sad farewell to Professors **Davidson** and **Huntington** who head to New York. We'll miss them and their family very much.

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.
[Applause]

I want to say a few words about your class, a bit about the job market you face, and offer some thoughts on the importance of the path you have chosen.

First, the Class of 2011

This class has the distinction of having been in law school for the most volatile and troubling period in modern times. You have lived through the longest war in American history, and another. Several of your number served the country in those conflicts before coming here, and I ask that the past and present members of the armed services in the class to stand.

[Applause]

The US economy has suffered in unprecedented ways, too. When you applied to law school the stock market was at an all time high. By the time you arrived here in

2008 the Dow had fallen 3000 points. And things got worse before they got better.

Few were predicting the financial meltdown that occurred and the miserable state of unemployment in the country. The Dow has come back, but unemployment is still nearly twice what it was when you started here. Many of you know about this first-hand, and I will come back to that later.

Your first year is memorable for a hopeful and historic election. But the period was, overall, beset by a dizzying convergence of world events – natural disasters, ethnic unrest, famine – crises of all kinds.

Although you go out into a world more uncertain than it was when you came here, it won't be as bad as it got while you studied these past 3 years. And, through all this uncertainty, you this has been a period when you 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.

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.

A few of the anecdotes members of the class have shared with me are bound to be memorable.

Professor **Moss**, urged to end his class early to watch President Obama's inauguration, quipped: "Let me get this straight, we are celebrating the only President to have taught Constitutional Law by having less Constitutional Law?"

There was Professor **Schwartz** talking about "Delta Awesome" in contracts. In fact, **Erin O'Brien, Brad Bickerton, Molly Malarky, and Louis Savage** loved Professor Schwartz so much they made t-shirts with his face on it to wear to the last day of class.

There was **Danielle Felder's** phone ringing endlessly in contracts class as she searched for it.

Some will remember Campos bingo -- and Professor **Campos** *will* remember your names.

The entire Venture Capital class saw Professor **Bernthal** tricked by Adjunct **Jason Mendelson** posting a fake news story online about an SEC raid on the adjunct's venture capital firm.

Professor **Lowenstein's** memorable comeback to an overly eager class participant was : “when I teach this next year I'll remember to flag that. . . . Not!”

Someone gave me a collection of **Hal Bruff** quotes, including: “Fishing expeditions are fine. You just need a license! whats your license? a subpoena”. And: “the grinch may have it right more often than Santa.”

Externships proliferated with, perhaps the most interesting being **Kristen van Slyke’s** externship with the Professional Bull Riders Association in Pueblo.

Real life experiential learning expanded with this class.

James Hathorn, Stuart Gillespie and **Ben Howe** experienced what it’s like to attract investment capital to a start-up, with Professor **Vic Fleisher** and **Andy Hartman**.

Many of this class learned about western resource issues on-site, travelling throughout the Colorado Plateau in Professor **Wilkinson’s** epic field seminar. There was, too, the Family Law trip to India with Professors **Huntington** and **Robinson**.

Outside the classroom memories abound.

You can remember the inspiring visit of **Justice Sandra Day O'Connor**.

Notable were this class's accomplishments, participating in a dozen moot court competitions. For instance NALSA students led by **Daniel Cordalis** and **Greg Narvaez** went to New York to compete, where the 6 team members took over a rented house, a pilot for a reality show, perhaps.

Jake Friedberg, Kate Knowles, Christine Rinke, and **Melissa Segers** were runners up to the 2L team in the American Association for Justice Regional Mock Trial competition in lovely Tulsa, OK.

In the Rothgerber competition **Jordan Bunch** was the Best Oralist and the First Place team was **Logan Martin, Annie Harris,** and **Garreth Winstead**.

Then there's the social scene.

I'm told **Derek Turner** can beat anyone in a dance off.

Stories linger of the night Professor **Aya Gruber** took her class to karaoke at the Dark Horse.

And the Barrister's Ball, shut out of UMC, led to **Dave Pigott** winning his first lawsuit – at least a legal claim – against the University. And the Ball lived on to infamy at Rembrandt's Yard.

There was also time for outdoor recreation. Some was hard core – mountain climbing, marathon running. For instance, **Stephen Young** who had run the Leadville 100 mile race continued his ultra-marathoning during law school. And **Kara Lyons** competed in an Iron Woman Triathlon in Austin.

A law student team won the Boulder Parks & Rec softball league championship. But not all was triumph athletically for the class. The professor team won kickball in the first year.

Maintaining a family life as a student is not easy. Yet, many here built families while students. Some *became* parents, a remarkable feat of multi-tasking. This weekend we celebrate Mothers Day and I ask that all moms in the class please stand. [Applause]

And now the dads. [Applause]

Leadership in this class is impressive. Think of your direct and decisive SBA President **David Pigott**. And the insightful and efficient Vice President **Allison Jensen**. You will soon hear from your illustrious class officers – for all three years – **Danielle Felder, Jonathan Corrigan, Kate Knowles, and Laura Ellenberger**. Danielle presided

over remarkable fundraising success for the class. During 1L and 2L years you also enjoyed the leadership of **Ben Howe** and **James Wittler**.

