

## **SECTION II**

### **1L DINNERS**

**INTRODUCTORY PERIOD - 1L DINNER SPEECH 1998 - THE BABY DEAN**

It has been a very busy couple of days for all of us. And we have extremely busy times ahead of us. We met the other day when Dean Sobieski introduced me to you, and I, in turn, introduced Mr. Bernstein to speak to you. Well now it's my turn to say a few words. I hope you have found your orientation helpful and informative. I hope tonight you have begun to build a meaningful relationship with your advisor. Finally, I hope that in the next few minutes, and I assure you that it will be just a few minutes, that I have something to add and not just a bunch of meaningless stuff.

Let me start with a few words about you as a group, and you are an outstanding group. There are 159 of you in the class of 2001. How many applications did we receive? One thousand ninety-six. About 80% of you are from the great state of Tennessee, and 20% of you come from the rest of the world. Where from? Alabama, California, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, South Carolina, Texas, and Virginia. One of you has come to us all the way from China. Another has come from Guam, and yet a third calls Russia home.

How old are you? None of my business. But for statistical purposes only, you range in age from 20-56. Your median age is 23.

As a group, you are 57% male and 43% female. Your median undergraduate GPA was 3.48. Your median LSAT score was 156. Those are impressive credentials. I am also proud to say you are the most racially diverse class we have had at the College of Law in the last several years.

Where did you go to college?

- 35 UTK
- 10 Middle Tennessee State
- 6 Vanderbilt
- 6 UT Chattanooga
- 4 David Lipscomb
- 4 Rhodes
- 4 UT Martin
- 3 Auburn
- 3 UGA
- 3 University of the South

And more, including Grambling, University of Alabama, Morehouse, University of Virginia, Southern, East Tennessee State, Furman, Oakwood College, University of Michigan, Duke, Penn., and West Point.

What did you major in? Everything from Chemistry to Russian, Political Science to Women's Studies, Philosophy to Logistics, Nursing to Classics. Your educational backgrounds are as diverse as the personalities of those who are called to the bar.

Why did you come here? You have listed many reasons, including our outstanding national and regional reputation (and let me tell you, I think you will find out very soon that we are better than our reputation, which is excellent). You also came here because you perceived that we were in a great part of the country and provided a real value. You came because you had heard about and seen our new building—one of the best in the world. You came because you were impressed with us, in general, and with our admissions staff in particular: Karen Britton, Janet Hatcher, and Carolyn Dossett. Let me stop now to thank the three of them. Not only did they do a great job recruiting and admitting you, but they provided me with all the information I've been relying on so far in this little talk. Let me also give credit where credit is due to our admissions committee, which spent many long, hard hours looking over your files and hand-picking you as the Class of 2001. We are happy to have you here.

Now, let me switch gears a little, to get only slightly preachy, and let me make the switch by repeating a story I heard from Tom Read, who is the Dean at South Texas College of Law. He has also been the Dean at Florida, Hastings, Tulsa, and more. The story has to do with the meeting of the American Bar Association in San Francisco, California. The keynote speaker was to be the Chief Justice of the United States Supreme Court, Cincinnati, Ohio's own William Howard Taft. Taft was Chief Justice after having been the President of the United States, Solicitor General, Federal Circuit Court of Appeals judge, governor-general of the Philippines, Secretary of War, Chairman of the War Labor Board, and professor of law at Yale.

Well, Taft was a big name, but he was also a big guy, weighing around 300 pounds. He wore it well. A little old fashioned, but that was all right. Anyway, Taft was such a big haul as a speaker that whoever was going to get to introduce him was going to be pretty lucky. And the person the ABA selected was an old fashioned orator, with a reputation for giving great speeches in the Chautauqua vein, whose name was Chauncey Depew.

Once given the job of introducing Taft, Depew went to work on the speech. And quite a speech it was, lasting over 40 minutes. And as he finished his overextended introduction, Depew said: "I now give you a man who is still pregnant with ideas and pregnant with creativity, the Chief Justice of the United States Supreme Court, William Howard Taft." Well I think I've paraphrased Depew, but the important point is that he did, in fact, use the word pregnant. The room erupted,

probably in large part because Depew was finally finished. The Chief strode to the podium, directing his great girth to the speaker's position and he folded his massive hands, on his even more massive midsection and he spoke: "I have made a decision," Taft said, patting his stomach. "If it turns out to be a girl, I will name her Mary. If it turns out to be a boy, I shall name him William Howard Taft, Jr. But, if it turns out to be gas, I shall name it Chauncey." And the room really erupted then.

Anyway, I hope that you will not take my few words as merely gas. If you do, I hope it passes quickly. What could I tell you that you do not know, have not heard, or that will not sound clichéd? In trying to decide what to talk about, I got a little introspective. And in doing so, it occurred to me that you and I are not in dissimilar positions. We are both trying something new. As you have heard, I am the new Dean. I just moved to Knoxville on July 18. When I finish this talk tonight, I will complete one full month on the job. I have never been the Dean of a law school before. For that reason, I feel a kinship to you already. You are the first class to enter this school with me as the Dean. I think we'll learn a lot together. I expect in some ways I'll look to you for sympathy and support. After all, almost everybody around has been here longer than you and me. For us, this is a brand new experience.

While I'm crawling along as a baby dean, you are beginning your first year in law school. You are starting what will probably be the most intellectually intense experience of your life. Last year; heck, two months ago, I was a law professor at LSU. I hope I don't sound too vain when I say I thought I was pretty good at what I did.

You, too, were pretty darn good at what you did. You have succeeded as undergraduates, and you have proven your intellectual mettle on the LSAT. If you had not performed well on the LSAT and as undergraduates, you would not be here. You are achievers, and while you are here and thereafter, you promise to achieve even more.

As the new Dean, I have to learn the ropes. I have to develop new habits. Things that I did naturally are behind me. I am in a new place physically and in a job that demands that I develop new skills and tailor old skills to deal with new problems.

You will be asked to analyze things in new ways. You will be asked to explain your conclusions and your reasoning to an extent which may at first seem unnatural to you. You will be required to work harder at schoolwork than you have probably ever worked in your life. There will be times that you will be frustrated by the effort. But, if you enjoy this work, if you find that you want to make it your life's

work, those feelings of frustration will pass. The realization that you have found something that you are good at and enjoy will go far to lighten the burden of fatigue that the hours of work will impose upon you.

Both you and I have much to be grateful for as we undertake these new challenges. I am grateful to my wife, Susan, and to my four children: Patrick, Sarah, Aisling, and Jennifer. I appreciate their willingness to pull up stakes in Baton Rouge and come with me to Knoxville. Now from what I've seen, this is what a religious person might call God's country. But I still appreciate that they came with me and that they let me lean on them for support. I am grateful to my father, who taught me law at the dinner table and what it means to work hard. I also thank my mother, who taught me that work isn't everything. I am grateful to my colleagues at LSU, and I am grateful to my new colleagues for finding that I was an acceptable dean. Now I am honored to be here and working with them. I am very grateful to Dick Wirtz, whom I have succeeded as Dean. He has been wonderful to me and has helped ease the transition. I am also very grateful to the University of Tennessee central administration, Joe Johnson, Bill Snyder, and John Peters who have pledged financial support to the College of Law that will allow us to grow during your three years here.

I know that you, too, are grateful to parents, spouses, siblings, and friends. But you should also be grateful to the people of the State of Tennessee who have provided the financial resources which have helped make your education here affordable—and that is true whether you are from Tennessee or not. You also owe thanks to the State for providing the funds which built the building in which you will receive your legal education. That building is one of the best legal educational facilities in the world. You are fortunate; and as you walk through the halls; as you sit in the class rooms; as you use the library; be aware of the fact that the State has provided you and me with that building so that we can participate in the process of legal education with pride and on the proverbial cutting edge. Likewise, as you live in our gem of a public building, remember that it is both a gem and that it is a public building. Every ding or knick we put in that building denigrates it. Every time we litter it or damage it we are taking it for granted. We are failing in our duty to preserve a public jewel. We are violating a public trust. Treat that building like you would treat a new car which you have just driven off the lot. Treat it with respect and concern.

I have done many things in my life that I would very much like to have the chance to undo. I have treated people poorly. I wish I had not done so, and I wish that I had apologized. I am sure I will screw up again, and probably soon. But, in my new role, I hope that I can be better than I have been. There is a chance, when one takes on a new role and new responsibilities, to make resolutions—to resolve to

be a better person than one has been before. As the Dean of the UT College of Law, I pledge to try and live up to this new role and these new responsibilities.

You, too, as law students, as future lawyers, must go beyond yourselves in a way. As attorneys you will be responsible for the lives of others. You will also be responsible for the integrity of our system.

