

SECTION V
OUTSIDE TALK

LAW DAY SPEECH - 1999

This has been a year of firsts for me. It is the first time I have ever lived in Tennessee; it is the first time I have ever been a dean of a law school; and it is the first time I have ever been asked to give a Law Day speech. When Annette (Winston) first called me up and asked if I would be willing to talk to you, she told me there would be 300-400 lawyers in the room, many of them alums of the University of Tennessee College of Law. That was really all she had to say. Ask a dean to get up and talk, and you usually don't have to wait very long for an answer. Tell the dean that the audience will include alumni, and you usually don't finish the question before he or she is on their feet talking. That was my response.

Then I asked Annette what I was supposed to talk about, and she said, "Well the theme is 'Celebrating our Freedom,' so I'm sure you'll want to say something about that, but really we'd love it if you talked about how you feel after being here almost one full academic year and your plans for UT." Later, I asked Marsha Pace for any suggestions she had about the topic, and she both echoed Annette's themes and added one of her own—volunteerism. So, here goes. And if all the disparate strands of this talk don't always tie up together, chalk it up to the fact that I am indeed still a new, if not virgin, dean. And it is one of my character flaws that I will always try to bite off more than I can chew.

You no doubt have heard that I came to UT from the city of Baton Rouge, where I worked as a law professor at LSU. I was happy there and doing what I thought was relatively well when I got bitten by this strange subtropical bug. And one of the side effects of this odd bug's bite was that it caused the victim to have delusions he or she might want to try to become a law school dean. Still suffering the harsh effects of this delusional state, I found myself in a couple of dean searches, one at LSU and another at this most intriguing place—the UT College of Law. I'll be honest with you, I didn't know what my name was doing in the Tennessee pool. I thought UT was such a stretch I shouldn't even have wasted my time. It was a great school with a great tradition and a great Dean, Dick Wirtz, who was stepping down. What was I doing in that pool? Well, I figured it was good for me just to be in such company. Then I got invited to Knoxville to interview, and I saw our new building. I met our faculty, staff, and students. When I got back to Baton Rouge and my wife met me at the airport, I refused to talk about the interview. At the same time, I neither wanted to jinx my chances nor did I want to get my hopes up even the slightest.

Well you all know the rest of the story. I was lucky enough to be offered the job. I told the other searches I was in that Tennessee had called and I was answering. I was stepping up in the world and I have not looked back.

Now, let me stop here and comment. Celebrate your freedom. Imagine how fortunate I was; not just to be tapped as the person to succeed Dick Wirtz, but fortunate enough to have been born and raised in a country where I had the freedom and opportunity to go to great schools, to get a professional education, to be able to become an educator and write and say what I thought on particular issues and not be afraid that someone would come knocking on my door in the middle of the night and take me away or take my family away or otherwise threaten my safety. Life is beautiful, to steal Roberto Benninni's title, and it is especially beautiful here. We can just never stop appreciating that fact.

Now, back to the story. You know what LSU's mascot is—the Tiger. Anyone who was at Lindsey Nelson stadium a few weeks ago heard the loud “Geaux Tigers” of the LSU baseball fans fade as the weekend wore on and we took two out of three from them.

In any event, when we told our family we were moving to Tennessee to work at UT, my then-five-year-old daughter asked what the University of Tennessee's mascot was, and I told her it was a Volunteer. “What kind of animal is a Volunteer?” she asked. And the answer is that a Volunteer is a rather sophisticated, intelligent animal. Perhaps we could say that a Volunteer is an animal at the farthest edges of the developmental spectrum. Why do I say that?

I say that because a Volunteer is a free thinking, choosing, compassionate individual who, while giving of themselves, recognizes that their gift is both a free choice and at the same time a responsibility.

Think about it. You have to be free to be able to volunteer, don't you? You can't freely choose to lend your aid to a person, theme, or cause, unless you are free to do so. Our state's volunteers were originally soldiers who lent their support and lives to various military causes. They were not drafted. They chose to fight. They were free to choose, and they did so. So, first, freedom is a prerequisite to being able to volunteer.

Now, if one of the attributes of freedom is the freedom to choose and to choose to volunteer, is it equally true that we have the freedom not to volunteer? I suppose it is, isn't it? If we are free in this country to choose, then can't we choose not to help out? I suppose so.

But I think of what my parents told me when I went off to college 3,000 miles from my home. “You are on your own now.” They said that even though they were paying the bill. I was on my own, and I felt free; that was my eighteen

year-old definition of freedom. But then they ruined it. “Whatever happens,” they said, “you will be responsible for yourself.”

Aha! Therein lies the rub. I was responsible for myself. With freedom went responsibility. With freedom went personal accountability. I was free to screw it up, or I was free to do the right thing, so sayeth Spike Lee, and make it work.

Likewise, when I decided whether to move to Knoxville, I was free to do it. But I also had to make a responsible decision. I had to think about my family. Susan and I knew that we wanted to come here, but would it be the best thing for our four children: Patrick, Sarah, Aisling, and Jennifer? We had a responsibility to them to be sure it was, and it was, although Patrick is still not sure.

Likewise, as lawyers in a free society, we are relatively free. We represent who we want and, within ethical bounds, we pretty much represent them as they and we see fit. In fact, when it comes to practicing law, we have a monopoly. But with our great freedom, we have responsibility to our clients, our colleagues, and the system of justice. We have a responsibility to do things in a way that not only is right but also that looks right.

Part of what we have a responsibility to be is to be leaders in our communities—Volunteers. For years law schools – and I promise I will get to the responsibilities of us legal educators in a minute – have not only been training lawyers; we have been training leaders: Senators, Congressmen, Governors, State Representatives, Mayors, Judges, District Attorneys, and all sorts of other leaders. Every few years we hear how there are too many lawyers in various legislatures. But who is in a better position to figure out what all those proposed bills mean? Who else is in a better position to try and figure out how changes in the law will affect us? Who else is better able to decipher the language in legislation drafted by special interest groups?

Anyway, I’m rambling. As leaders in a free state, it seems to me we have an obligation to set an example. We have an obligation to show that with freedom goes responsibility. Like those Tennessee soldiers knew, part of the cost of freedom was volunteering—being willing to lay it on the line.

Now, what about us in the academy? What are our responsibilities? Especially at UT? We know we have a basic responsibility to the citizens of this state and nation to train the most ethical, professional, well-prepared lawyers possible. We also know that our primary mission is to the State of Tennessee and that many of our graduates will stay right here in East Tennessee, so we have a particular obligation to this area and this community.

