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Commencement Address - Rose Elizabeth Bird

Rose Elizabeth Bird
California Supreme Court

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REMARKS BY
ROSE ELIZABETH BIRD
CHIEF JUSTICE OF CALIFORNIA
AT THE COMMENCEMENT EXERCISES
OF GOLDEN GATE UNIVERSITY SCHOOL OF LAW
SAN FRANCISCO, CALIFORNIA
MAY 25, 1985

I AM DELIGHTED TO BE SHARING THIS SPECIAL DAY WITH EACH OF YOU. THIS COMMENCEMENT CEREMONY IS A MOST FITTING TIME FOR YOU TO TAKE PRIDE IN YOUR ACCOMPLISHMENTS AND FOR YOUR FAMILY AND FRIENDS TO TAKE PRIDE IN YOU.

MY CONGRATULATIONS TO EVERYONE WHO IS RECEIVING A DEGREE TODAY. IT TOOK A LOT OF HARD WORK AND DISCIPLINE TO REACH THIS POINT, AND EACH OF YOU DESERVES FULL CREDIT FOR WHAT YOU'VE ACHIEVED. BUT TO GIVE CREDIT WHERE CREDIT IS DUE, THIS IS ALSO AN APPROPRIATE MOMENT TO REFLECT ON THE ROLE OUR SOCIETY HAS PLAYED IN YOUR BEING HERE TODAY.

THE GREAT MAJORITY OF YOU ARE PRODUCTS OF OUR SYSTEM OF FREE PUBLIC EDUCATION, WHICH IS ONE OF THE BEDROCKS OF OUR DEMOCRACY. MORE RECENTLY, ALL OF YOU HAVE HAD THE BENEFIT OF ATTENDING A FINE SCHOOL WHOSE PROFESSORS HAVE GIVEN OF THEMSELVES AND THEIR KNOWLEDGE TO HELP YOU BECOME PROFICIENT MEMBERS OF THE LEGAL PROFESSION. AS WAS

SAID IN A RECENT BOOK ABOUT AMERICAN CULTURE, "WE . . . NEED TO REMEMBER THAT WE DID NOT CREATE OURSELVES, THAT WE OWE WHAT WE ARE TO THE COMMUNITIES THAT FORMED US" AND SO I ASK YOU TO REMEMBER TODAY WHAT YOU OWE TO THE EDUCATIONAL COMMUNITY THAT YOU HAVE BEEN PART OF DURING SEVERAL YEARS OF YOUR LIVES.

I THOUGHT FOR A LONG TIME ABOUT WHAT TO SAY TO YOU ON THIS OCCASION. SEVERAL LEGAL TOPICS OCCURRED TO ME, BUT THIS IS NEITHER THE TIME NOR THE PLACE FOR A LECTURE ON THE LAW. THIS IS YOUR DAY, YOUR CELEBRATION, YOUR COMMENCEMENT. AND SO I CAN THINK OF NO MORE FITTING A TOPIC THAN YOU -- WHO YOU ARE AND WHO YOU WILL BECOME DURING THE JOURNEY ON WHICH YOU ARE ABOUT TO EMBARK.

IT WAS SOME 20 YEARS AGO THAT I WAS GRADUATED FROM LAW SCHOOL. LOOKING BACK OVER THOSE TWO DECADES OF EXPERIENCE, I WOULD LIKE TO SHARE SOME THOUGHTS WITH YOU. YOU MAY OR MAY NOT AGREE WITH MY OBSERVATIONS, BUT THAT IS NOT REALLY THE POINT. RATHER, MY PURPOSE IS TO ENCOURAGE YOU TO THINK ABOUT WHAT IT MEANS TO BE A LAWYER.

FIRST, LET'S START WITH SOME GIVENS. YOU WILL EARN SOME MONEY, PERHAPS A LOT OF MONEY, FOR YOUR SERVICES. YOU WILL WORK HARD, PERHAPS VERY HARD, IN ORDER TO EARN THAT MONEY. YOU WILL LEARN A LOT ABOUT A FEW AREAS OF THE LAW, AND YOU WILL FORGET A LOT ABOUT MANY

OTHERS. YOU WILL BE CONFRONTED WITH ETHICAL PROBLEMS THROUGHOUT YOUR LEGAL CAREER, AND YOU WILL BE EXPECTED TO RESOLVE THEM ETHICALLY. YOU WILL ALSO BE EXPECTED TO HANDLE A LOT OF STRESS WITH EQUANIMITY AND POISE AND STILL MAINTAIN YOUR RELATIONSHIPS WITH FAMILY AND FRIENDS IN AN OPEN AND CARING MANNER. AND YOU WILL BE EXPECTED TO PAY YOUR BAR DUES MORE OR LESS ON TIME.