Both you and I must resist the urge to put self-interest above the interests of those whom we represent. We are fiduciaries. You will be a fiduciary for your clients. You cannot put your interests above theirs. We are not bigger than the people and institutions we represent. You cannot allow yourself to believe that your commitment to values like integrity and honesty will begin when you take the bar exam. From tonight forward, you must behave with scrupulous honesty. In medical school, the professors call you doctor from the first day, expecting you to act and behave like a doctor from the start. We don't usually adopt a similar practice in law school. But tonight I call each and every one of you lawyer and ask you to assume the weight of honest responsibility that entails. You must maintain the integrity of the profession you will soon be joining. Lawyering is a noble profession, and you must maintain its nobility. In some ways, I may not be fair here. Some of those who have joined the bar before you have done a poor job of being honest; they have done a poor job of system building; they have ignored needed reform for personal profit. They have allowed law to be used as a tool of oppression. You must do better. You must not fall prey to the trap of personal profit and power. You will be in a position of power. Likewise, I imagine some would say that a dean has some little bit of power. But both you and I must realize that much of the power we may have results in large part from the dignity of the positions we hold: you as future lawyer, me as Dean. Much of what has occupied us as a nation over the last year or so may well have been avoided if those acting on both sides of the political fence had thought a little bit about the dignity of their positions in our American government.

It is late, and I fear I have already gone on too long, but humor me for just one more minute or so. After all, this is the first speech I've ever gotten to give to students as a dean. While I have sounded a little preachy tonight about what you need to do as future lawyers to maintain the integrity of the profession and the system, I want to sound a chord that I think is consistent but that may not immediately sound that way. You will be asked to think a new way, as a lawyer. I will be asked to think like a dean, that is, as an administrator. There will be times over the next few months when you will wonder about your common sense and your personal values. As we try and get you to think like lawyers, there will be times that you will wonder whether you can still think and act like plain old human beings. I have never given a speech dealing with legal education where I haven't quoted a guy named Karl Llewellyn, and so I'd like to do so now. He was a guy who went to Yale,

taught at Columbia and Chicago, and wrote the Uniform Commercial Code. In 1929, the year my father started law school at Cornell, Karl gave a series of lectures to new law students at Columbia. The lectures were later published as a collection called “The Bramble Bush.” He said:

The first year aims to drill into you the more essential techniques of handling cases. It lays a foundation simultaneously for law school and law practice. It aims, in the old phrase, to get you to “thinking like a lawyer.” The hardest job of the first year is to lop off your common sense, to knock your ethics into temporary anesthesia. Your view of social policy, your sense of justice—to knock these out of you along with woozy thinking, along with ideas all fuzzed around the edges. You are to acquire ability to think precisely, to analyze coldly, to work within a body of materials that is given, to see, and to see only, and manipulate the machinery of the law. It is not easy thus to turn human beings into lawyers.<sup>1</sup>

Now, whether Karl was talking with his tongue in his cheek or not, we need not worry. But for both you and me, it is important to recall that as we take on our new roles, we remain, most basically, human beings. While we aspire and will try to wear our new mantels with pride and integrity, we must keep our hearts and souls intact. We are still the people we are. We can do better, but we must remain human. We must still care and hurt and enjoy and love as humans.

We also have to strive to take the breaks humans need to sustain themselves. That means going to the movies, spending time with friends and families, running, playing basketball, tennis, or whatever you do. We can’t let all of this new stuff go to our heads. I once heard the Chief Justice of the Mississippi Supreme Court say that a lawyer should never take his or her skills in argumentation and advocacy to the family table. I agree. Likewise, I would not use those skills to gain some advantage with my friends and neighbors. The responsibility we have as lawyers, future lawyers, and deans is a great one, but it is one we must carry out as the humans we are.

Well, as I finish, I think there was way too much gas. I know it was neither a boy nor a girl. But you will always occupy a special place in my heart. You will always be the first first-year class I ever addressed as the Dean of the University of

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<sup>1</sup> K. N. LLEWELLYN, *THE BRAMBLE BUSH* 101 (Oceana Publications 1951).

Tennessee College of Law. You and I are starting out together, and I thank you for your patience tonight. Over the next three years I expect to learn a lot from you.



**INTRODUCTORY PERIOD - 1L DINNER SPEECH 1999 - WHAT CAN I ADD?**

Good evening.

You have had a very busy couple of days. Your lives have begun to change a little; your lives as lawyers are really beginning. It is an exciting time for you, but keep in mind that this is a marathon. You are in this for the long haul: three years, and for your careers beyond.

Your adrenaline has probably been pumping the last few days, and now you may be calming down a little bit; but calm down, don't drop off. Tomorrow you will actually start classes; the real work is still ahead of you.

Now, what do I have to say? What can I add to everything you've already heard? It has been my experience that deans giving introductory speeches like these usually talk a lot about what's ahead and what it means and how it will affect you. He or she will say a word or two about your great responsibility as law students and lawyers. Now, I generally do not consider myself a real conformist, but I have no great intention to make any tidal waves today, so I will follow the tried and true formula. But while I will talk about what's ahead and how it might affect you, I want to dwell a bit on who you are now. Who are you today? What do you love? How do you see yourself? Where do you think you need some work? What do you want to do? Take an inventory of these things. Write them down if you think it will help you remember. Look back in three, five, ten, fifty years and see how you changed and how you didn't. Some things will be different, but some of your answers will still be the same. I imagine that much of what defines you will still be the same. Some of what will have made you great—or not—will no doubt be with you now. I venture that, for many of you, what makes you a caring human being will be the same. And if I have any theme at all, it is that while you will change here, please always recall who you are and what you are: an involved, compassionate person. Let me get a little personal. I very clearly recall my law school orientation in Tacoma, Washington, in 1978.

It was held in the school chapel of the University of Puget Sound in Tacoma, Washington, and one of the speakers talked about the Socratic Method and how law school would change us all, and especially the way that we thought. To be honest, I felt a little threatened by that. First of all, I was not so sure law school was for me. I was only there because I had not yet written a great novel, probably would never throw a no-hitter in the World Series, and could not play guitar well enough to be a rock star. I needed a profession, and since my father was a lawyer who loved his work, I thought I'd try this one. Second, although cognizant of a few minor faults, I sort of liked myself the way I was. I wasn't so sure I wanted someone messing with

my mind. But with all that talk about changing my life and all those eager faces staring up at the speaker, I decided then and there that if anyone started chanting, I was going to get up and go. I was immediately reminded of Franz Kafka's grossly vivid novella *Metamorphosis*, where the protagonist, a young man named Gregor, woke up to find he had changed from a human into a giant cockroach, and his family is disgusted by him. Could law school do that to me? I looked to make sure I still only had two arms and two legs. I touched my head to see if feelers had grown yet. No, but I was already losing more hair.

Well, although the chanting never did begin and I never sprang wings, I had no doubt then, and am absolutely sure now, that a not-too-subtle bit of brainwashing was going on. The moniker for this brainwashing was teaching my classmates and I to "think like lawyers." All this was part of learning to think like a lawyer. As the legal philosopher Karl Llewellyn facetiously told the first-year law class at Columbia Law School in 1929 about their forthcoming first year of law school:

The first year aims to drill into you the more essential techniques of handling cases. It lays a foundation simultaneously for law school and law practice. It aims, in the old phrase, to get you to "thinking like lawyers." The hardest job of the first year is to lop off your common sense, to knock your ethics into temporary anesthesia. Your view of social policy, your sense of justice—to knock these out of you along with woozy thinking, along with ideas all fuzzed around their edges. You are to acquire ability to think precisely, to analyze coldly, to work within a body of materials that is given, to see only, and manipulate the machinery of the law. It is not easy thus to turn human beings into lawyers. But this Socratic method, this questioning and discussing and more questioning aimed at getting us to be cold-blooded logicmachines? Is it trying to beat the humanity out of us?<sup>2</sup>

Will we try to make you a professional with no sense of right or wrong and no idea of humane conduct, but only the cold, cool logic of the uncaring technician? No, absolutely not. And, we won't turn you into uncaring, value-neutral automatons. But we'll try to teach you to work within the logical framework of the law, to be precise, to realize that in this business it's not enough to say a result is justified because it's fair or unjustified because it's not fair. We will try to teach you to play

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<sup>2</sup> K. N. LLEWELLYN, *THE BRAMBLE BUSH* 101 (Oceana Publications 1951).

by the system's rules. We will also try and teach you to develop a sense of when those rules we play by need to be changed. But beware, because legal education, like any field of specialized study, has a narrowing effect: it sometimes puts blinders on you. What can those blinders lead to? Conceivably, they can make us believe that either there are no values behind legal rules or, instead, that your own values, your own sense of fairness and justice is second rate or unimportant. This, in turn, might lead to a very intense and negativistic form of cynicism about all people and institutions. With such a cynical, negative attitude, you might start to treat your clients, colleagues, and your acquaintances with disdain. You might become hypercritical. In practicing your profession with bankrupt values, you, as lawyers, would be a mere wordsmith who achieves results not because of some primary belief that they are right—either for the particular case or because of some broader systematic goal—but because you are being paid to achieve those results and because you are able to manipulate the strict words of the law to justify that result.

One way to avoid that happening to you is to recall, as you go through this process of learning to think, write, and act like lawyers, that you are first and foremost caring, compassionate, concerned human beings.

So, from today forward, make every effort not to unduly narrow your perspective. You must learn to view legal issues both in the particular context in which they arise and from a broader societal perspective. Always recall your sense of justice. The law exists for a much nobler purpose than insuring that you and I are employed. It exists to order our entire society. In order to keep the law responsive and acceptable to all of us, as lawyers, we must be responsive to the people and values that make up society. Thus, in thinking like lawyers, you must never forget to think like human beings, like the people who sit here tonight. What can you do on a day-to-day level? Many things, but I have only the time to mention a few.