We know that the practice of law is more competitive than it has ever been. We realize that you have less time to train lawyers and mentor them than you used to. But, you must also realize that in a world of ever-increasing specialization, we have more to teach in three years than we ever did before. All that said, we are trying to give our students meaningful skills instruction. We rely heavily upon many of you as adjuncts. By teaching our students, you essentially volunteer—I know we don't pay you enough. But we thank you.

We are very serious about our responsibility that our school is open and welcome to all groups and peoples. I just met with our African-American alumni last weekend, and I think we had an extremely productive meeting, but while we have come a long way in becoming an open, welcoming law school, there is still work to do. If anyone ever walks in our doors and does not feel welcome or feels even a hint of discrimination, let me know. Because we will work to change it.

I do not want to preach, but one thing I have seen in my year here is that there is continuing work for all of us to make this a better place for people of all races, religions, and backgrounds to live and work. To attract the best of all of us we must be open to all and must provide opportunity for all.

Let me close with a higher education message. The University of Tennessee and the UT College of Law represent all that is best about public education in this country. It has been my great pleasure this year to have worked with people like Joe Johnson, Bill Snyder, John Peters, Phil Scheurer, and Dick Wirtz. These are some of the absolutely best people in the country. But quality requires support, and it requires investment. If we believe in public education and public higher education, we must support it. It is no secret to any of us that our funding lags well behind other public universities in our area—Virginia, North Carolina, Georgia, and Florida.

Amazingly, we compete with these schools in the classroom and in research and in scholarly publications. In fact, in a lot of areas, we beat them. But we can't tighten our belt much more. We can't stay on the same field with them or in the same classroom or lab without resources. Part of our responsibility to our young and to our future is to support higher education so that our future is as bright as our present and our past. In fact, we would all like to see it even brighter.

Well, like the '60s band "Cream," I just want to be free. But as I've told you, along with that freedom goes great responsibility—responsibility to my family, my community, and myself. And a large part of that responsibility is the duty to step out and get involved—to volunteer. Because, as I heard chanted after my first UT home football game last year, "Oh yes, it's great to be a Tennessee Vol."

BALANCE SPEECH

My twelve-year-old daughter, Sarah, is quite a football fan, and the other day, as we were talking about Wyoming, she asked me, “How could it be that the year Peyton Manning, one of the most honored players in UT history, graduated, UT won the National Championship?”

One day recently at the College, my youngest daughter, Jennifer, saw our scales of justice and wondered how they sat there so evenly?

And once, my third child, Aisling, wondered aloud how the top of the T in UT (and Tom) stayed put?

My fourteen-year-old son wonders how my ninety-one year old father, his grandfather, who, while he isn’t as spry as he was at eighty-five, managed to do so well in life. I hope the answer to Patrick’s question is genes; my father would tell him that it has been his efforts to try to lead a balanced life that paid off.

Likewise, UT won a national championship because it became a balanced team. The scales of justice don’t fall over, and the top of the T stays put because of that key concept—balance.

I couldn’t strive for a better rule by which to live. Balance family, spirituality, work, friends, exercise, hobbies, expanding my mind. When you think about it, balance is a pretty great concept.

Now, where exactly am I headed with this? Well, if you look at great organizations and great universities over time, you will see that one of their key traits is balance. You will see that balance very often coincides with excellence. I think it is a prerequisite to good health, happiness, and achievement.

And ladies and gentlemen, it is my great pleasure to report to you that the University of Tennessee is a great law school whose excellence is characterized by outstanding balance.

We are not a place that seeks to find a niche for itself to justify what we do. You will not hear us claiming to be the Global Law School (although globalism in law is a good thing that we do address). You will not hear us claiming to be the place to study intellectual property, although we offer courses and expertise in that field.

You *will* hear us bragging about those things we do particularly well: teaching advocacy, teaching lawyers to represent entrepreneurs, teaching legal writing, clinical programs, and service learning devoted to the public interest. But none of those things define us. Those are things that make us excellent, things that make us better. But none of those things capture all that we are.

All of those things are part of the balance that makes us so strong.

While we have strong programs that I will describe to you, not one of those outstanding programs defines or dominates our approach to providing our students with a well-rounded legal education in which we prepare them to be excellent, ethical, and professional attorneys.

You can see our new building. It is one of the best facilities for legal education in America. But we balance its newness with a longstanding tradition and reputation for excellence. While we have the best new building in America with the best new technology available, we also know that we opened our doors in 1890. We also know that we were a charter member of the AALS. We also know that we have the oldest continuously operating legal clinic in the United States.

Our faculty balances teaching with scholarship. The professor who was honored last year by the students as the outstanding UT law professor was Professor Joe King. Joe is not only a great teacher, but he is nationally known as a scholar. Every first-year law student in America learns his name because of his influential scholarly work. In fact, in a recent anthology of the best American Torts scholarship, Joe King had not one, not two, but three articles.

Joe is just one example of the teacher/scholars who characterize the UT College of Law's approach to legal education. Let me reiterate—teacher/scholar—balancing those two aspects of our mission. Now let me tell you about the balance in our approach to legal education.

You no doubt remember the movie and the television show “Paper Chase,” where the stodgy Professor Kingsfield, played by the late John Houseman, battered his students with question after question. He thought his students' brains were mush, and it was his job to get them to think like lawyers. Well, that Socratic method—question, question, question—is one way to teach law. It has been the traditional way to teach law since 1870 or so. And we have some great Socratic teachers at the College of Law. Perhaps our most famous and successful practitioner of the Socratic method is Joe Cook. The Cooks, by the way, are a real UT family. Joe's wife, Norma, teaches Speech Communications. And, like Joe, she has been at it at UTK for over thirty years.

Anyway, Joe Cook is the definitive Socratic teacher. Our former Dean, Dick Wirtz, and our current Associate Dean for Academic Affairs, John Sobieski, are also great questioners. We have other noted practitioners of the method that drove Socrates to drink. Sadly for Socrates, the drink was hemlock.

In any event, we can run with the best of them when it comes to traditional law school classroom teaching: teaching theory and thinking like a lawyer.

But we also realize that one of the drawbacks of three years of nothing but the traditional Socratic method is that the law student does not learn a lot of the skills he or she has to know to practice law. They don't learn legal writing and research. They don't learn how to question a witness in a deposition or at a trial. They don't learn how to solve a businessperson's problem or how to negotiate or draft a contract. They don't learn how to mediate. They don't learn how to write a will to suit a client's desire. Or how to help a client through a loved one's death or a divorce.

Realizing the drawbacks and the strengths of the traditional method, we balance it with more innovative skills training.