YOU MAY, I SUSPECT, HAVE A KNOT IN YOUR STOMACH WHEN YOU THINK ABOUT ALL THAT WILL BE ASKED OF YOU AS A LAWYER. THAT IS A VERY UNDERSTANDABLE FEELING, FOR YOU HAVE CHOSEN A PROFESSION THAT DEMANDS INTELLIGENCE, INDUSTRY, AND INTEGRITY FROM ITS PRACTITIONERS. IN A VERY REAL SENSE, YOU ARE PUBLIC SERVANTS, AND THE PEOPLE WHOM YOU SERVE HAVE A RIGHT TO EXPECT YOU TO COUNSEL THEM WISELY AND WELL.

HOW, YOU MAY ASK, DO YOU GO ABOUT BALANCING ALL THESE PROFESSIONAL DEMANDS WITH THE NEED FOR BOTH A PRIVATE LIFE AND A SENSE OF SATISFACTION IN YOUR WORK? THAT REMINDS ME OF A PLAQUE I ONCE SAW WHICH READ "I HAVE NO ANSWER TO YOUR QUESTION, BUT I CERTAINLY ADMIRE THE PROBLEM."

THERE IS NO ONE RIGHT ANSWER, OF COURSE, BECAUSE WE ARE ALL INDIVIDUALS WHOSE LIFE EXPERIENCES WILL DIFFER IN COUNTLESS WAYS. BUT THERE ARE SOME APPROACHES THAT I

WOULD LIKE TO SUGGEST TO YOU AS YOU BEGIN YOUR CAREER IN THE LAW.

THERE ARE NO SECRETS TO HAPPINESS IN THE LEGAL PROFESSION ANY MORE THAN THERE ARE IN LIFE ITSELF. BUT THERE ARE WAYS TO HELP ENSURE THAT YOUR PROFESSIONAL AND PERSONAL GROWTH DO NOT CONFLICT AND ARE PART OF A HARMONIOUS WHOLE.

ONE IMPORTANT WAY TO DO THIS IS TO HAVE A FEELING FOR YOUR CRAFT, TO CARE ENOUGH ABOUT WHAT YOU DO TO DO IT AS WELL AS YOU POSSIBLY CAN. IT IS A COMMITMENT TO QUALITY.

THE LAW SHOULD BE MORE THAN JUST A JOB; IT SHOULD BE YOUR CALLING. PEOPLE PERFORM JOBS TO MAKE MONEY, BUT AS A LAWYER WHO CARES FOR HIS OR HER CRAFT, YOU MUST DO MORE THAN THAT. YOU MUST MAKE A DIFFERENCE. A CALLING, IN THE WORDS OF THE AUTHORS OF THE BOOK HABITS OF THE HEART, "LINKS A PERSON TO THE LARGER COMMUNITY, A WHOLE IN WHICH THE CALLING OF EACH IS A CONTRIBUTION TO THE GOOD OF ALL."

WHEN YOU SEE YOUR WORK AS A LAWYER IN THIS BROADER CONTEXT, THE TASKS THAT YOU PERFORM TAKE ON A VALUE QUITE APART FROM THE MONETARY REWARDS THAT OUR SOCIETY MAY ATTACH TO THEIR PERFORMANCE. IF THEY ARE TASKS THAT ARE WORTH DOING, THEY ARE WORTH DOING WELL.

AND THE SKILL AND CARE THAT YOU BRING TO THOSE TASKS CAN IN TURN ENHANCE THEIR WORTH AND MERIT.

IF THE LAW IS TO BE MORE THAN JUST YOUR JOB, YOU MUST ALSO HAVE SOME FEELING FOR THE LARGER TASK THAT YOU'RE ABOUT, FOR THE SYSTEM OF JUSTICE OF WHICH YOU ARE A PART. THAT'S RIGHT, A SYSTEM OF JUSTICE. THAT IS WHAT LAW IS ALL ABOUT IN THE FIRST PLACE -- JUSTICE AND THE CREATION AND PRESERVATION OF A JUST SOCIETY.