Never forget to treat one another civilly. Treat one another cordially. Learn about the value of cooperation. This is not a place for cliques and exclusions. This is an open institution for learning. It is our pledge that we exist for everyone we admit to learn in an open, welcoming environment, free from prohibitive bias. If you do not feel that pledge is true, let us know—we will do something about it.

Let me say a word about cooperation. Cooperation is a desired trait, but cooperation must be understood in terms of our Code of Academic Conduct. You will soon be lawyers, bound to follow the ethical rules of lawyers. Now you must follow our Code of Academic Conduct. It is your absolute obligation to do so. You do not want to be the subject of a Code proceeding. It will be incredibly unpleasant, and it will stick with you for the rest of your professional life, whatever its outcome. If you come from an environment where cheating or plagiarism were tolerated or

one in which people looked the other way, this is your warning. This may be your only warning. We take our code very seriously.

Another thing ahead of you is academic performance. You are all high achievers. You have all done very well at school. No doubt many of you will do great here as well. But every one of you will not be first in the class. All of you will not graduate in the top ten percent. All of you will not graduate with Highest Honors. You will work hard—probably harder than you’ve ever worked.

Try hard; do well; but please don’t define yourself by your grades. Consider the great experience you can have while you are here on Law Review, Moot Court, BLSA, Speaker Series, Law Women, and more. Consider the inner strengths and values which brought you this far. Devote yourself to your studies; don’t define yourself by your grades.

Now, what about jobs and money? You will all have loads of opportunities to make money. But consider that once you pass the bar, you are part of an oligopoly. No one who is not licensed, as you will be, can compete with you. As such, it seems to me that you have an obligation to the society that grants you this competitive advantage. Pro bono legal service is not something that you should do; it is something that you must do. Agencies like Legal Aid and the Legal Services Corporation cannot do the job alone. They are understaffed and overworked. Your help is needed. The high cost of legal services is a problem we cannot ignore. On your current list of what you might want to do, if you’ve said public service, I’d urge you to keep that fact in mind. But if you decide to do something else, think about your goals; think about what got you to say public interest when I asked you to raise your hand. Do what you think is right, but just think about it. If you do not end up in public interest work, learn that your obligation is still to do public service.

As the sun sets, let me once again welcome you. This is a great law school, and we are better already because you are here. Take every advantage of this wonderful opportunity. I hope that you have truly found something you love. Have a great semester.

**INTRODUCTORY PERIOD - 1L DINNER SPEECH 2001 - SARAH'S CHIN**

I had a speech planned for tonight but wasn't sure it really fit the occasion. Fit is important. I also had three speeches from previous Introductory Period dinners I could fall back on, but events in my life last night convinced me to take a risk and not repeat one of the old speeches.

I have four kids—Patrick, 16; Sarah, 14; Aisling, 11; and Jennifer, 9. Things have always come easiest for Sarah. That's not to say she's the perfect child and hasn't had challenges, but her older brother, Patrick, expresses concern that her life, as compared to his, has been too easy.

One of the things that has always come relatively easy to Sarah is school. I won't tell you her grades, but suffice it to say, she is an overachiever, like you folks are or you wouldn't have gotten in here and wouldn't be here tonight.

Well, Sarah's life changed last Tuesday; she started high school. She had switched schools before. She had moved to a new town. But she had never started high school before. She is a little overwhelmed. She is slightly off stride.

I know you think you know where I am headed with this. She is going through a difficult transition and time in her life; you are going through a transition at a new school. But I will not insult your intelligence with that obvious comparison I just made. After all, you have been through high school; you have been through college; you have worked. Sarah hasn't done any of that.

One of the things that's bugging her a little (I think—she won't admit it) is the work. She is smart and talented, and consequently she has developed a habit of doing her homework late. Now, late is too late. She finds herself working later into the night than she would like. Last night she wanted to go to bed early. Drama builds. She wanted to go to bed early because she had to be at school at 7:30 a.m. for an Academic Team meeting.

Susan—that's my wife—and I got home at about 8:40 from a social event, and Sarah was still doing her homework. She was in the living room. I walked in and wrongly turned on the TV. Her mother then came in and told her not to do her homework in front of the TV. Sarah felt unjustly accused. But her mother was unswayed, even though the Braves and Padres were on TV and Sarah could care less about either the Braves or the Padres. Now it was getting later. Sarah was fidgeting with anxiety and wrongful conviction without trial.

Susan went out to walk the dogs. Sarah packed her book sack with a “humph.” She wasn’t quite done yet, but she needed a break. I made a crack about homework and TV. She did not see the humor in it. Sarah went into another room. In that room sat her sister, Aisling. Aisling was upset because the other kids had ordered Papa John’s pizza for dinner; she prefers Pizza Hut.

Shortly thereafter, I heard crying. Had Sarah popped Aisling? “What’s wrong?” I yelled as the Braves tied the game. More crying. “I hit my chin.” It was Sarah. My visions of Sarah hitting Aisling switched to Aisling decking Sarah. We are a close-knit, loving family.

And Sarah arrived back in the living room with blood everywhere. How? It was something called an Ab Slide. Ab Slide, Ab Rocker, Ab Socker. The Ab Slide had slid. Leave it to Jerry Phillips to tell me if Sarah has a products claim against the seller, distributor, or manufacturer. Sarah had slid and banged her chin.

Sarah had a deep cut on her chin. I told her to lie on the floor and get ice, and she put pressure on it. Aisling ran out to get her mother. Sarah cried that she just wanted to go to bed; that was all she wanted. When I gently said, “Sarah, you might need stitches,” the crying increased. Sarah is as afraid of needles, shots, and human sewing scissors as her father.

Susan returned. Susan took one look at the cut. She asked, “Does it look like an eyeball?” It did. Then, she and Sarah set out for the hospital. My assignment was to get Aisling and Jennifer to bed. Sarah’s adventure last night convinced me to tell the story I was going to tell, the one I thought didn’t fit, because she is in it. The story I will tell is not just about her. It’s about me too!

Maybe it’s about rest, relaxation, and the need to be revitalized. Maybe it’s about happiness, mystical states, and the meaning of life. I doubt it’s that significant. But here I go. This story is about my life two years ago. I had just finished my first, very wonderful year as Dean of the University of Tennessee College of Law. My colleagues on the faculty and staff had welcomed me and treated me gently. When I screwed up, they were forgiving. Our students had kindly greeted me and supported me. The alumni had wanted to get to know me and were relieved to learn I would cheer for UT, not LSU (from which I had moved after twelve years).

While it had been a great year, it had also been a stressful one. I had never been a dean before and thus had no habits or routines upon which to rely. Habits or routines can get you in trouble if not examined and reflected upon. But they also can provide safe space in which to settle and nest.

Moreover, the year had been stressful because the President who hired me had retired, and the Provost who'd hired me was known to be seeking a position as a University President elsewhere. When experienced law deans get together they tell horror stories about changes in university administrations—although I don't consider myself an experienced dean—I've got some stories now. But, for tonight's purpose, the first year was wonderful and stressful. One big reason that it was stressful was because of my own deep insecurities. The one question I kept asking myself, especially when no one was listening, was, "How am I doing?" I kept looking for answers to this question. When no one was around I'd kneel down on my office floor and put my ear to the ground to see if I could hear people talk about how I was doing. But the floor, unlike the floor the Ab Slide was on, is concrete.

People said I was doing great, but folks in East Tennessee are so nice and friendly, who really knew? So, I kept asking myself, "How am I doing?" As a former litigator who was overwhelmed by winning and losing, and as a former law student who was overly concerned with my grades, I kept looking for some outside manifestation of success or failure. And that added stress.

Life was also stressful because I had moved my family to a new place. We had all left great friends and familiar places. So my family's stress added to mine, but still, "How was I doing?" dominated my own inner stress life.

Anyway, it was summertime. To ease Sarah's transition to Knoxville and a new school, we had promised that she could go to camp in North Carolina with many of her old friends from Baton Rouge. But the way the camp's schedule worked, and our summer schedule, Sarah could go for a one month session or not at all. She said she wanted to go. She had never been to camp before, but it didn't bother her. That's the way she is, at least before last week and last night. We were more worried about her being away for the summer. We bribed her. What about a new stereo (cheaper than one month at camp)? No. How about a new computer (cheaper than one month at camp)? No. So, one Saturday early in July 1999, Sarah Galligan went off to camp in Tuxedo, North Carolina. Sadly for me, I was not able to go with her. I was giving a talk somewhere or trying to raise money or doing something else work-related. In any event, I hugged my daughter and said good-bye to her in Knoxville, Tennessee, not in Tuxedo, North Carolina. I felt a little guilty.

Two weeks later was visitation day. Susan could not go; another child needed her for another reason. I, too, thought I could not go. I had some huge quantity of work to do—either administration or promised scholarship. To alleviate any guilt I had, I sent Sarah a package from The Wrinkled Egg, a store in North Carolina that sends care packages to campers. It actually sells the packages to parents and grandparents. The Wrinkled Egg is "the mother" of gift stores. The

Beatles said, “Money Can’t Buy Me Love,” but with my Wrinkled Egg gift, that’s exactly what I was trying to do. Sarah appreciated it. But I know it wasn’t enough, at least not for me. So, when Saturday dawned, I got up, grabbed a bunch of CDs (for me) and headed east. Three hours later my surprised daughter, Sarah, met me at camp with a look of happiness and contentment. From her hug until the day ended, time seemed to stop.