As I said earlier, we were one of the nation's leaders in clinical legal education, and we are still on the forefront. What is a legal clinic? It is just like medical clinic. In the Clinic, our students learn by actually representing real clients under the supervision of our outstanding clinical law faculty. And at UT, our clinical faculty are tenure-track just like our faculty who teach in the traditional classroom.

What other skills do we teach? We are extremely proud of our legal writing program. We have a six-credit-hour first-year course in legal writing and research. Our Legal Writing Director, Carol Parker, is a nationally recognized leader and innovator in the field. We also have an upperclass writing requirement. Our goal is, in Carol's words, to truly have writing across the curriculum. Imagine a lawyer who doesn't have to spend a good deal of their time writing. We can't, and we want to make sure our students are able to write and write well.

Let me also tell you a little about our two Centers. First, let me tell you about our Advocacy Center. UT has a long tradition of training outstanding trial lawyers. Also, as I said before, we have the tradition of our Clinic. Building on those traditions, a few years ago, we created a Center for Advocacy. The goal of the Center is to provide our students who want to spend their careers in the courtroom (or just outside it) the absolute best training possible. The first and primary thrust of the Center is educational: to train our students. As such, students in the Center, after

their first year, can take a series of systematically organized courses aimed at teaching them how to be effective, professional, ethical advocates.

Because of our commitment to balance, the Center is not just concerned with our students. We also hope to be able to establish the Center as a national center for scholarship about advocacy and about ways to improve our American dispute resolution system. Additionally, we hope to be able to reach out to our graduates and other lawyers and judges in the area to be able to continue to teach them about advocacy throughout their careers.

We are especially proud to have just hired a new director for the Center, Paul Zwier. Paul came to us from The University of Richmond, where he spent the last eighteen years establishing his reputation as one of the best teachers of trial advocacy in the nation. Paul has a longstanding relationship with the National Institute of Trial Advocacy—the best provider of continuing education about trial advocacy in the world. Through Paul, we hope to develop ties to NITA ourselves and leverage that connection to an even better national reputation for us.

Now, if all we had was a Center for Advocacy, we wouldn't be very balanced, would we? And so, as you could bet, that's not the only center we have. We also have our Clayton Entrepreneurial Law Center, named for Jim and Kay Clayton, who have made a generous contribution to the Center. Another generous supporter of the Center has been the firm of Woolf, McClane, Bright, Allen and Carpenter. The firm is establishing a distinguished professorship in the Center.

The Clayton Center is about teaching our students how to work with and for businesses and not to get in the way of businesspeople. We want our students to understand how business works and to be able to communicate with entrepreneurs and be able to support them rather than hinder them. Like the Advocacy Center, the Clayton Center is first and foremost a Center for our students with a curriculum that systematically builds upon itself and culminates in an experience in which our students are doing what they will be doing after graduating.

The Director of the Center now is Carl Pierce. Right now we are searching for Carl's successor. And in the years ahead, we hope the Clayton Center will be a national leader in scholarship and continuing education for business lawyers. We also hope that it will be a place where both lawyers and businesspeople come to learn together.

Now, let me tell you about lawyers and money. We do alright. But we also recognize that we have an obligation to our society to do public service work and pro bono work. We embrace those responsibilities at UT. Through our Clinic, we

represent those who would not otherwise be able to afford a lawyer. We also have a student pro bono program in which our students work with lawyers who are representing people who cannot afford to pay for legal service.

We are also a national leader in service learning. Some of our professors try to involve our students in community projects while they learn. Much of what we do, we do through UT's Community Partnership Center. My colleague Fran Ansley had her students work with the Hope 6 neighborhood as it was torn down. In the Spring, she had her students work with various groups dealing with the wave of Hispanic workers coming into our state. In another course, Neil McBride, the Director of Rural Legal Services of Upper East Tennessee, and our students work with nonprofit corporations to perform corporate audits of their legal documents.

Balance: we hear about lawyers wanting to win at any cost and sometimes doing things to win that all of us lawyers are ashamed of. Well, we train our students to represent their clients well, but ethics pervades our teaching. Carl Pierce is the reporter for the TBA revision of the Tennessee Ethics Code, and he is also one of the reporters for the ABA's Ethics 2000 Commission, which is re-examining and redrafting the Code of Professional Conduct.

Balance: our students are balanced. Eighty percent are from Tennessee, and twenty percent are non-Tennesseans. Fifty percent are men, and fifty percent are women. We receive 1050-1200 applications per year for 160 places. We are very selective.

Part of our great balance is diversity. We know that a diverse class is a better class, a more balanced class in which all learn better. And a balanced school is a stronger school. *US News* has recognized our balance by ranking us as the forty-seventh best law school in America, public or private. We think our future is bright, and we are happy to be part of this great University.

LOVE OF LEARNING

Congratulations to all the students who will be initiated into Phi Kappa Phi tonight. It is a wonderful achievement, one of which you can be very proud. Congratulations also to your parents and friends who are with you tonight, or who could not be with you but without whose support and love you would not have achieved all that you have. I know they are all proud of you, too, and I encourage you to make sure to say “thank you” to them.

Now, you are here to be inducted and honored; why am I here? I’m here to talk to you. I am also here because last year I was lucky enough to get inducted into Phi Kappa Phi. But I got in the easy way. I got in because my friends nominated me—they wouldn’t have done it if they didn’t think I had the stuff. Shhhhhh! But I didn’t earn my way by getting the high grades you did at UT.

So, what should I talk about? Love learning? Learning and the law? Learning throughout your life? Learning can make the world a better place? Wow, all this stuff is true. But how can I talk about it without sounding stuffy and preachy and like I think I know a lot more than I do? I’m not sure I can. So, to pass the time and earn the free dinner I just consumed, I’m going to tell you a few stories, and if they say a little bit about learning, that’s good. If you learn something from them, then we’ve proved our point: learning is pretty important.

The first one is about my father. My father, Tom Galligan, was born in Monticello, New York, in 1908. He was the youngest of three children. His father, Patrick, worked on the railroad, and his mother, Anna, worked in the home while also taking in boarders. Like a lot of Irish families, his father was older than his mother. When my Dad was born, his father was 58 and his mother was about 38 or so.

When my father was two, his mother died from tuberculosis. Now, TB is a disease we had just about cured, through our scientific discoveries and our vigilance in making sure the economic sources of the disease like terrible poverty and intolerable living conditions were abated. Now TB is on the rise. So, even though we may solve a problem through our learning, we have to stay after it, or it will come back and bite us again.