Leading the Journals were Editors in Chief **Kyle Blackmer**, **Katherine Patterson**, and **Eric Schmidt**.

[Applause]

Leadership is all about public service and standing out among the most impressive accomplishments of this class are public service activities. Let me mention a notable few.

Many of the class were involved in the 2008 election activities.

Danielle Felder and **Brittany Radic** paired students with alumni mentors. **Lauren Hasselbacher** and **Heather Strack** worked to double the amount PISA gives out in

Summer Fellowships. **Lauren** and **Christina Shea** co-founded a chapter of Law Students for Reproductive Justice.

James Barry helped launched CU Energy, now the second largest student group on campus.

Julie Nania has worked on the ground to help Doug Vilsack's NGO, Elephant Energy, distribute solar lights and bring energy justice to South Africa, Namibia, and the Navajo Nation.

There is no more stunning accomplishment than the class of 2011's contribution of over 10,000 volunteer hours to the public service pledge program, with over 800 hours being donated by **Ariel DeFazio** alone. **Christine Rinke** assisted Director **Andrew Hartman** to keep that program humming.

And there is the Loan Repayment Assistance Program (LRAP). From 2007 to now, LRAP, a student-driven effort,

grew from \$82,000 to over \$406,000 – about 500% during your time at the Law School. Your class helped make this happen, with fund raising projects during law school *and* now with your class gift. Many of you signed deposit waivers to propel this effort; thanks especially to **Heather Strack** for leading this effort and to **Melissa Segers** for her work on LRAP. Thank you class of 2011 for this! And now, more grads than ever can cope with debt while in public service jobs.

Speaking of jobs, I now turn to the world that lies beyond law school. Some here have secured jobs in firms and companies, and judicial clerkships, and we warmly congratulate them. Many continue the search as they head into bar study.

Of course, employment statistics are not encouraging. But you are not necessarily a statistic. Your success, in the end, will be about creativity, hard work, and especially perseverance. Less important at first is finding the dream job, or geographic selectivity.

I think of two recent graduates who stepped out of Macky with their law degrees at the bottom – 2009. They could not get jobs but hung out a shingle. One told me it has been rough, living for a while on less than he made in a summer job in law school. Now the little firm is doing pretty well, growing. Will they be as successful as the 3 classmates who couldn't get hired in 1968 and started the Brownstein firm?

I think of my former students. **Ben Pearlman** came to law school passionate over doing land use work for the county, but saw a path to more responsibility and influence if he had a law degree. He got one in 1996,

then went to work for the county attorney. Then he ran for County Commissioner, a job he holds today.

Think of **Ted Kowalski** who really wanted a job with the Attorney General where he had had an externship.

There were no jobs there when he graduated in 1995, so he volunteered and months later they hired him and today he is one of the top water lawyers for the state.

Roger Flynn wanted to work in public interest and in 1991 as now those jobs were precious few. So he raised the money to start his own non-profit, which is still going today.

The stories I hear from alumni of difficult job searches in difficult times are many. But they are inspiring, too, in the ingenuity that goes into the effort. Some things happen by accident. The graduate who was sent to an oil company that had an opening, but it was actually for an engineering position. He charmed them into putting him

to work on a temporary assignment checking land titles for peanuts. He worked his way up in the oil business, and today, he is very wealthy, the donor of some of our most generous scholarships.

Fortunately, a legal education is versatile. Law firm work is not all there is, and never has been the first choice of many Colorado Law graduates. Your search is for a place to do meaningful work must be wider. And perseverance must be longer.

Since 2009, the Law School itself has tried to create bridges to the jobs that are emerging from the strange new economy. We added staffing. Our Career Development staff will be there to advise this summer and beyond.

We have funded and will announce bar study fellowships and fall judicial fellowships again this year. The students who got short-term judicial fellowships last year were

rewarded, nearly all being offered formal judicial clerkships.

* * *

Finally, I want to say that wherever your journey as lawyers takes you, you have a distinction in our society. The law is a profession. A profession committed to the rule of law. I talked about this when I welcomed you on August 19, 2008. About how it was lawyers committed to the higher ideals of the system who had taken to the streets in Pakistan. The day before I welcomed you, the tyrant Musharef had finally stepped down. Today we see change afoot in many places in the world. In nearly all these places, lawyers stand up against oppression. In China they can be jailed for taking on the government for its human rights abuses, as we know from the case of Nobel Laureate Liu Xiaobo.