We went to McDonald’s. We ate. I heard how her old friends had changed, some for the better but not all. My Sarah can be critical. She is a lawyer’s daughter and a lawyer’s granddaughter. We went to Carl Sandburg’s North Carolina home near Hendersonville. We had ice cream at a little sandwich shop. I heard all about camp. As I said, I heard about who was fun. I heard about who was irritating. I heard about Sarah’s days and her activities. I drove home in peace. I forgot about how I was doing.

Now, what is this little story about? One thing it isn’t about is obsession. I confess that I am an obsessive/compulsive person. I am task-oriented and worry until the task is complete. Not a bad trait for lawyers or law students. But how was I able to lose myself that day with my daughter? I had tasks to complete; why wasn’t I worried about them? Luck definitely played a part.

I think there was more. I had certainly made recent mistakes, but that day none of them were haunting me. I hadn’t lied to anyone. I hadn’t cheated anyone. I had tried to do the best I could. I needed that treat, but I was lucky no demons were haunting me that day.

I know that when I was a practicing lawyer, what caused me the greatest distress and the maximum obsessions were ethical issues. When I thought I was being asked to get too close to the line of permissible behavior or I had accidentally stepped on that line, I ached as a professional. My most relaxed time and most heightened ability to enjoy my life and my job were when I felt ethically and professionally clean. It’s when I didn’t have to worry, to borrow a metaphor from my Catholic upbringing, that I had committed some professional sin.

Here in law school, we emphasize the value of ethical professional behavior. We have an Honor Code, and we have Writing Standards that define proper ethical conduct. Please read those documents. Understand them. We take them very seriously. If you violate them, you may be the subject of an Honor Code violation proceeding. That is a very unpleasant experience. You do not want to go through it. Not only will you hate the experience, it will affect you adversely for your entire professional career. Every time you are asked, by bar examiners or by potential employers, if you were ever accused of an ethical violation, you will have to answer



yes and then explain. And it just may eat up some of your personal life as well. Do right; sleep better.

Next, recall my stress: “How am I doing?” I was looking outside for external signs of my success and failure. I believe that is rational behavior. But outside is not all. The unexamined life really is not worth living.

Looking outside, I have never won twenty games as a major league pitcher. I’ve never saved a game or struck out a big league batter. As a major league pitcher, I stink. I have never played to a sold-out house at Thompson-Boling Arena, Madison Square Garden, or Joe’s Bar & Grill. As a rock star, I stink.

I have never published an article in the Harvard Law Review. Cited yes, but published, no. So as a Torts teacher/writer publishing in the Harvard Law Review, I stink. Hey, I better not keep this up or I’m going to feel pretty crappy and maybe project how I feel. But, wait! I have tried hard to be nice to people. I have worked hard to listen to what people say and to try to understand them. I try hard to greet people with a smile that reflects their self-worth and my happiness at seeing them. My father, bless his soul, could get angry at the tip of a hat, let alone the drop. I’ve tried hard not to follow his lead in that regard—maybe too hard sometimes, but I’ve still tried. So where am I going with this? My day with Sarah was a day of self-reward, if not self-interest. I was interested in my daughter and her life and being with her. There was no external reward involved for me. However, my interest or focus on her made my life better that day. There was no fame, applause, or money involved. But it was one of the best days of my life!

You have been rained upon with external rewards. You have been given high grades. You have received high LSAT scores. You have been honored by your schools and your communities. You have been elected by your peers. All of these things are great! We are happy for you.

There will be more opportunities for external reward here: grades, awards, prizes. Receiving these will be in your self-interest. They will help you get a job that pays you buckets full of money if that’s what you want. We who teach you will fondly look upon you for winning these prizes. But I’m not sure we’re doing you such a big favor for being so hyped up about these external rewards.

These rewards won’t necessarily let you have a great day with your daughter, son, spouse, friend, parent, etc. They also may mislead you; they may already have misled you. As a lawyer, your self-interest must learn to take a back seat. As a lawyer, you will owe obligations to your clients and to the system of justice that trump your self-interest. As a lawyer, you must put yourself—your ego, your purse,

your fame—behind or second to your client’s interests and, at times, behind the system’s interests. Put yourself first and you risk it all. Put yourself first and hurt yourself. Even if you don’t get caught or penalized, good luck sleeping, laughing, and looking in the mirror. Winning isn’t everything!

Likewise, while here if you find yourself in a situation where you must cross some ethical or professional line in order to help yourself, you ironically will not be helping yourself if you cross that line. You will risk hurting yourself and you will be cheapening any accomplishments you attain.

You are great folks. You are high achievers. We are extremely glad you are here. You will do great things. But, in doing all you will do, remember: you have obligations to others that are now more important than your self-interest. If preservation and self-interest is the first law of nature, you must sometimes fight that. Cooperation is the first law of this community. Amazingly, not putting yourself first all the time will make your life better. Living by the profession’s rule that we serve others will really make you better off.

Serve others. That’s what great lawyers do, whether you read about those lawyers in the paper or not. I should quit now and say thanks but I’ve left a dangling story.

Susan and Sarah came home from Children’s Hospital last night at 11:45 p.m. Sarah had two internal stitches and seven outside. It was a deep cut. Her chin and head hurt from the bang, and the doctor had suggested it might hurt. Her tears were dry, but her voice was a little shaky.

I had kind of a hard time getting to sleep worrying about Sarah and today’s speech. But, guess what? Sarah left the house this morning at 7:15 a.m. so she wouldn’t be late for her meeting. I was really proud of her. Thanks. Have a wonderful semester!

**INTRODUCTORY PERIOD - 1L DINNER SPEECH 2003 - DEAR PATRICK**

Every year at the end of this dinner I give a speech. The speech is a combination of free advice and warning. Free advice often is worth less than you pay for it, so part of the warning is: beware of the free advice. The other part of the warning might be summarized as: beware, this is some serious stuff you are getting yourselves into for all sorts of reasons. Usually I try to give my free advice and my warnings in the context of a story, and because I am as self-absorbed as the next person (if not more), the story has to do with me and my family.

Two years ago, the story was about me and my oldest daughter, Sarah. Last year, it was about me, my father, a bicycle thief, and my other two daughters, Aisling and Jennifer.<sup>3</sup> Tonight, it is about me and my son Patrick. And tonight it is less a story and more a little epistle, written by me to him. Patrick is about to leave home for college and, as you will see, I could not resist the temptation to give him a little fatherly advice. He has read this advice but declined my invitation to be here tonight to hear it in public—I wonder why.

I will also confess that because Patrick is on his way off to school, my wife, Susan, and I have been overwhelmed by dealing with Patrick's departure: packing, mailing, making plane reservations, planning, realizing how old we have gotten, etc. Given those overwhelming facts and the fact they were overwhelming us, I thought that by using my letter to Patrick as my speech to you, I could kill two birds with one speech. But I did add some stuff just for you.<sup>4</sup>

Anyway...

Dear Patrick:

As you set out for College I thought I might write you a short letter giving you a little advice. I realize this is a preachy thing to do, and, since it comes from your father, you have every right to throw it out without reading it, but here I go. I will also read it to the first-year law school class, so writing it gives me content for my yearly after dinner speech to 1Ls—thanks! [See I told him what I was going to do. Now, as you know, like Patrick, you too are in a period of transition in your lives. You are starting something new. Whether you are coming to UT straight from college or whether you have left some other career, or both (as I know is true of at least one of you), you are in a time of transition and starting something new. Back to the letter...]

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<sup>3</sup> I can't find that speech and it was good so do a better job of keeping your papers.

<sup>4</sup> The bracketed material that follows was added for the law students.

Before advice, Patrick, I'll start with the confessions. I was inspired by someone else to write this letter. One afternoon, as I was running, a friend of mine asked me what words of wisdom I had provided to my son (you) as he (you) set off for College. Before I had a chance to answer, my friend, as is his way, continued. He said, "Sir [he calls me sir], did you say, "To thine own self be true?"

"No," I honestly answered.

"That's good, sir," my friend said, "because even though the guy who wrote that line—Shakespeare—was pretty sharp, the person who spoke it was a fool, wasn't he?"

"Polonius, you mean?"

"Yes sir, Hamlet's tutor," answered my friend.

"I think so," I said.

"Doesn't Polonius manage to get stabbed while he's hiding behind a curtain, sir?" my friend asked.

Whether, when my friend and I started talking, the conversation was meant to be or not meant to be exactly like it went, our running conversation got me thinking. It also got me thinking that, even though someone might be a fool like Polonius, he [or she] might still manage to give good advice. That, of course, made me think of myself.

Thinking of myself gets me to the second part of the confession. If the people with whom I went to college read this letter, they would definitely tell you that, knowing your father *then*, I should be honest and say, "Do as I say, not as I do." That's because I definitely did not follow much of the advice I am about to give you. So, let's get to the preachy part. And since I'm being preachy, if you are still reading, I hope you won't mind if I bold and bullet point some of this.

- **Get up in the morning**

This may sound painfully obvious, but that does not mean it isn't a good way to start the day. Lots of neat stuff happens all day long, but you won't know about it if you spend the day in bed. When I was in college, my friends told me lots of great stuff occurred in the morning—some of that stuff was class—but mostly I only heard about it. Getting up is a fantastic way to start the day. Lots of people can't or

don't want to get up. I recommend it, even if it's hard some days. That brings the accompanying reminder to mind.