LAWYERS WEREN'T INVENTED TO DIVINE THE MEANING OF CONFLICTS BETWEEN THE REGULATIONS OF THE I.R.S. AND THE RULINGS OF THE TAX COURTS. LAWYERS MAY PERFORM THAT TASK VERY WELL, BUT THAT'S NOT WHY THEY CAME INTO EXISTENCE AND THAT'S NOT WHY THEY ARE ESSENTIAL TO THE WELL-BEING OF OUR SOCIETY. IT IS BECAUSE, AT THEIR BEST, LAWYERS ARE PEACEMAKERS, ORDER KEEPERS, PROBLEM SOLVERS, TENSION DIFFUSERS, AND LIBERTY PROTECTORS.

AND THAT IS WHY IT IS SO IMPORTANT THAT YOU, AS LAWYERS-TO-BE, KEEP YOUR EYE ON THE LARGER PURPOSES THAT THE LAW SERVES. IT DOESN'T MATTER WHETHER YOU BECOME A CORPORATE ATTORNEY, A POVERTY LAWYER, OR A SPACE LAW EXPERT. YOU STILL ARE PART OF A GREATER WHOLE, AND YOUR UNDERSTANDING OF THAT FACT WILL SERVE AS A CONTINUAL REMINDER TO YOU THAT THE LAW IS YOUR CALLING AND NOT JUST ANOTHER JOB.

THERE IS, HOWEVER, THAT MATTER OF BALANCE TO WHICH I REFERRED EARLIER. THE LAW IS TO BE YOUR PROFESSION, BUT IT MUST NOT BECOME YOUR OBSESSION. YOU WERE, AFTER ALL, HUMAN BEINGS BEFORE YOU CAME TO LAW SCHOOL. AND, WITH ANY LUCK, YOU'LL REMAIN HUMAN BEINGS AFTER YOU RECEIVE YOUR DEGREE TODAY. SO LET'S KEEP IT THAT WAY. BUT I'M NOT SAYING THAT WILL BE EASY.

AS NEW LAWYERS, YOU ARE GOING TO BE WORKING HARD. WHETHER YOU GO INTO A LARGE FIRM OR HANG OUT YOUR SHINGLE, A LOT OF PEOPLE WILL BE EXPECTING A LOT FROM YOU -- PARTNERS, CLIENTS, JUDGES, AND SO FORTH. AS ELVIS COSTELLO ONCE SAID, "WELCOME TO THE WORKING WEEK. I KNOW IT DON'T THRILL YOU, I HOPE IT WON'T KILL YOU." FOURTEEN-HOUR DAYS, SEVEN-DAY WEEKS, UNRELENTING DEADLINES, AND INCESSANT PHONE CALLS.

THE PRESSURES ARE THERE, AND THEY DEFINITELY HAVE THE POTENTIAL TO SKEW YOUR PERCEPTIONS OF THE WORLD AND DISTORT YOUR DEVELOPMENT AS A HUMAN BEING. WHEN OTHERS TREAT YOU AS AN OBJECT, THERE IS A STRONG TEMPTATION TO DO UNTO THEM WHAT THEY ARE DOING UNTO YOU.

THE DANGERS OF SUCH A RESPONSE ARE GREAT. PEOPLE ARE REDUCED TO THINGS WHICH CAN BE MANIPULATED TO REACH A GOAL. BUT STRIPPING PEOPLE OF THEIR HUMANITY, WHEN CARRIED TO EXTREMES, IS THE STUFF THAT SLAVERY AND

CONCENTRATION CAMPS ARE MADE OF. AND EVEN IN ITS MILDEST FORMS, IT ROBS YOU OF A MEASURE OF YOUR OWN HUMANITY AND BLINDS YOU TO THE PAIN YOU MAY BE CAUSING OTHERS. THE COMPETITIVE ASPECTS OF OUR SOCIETY ONLY REINFORCE THIS TENDENCY TO VIEW THE PRACTICE OF LAW AS A FORM OF COMBAT IN WHICH FEELINGS ARE BANISHED FROM THE WAR ZONE AND ONLY THE HEARTLESS SURVIVE.