But let me get back to my father. After his mother died, his father continued to work on the trains. The kids were raised for the next few years by a combination of aunts, cousins, and housekeepers. Then when my father was only seven, his father suffered the first in a series of debilitating strokes. One of them killed him just two years later, when my father was only nine.

Imagine a nine year old child in 1917 with no parents, little money, and no real prospects. I would say that the odds of him achieving outstanding success were not great.

What did he do? He lived with aunts in boarding houses. He did the shopping for the boarding houses. He looked for bargains for his aunts. Did he dream? I suppose that he did. Of sports? Of playing for the New York baseball Giants, or football for Harvard or Yale—the powerhouses of the day? I doubt it. He was never very large—5'5" at best. And, from a childhood bout with rheumatic fever, he was left with a heart murmur that concerned doctors throughout his life. Eventually, his heart would be the end of him, but not until he was 91 years old. But now I'm jumping ahead; let me get back to his dreams as a boy.

What did he dream about? He dreamed about being a lawyer. My father looked at the lawyers in his town, and he saw people who were relatively successful financially. But more importantly, he saw people who were respected by the community because of what they knew (and, I'm afraid, the lawyer then was usually a "him"). The lawyers in Monticello were respected because of what they had learned. They also were respected because they were able to solve people's problems and to help people. But how could my father ever really become an attorney? How would he be able to learn enough? More importantly, for him, how could he afford the cost of the education he needed?

For one thing, even though he was a small kid with a bad heart, he was tough. He knew he had to learn, and he knew what he did and what he accomplished, and one of the lessons he taught me and passed on to my kids, particularly my oldest daughter Sarah, is that you have to stand up for yourself.

My father went to a Catholic grade school, and, as he was finishing the eighth grade, the nun who taught the class called him to her desk. You have all heard tales of nuns and how tough they can be, especially as teachers.

"Congratulations, Tommy," she said. "You are ranked second in the class, and, because you are second, you will receive a pen at the graduation ceremony."

Well, a pen was fine, but the person who finished first in the class received a Bible.

"I'm sorry, sister," my father replied, "but you have made an error."

“Pardon me, Thomas,” she said sternly. “I have calculated and recalculated the averages, and you are second by two hundredths of a percentage point to Mary Margaret Feeney.”

“Sister, I have also calculated and recalculated the averages, and you are wrong. Mary Margaret Feeney is second to me by five hundredths of a percentage point.”

“Thomas, you are being insolent.”

“Sister, I am being right and ask you to please retabulate the grades.”

In a huff, she sent my father back to his seat. But guess who got the Bible at graduation? Not Mary Margaret Feeney, but Thomas Clavin Galligan.

How would a Bible get him into law school? It wouldn't, but his hard work, brains, love of learning, and tenacity would. At thirteen, as he was entering ninth grade (he had earlier skipped two grades); he moved from New York to a town in New Jersey named Montclair, my hometown.

Why Montclair? That was where his Aunt Sara lived and where his older brother had moved two years earlier. My father's Aunt Sara shared two values with my Dad: one was money was invented to be saved, and the other was that the most valuable commodity in the world, including money, was education.

With his Aunt Sara's support and a bunch of scholarships, my father put himself through Rutgers College in New Brunswick, New Jersey. At Rutgers he studied Political Science and debated. He loved his undergraduate years, even though he worked various and sundry jobs, from bus boy to waiter—two careers to which he had also devoted himself when he was in high school.

But I would be remiss this evening if I did not tell you one little story about my Dad at Rutgers, because it relates to an event like this. Rutgers did not have Phi Kappa Phi. It had another academic honor society: Phi Beta Kappa. My father would have loved to become a member. But because he worked so hard outside the classroom he never made it; he just missed. He didn't know how close it was until fifty years later.

I was lucky enough to get to attend my father's 50th college reunion with him. I had just returned from my first year of law school, and we were together for the weekend at New Brunswick. My Dad was 71 at the time and still working full-time. On Sunday, after the alumni breakfast, as the group broke up, a drawn man who looked at least 20 years older than my father stopped him.

"Tom," the man said weakly.

"Hello, Roy. This is my son, Tom."

"Roy," my father said, "it's been great to see you again. I hope you feel better soon."

"Tom, it's been good to see you, too. But before I leave, I need to tell you something that's been bothering me for fifty years." Roy proceeded to tell how the students who had been elected to Phi Beta Kappa as juniors got to decide, or at least had a significant say, in who would become Phi Beta Kappa in their senior year. One of those elected the previous year was a fraternity brother of Roy's and not a fan of my father's.

That frat brother was the one who told Roy of his election to the organization. When he did so, he also told him that Roy was the last person selected. The frat brother also told Roy that he, the frat brother, had been sure to draw the line where it had been drawn because the next person was that little poor kid, Galligan.

"Tom," Roy said. "It wasn't me. But it's bothered me since. You deserved to get in just as much as I did, and I'm sorry you didn't and I did."

My father could lose his temper with the best of them, so for just a second I really worried. But I had nothing to worry about. My father took his hand and said, "Roy, I never knew that. Thank you for telling me. It wasn't you."

After a few more minutes, as Roy walked away, my father said, "Isn't that something?"

"Does it bother you?" I asked. Usually, as the story about the Bible will attest, my father had no patience with injustice.

"No. I had a wonderful four years here. I learned a lot. I've had a great relationship with Rutgers since I graduated, and I've had a wonderful weekend. So I guess it really doesn't change anything."

“But think how much it must have bothered Roy over the years,” I added.

“I know. He blamed himself somehow, and it wasn’t his fault at all. As much as getting into Phi Beta Kappa would have meant to me, I think his whole experience with it was tarnished.”

“As if he were a conspirator,”—I had just learned what the word really meant in law school—“in some immoral scheme.”

“Sad.”

In any event, my father graduated from Rutgers in 1929 and started at Cornell Law School in the fall—a little stock market crash was not going to derail his plans. Once again, with the help of his Aunt Sara, he put himself through law school. After he graduated from law school, he went to work for Colgate-Palmolive, where he worked for fifty-two years.

As a hobby, he practiced law: doing real estate, wills, and a divorce or two. He loved the law because he said he learned something new with every case he took. He learned something about law, and he learned something about the people he represented and about people in general. The most wonderful thing about being a lawyer for him was that no day was the same; every day presented a new challenge; every day provided a learning opportunity and a new experience. John Prine, the singer, says, “What a way to end the day, by turning out the light.” For my father, turning out the light meant the chance to think back on how he knew more than he had the day before. About how his whole view of the world might have changed from the day before.