- **Go to bed at night**

Night is great too; I love it. But if you are going to get up in the morning, make sure that you go to bed at night. I'm certainly not against the occasional late night conversation, movie, romance, whatever; but a lot of the bad stuff I did when I was in college, I did at night—late at night. And it made it a lot harder to get up in the morning. I also know people who started bad habits in school that they were sure they could quit whenever they wanted. Some of them were wrong; the bad habits were hard to break. [Aside to law students. I hate to tell you this, but the bad stuff advice may be particularly important for you. Statistics and many sad stories tell us that we lawyers may be more prone to substance abuse than others. Part of it is definitely stress. We are engaged in a stressful profession. We represent real people with real hopes, real dreams, and real problems. They rely upon us. That's stressful. Another thing that may happen to lawyers and law students is that we work hard all week, and often all weekend as well, and then we blow off steam by partying and over-partying. Please be careful, and if you need help, seek it out. There are resources available to you on campus, in the community, and in the profession. Many lawyers who are disbarred or otherwise disciplined can trace their problems, in part, to substance abuse.]

One thing I never did was stay up all night studying, not even in law school. I always thought it defeated the purpose because if I stayed up all night, I would have been too tired in the morning for the studying to do any good. And if I had a need to study all night long, quite frankly, I would have been too stressed out to force much stuff into my head. The closest I came was in law school once for my Income Tax exam. It was the fall of my second year, and I had been working on law review and studying for other tests, and I was up until about 4:45 a.m., got in bed, slept two hours, got up again, studied more, and went to school to take the test, knowing I would end up failing because I was so tired. When I got there and looked around I saw the sorriest looking, most tired bunch of people I had ever seen and knew it would be okay. But don't make that mistake. Go to bed at night and get up in the morning.

- **Be receptive to what you like**

I suspect that you already have this one down. I say I suspect that you already have this one down because I have been a party to, and an eavesdropper on, many conversations in which people have asked you what you want to do at, and after, school and what you want to study. I respect the heck out of you when you

say that you really don't know. I like it when you throw in a little laugh. You know that sets some people back—throws them off balance. That's not a bad thing.

Of course, you don't definitely know what you want to do or what you want to study; that's what going to school is for. That's why we are sending you off to college and paying for it so you can be exposed to different stuff and maybe figure out what it is that makes you happy and interested and intrigued. But don't worry if you don't know the answers to the "what will you do" questions even after you have declared a major and after you have graduated from college. I suggest that you should be extremely happy if, when it comes time to declare a major or go off into the so-called outside world, you have so much stuff that interests you that you are still at a loss. If that's the case, you are not at a loss at all; you are on the edge of an intellectually vibrant and stimulating existence. Those Renaissance people had a pretty good idea. Anyway, be receptive to what you like. Take a bunch of different stuff and enjoy it. Take more of what interests you. Just because you do well at something does not mean you love it, but doing well may show that you have talent and interest in an area. But don't choose to study something just because you do well grade-wise. Always keep an eye on that happiness meter. [I aside: You are ahead of Patrick. You have already made an important decision. You want to get a law degree, but please, think about the receptive advice to some extent. A law degree is a great thing. You can practice law with it, but you don't have to. There are all sorts of professions and types of law practice you can go into. Think about your options: private practice, public interest, litigation, business law, plain old business, education, and more. Think also about getting a good, broad legal education while you are here. All law is interrelated. Expose yourself to a bunch of it. Of course, we do ease your burden by requiring your full first year. You're welcome.]

- **Be receptive to the views and backgrounds of other people**

A lot of what I really learned in college I learned from the people I met. Of course, if I had followed my earlier advice and gotten up in the morning, I might have learned more in class. *C'est la vie*. People are wonderful, interesting, curious, amazing, and confounding things. They have all sorts of ideas, biases, traits, and more. Be receptive to what they have to say. Get to know people who are not like you. In just a few years, the nation will have no majority race. That will be a good thing. Get ready for that day by interacting with all sorts of different people. You'll know more as a result, and the rest of your life will be a lot fuller and a lot more fulfilling. [Law students, this is for you too. You will be meeting, representing, and dealing with all sorts of people who are not like you. How are you going to do that without any perspective on those peoples' backgrounds, views, and experiences? How are you going to do that without learning the skills of trying to be better at

understanding, listening to, and understanding people different from you? If you become a judge, how are you going to really decide a case if you can't appreciate the people involved? If you become an elected official, you must represent all your constituents, and you will do that better if you have some basis to relate to all your constituents. Here at UT, we value the fact that we are a diverse and inclusive intellectual and social community. Take advantage of that.] Now, along with this point:

- **Fall in love**

I know that if you are still reading this letter, this piece of advice may get you to crumple up the letter and throw it out, but I had to say it. Go and fall in love. Fall in love with some intellectual pursuit (I already mentioned that one). Fall in love with an activity. I know you love to read and watch movies and listen to rock 'n' roll. Keep it up (but remember to go to bed at night). Fall in love with a cause. In addition to all those things, if you can manage it and are fortunate enough, fall in love with another person. It is one of the best feelings in the whole world—hopefully for both of you. I know that odds are falling in love will end up breaking your heart a couple of times, but it really is worth it. It lets you know you are alive. While the love part helps you get up in the morning, the heartbreak part makes you want to pull the covers up over your head. And you probably should allocate a few cover-over-the-head hours per broken heart. [1Ls, I realize that some of that last bit of advice was more personal to my son than to you, but I still read it. Of course for you, I leave it up to you. Additionally, and seriously, if someone wants to fall in love with you, and you want nothing to do with them and/or you want to end it, and things start getting out of hand, please know that we are here to help you and that there are resources and people both at the College of Law and the University who can help.] Falling in love makes me want to generalize, so...

- **Be Bold**

I think being receptive to what you like, being receptive to people, and falling in love can all fit under a bigger umbrella of taking risks. I know you well enough to know you won't jump out of a plane without a parachute, shoot heroin, or rob a bank. Even though I know you won't do that stuff, DON'T DO IT. But, take risks. Don't always pick the safe way when it comes to classes, activities, career, etc. If you want to go to Hollywood to write screenplays (after you graduate), go. If you want to try to be a freelance journalist, figure out how, and do it. Society is going to provide you with a lot of easy ways to do a lot of stuff you don't really want to do, and you'll get paid for it—don't fall prey. Do your own thinking, even if that's hard. [1Ls—The same is true for you. The practice of law is a great thing, and many people love it. The same goes for the private practice of law in a large firm that pays

well. If that's for you, more power to you. But if you have other aspirations—public service, public interest—don't forget them. Keep them in mind. I know I told you to be receptive before, and now I am telling you to remember what you are thinking now, and you may think that is a little inconsistent. I don't. The point is that it will be easier for many of you to enter the private practice of law with a large firm than it will be to do other things. This is because the firms that come to interview on campus are mostly those large firms. And we love them. But if you think that may not be for you, let us help you find what may be a better match. Don't take the easy way, unless that is what you want to do.]

- **Always be as honest as you are**

Patrick, you and I have talked about this before. You have a tremendous amount of integrity and are one of the most honest people I know, including the ironing board and fire extinguisher stories. Your honesty makes me very proud. You must have inherited it from your mother. Stay that way. Sadly, stuff that makes you stop and think can pop up all the time. Watch out. These days, as a student, it is easier to take an intellectual shortcut than it ever was before, thanks to the internet. But be attentive, watch out, put the hard work in, and stay yourself, and you will be fine. I know it. [Law school friends, our profession depends upon our honesty and integrity. You will face professional and ethical challenges all the time. At law school, you will face them when you write papers, take exams, and more. Abide by our Honor Code and Writing Standards. If you have not read them, do so. We take them very seriously. Among the most unpleasant things Dean Sobieski, the faculty, and I have to do are sort through alleged and actual violations of our ethical standards. A violation can impact upon your ability to graduate and to obtain or keep your license to practice law.]

- **Be nice**

My mother always told me to be nice. I think the heavy way to say the same thing is to say, "be compassionate." You have a great opportunity. I don't say that in a way to add pressure. You probably feel enough of that, so I don't mean to pile on any more. But college [and law school] is a great opportunity. Know how lucky you are, and use that good fortune to help out others to the extent you can. In this world we walk a balance between helping ourselves and helping others. Don't fall totally into the me, me, me side. A ton of people in the world hurt a whole lot more than you and me. Do what you can to make them feel a little bit better. [1Ls, same here! One of the things we really value at the College of Law is our collegiality: our ability to work together in a cooperative manner. Become a part of that tradition while you are here.]



- **Stay great**

You are a great person. You have already accomplished a ton. Remember when you were in first grade and were diagnosed with dyslexia? Well thanks to (three years at Brighton Academy in Baton Rouge), your hard work, Nintendo magazines, Tolkien, and your mother's optimism, you twice topped out on the ACT reading section, did great in high school, and will go off to a fantastic college with a bunch of AP credits. The point is, you can do this! Not only can you do it, but you can do it well. Remember what you did to get where you are, and have confidence that you will continue to do great things. [1Ls, you too! I admit I read that last part to brag about my son, but none of you would be here tonight if you had not already done great things. Let me brag about you too! We would not have admitted you if we did not think you would succeed here. So, succeed! Do great! There will be times when you have doubts, but persevere. One of the things we are trying to get you to do in law school is to question your ideas, your opinions, and your views. But do not doubt or question your ability to succeed. Use the skills that got you here, and we will be sitting together at graduation in a couple of years.]