THAT IS THE POTENTIAL BAD NEWS, BUT THE GOOD NEWS IS THAT YOU HAVE IT WITHIN YOUR POWER TO KEEP THAT SCENARIO FROM OCCURRING. TO DO SO, YOU MUST SEEK TO MAINTAIN A BALANCE IN BOTH YOUR PUBLIC AND PRIVATE LIVES. YOU MUST CONSCIOUSLY KEEP SIGHT OF YOUR HUMANITY AND NURTURE THOSE RELATIONSHIPS THAT HELP KEEP YOU WHOLE. YOUR FAMILY AND FRIENDS CAN BE AN ENDURING SOURCE OF STRENGTH FOR YOU, BUT YOU MUST NOT TAKE THEM FOR GRANTED.

THERE IS NO BETTER INVESTMENT IN YOUR FUTURE THAN TO REAFFIRM THE VALUES OF LOVE AND COMMUNITY THAT CAN SO ENRICH YOUR PRIVATE LIFE. BUT THOSE VALUES CAN DO MUCH TO ENRICH YOUR PROFESSIONAL WORLD AS WELL. IT MAY TAKE SOME CREATIVITY, IMAGINATION, AND EVEN DARING TO FIND A WAY TO INTEGRATE THEM INTO THAT COMPETITIVE CONTEXT, BUT SUCH A RECONCILIATION OF YOUR PRIVATE AND PUBLIC SELVES WILL BE MORE THAN WORTH THE EFFORT. IN FACT, IT MAY WELL SAVE YOUR LIFE.

I HAVE A FEELING -- THAT MAY IN PART COME FROM HAVING FACED CANCER -- THAT THE FUTURE TENDS TO TAKE CARE OF ITSELF AND YOU SHOULDN'T WORRY SO MUCH ABOUT IT. YOU SHOULD CONCENTRATE ON WHAT YOU ARE DOING NOW, AND IF YOU DO IT WELL, THINGS THAT YOU WANT WILL HAPPEN IN THE FUTURE. I THINK THAT NO MATTER HOW MUCH MATERIAL SUCCESS YOU MAY ACHIEVE, YOU PAVE THE WAY TO DISAPPOINTMENT IF YOU SET UP YOUR FIVE- OR TEN-YEAR GOALS AND SAY TO YOURSELF, "BY THEN I WANT TO BE THERE."

THE PROBLEM WITH SUCH AN APPROACH IS THAT YOU ARE ALWAYS DOING SOMETHING NOT FOR ITS OWN SAKE OR ITS OWN MERIT, BUT FOR SOMETHING ELSE. AND IF THAT SOMETHING ELSE DOESN'T HAPPEN, THEN YOUR WHOLE LIFE SEEMS HOLLOW TO YOU.

IN OUR COMPETITIVE SOCIETY, OUR PERCEPTION OF SUCCESS IS OFTEN BASED MORE ON AN IMAGE CREATED BY OTHERS THAN ON OUR OWN SENSE OF WELL-BEING. IN THAT CONTEXT, WE BEGIN TO MEASURE OUR PERSONAL SUCCESS BY THE FAILURE OF OTHERS AND TO RESENT THE SUCCESS OF OTHERS BECAUSE WE ARE NOT THEY.

THAT'S THE SAD PART OF IT. BUT THERE ARE SOME HOPEFUL SIGNS. FOR EXAMPLE, I THINK WOMEN HAVE BEGUN TO OVERCOME THAT SORT OF CRAMPED THINKING IN TERMS OF HAVING A REAL FEELING OF JOY IN SEEING THE ACHIEVEMENTS OF OTHER

WOMEN. BUT IT IS VERY HARD TO REACH THAT POINT IN A SOCIETY THAT'S AS RESTLESS AND DRIVEN AS OURS.

IT REMINDS ME A BIT OF BERGMAN'S FILM "WILD STRAWBERRIES," WHERE A MAN WINS THE NOBEL PRIZE BUT IS AN ABSOLUTE FAILURE AS A PERSON. AND I THINK AS A SOCIETY, THE MORE MATERIALISTIC WE BECOME AND THE GREATER THE GAP BETWEEN THOSE WHO HAVE ACHIEVED MATERIAL SUCCESS AND THOSE WHO HAVE NOT, THE MORE UNEASY WE ARE GOING TO BE AND THE MORE WE'LL LOOK BACK TO TRY AND REGAIN OUR ROOTS. THEN, PERHAPS, WE WILL SEE THAT THE GOD OF SUCCESS IS A FALSE IDOL.