Well, what about my mother? The story could be just as long, but since you want to get inducted into this organization, it won’t be. She was born seven years after my father in New York, New York. She, too, was a high achiever who skipped a grade. When she graduated from high school, she was on her way to Hunter College in New York. But the depression had set in hard by then, and her father’s businesses were on the verge of failing, so rather than go to college, she went to work. But she refused to see her only child miss that opportunity. So with a father who was made by education and a mother who had missed out on finishing hers, I had no chance.

I was like any other kid. I loved summer vacation and being off. But every year when school started, I looked forward to it. I looked forward to the books I would get. What would they look like? What would they feel like? What would they

smell like? During the year, I felt the same way in English as we went from book to book. I always looked forward to starting a new book.

So, I had no chance. I was built to learn.

I told you that, besides learning to love education, my father also learned to be frugal from his aunt. He loved a sale. He bought Christmas presents on sale and cut off the lower price but left on the higher one with a line through it. He would buy boxes of crap at auctions.

But when it came to school for me, he never scrimped. He sent me to an excellent private high school because I wanted to go there. Then he paid a fortune for me to go to Stanford. Finally, in law school, when I won a scholarship and did not need it for financial reasons, he paid it back and then some with donations. He created a scholarship at Rutgers in his aunt's honor and was always a generous supporter of Cornell.

Surrounded by all this love of learning and education and support, I was able to do what I wanted to do with my life. And what I decided to do was what I loved: to get into education or learning. I practiced law for about four years and then went into teaching, and I have never looked back.

Every time I teach a course, no matter how many times I've taught it before, I see something new. I understand more. It never fails that at least four or five times a semester, a student makes a statement or asks a question that enlightens me, that makes me consider something I have not considered before. So, what have I learned in education? What lessons did I get to learn from all the support my parents gave me?

First, real learning requires freedom. If someone is going to study something and really learn about it and maybe learn something we haven't known before, that person has to be free to think, inquire, and speak for themselves. Without that freedom, people really won't learn. We won't push back boundaries of knowledge. For those of you who haven't thought about it or considered it, that's what tenure is all about.

Second, and this is related, our learning cannot be for sale. We have to have the ability to learn without thinking our conclusions have to be justified by some economic end. Learning can get us a lot. My father's learning was motivated at least in part by the desire to be successful and to be able to give his child more than he had. You parents are probably happy because your children's academic success will, if they choose, translate into economic success. But no matter how successful they

are, do you want them to feel that the result of their learning is all for sale? Do you want them to feel that the fruits of their ideas are nothing more than dollars and cents—economic units? I want to believe there's something more than that. While what we do can make lives better in an economic sense, we can't just do it for that reason. When we put a price on our ideas, we compromise ourselves.

Third, people learn better in diverse environments including people from diverse cultures, of diverse races, of diverse backgrounds, and with diverse attitudes. Learning is about understanding, and if all you want to understand is what you already know or what people exactly like you already know, you're not learning much, and you're certainly not learning how to deal with the world in which you will live.

Fourth—and this is related to all of the above—for people to really learn, it seems to me, they have to feel and be safe. They have to feel supported and loved. So, when and if you have children, love your kids. They'll do better and learn more. If you don't have children, love somebody else's children. The world will be a better place.

Fifth, learning is about teaching. A guy named Hohfeld wrote a couple of great law review articles about how every right created what he called a correlative duty. For us lawyers, Hohfeld is a little bit like Hendrix or Kurt Cobain or James Dean or Jean Harlow. He died young, so unlike Orson Welles, he didn't have a chance to get fat and rich. So he's sort of mythic. Anyway, in Hohfeldian terms, if we have a right to learn, we have a correlative duty to teach. We have a duty to impart our knowledge. All of us have that duty. We've got to take our learning and pass it on, like the movie title said.

I'd like to close with a last story about passing it on.

My oldest child is a boy. I also have three girls. When he was small, my son used to demand that we read to him all the time. And we did. Both my wife and I love to read—to learn—so we figured he would too, especially with the early reading demands.

Then in first grade, we got called in to see the teacher. She thought he wasn't always happy. She thought it was a maturation issue but suggested we test him to rule out any sort of learning issue. The results were somewhat surprising; he had some sort of problem, probably some form of dyslexia.

What should we do? First grade again? Move him on even though there were problems? Get a tutor? Luckily for us, there was school in Baton Rouge for

dyslexic kids. We sent him there. He excelled. He moved up quickly. In a year he was reading at a grade level two years above what he was supposed to. In his third year, the principal called me in after a board meeting to tell me he was ready to move back to a traditional class room. He would win what the school called the Butterfly Award: he was ready to fly on his own. That was one of the best days of our lives. Proud, yes, but also pleased at what Patrick had accomplished. His hard work and dedication had enabled him to do what we loved: to learn.

Now he does great in a college prep program in West High School. He reads voraciously, and we have reached the point now where he teaches us. So what have I learned?

Learning is what it's all about! You can't help but learn. If you're not learning, you're rotting. Don't rot! And when you learn, pass it on; give it away. The world will be a better place!

LEXINGTON – ELMER STEWART

It is a real honor for us to be here in Lexington, Tennessee. We are especially pleased and happy at the wonderful response and to be here in the home of our oldest living alumnus, Elmer Stewart. Today we are here to honor Elmer Stewart and lucky enough to have been invited to break bread with you.

I know from the stories I have heard that Mr. Stewart is a pillar of this community and has represented you well all these years since he left us in Knoxville to set out and make his way in the world.

We hope we trained him well, although we know that his success and his devotion to this community have way more to do with him and with his integrity than they do with anything he may have learned about UT.

However, we strive very hard to make our students understand a little bit about the traits that make Elmer Stewart a great citizen, leader, and man: honesty; hard work; integrity; the ability to listen; the ability to understand another human being's problems; a devotion to family, community, and country. We know most of what we teach is law and legal skills. But we try to teach some of the other stuff too—the important stuff. Sometimes we get a student or a graduate, like Elmer Stewart, from whom we learn more than we teach.

I'm sure you all know the story about how generous Elmer Stewart has been to UT, about how Ms. Vaught called one day when we were all out and said her boss and friend, Mr. Stewart, wanted to make a substantial gift to his alma mater. You know Keith Carver and I called back and were shocked to hear about the gift but honored and pleased to accept the gift.

We will use Mr. Stewart's gift to endow a faculty scholarship to support deserving faculty who have excelled in all the things we think are important: teaching, scholarship and service. We hope those faculty who are honored as Elmer Stewart Scholars will do him proud. We will do our best to see that they do.