The noble struggle led by lawyers can be for single client done wrong. It can be for what's right in his or her own community. Lawyers are ennobled by a spirit of service - the willingness to turn education and access to the system into making society better, healthier, more stable. This is the traditional role of lawyers in American society. It is often forgotten amidst the lawyer advertising and bad lawyer jokes.

Fareed Zakariah wrote that traditionally "Law was a way to make a decent and highly respectable living, not a place to get rich." Lawyers, he says, were part of what he calls "a public-spirited elite." By this he means that lawyers can be defined by a sense of honor and service. He recalls that Alexander Hamilton believed that lawyers could provide "[a] form of public accountability that would help preserve the blessing of democracy without allowing its untrammelled vices."

Zakariah's point is that lawyers and other professionals historically were seen as above the commercial crush of pure business or the poll-driven winds of politics. He cites law as "the best example of a private profession that historically had a public function." "The profession . . . has imposed . . . Codes of profession conduct . . . designed to hold lawyers to an internal set of standards that would make them respected and trusted professionals and not simply hustlers."

Your character *will* be tested, especially in tough economic times. You will be challenged to maintain your ethical standards and to follow the ethos of service.

My hope for you of the class of 2011 is that you will adhere to the highest standards and earn an elite place in American society through your honor, and your service, in whatever endeavors you pursue as

professionals and as citizens. The Class of 2011 has its own tradition of service. May it continue.

In closing, I want to add that this commencement is special for me, as it is for the graduates. It is my eighth and last spring commencement as Dean. So, it is my commencement, too. I look forward to graduating to this fine faculty and to teaching.

As I prepare for a transition in a couple of months, I look with gratitude at where this law school is today. It is a credit to our faculty and staff who modernized a curriculum and escalated a national scholarly reputation. Our accomplishments as a law school are the result of the work and generosity of our students, alumni, and friends who built a building and a scholarship program. We will not forget that CU students who, led by our own law school community, decided to tax themselves heavily with a fee that made possible the Wolf Law Building and several other buildings when the state would not or could not provide funding.

As I look back over 8 years of deaning – not to mention decades of teaching – our students, now alumni, are my deepest source of pride. Their accomplishments and their service to society are inspirational. This contributes to the job of a law professor being perhaps the best job in the world. And to making the job of dean of the University of Colorado Law School an especially high honor.

But I am compelled to say that public higher education is in a troubling transition. As you all know, the neglect of public higher education has cast new and heavy burdens on today's students through ever higher tuition and fees, and resulting debts.

So, I want to appeal for everyone here, graduates and families, to step up and insist that political leaders see the vitality of higher education as the key to our society's

vitality – culturally, socially, and economically. A brand of our Law School is a commitment to service and the spirit of service in this class runs deep. May you all find ways to continue serving your school in the future, and to help preserve our system of public higher education. Thank you.

[Applause]

Order of the Coif

And now I will introduce **Professor Paul Campos** who will announce the Order of the Coif recipients and present our 2011 Honorary Order of the Coif. As Paul will elaborate, we award the honor this year **Beverly Ledbetter**, class of 1972.

Introduction of Class Officers

Now you will hear from each of your class officers. Next, for her remarks and reflections, Class President **Danielle Felder**.

Danielle will be followed by the presentations of Class Secretary **Kate Knowles** and Class Treasurer **Laura Ellenberger**. Then Vice President **Jonathan Corrigan** will introduce our Speaker, Colorado Supreme Court **Justice Monica Marquez**.

Presentation of Diplomas

And now the prize you have been waiting for – the diplomas.

For the first time ever, we have had a class of LL.M students. They expect to complete their degrees in the summer, but we recognize the candidates tonight.

After the LL.M. candidates, we shall present the Class of 2011 with their Juris Doctor degrees.

Registrar **Cindy Gibbons** will read the candidates names and Senior Assistant Dean Whiting Leary will assist me in presenting diplomas. Our hooding professors are **Richard Collins, Clare Huntington, and Helen Norton.**

Welcome, Class of 2011, to the distinguished company of **Alumni** of the University of Colorado Law School!

[Applause]

Sears Charge

It is customary to read at the end of Law School Commencement to recall the words of our Dean Emeritus Don Sears, embodied in the Sears Charge. I leave you, graduates, friends, and family with Dean Sears' wisdom:

You have now received the Juris Doctor degree.

Please do not take undue pride in this title, for in the final analysis the test of your professional fitness will lie not in your title, but rather in your service to society and in the extent to which you combine

professional skills with humane concern, legal learning with intense integrity, great energy with high ideals.

What kind of lawyer you will be depends in large part on the kind of person you are. I hope you may continue to grow and that, in the years to come, you will live the life of service. To you all, we wish great success in your chosen profession.

Adjournment

Please remain seated as the graduates and faculty leave. Buses are available to shuttle people back to the Law School.

Congratulations, Class of 2011!

We stand adjourned.