WE ARE HERE, I BELIEVE, TO ACHIEVE WISDOM AND LIVE ETHICALLY. AND IF WE CAN LOOK UPON THE JOURNEY OF LIFE AS A LEARNING PROCESS, WE WILL BEGIN TO PERCEIVE A LOT OF THE DIFFICULT AND DISAPPOINTING THINGS THAT HAPPEN ALONG THE WAY IN A VERY DIFFERENT LIGHT -- AND PERHAPS GROW FROM THE EXPERIENCE RATHER THAN TURN BITTER.

ALMOST EVERYTHING IN LIFE ENTAILS A RISK. TAKING A RISK IS THE WILLINGNESS TO DO SOME THINGS WHERE, IF YOU VIEW THE OUTCOME AS STRICTLY A WIN-OR-LOSE SITUATION, YOU COULD SAY THAT YOU MIGHT LOSE A GREAT DEAL. IF, FOR EXAMPLE, YOU LOVE SOMEONE AND THAT LOVE IS NOT RETURNED, YOU HAVE TAKEN A RISK AND LOST. BUT PERHAPS YOU HAVE LEARNED SOMETHING IN THE PROCESS -- ABOUT YOURSELF, ABOUT

LOVE, ABOUT LIFE -- THAT YOU WOULD NOT OTHERWISE HAVE KNOWN.

SO, IF YOU RESTRUCTURE THE CONCEPT OF WHAT WINNING IS ABOUT, THEN RISKS ARE JUST A NATURAL PART OF LIFE. AND THEY CAN TEACH US A GREAT DEAL IF WE ARE OPEN TO WHAT WE EXPERIENCE.

WHAT WE CAN LEARN THE MOST FROM IS THE PROCESS AND THE WAY IN WHICH WE REACT TO IT. YOU REALLY CAN'T CONTROL VERY MUCH OF WHAT HAPPENS TO YOU IN YOUR LIFE. BUT WHAT YOU CAN CONTROL IS HOW YOU REACT TO THE THINGS THAT DO HAPPEN TO YOU. AND THERE, I BELIEVE, IS THE KEY TO FINDING OUT ABOUT LIFE. THAT'S EASIER SAID THAN DONE, OF COURSE, BUT WORTH PURSUING NEVERTHELESS.

FAILURE IS AN INABILITY TO COME TO TERMS WITH WHO YOU ARE AND WHAT LIFE IS ABOUT. IF YOU DON'T LEARN VERY MUCH FROM GOING THROUGH THE PROCESS OF LIVING, I THINK THAT IF THERE IS SUCH A THING AS FAILURE, THAT IS IT. BUT I BELIEVE WE ARE ALL AT DIFFERENT STAGES OF PERCEPTION. AND SO YOU CAN'T SAY THAT ONE PERSON IS A SUCCESS AND ANOTHER A FAILURE SIMPLY BECAUSE OF WHERE THEY ARE AT ANY GIVEN TIME. THE KEY LIES IN THE PROCESS -- WHAT WE LEARN FROM OUR EXPERIENCES AND HOW WE USE THAT KNOWLEDGE AND AWARENESS TO LIVE OUR LIVES MORE FULLY.

WHEN YOU LEAVE THIS CEREMONY TODAY, YOU MAY FEEL AS THOUGH A CHAPTER OF YOUR LIFE HAS ENDED, BUT A COMMENCEMENT IS TRULY A BEGINNING. THAT IS WHAT THE WORD "COMMENCE" MEANS. THROUGH YOUR EFFORTS, YOU HAVE TURNED THE POSSIBILITY OF BECOMING AN ATTORNEY INTO A REALITY. AND NOW YOU WILL BEGIN TO EXPLORE THE NEW OPPORTUNITIES THAT YOU HAVE CREATED FOR YOURSELVES. AS YOU FACE THAT OPEN-ENDED FUTURE, I WOULD LIKE TO LEAVE YOU WITH THREE THOUGHTS.

