

**Remarks: Michigan Law School Commitment to Integrity  
Ceremony**

**May 28, 2013**

**I thank Dean Baum for the gracious introduction. As he mentioned, I'm a 1993 graduate of the Law School. I wish I could say that my undergraduate grades were good enough for me to have been admitted here on my first try. But they weren't; and I came here as a transfer student. So my first message for you is: be nice to transfer students.**

**Today, each of you takes your place at a great institution, dedicated to a great profession, in a line of students reaching back more than 150 years. And today—looking back over the years, to when I was a student here—I'm going to share with you some thoughts about character—in law school, in practice, and in life.**

**About 4 years ago, when my son was 11, I was the manager of his baseball team. That year a young man who had played in our league for several years, tragically died of**

cancer. The league scheduled a memorial ceremony for this player the following Saturday morning, at the league's baseball field at 8 a.m. Our team didn't have a game that day until 2:30 p.m.; but I told the players that I wanted them all to be there for the ceremony, in uniform. On the ride over that morning, my son asked me whether I thought all of his teammates would be there. I said probably not.

He asked, "Are you going to punish the players who don't come?"

I said, "No. But I will respect the kids and parents who do come. Because this is a character test."

Over the years, I've tried to think about what we mean by good character. Because if we want to have good character, it helps to think clearly about what good character is. And as I've gotten older and busier in life—and believe me, as you get older you'll get busier too—I've found that the relationships that I value most—the ones that I still invest

time in—are ones that are based, above all, on character. So it's worth thinking about what we mean by good character.

Here's the definition that I've settled upon: "See the right, and follow it." That definition has two parts: see the right thing to do; and then do it.

Now, you might think that only the second part is hard. But actually both parts are hard. Oftentimes it's hard to see the right thing to do. Because all of us, to some extent, have a tendency to think that the right thing to do is the thing we want to do.

So this first part of character—"see the right"—is about being intellectually honest with yourself. It's about not rationalizing or making excuses.

This part of character is about being hardheaded, and stepping outside your own desires and inclinations, to analyze, objectively and dispassionately, what the right thing to do is.

**The second part of character is to do the right thing, even when you don't want to. It's about getting up at 7 a.m. on a Saturday to go to a memorial service in the rain, even though you worked long hours the week before. It's about admitting your mistakes. It's about standing up for an unpopular position that you think is right—like a young preacher named Martin Luther King did in Montgomery Alabama in 1957—even when you know that people will attack your integrity and character as a result. (That, by the way, is a good definition of moral courage.)**

**So both of these things—“see the right, and follow it”—are hard to do. All of us will have times when we fail to do them. But these are things worth striving for.**

**Let's talk about law school, and a point where character and perspective intersect. It's easy to feel some pressure, and trepidation, about a lot of different things in law school. That's normal.**

**But a lot of things that make us anxious in life—whether it’s a job interview, or an oral argument in a big case—are actually opportunities. My advice to you in these situations is to embrace the experience. If you’ve got a big argument in the moot-court competition, or, later, your first argument in federal court, embrace it. You might be anxious, but you’re not going to your own funeral. For months you’ll have been working on your research, and your brief, and your oral presentation, and now you get to talk about all these things you’ve been thinking about so much, and show what you know. That’s exciting and fulfilling and fun to do.**

**When you embrace some of these things that make you anxious, you’ll do better at them. And they will be a more fulfilling experience for you.**

**The same is true for your experience in law school. Embrace the experience. Law school is not vocational school. Treat these years as a great intellectual journey. It’s**

**like travelling across Europe: the purpose isn't merely to get to your destination at the end.**

**And bear in mind that, for most of you, these next three years will be your last years as a student. Again my advice is to embrace them. For the next three years, the only person you'll have to answer to is yourself. The only time you'll need to be somewhere is when you're in class. The circumstances of your work will be more relaxed than they will be later. Enjoy working in shorts and a t-shirt and carrying a backpack while you still can.**

**And above all, these next three years, enjoy the pursuit of knowledge for its own sake. That pursuit is a great luxury; and for the next three years it will be your occupation. That is a gift. Appreciate all of these things, and take advantage of them; because for most of you, once you graduate, you won't have them any more.**

**So make the most of your time here. Take the hard classes, with the best professors. Take your classes for a grade. You'll get more out of them; and employers notice these things.**

**And remember that you're surrounded by remarkable people here—both your fellow students and your professors. Cultivate genuine relationships with them. Some of the relationships that I value most in my career and in my life are relationships that formed within these walls. James J. White, truly one of the most storied professors in this School's history, enhanced my development as a lawyer and as a person as much as any professor I've ever had. He was the opening speaker at my Investiture as a judge, here at the Law School. And some of my closest friends are people who were my classmates here. One of them, in 2003, founded a boutique litigation firm with me; and the five years that**

followed were the best that I had while in practice. The people you meet within these walls can enrich your lives.

So today I encourage you to have the character, and perspective, to see the opportunities that surround you here. Make the effort necessary to make the most of them.

Part of my charge today is to speak to you about character in the practice of law. On this issue I'll offer just two pieces of advice. The first came to me from Justice Kennedy. When I was a law clerk, I asked him: "what's the single piece of advice that you would give a young lawyer." His answer: "Level with the court."

What does that mean? It means: be candid about the most difficult parts of your case. Don't try to spin your way out of them, or pretend they don't exist. Acknowledge the difficulties with your case but explain why you should prevail nonetheless.

It means avoid hyperbole about how good your argument is, or how bad your opponent's is.

And it means avoid personalities. Don't attack the motives or integrity of opposing counsel. To win, usually it's enough to show that your opponent is "mistaken"; you don't need to show that she is dishonest or incompetent as well.

That leads to my second piece of advice about practice, which is to show the same civility towards opposing counsel that you would have him show you.

Be a practitioner of old-school professionalism. An officer of the court.

My parting words for you today come from Justice Holmes. I regard Justice Holmes as one of the greatest stylists ever to wear robes, and one of the best American stylists in any field. But many people don't know that Holmes was first and foremost a soldier. He was an early advocate of the abolition of slavery; and when the war came,

**Holmes fought for three years with the Army of the Potomac. He was shot through the neck at the battle of Ball's Bluff, and through the chest at Antietam. Almost exactly 129 years ago today—on Memorial Day, 1884—Holmes spoke to some other veterans of that war. The speech is lyrical and reflective. In it, Holmes writes as someone who has experienced life with the utmost intensity, but who also has seen many worthy lives cut short. And from that perspective Holmes offers some observations about life that are worth repeating here.**

**He says that “[t]hrough our great good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing.”**

**He says “to scorn nothing but indifference.” And he says that, no matter what Fortune brings, success or failure, or in his case life or death, “the one and only success” that**

**is yours “to command is to bring to your work a mighty heart.”**

**So I would say to you: for the next three years and thereafter, bring to your work a mighty heart. That itself is a profound success in life; and it is something that lies entirely within your control.**

**I wish you the very best during your time at the Law School.**