- **Figure out what makes you happy and never settle for less**

There is a song by John Cougar Mellencamp; it's one of his early hits called "Jack and Diane." John Cougar Mellencamp is still around. He always impressed me as a sort of Indiana version of Bruce Springsteen. I like them both, but I admit they are blue collar champions singing about how tough life is while actually making a fortune off the music. When the singer released "Jack and Diane," his name may have been John Cougar, or it could have been John Mellencamp. I don't think it was John Cougar Mellencamp yet. In fact, and I know I am off on a tangent, the only combination of names the singer has not used is Cougar Mellencamp, without the John. Imagine that name, Cougar Mellencamp. It's as if it's a line from a hypothetical novel: "As Daphne sipped her whiskey sour on the beach club porch and stared out over the ocean, she asked herself, 'Why did Collin and Tommie Mellencamp ever name their youngest son Cougar?'"

Sorry, I got side-tracked. Anyway, the song, "Jack and Diane," is about a girl and a boy. In it, the singer says, "Oh yeah..., life goes on, long after the thrill of living is gone." Thinking about it, I am convinced that the key is to prove John Cougar Mellencamp wrong about the thrill being gone *and* to live a long life.

Sorry to go on for so long. Have fun, work hard, and good luck.

Love,

Dad

### INTRODUCTORY PERIOD - 1L DINNER SPEECH 2004 - THE MYTHS

As a child, I loved Greek myths. I still recall staring at the cover of Edith Hamilton's *Mythology*. The version I had was the size of an ordinary trade paperback, and Perseus was on the cover, standing, holding the head of the Gorgon, Medusa, and looking slightly away lest he be turned to stone. I was smitten with the stories of the Greeks and their gods. I realize all of you are going to e-mail or call home tonight or go and tell your spouses and friends that your Dean is a pantheist. So be it, but my basic point is that, whatever I believed, I liked the stories.

Of course, I found morals in those myths, and the words taught me lessons: Narcissus thought way too much of himself; Demeter's love of her daughter, Persephone, and her grief when they were apart affected not only her but the world around her; the story of Orestes and his wife taught me that while curiosity might kill the cat, even curious concern could result in disaster.

I also learned what I might call slightly bigger lessons from my somewhat obsessive reading of the classics (by the way, I would later turn my obsession to reading about baseball and, later still, rock bands, so let Section One beware of the references to which they will be exposed this semester). Anyway, from the myths, I learned from Oedipus and Jocasta that family stuff can really mess you up; Agamemnon and the House of Atreus reiterated that point. I learned from The Odyssey that intelligence and determination were not bad traits to have. I learned from The Illiad that pigheadedness has long been a male trait; and I learned more generally about tragedy, irony, and the unpredictability of the world.

Anyway, I took this stuff pretty seriously. I recall being at a Fourth of July party at my Uncle Ray and Aunt Rose's house when I was about ten or eleven. Their house overlooked the park where our town's Fourth of July parade ended, so my uncle and aunt always had a party on the Fourth. At this particular party, a friend of my uncle's named Charles Hodges cornered me and asked me what I had been reading. I told him I had been reading a book of Greek myths. You see, I liked all the different versions of the stories, so I read and reread different accounts. In answering his question, I was pretty proud of myself; I thought I was being pretty erudite. But Charles Hodges was far from happy with me. Did I mention he was holding a drink in his hand, and I don't believe it was his first or even his second? He started yelling at me that I should be reading about the lives of George Washington and Abraham Lincoln and the history of America. I hesitated to tell him that I thought I was pretty good on those subjects, at least in general. I thought I should tell him that I already had begun my baseball reading, although not yet in real earnest. But, as the panic at being yelled at by an adult I did not know very well

in a semi-public place overtook my ability to reason, Charles Hodges let me off the hook by saying that it was my father and mother's fault for allowing me to read that Greek stuff. And permissiveness like that was what was going wrong with America in particular and the world in general. He then sought out my father to comment on his parenting. My best guess, as I have said before, was that these events occurred when I was ten or eleven, so in about 1965 or 1966. Poor Charles Hodges had not seen anything yet, but that is a story for another time.

The myths still hold meaning for me. After I got tenure at LSU, I found myself spending a summer in France, teaching in LSU's summer program and trying to find the meaning of life (which is actually not so tortuous in the South of France). Consequently, I encourage all of you to think about summer study someplace other than the United States. I particularly recommend our summer program at Cambridge University. In any event, back to the topic (ad over), there I was in the South of France looking for answers to questions that bothered me so, to paraphrase Jimmy Buffett. And, lo and behold, I found the myths again. I'm not sure I found any answers, but I sure loved the stories all over, and I even got a law review article out of it.

Now here I am again, still looking for the meaning of life. And, stranger than truth, one of my daughter Aisling's summer reading books this year was Edith Hamilton's *Mythology*. Aisling is about to be a sophomore in high school, and I guess someone thinks a working knowledge of all those myths is not a bad thing to have. So, they assigned that book to her. Aisling's book is somewhat larger than mine was; it is not more pages but longer and wider, which means the print is bigger. The cover of Aisling's book is black, and the picture on the cover is of Bellerophon riding Pegasus on his ill-fated jaunt—a picture that was in but not on my copy of *Mythology*. Those cosmetic details aside, the book is the same; the stories are the same. And a few weeks ago, we were at Kiawah Island at a conference, and the rest of the family—my wife, Susan, my son, Patrick, and my other two daughters, Sarah and Jennifer, could not be with us the entire time for various reasons. Susan and Jenny did come late. By the way, I spell her name J-E-N-N-Y, but she has decided to spell it J-E-N-N-I-E. I am not sure I like that. As you have already learned in Case Briefing and Legal Analysis, that is an irrelevant detail, but I did want to let you know some of the current conflicts in our family.

Back to the story. For two nights Aisling and I were alone at dinner before Susan and Jennifer (however you spell Jenny) joined us. At dinner those evenings, Aisling told me the myths she had read that day, and, pursuant to my adept Socratic questioning, she reiterated their plots, main characters, and themes. So once again, the myths have resurfaced in my life. But what is the point of this little self-absorbed story for you? What does it have to do with your life as you begin the study of law?

After all, tomorrow you begin the courses that will keep you occupied for the rest of the semester.

Well, you are about to embark on what for many of you will be the most exciting educational experience you could ever imagine. You are about to start your careers as law students and, for many of you, your careers as lawyers. These are significant times. It is worth it to stop and pause, even if just for a minute, and think about how it all fits together for you. I am not talking about the meaning of the world necessarily. I'm talking about personal meaning and why you are here.

For me, those myths gave me context. For you, maybe it's your family or your commitment to some bigger cause or belief. Personal context is important because here at law school we are going to challenge your ideas; we are going to challenge your thought processes; we are going to challenge your communications. We are going to do that in order to get you to think like, write like, persuade like, solve problems like, and do even more like, and as, a lawyer. Your story as a lawyer may have begun when you were three or ten or fourteen or nineteen or thirty-five or when you registered for the LSAT. It took a huge step forward when you were admitted and decided to attend the University of Tennessee College of Law. But tonight, you stand on the threshold of your legal education. Tonight, your journey as a lawyer really gets underway.

This is a significant time, and it is worth pausing to think about it in the context of what provides you with personal meaning. Now, it is significant for another reason. No matter how much you like yourself, you are about to undergo change. Change is inevitable; it will happen whether you want it to or not. But for you, personal and intellectual change is here now. It is about to happen in a way which, like most change, you cannot control. You are about to ride the wave of change, and it is unclear where that wave will take you. But, by knowing yourself and what's important to you, I suggest you can at least hold on to the rudder and give your lives some direction.

I have talked about the excitement and the change inherent in education in general and legal education in particular, but let me provide you with a little warning as well. While this may be the most exciting educational experience you will ever have, it also may be one of the hardest! I never worked harder than I did when I was in law school. There were great rewards, but I worked for those rewards, and I am convinced that neither the personal rewards nor the external rewards would have come without the hard work. Indeed, at times the hard work and the circumstances under which I did it seemed unbearable, almost—if I can return to my mythological theme—Sisyphian.

You know Sisyphus; he is the guy who pushes the boulder up a hill in Hades (the Underworld) all day long, and then at night the boulder rolls back down. Sisyphus, according to one version of the story, betrayed the secrets of the gods and chained up the god of death, Thanatos, so no one could die. You recall the film *Meet Joe Black*. In another version of the Sisyphus story, it's Hades himself who gets handcuffed. Some stories refer to Sisyphus and his life of dissipation and dishonesty as if he were a bad guy and deserved his eternal, recurring punishment. But then, Homer called him the wisest and most prudent of mortals. There is a little conflict there in the different versions. Whatever, Sisyphus got nabbed and has to push his boulder up a hill in the Underworld all day long only to have to do it again the next day. On a somewhat banal level, Sisyphus' plight is a little like the first-year law student's life. How? Because in most of your classes, other than Legal Process and, for some of you Criminal Law and some of you Torts, you will have one final exam. There will be no projects, no midterms, no papers. There will be one final exam. You are used to more feedback than that. What makes reality Sisyphian is the fact that it sometimes feels each day like you are pushing boulder after boulder up the hill with no evident return for your work. It may seem and feel as you approach a new group of cases each night that you have to push that boulder up the hill again. And you do. But friends, yours is not the life or death of Sisyphus because the boulders you roll up the hill each day will stay there. Oh, some may slip back, and some may even roll all the way down the hill. But, unlike Sisyphus (whom Camus, by the way, viewed as a sort of hero), you are making progress, and when you take that final exam, you will stick that last big boulder at the top, and you will move on.