FIRST, DO NOT BE BOUND BY THE DEFINITIONS OF THE PAST. TO QUOTE ONCE AGAIN FROM HABITS OF THE HEART, "PERHAPS LIFE IS NOT A RACE WHOSE ONLY GOAL IS BEING FOREMOST. PERHAPS TRUE FELICITY DOES NOT LIE IN CONTINUALLY OUTGOING THE NEXT BEFORE. . . . PERHAPS WORK THAT IS INTRINSICALLY REWARDING IS BETTER FOR HUMAN BEINGS THAN WORK THAT IS ONLY EXTRINSICALLY REWARDED. PERHAPS ENDURING COMMITMENT TO THOSE WE LOVE AND CIVIC FRIENDSHIP TOWARD OUR FELLOW CITIZENS ARE PREFERABLE TO RESTLESS COMPETITION AND ANXIOUS SELF-DEFENSE."

SECOND, DON'T LET OTHERS BE YOUR MEASURE, WHETHER THEY BE OTHER INDIVIDUALS OR INSTITUTIONS. NONE OF THEM IS YOU. AS WE PROGRESS THROUGH LIFE, IT IS ALL TOO EASY FOR US TO DEFINE OURSELVES BY REFERENCE TO OTHERS, TO CREATE OURSELVES IN THEIR IMAGE, TO CONFORM OURSELVES TO

THEIR MOLD. IF WE ALLOW THIS TO HAPPEN, WE END UP LIVING A LIFE THAT IS THEIRS AND NOT OURS. WE BECOME THE EMBODIMENT OF THEIR EXPECTATIONS, THEIR MEASUREMENTS, THEIR BOUNDARIES, AND THEIR LIMITATIONS.

REMEMBER THE WORDS OF SHAKESPEARE; "[T]O THINE OWN SELF BE TRUE,/AND IT MUST FOLLOW, AS THE NIGHT THE DAY,/THOU CANST NOT THEN BE FALSE TO ANY MAN." AT THE SAME TIME, WE MUST REMEMBER TOCQUEVILLE'S WARNING ABOUT THE DANGER OF BEING "SHUT UP IN THE SOLITUDE OF [YOUR] OWN HEART." RATHER, TAKE CARE TO BE A LOVING AND GIVING MEMBER OF THE COMMUNITY IN WHICH YOU LIVE AND WORK.

THIS IS NOT AN EASY LIFE FOR ANY OF US. TO THE CASUAL OBSERVER, IT MAY SEEM CHARMED. BUT IN EACH LIFE, THERE IS NOT ONLY JOY BUT SORROW; NOT ONLY SUCCESS BUT FAILURE; NOT ONLY HEALTH BUT SICKNESS; NOT ONLY HOPE BUT DESPAIR.

THIS BRINGS ME TO MY FINAL THOUGHT. TO LIVE FULLY AND TO FACE LIFE WITH DIGNITY, WE MUST HAVE COURAGE -- COURAGE TO DO WHAT IS RIGHT, EVEN THOUGH IT MAY BE UNPOPULAR; COURAGE TO FIGHT INJUSTICE, EVEN THOUGH IT MAY COST US DEARLY; COURAGE TO BE OURSELVES, EVEN THOUGH THAT MAY NOT BE WHAT SOMEONE ELSE WANTS US TO BE. PERHAPS MARTIN LUTHER KING, JR. SAID IT BEST IN ONE OF THE LAST SPEECHES HE WAS EVER TO GIVE. IT IS NOT THE QUANTITY OF

ONE'S LIFE THAT IS IMPORTANT; IT IS THE QUALITY OF ONE'S CHARACTER.

AS YOU GO FORWARD FROM THIS DAY OF NEW BEGINNINGS, BE PROUD OF WHAT YOU HAVE ACCOMPLISHED AND OF WHO YOU ARE. STRIVE FOR WHAT IS BEST IN YOU, AND DON'T LET OTHERS MEASURE YOUR VALUE OR YOUR WORTH FOR YOU. DON'T LET OTHERS SHAPE YOUR FUTURE TO FIT THEIR PAST. YOUR DREAMS ARE YOUR OWN, AND ONLY YOU CAN MAKE THEM REAL. HAVE COURAGE! OUR SOCIETY NEEDS YOUR STRENGTH, YOUR COMMITMENT, AND YOUR COMPASSION.

THANK YOU AND GOOD LUCK.