Now, while you are here and we are way over in Knoxville, we hope you think of us as Tennessee's public law school, along with the University of Memphis. Our primary purpose is to produce the highest quality lawyers possible for our great state, all of our great states.

Consequently, with your indulgence, let me tell you a little more about the UT College of Law, your law school.

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LAW SCHOOLS AND EQUAL ACCESS TO JUSTICE

In 1981, I went to work for what was then a large law firm in Seattle, Washington: it had eighty-five lawyers. At the time, MTV was being born, and the first video being played on MTV was a song called “Video Killed the Radio Star.” I had no idea what the practice of law would do to my little star. I also had no idea what I would do in the practice of law. My father was a lawyer. He did labor and advertising work for Colgate-Palmolive. So I knew a little bit about what lawyers did—at least lawyers who worked for corporations. Additionally, while my father was a lawyer by day, he was also a lawyer by night and on the weekend. The practice of law was one of his hobbies. (Yes, I know what the mental health experts say.) My father wrote wills for people, helped them buy and sell their houses, helped them with divorces, and did various and sundry other tasks for which he charged either nothing or very little. Since my father did not drive a car, once I learned to drive and turned eighteen, I was frequently called on to be a witness of wills throughout the state of New Jersey.

But that was my father’s career. What would I do? Who was I as a lawyer? In my firm, I was joining a department called Commercial Litigation, whatever that was. Early in my tenure with the firm, a man with thinning and not-too-carefully-combed hair and a little beard that we now call a Van Dyke came into my office. This guy was moving in every direction at once. He looked a little bit like the main character in the Troggs’ song “Wild Thing.” To make matters even more confusing, the office in which I was working was not really mine. It belonged to a senior partner in the firm who had suffered a stroke. The partner had kept his office because his doctor had said that it was good for him to have a place to periodically go. I had been warned that if the senior partner in whose office I was housed ever entered the building I was supposed to get out of the office before he noticed I was in it. Believe me, I felt welcomed. That day, just for a second, I was worried that the person in front of me was the partner in whose office I was bivouacked. But then it occurred to me that this guy was a little bit too young and a little too frantic. In fact, he was not the lawyer in whose office I was a squatter.

The person in my office was a partner in the firm named Matt Kenney. Matt had been at the firm almost ten years. Before that, he had been an antitrust lawyer for one of Washington, DC’s, most prestigious firms. Matt said he was in my office to find out if I was a New York Yankee fan. Matt was from Long Island: Billy Joel country. I was from New Jersey: Bruce Springsteen territory. We were kindred spirits. And, yes, I was a Yankee fan like him. But what Matt really wanted to know was when I was going to go to Evergreen Legal Services. This was ELS, not ELO. Matt explained that two times a month, someone from our firm went to Evergreen

Legal Services to meet clients. If appropriate, we would take the clients back to the firm with us and open files. One of my former clients still calls me.

Matt did not ask me if I wanted to go to Evergreen. He did not ask me if I satisfied my pro bono obligation by doing something other than representing those in our society who would not otherwise be represented. He didn't ask me if I preferred impact cases to the kind of cases I would be handling through Evergreen. He asked me, quite simply, when I would be going to Evergreen Legal Services! Matt told me that it was my responsibility to go and represent people who would not otherwise be represented. He told me that our justice system depended upon it. He informed me that providing legal services to low income individuals was my obligation as a practicing attorney. I believed him then, and I'm still a believer. I couldn't change my mind if I tried. With Matt in my office that day, I just signed up. Like the Rolling Stones were singing back then, "Start Me Up."

Others asked Matt about billable hours at the firm. He told them that their work through Evergreen Legal Services counted as part of their billable hour requirement. Some asked Matt about staff support. He explained to them that at our firm at that time, all our staff support services were available for our Evergreen clients. Still others started to ask him more questions, but Matt would tell them that they would become better lawyers through their representation of Evergreen clients. He told them that it was a firm commitment. He didn't care about political commitment; he didn't care what school you went to, what your upbringing was, what your race was, what your gender was, or what your sexual orientation was. He just wanted lawyers to handle cases through Evergreen Legal Services.

A few years later, after I left the firm to go into legal education, Matt left the firm to join the Peace Corps. Now, Matt is working for another firm, but he still does pro bono work like crazy. Now, he works the phones at the Pacific Northwest Justice Center advising people about family law and domestic violence issues. He is still doing his thing.

Matt Kenney has inspired many people. He lost many others, but like Bob Seger said, he's "Still the Same." He doesn't focus on the losses; he doesn't focus on the gains. He focuses on the individuals who call him on the phone and seek and need his legal advice. Among those who Matt inspired is John McKay, the person who is now in charge of the Legal Services Corporation. While I will go on from here in this little piece to talk about what law schools can do and The University of Tennessee's Equal Access to Justice Colloquium last fall, I'm writing this because of my friend Matt Kenney. We need more Matt Kenneys. We need people like Matt in law schools, in law offices, and in legal aid societies.

But now let me tell you a little bit about what we did at The University of Tennessee on October thirteenth and fourteenth, 2000. The Association of American Law Schools is sponsoring a nationwide nineteen-colloquia series on Equal Access to Justice. I'm proud to say that my colleague, Professor Dean Rivkin, is the national project Director. Through Dean's hard work, The University of Tennessee was lucky enough to host one of the first colloquiums. Our colloquium was called *Building an Equal Justice Community*. Our title reminded me a little bit of the Jesse Collin Young and The Youngblood's song "Everybody Get Together." Well, we did get together. The colloquium was extremely well attended, particularly by many of the people who represent Tennessee's under-represented through Tennessee's legal service providers. The colloquium was a day plus of extremely good interchange and conversation.

We had programs on perspectives on legal needs, directions for law schools, community legal assistance networks, the impact of the civil justice planning processes on access to justice in Tennessee, immigration advocacy, innocence projects, pro bono representation, and forging new roles and relationships to promote equal justice. We hope very much that over the two days, existing relationships were cemented and new relationships were born. We hope that we provided a forum for us to talk about some of the most pressing issues and that we impressed upon you that we legal educators want to play a role in what you do. But what, as legal educators, did we get out of it? Or, what more can we do? Like Steve Earle says, "I ain't ever satisfied."

Basically, as legal educators, we know that we do instill values. At the colloquium, we were reminded that we legal educators can have a profound impact upon our students' views on public interest work, legal service work, and pro bono work. While we instill values, we certainly do not all agree on everything in the academy. That's one of the things that makes us diverse, distinctive, and devoted to what we do. But while we don't all agree, we do know that we can work hard to create a culture of service among our students. Like Matt Kenney did at my law firm, we can do more to impress upon our students the importance of public interest work and pro bono work. Whether they go to work for a legal service provider, a public defender, a prosecutor, or a large law firm, our students can all do public interest work. They can all do pro bono work. You can help us to create a culture of service in the academy. On Friday, October fourteenth, our students heard from you, public interest and public service lawyers of the state of Tennessee. It made a great difference to them. We thank you.