So, in law school, you will be excited; you will be challenged; you will work hard; and you will change. And part of the way in which you will change is that you will be acculturated to the life of the lawyer and the life of the law student. You will learn and sometimes challenge a culture. The myths I have told about are culture-bound. Let me tell you a few things about our culture: the culture of the legal community and the University of Tennessee College of Law community. As a lawyer, you are an officer of the court. As such, you have an obligation to justice and to the system of justice. You have an obligation to your clients.

Let me tell you one more story: the story of Tantalus. Tantalus was the son of Zeus, and he was one of the most favored mortals; the gods loved him. They allowed him to eat at their table. And then the trouble started. One account says the trouble started because Tantalus tried to share the gods' ambrosia with humanity, and he was punished. Note how this sharing would be a noble act on Tantalus' part. But the more popular explanation for the trouble is not so noble. Please note how there are different versions of these myths. The differences make them both more intriguing and more damnifyingly confusing. Why couldn't those Greeks have settled on one version or explanation? The differences create inconsistency,

confusion, and uncertainty for the reader or classics scholar. Friends, a lot of the law is the same way. You will see different explanations for things, different versions of things, and even different definitions for what you might consider some pretty basic stuff. So watch out.

Back to Tantalus and the not-so-happy version of the story: that morbid version provides that Tantalus invited the gods to dinner and then fed them the body of his dismembered son, Pelops. And Tantalus and his folks had done the dismembering. In response, the gods put Pelops back together again, albeit a little chewed up, and sentenced Tantalus to an eternity of excessive want without satisfaction. Tantalus spends eternity up to his chin in water, but, whenever he bends his head to drink, the water recedes. He also spends eternity with bountiful fruit trees above his head. However, whenever he reaches up to eat, the winds blow the fruit beyond his reach. Tantalus can never satisfy his undying hunger or thirst. His abuse of the host/guest relationship for his own selfish, mad ends damned him forever.

As a lawyer, you are part of a relationship. You have a relationship to your client and to the system of justice. Critically, that relationship requires you to put your self-interest second to the interests of your client and, many times, to the interests of the system. Putting yourself first can get you in trouble—serious trouble—both here and in practice. It is funny because your grades and your LSAT scores got you here. Behaving in your self-interest and excelling have paid off. But, now you are joining a profession where you must put others first. Relatedly, you are joining a profession in which you must be honest to a fault. You must account honestly to your clients. You must be honest with the court, and you must be honest with your colleagues in the bar.

One of the ways in which we emphasize honesty here is by requiring strict adherence to our Honor Code and Writing Standards. Dean Sobieski mentioned them on Monday. As he said, read them and know them because we follow them. Situations involving alleged violations are among the most unpleasant things that we face. So please read the Code and the Standards and abide by them. There will come a time—it is inevitable—when your self-interest will conflict with a rule of the profession or of the school. Often those situations do not come with neon lights and road signs; they sneak up on you and bite you when you least expect it. That is just one of the reasons why you must know the rules and be careful of the conflicts and potential conflicts.

Another way in which you must put aside self-interest as a lawyer is in working for access to justice for all. The system only works—the rule of law only operates—if people know their rights, know their choices, and are adequately

represented. Many in our society cannot afford a lawyer because we are just too darned expensive. It is my opinion that we lawyers have a duty to work to provide those who could not otherwise afford a lawyer with representation. It is our duty to do pro bono work. In your third year, you can work in our Legal Clinic to represent those who would not otherwise be able to afford an attorney. But until then there are things you can do through UT Pro Bono and other student organizations. Upon your graduation, we will honor each of you who gives more than fifty hours of pro bono service while at the College of Law. We do that because we think it is critical to the working of our legal system. Pro bono is a real way to avoid the symbolic fate of Tantalus.

Now, let me close with another value in our community. The early Greek myths came to us not through writing but through telling. They resulted from a long oral tradition. So? So, like the ancient Greeks, we listen to one another here. We try to communicate openly and frankly, and we try to hear what others say. By listening, you learn more. We come from different places; we are different genders; we are members of different races, different religions, different political views; we have different sexual orientations; we have different backgrounds and philosophies. We are diverse. The myths I love so much may mean nothing to you, but they say much to me. The point is that our differences—our different perspectives and our diverse views—make us stronger. They help us learn better together. They help us to understand one another, ourselves, and our culture so much better. Our differences and our appreciation of those differences prepare us better for our legal careers and for our lives. Our different views and backgrounds give us better classrooms, better clinics, better courtrooms, and better experiences. Be sure to listen to one another because you will each be teaching one another and yourselves, tomorrow and for the rest of your legal careers. Have a great semester!



**INTRODUCTORY PERIOD - 1L DINNER SPEECH 2005**  
**SARAH'S DEPARTURE FOR COLLEGE**

Good evening.

Tomorrow you begin the study of the subjects that will occupy your attention for the rest of the semester. While the introductory courses you have had so far (and that will continue through tomorrow) have provided you with important basic ideas and skills, one might fairly say that tomorrow you start law school as most people conceive of it.

Tomorrow your lives change. That is a little intimidating if you stop to think about it without taking your recommended daily dose of deep breaths. Funny how many emails I get every day about discount pharmaceuticals, opportunities to earn millions from post-revolutionary émigrés, and the perilous state of my Ebay and PayPal accounts, that no one emails me and says: "Take some deep breaths; they're good for you; they'll make the day better." So, take some deep breaths. They'll help you deal with the change tomorrow brings.

And, when you do, probably on the third exhale, it will occur to you that change is okay. It may occur to you that, in fact, you have been changing every day of your life since before you were born.

Around the fourth exhale, you may even come to consider that change is good. It is *not* only constant and inevitable; it also is a constant opportunity for growth—a better opportunity for growth than answering that email from the spouse of the late President of such and such country asking for your bank account number to transfer the billions.

I know that if you didn't welcome change you would *not* be here. But change is scary, too, because of the unknown. Litigator? Commercial lawyer? Public interest lawyer? Big firm? Small firm? District Attorney? Public Defender? Judge? Think of Harry Potter and the start of year speech at Hogwarts. Unfortunately, we don't have a sorting hat so you are more responsible for yourselves than the students at Hogwarts.

Now, let me pause. I know I am supposed to be talking about you and your future but, I am, if anything, self-absorbed. So, let's talk about me for a minute. See, I am more like Harry & Ron than Dumbledore. Like you, this will be a year of change for me. As you may have heard, our Associate Dean, John Sobieski; our Director of Clinical Programs and the Advocacy Center, Doug Blaze; and I have decided that it is time for us to return to full-time teaching. And, we will do so after

this year. All of us are excited about the future *and* about this coming year as we search for a new dean and new leadership for a great school. We love our jobs, *but* it is best to leave such jobs while you still love them and before they begin to define who you are.

So, like you, I am facing change. But giving up the dean job is *not* the biggest change in my life this week and maybe *not* even this year. In two weeks (actually 11 days) my oldest daughter, Sarah, goes off to college. She is going off to a fine college—Dartmouth College in Hanover, New Hampshire. We—her mother, Susan; her sister, Aisling; her sister, Jennifer; and I will miss her. Her brother, Patrick, will miss her too, but maybe not as much since he went off to college—Bates College in Lewiston, Maine—two years ago. Sarah will miss us, too—so much that she is now off traveling in England with a friend.

In any event, we will miss Sarah. We all sort of rely upon her as a rock (and a driver)—now she has her moments and you will hear about them, but she is fantastic. I am close to her, especially since Spring 2004 when she took up running with a vengeance. I am a runner—well, a jogger—and since last spring she and I have logged many miles together. As her long runs went from three, to six, to nine, to ten and a half, to twelve and a half miles, her father has beamed with pride. And, I have huffed and puffed with her.

So, as Sarah prepares to head off to college, I thought I would take the occasion to talk with you a little bit about her and about the challenges she faces and how those challenges are not unlike those you face tonight as three years of law school stares you in the face. Now, I know you are starting law school and she's only starting college and you have all been through college; however, please bear with me. And, I must confess, I used her brother in a speech two years ago to this year's 3L class when they were 1Ls, so Sarah gets equal time tonight (and as one of my colleagues told me that speech about Patrick was *too* long, so beware—Sarah gets equal time).

So, Sarah! Sarah has earned a lot. She was salutatorian of her high school class. She had great ACT, SAT, and AP scores. She was in more clubs than existed when I was in high school. She was co-drum major of her high school band. She volunteered at a hospital. She deserved to get into a great college. And, she did. My wife heard this speech and said I was bragging. I told her it was true *and* she is *our* daughter. And, it fits the evening because now I'll brag about you.

*You* are a great class. You are high achievers. You have succeeded in everything. You have succeeded academically. You have been active in everything. You have given of your time to help others. You deserved to get into a great law

school and you did. You are 158 out of 1,600+ applicants. Congratulations to you and to Sarah.

