

REFLECTIONS OF A RECOVERING LAWYER

I'd like to start my talk today talking about where you are, in law school, about which I am jealous, because I would love to do it again. And I will finish up talking about where I am in public service, and why your training and your experience will uniquely qualify you to experience the satisfactions of public service – even though many of you will want to defer those satisfactions till after you have realized some of the economic benefits of the hard work you are doing.

I remember my first day of law school vividly. My contracts teacher was Clark Byse, the professor who was the model for Kingsfield, the professor in the movie and television series, the Paper Chase. If you haven't seen the Paper Chase, rent it. Its author, John Osborne, was a classmate of mine, and he captured some of the excitement that I experienced, and that you are experiencing now.

Byse told us that the success of an argument did not depend on the authority of the person making it, but on the argument itself, regardless of who made it. Perhaps that is obvious. It may be the way Byse said it. But it made a lasting impression on me.

When you read a case, you extract, from the court's treatment of a fact situation, a legal principle. As you have read many cases, you have extracted from all of those factual situations, a large number of legal principles. Later, when a potential client comes into your law office, he will tell you a lot of facts, without knowing their significance. It will be up to you to spot the legal principles that you will use to evaluate his case, and argue it.

It may seem that I am belaboring the obvious. But thinking about this has helped me to clarify my thoughts about why all citizens need to have read the history of our country, and of the western civilization that gives it context. As state superintendent of schools, I have pushed very hard to increase the teaching of history in our schools. I worked hard to make our standards more content rich. The chief historian for The History Channel gave a press conference in which she said that she had read the history standards of the 50 states and Arizona's was head and shoulders above the other 49.

How do I relate this to the education I got in law school? Reading history is like reading cases. As you read many fact situations in history, you develop a set of principles that enable you to analyze new situations which affect you as a citizen, either your vote or more direct participation.

These principles should not predetermine the outcome. Every fact situation is new. None is an exact duplicate of anything that happened in the past. I remember Dean Rusk, the American Secretary of State who played a role in getting the United States into Vietnam. He had over learned the lesson of Munich, that dictators must be stopped early, and helped to get us into a war that we should have avoided. Then, others over learned the opposite lessons of Vietnam, and made us into isolationists. And so it went with one generation after another making mistakes because they had over learned some particular historical lesson.

Rather, the study of history should give us a large set of many principles that help us to analyze a new fact situation. That is a skill I want to bring to the education of every student as preparation for citizenship. But it is also a skill that you are getting at a very high level, and it should help prepare you for leadership in the community.

I practiced law for 30 years, and have known many lawyers some of them successful, some of them unsuccessful. I'll tell you an immutable law of nature. The successful lawyers were all hard workers. Why is this? Because no matter how smart you are, you cannot intuit the facts. To be successful you must master every detail of the fact situation with which you are dealing, before you shape it into a conceptual story for the jury or the judge. If our political leaders had developed this habit, they would have made much better decisions than the ones I have observed over the last third of a century. I will go further. I believe that every medium size city has at least a hundred lawyers who would have made better national political leaders than the ones I have observed. That is because their trade would have taught them never to make decisions based on preconceptions. Decisions, whether for clients or for communities or nations, should only be made after the decision maker has mastered the facts with an open mind. You are being taught those skills now. They will benefit you economically. But they should do more than that.

Before holding my current position, I spent four years in the legislature, and before that, 24 years on a school board. The time I spent on the school board detracted somewhat from my law practice. But we raised academic standards, and student achievement. No amount of money could bring the satisfaction that resulted from that. Your interests may lie in different areas. But the good life is not just the materialistically successful life. I believe that life is good only when there is some element of service to the community.

I'll be happy to answer your questions.