Moving from values to resources, we all have limited resources. Legal service providers need money; we need money. But, by combining our efforts, we together have more resources than we have alone. Law schools add resources to the battle to

provide access to justice for all. We provide real people who handle real cases. First, we provide people through our clinics. At least three of the four law schools in Tennessee have clinics. At UT, ours, the Charles Henderson Miller Legal Clinic, has been open and providing legal representation to the needy since 1947, the longest continually operating legal clinic in the United States. Now, almost seventy University of Tennessee College of Law students per year work in our clinic. That is almost one half of each graduating class. In the clinic, our students are supervised by our extremely able faculty. The ratio is eight students to every one teacher or better. That is a serious and profound commitment of resources to what we think is an important educational mission. Additionally, at the University of Tennessee, like Tennessee's other law schools, our students participate in pro bono activity. One of the ways the University of Tennessee's students participate is through our student-led UT Pro Bono Project. The students work with the Knoxville Legal Aid Society at its Saturday Bar and with its Domestic Violence Project. They also work with faculty and others to provide assistance at homeless shelters throughout the Knoxville area and are now creating an Innocence Project. Other students work through our Volunteer Income Tax Assistance program to help people with their taxes. We are working with Rural Legal Services of Tennessee to develop a tax clinic—remember the Beatles and “Tax Man.” While we do good work, we can do better. We must sustain our relationships with you. The pro bono directors of the legal service organizations need to be with us more, and we need to be with them more. They need to be present in Tennessee's law schools. Our faculty need to build relationships with you, too. There are certainly ways in which those faculty who choose to do so could help. We need to continue to “count” pro bono, and we need to publicize what our faculty and students are doing. We need to talk to law firms about how important pro bono work is, not just to our system of justice but also to our students and how it will enrich their lives.

We can also provide research resources. We have students who can help with research on briefs, on pleadings, or in the development of flow charts that would aid pro bono attorneys to understand areas of the law in which they have not worked before.

We can help to build bridges with other departments within the university. Now, our clinical faculty at UT are working with the Department of Psychology to give clinical psychology students the opportunity to work with Legal Clinic clients. Perhaps we could build bridges to social work and language resources as well.

Of all we do, our core strength is teaching. Law schools could help with training for legal service attorneys. We could provide substantive training. We could provide assistance with trial practice and evidence training. We teach; we can help you there. At The University of Tennessee, we have an Advocacy Center which has

sponsored programs with the Habeas Institute, the Tennessee Association of Criminal Defense Lawyers, and more. In addition, with Penny White's leadership, we have put on an ABA Section of Litigation program for legal services attorneys, the largest of its kind in the country.

Like you, we are on the verge of a new, technologically driven environment. Together, we could learn more. Together, we could learn more from those people who know more than us: our students.

What about some possible limitations on law school involvement in public interest and pro bono work? First, there is a resource issue, and I have discussed that issue. Second, as in many law school activities, there is the issue of cycles. Interest in activities ebbs and flows. As I mentioned earlier, our relationship with legal service providers must not ebb. We must sustain it, but it will be a challenge, as different student groups throughout the years will be more or less interested in public interest or pro bono work. We must work hard to even out the inevitable affects of these natural cycles.

Another issue is actually one of our strengths. As I said earlier, we are a diverse intellectual community. We all don't believe the same thing or feel the same way. A big part of what we are about is tolerating those differences. One remembers the Crosby, Stills, Nash and Young song (yes, Young was in the group then) "We Can Change the World" (Graham Nash sang it). Well, everybody doesn't want to change the world. Some work hard to avoid changing the world. Consequently, personal relationships will be much more promising and enduring than institutional commitments or slogans. Personal relationships will do more to build meaningful programs than philosophies or concepts, but then that's my bias about how the world works. I may be wrong.

Let me conclude with just a few ideas about law schools and Tennessee's legal service organizations. First, I am personally excited by the task forces which you have built and which you continue to build upon. These are state-wide work groups that, at least to this observer, show real promise. I would urge you to consider trying to get more faculty involved in those task forces. Faculty then could try to organize students into groups along the task force lines. As a result, the task forces would become rich, inclusive groups. I'm thinking about Carole King and "Tapestry" here.

Secondly, I am lucky to be here at Fall Creek Falls to address you. It would be a wonderful thing if clinical faculty from Tennessee's law schools and pro bono coordinators from those law schools could join you at Fall Creek Falls as well. The relationships that could be built would improve overall access to justice.

Finally, fellowships that would allow you to take a sabbatical from your legal services work and come spend a semester with us as a resource person for our clinical programs and our pro bono efforts would be a phenomenal step in the right direction. Being with law students energizes a person. It recommit us to why we went to law school in the first place. Not only would the fellowship have a positive impact for legal service lawyers, but it would be a wonderful help to law schools. In conclusion, let us keep working together. Let us build on our relationships and do even more. Like the song says (or at least it should), "Let's Keep on Rockin'."

KING COUNTY BAR FOUNDATION

Many thanks. It is a pleasure to be with you today. I thank the King County Bar Foundation and my good friend, your President, Dan Gandara for inviting me to speak. I am also grateful to your Vice President and President-Elect, Fred Tausend, who was my Dean in law school, and whose support and kind words I have always appreciated. I am also honored to be here the day you name my friend, Joan Watt, a Champion of Diversity. It is a great and deserving award, and Joan, I congratulate you and thank you. Congratulations as well to Columbia Legal Services. Good luck with your future endeavors.

This breakfast is a wonderful occasion for a great cause. The King County Bar Foundation serves justice through its many programs and through its commitment to pro bono service and to diversity. Dan suggested that I might want to talk a little bit about why those ideals—pro bono service and diversity—are important to all of us lawyers and why they are important to me. I am compliant and obedient, so I took his suggestion to heart.

But how? How could I, a balding law professor, talk about those subjects—legal services and diversity—without sounding preachy, long-winded, and pompous? Then, at 2:00 a.m. last night I thought, what day is it? St. Patrick's Day: the day we celebrate the life of an Irish Saint, who, the myth says, threw down his staff, which turned into a snake and chased the other serpents from the Emerald Isle.