But, I hope Sarah sees that she has a great and fantastic opportunity ahead of her. I hope she does not see getting into and matriculating at a great institution as her reward for the hard work she has done up to now. I hope she does not sit back to enjoy the ride but instead grasps what a great chance she is being given and seizes it.

You, too, will make a mistake if you see the UT College of Law as your reward. Friends, this is not your reward; it is your opportunity. Grab it. It can be the most intellectually stimulating experience of your lives. I loved it. I went to law school to prove my father—more on him later—wrong. He had brainwashed me into thinking I wanted to be a lawyer, like him, from the time that I was three. At nineteen, I changed my mind but I still went to law school to get it out of my system. And, I loved it. I had never been so fascinated with anything in my life and I had always loved school. Reading cases and statutes. Trying to understand them. Trying to see why they made sense when read together. Finding a reason or principle; refining it; rejecting it; always asking how did the court get here and, more importantly, why? And, can I explain it? It was great! For me!

When Sarah arrives at Dartmouth, she will be surrounded by the smartest, hardest working, most focused, most active people she has ever known. I hope she sees that as a challenge and a chance to learn from others. You, too! Like you, Sarah is used to being at the top. Now, she will face competition like she has never seen before. But, I hope she learns that her colleagues are not people to compete with but rather people to cooperate with. Learning and lifelong friendship will come from that cooperation. Frustration will come from the competition without the cooperation. You, too! Peer competition in a great school would be a little like competing on the interstate. What does it get you? Angry? Frustrated? A ticket? A wreck? My wife laughs at me. The point is that it is pointless, fruitless, meaningless competition.

Now, as a small child, when Sarah did not get what she wanted and she could not convince us to give it to her she would sometimes lie on her back and kick her legs. Not at anyone, although we got out of the way, but in the air. My wife, Susan, coined a phrase for it: “Doing the roach.” As soon as Sarah was old enough to know what we meant when we said “Doing the roach,” she stopped—at least she stopped the full version. But, even today, when something does not go her way, as she sits in a chair, we see her leg kick up and down. We nod to each other and say: “She’s doing the roach again.” That can get Sarah to stop kicking, and, usually, to stomp out of the room.

I hope Sarah doesn't do the roach too much at college. Either actually or psychologically. I hope when she does the roach, she gets over it quickly and moves on. You, too. Sometimes when you are called on in class or your schedule is *not* perfect or your grades are not as high as you would like, you may feel mad and frustrated. Do the roach for a second or two but move beyond it. It, too, will pass. And, remember those deep breaths.

Back to a theme about great folks around Sarah and you. Odds are that Sarah will not be #1 in her class. Odds are, actually 158:1, that you will not be first in your class. Odds are Sarah will not be in the top 10%. Odds are you won't either, about 16:1 if my math is good. But, one of you will be 1<sup>st</sup>. Some of you will be in the top 10%. Go for it.

But if you're not (and if Sarah's not), you and she can realize that those sorts of things are only some of the ways you can excel. You can excel academically. You can excel professionally. You can make us better by working hard in our numerous student publications, moot court teams, and organizations. You can make the world better by serving others, especially those in need. You know that we in America claim to be governed by a rule of law but without legal representation that rule is an illusion. Many in our state and nation face the threat of criminal and civil legal process without adequate representation. That's not right. As lawyers we have a professional obligation to serve those in need—for them, for the system, for the sake of our personal and professional integrity. As a lawyer, I implore you to serve the cause of justice by providing pro bono representation to those in need. Start while in law school by working with lawyers in our community through UT Pro Bono or another student organization. The good habits you develop today will make you and us better tomorrow. And there is an award! For those of you who contribute fifty hours of Pro Bono work in law school, we will honor you when you graduate. The Records Office keeps track of your pro bono hours.

At college, Sarah will be surrounded by people different than her. She will be surrounded by people of other races, people from all parts of America, people from other countries, people from other cultures, and people with different sexual orientations. What a tremendous chance for her to learn. You, too, have that chance.

At UT, we value our diversity and we value our inclusiveness. Most of you are from Tennessee but many of you come from the rest of the nation. You are men and women—it wasn't always like that. You are racially diverse—it wasn't always like that. You are ethnically diverse and politically diverse and you are diverse by sexual orientation. Our diversity – your diversity makes us better. It makes us stronger. It makes for better classroom discussions and better commons' discussions and a

better community. It creates a better learning environment and a better Bar. Take advantage of it. Look beyond your horizons; and they will expand. And, we will all be better off. Get to know different people.

My daughter, Sarah, thinks she can get things done at the last minute. She will learn better. She will face some high stress, late nights or all nights and that may make her a better planner and a better-organized person. You, too, beware. You cannot cram law school. In 20 years of teaching, I have seen it done effectively once. I've seen people cram and get by but not succeed and enjoy.

But, I hope, and in my heart know, when at 2:00 a.m. as Sarah frets about what's due at 9:00 a.m. that she does not succumb to the temptation (which has always been there but gets worse all the time) to borrow another's work without attributing, to find a website and download, to copy another's thought. If she does, she risks her future; but she also risks losing her peers' respect and her self-respect.

I know you will not succumb to such pressures either. But, please read our Code of Academic Conduct. Read our Writing Standards. Be familiar with them. We take them very seriously. We enforce them. Among the hardest jobs John Sobieski and I face are cases of academic dishonesty. Even being accused can follow you for years as you must disclose that fact to bar examiners and others. Don't even get close to the line.

As Sarah goes off to college, I know she will have fun. There was a song once that said, "Can't ever have too much fun." Well, you can. Lifelong problems with alcohol and other substances often begin or get worse in college and law school. I have warned Sarah about that risk. Now, I will warn you, hopefully without sounding too preachy. But, substance abuse is a risk of our profession. Be careful. Substance abuse is at the heart of most disbarments and many cases of attorney discipline. If you need help, let us know, we can help you find it.

Now, back to Sarah for a second. I will tell you one thing that bothers me and it is what you might call a theme of some of what I have said above. Sarah Galligan has had every advantage. She has had loving parents (I think she appreciates that fact). She has lived in nice houses, gone to great schools, gone to camp, traveled, been around universities her entire life, and more. I guess what I hope is that she appreciates those advantages and understands both how lucky she is and how everyone has not been so fortunate. I hope when she meets and gets to know someone who is not so fortunate that she learns from that person because they have already overcome and on many levels accomplished more than she has. And, she can learn a lot from that person. Many of you, too, have had advantages. Be

aware of it. Be grateful for it. Know that everyone did not have it. Others have not had advantages but have provided it to yourselves. Well done.

In Sarah's case and mine we need to look back just two generations in her case, one in mine, to see less advantage.

My father was born in 1908 in upstate New York. His mother died when he was 2; his father died when he was 9. He wanted to be a lawyer. But, what hope did he have? Luckily, he moved to Montclair, New Jersey, at age thirteen to live with an unmarried aunt, Aunt Sara. She valued two things: saving money and education. Thanks to his ability, his hard work, and her support and savings, he made it through Rutgers College and Cornell Law School. He then practiced law for 52 years with Colgate-Palmolive and he saved his money. He spent it on food, clothes, transportation, and mine and my kids' education. He gave us our advantages. And, we are all grateful for that.

I can't make it sound too perfect. I already told you about the lawyer brainwashing. But let me tell you another one. He had congestive heart failure. Eventually (at 91) it took his life but he had it for several years. At 90, he was taken to the hospital and my wife called me at work and ordered me to come quickly. I was worried. I arrived. He was in a bed, surrounded by big machines. Literally, as I arrived, so did a team of doctors and nurses, most taller than me, so they hovered over him. After conferring among themselves, as is often their way, the medical team, particularly the tall man who was clearly their leader, turned to my father. The doctor asked: "Sir, do you want us to take heroic measures?" My father looked through his big brown eyes; he looked hard at the doctor. And, then, since he was hard of hearing he said: "What?" The medical team jumped back, audibly shocked. The doctor leaned back in again and, even louder, said: "Do - you - want - us - to - take - heroic - measures?" As if my father couldn't speak English. My father heard and grasped. "Doctor," he said slowly, "I do not want to die." Now, friends, it was poignant and I was struck with love, with sadness, and with the reality of the human condition. But, I also was struck by my duty as a lawyer. "Excuse me," I interjected into this Hippocratic circle. I said: "He has a Living Will." And, he did. The doctor looked at me as if I had suggested we get together to consume the body after death. "A Living Will," I repeated. "He has a Living Will. It says do not undertake heroic meas---"

But then I was stopped. A voice louder than mine shot in to take away my cautious, lawyerly momentum. "Doctor!" my father nearly shrieked. "Don't listen to him. He's a lawyer." And promptly the doctor ordered, "Resuscitation, if needed."

So, you see it wasn't all perfect, but thanks to my father's overcoming disadvantages, we Galligans have advantages. For those of you with advantages, take advantage and be grateful. For those, like my father, who are overcoming disadvantages, good for you, keep overcoming and then provide advantages to others.

Finally, let me conclude by wishing you all well and by saying that, while I will miss my daughter, Sarah, while she is away, I know she will do fine. I know, in part, because of her great character, her work ethic, her intelligence, her generous spirit, and her determination. Friends, her first sentence at about two was: "I did it." So, to Sarah: stay determined. To you: You have done it, too. You, too, stay determined and do great things! Have a wonderful semester!