So, I thought, who am I? An Irishman—or at least half an Irishman. So, what would a half-Irishman do on St. Patrick's Day? Tell stories. And that's what I'll do. I'll tell two little stories about two people. One is fictitious—bigger than life. The other is about a real person who is also bigger than life. And, as a half-Irishman on St. Patrick's Day, I hope I get the stories about half right. The first story and person I borrow from my wife, Susan's, favorite story: *To Kill a Mockingbird*, by Harper Lee.

I know, you think I am going to tell a story about Atticus Finch and what a great guy he is and what an outstanding symbol of an ethical, compassionate attorney he is. And I could do that, but it would be a story you have all heard before. And while Atticus Finch's story is a great story about pro bono work, I have another person, whose story I'll tell you later on, on that subject. No, when it comes to *To Kill a Mockingbird*, I want to tell a little of the story of Tom Robinson.

Tom Robinson is Atticus Finch's client. If it weren't for Tom Robinson, Atticus Finch would have no lawyer's role to play; he would not be needed. As you recall the story, Tom Robinson is wrongfully accused and convicted by a jury of

raping May Ella Ewell. May Ella, the accuser, is Caucasian. Tom Robinson, the accused, is an African-American. In the fictional setting of the novel, Maycomb County, Alabama, as in many real places in America, Tom Robinson did not stand a chance. He was convicted by a white male jury, with a white male prosecutor and a white male judge. And, by the way, he was represented by a white male defense lawyer, albeit Atticus Finch.

But the part of the story I wonder about right now is not the trial or the conviction. What I wonder about is what happened afterwards. You will recall that after conviction, Tom Robinson appealed. Pending appeal, Tom Robinson was in jail. And it is what happened in jail that raises my question. Let me read a little to you:

He [Atticus] didn't go through the diningroom, but went down the back hallway and entered the kitchen from the rear door. Aunt Alexandra and I met him. The diningroom door opened again and Miss Maudie joined us. Calpurnia had half risen from her chair.

"Cal," Atticus said, "I want you to go with me out to Helen Robinson's house--"

"What's the matter?" Aunt Alexandra asked, alarmed by the look on my father's face.

"Tom's dead."

Aunt Alexandra put her hands to her mouth.

"They shot him," said Atticus. "He was running. It was during their exercise period. They said he just broke into a blind raving charge at the fence and started climbing over. Right in front of them--"

"Didn't they try to stop him? Didn't they give him any warning?" Aunt Alexandra's voice shook.

"Oh yes, the guards called to him to stop. They fired a few shots in the air, then to kill. They got him just as he went over the fence. They said if he'd had two good arms he'd have made it, he was moving that fast. Seventeen bullet holes in him. They didn't have to shoot that much. Cal, I want you to come out with me and help me tell Helen."

"Yes sir," she murmured, fumbling at her apron. Miss Maudie went to Calpurnia and untied it.

“This is the last straw, Atticus,” Aunt Alexandra said.¹

So, why did Tom Robinson run? He had a good chance; maybe not a great chance, but a good chance. Tom Robinson had a great lawyer who was doing a great job for him, and he had the system of American justice backing him up. With all that, why did Tom Robinson run?

Let me read on:

Atticus leaned against the refrigerator, pushed up his glasses, and rubbed his eyes. “We had such a good chance,” he said. “I told him what I thought, but I couldn’t in truth say that we had more than a good chance. I guess Tom was tired of white men’s chances and preferred to take his own.”²

What does Harper Lee mean that Tom Robinson was “tired of white men’s chances?”

Could it be that one of the reasons Tom Robinson gave up on the system was the system itself? Could that be the key to his story? Think about what Tom Robinson faced. As I said earlier, Tom Robinson had faced a white jury, a white judge, and a white prosecutor. And friends, no matter how good he was, Tom Robinson’s counsel was a white lawyer. Afterwards, Tom Robinson faced a white male appellate court.

How representative was that Maycomb County system of justice? Not at all. There was no African-American participation at all. There were no women playing key roles. And we haven’t said a word about Asian-Americans, Native Americans, Hispanic-Americans, or sexual orientation, other than the heterosexual white male. No wonder Tom Robinson ran.

How can one seriously say a society is living by what we call the rule of law and not the rule of man when only one color of men are administering that rule of law? How much respect, faith, and trust do you think Tom Robinson could have in the system of justice when it was not at all representative; when, in fact, it was exclusionary?

¹ HARPER LEE, *TO KILL A MOCKINGBIRD* 237-38 (Warner Books 1982) (1960).

² *Id.* at 238.

Friends, the core need for inclusion is one of the reasons why what the King County Bar Foundation does to promote diversity in the profession is so important. It is why your scholarships to law students to promote diversity are so important to justice. By making the legal system more diverse, you are making it stronger. You are making it more representative. You are building a faith in those who have been traditionally excluded. You are building a faith that the legal system is one in which all people truly play a meaningful role.

How else are you helping the system? By helping to create diverse, inclusive law school classrooms, you are working to make a more diverse, inclusive bar. But you are also helping all of the students in those classrooms—all of those future lawyers. If I, as a student, or a professor, in a class discussion of some issue can begin to understand the perspective of another person, I can understand that person and the law better. Maybe I can never be that person. Let me turn again to Harper Lee. Recall what Scout, the narrator, says as she walks Boo Radley home after he saves her life and her brother's life: "Atticus was right. One time he said you never really know a man until you stand in his shoes and walk around in them. Just standing on the Radley porch was enough."

So, you see what diversity and inclusiveness in the classroom do? They let us walk around in someone else's shoes—just a little. They let us understand each other a little bit more. And, believe me, diversity also lets us do a better job of talking about hard issues. Diversity and inclusiveness in the classroom encourage us to ask ourselves about our rules and about how race, culture, sexual orientation, and other differences among people impacted our laws and still impact them today. They let us have those conversations in a way you just can't have them when everyone is the same. Or, to restate, it is a better conversation when people are included rather than excluded.

Friends, for a nation to live by that old rule of law, everyone has to be involved in the articulation, application, and evolution of that law. There is no St. Patrick to throw down a staff and say "Boom! Rule of Law." Achieving justice is hard work. I am proud to say I lived in this Seattle area. I loved it here; I also considered it to be an inclusive, progressive place. I also do not consider myself an old guy. I am 48. But do you know that when I was practicing law here from 1981 to 1985, many of Seattle's largest firms were in the process of hiring their first attorneys of color? Others were just naming their first female partners. The point is that, while we have come a long way, a lot of that journey has occurred way too recently. And we still have a very long way to go. The King County Bar Foundation's commitment to diversity and inclusiveness are and will continue to be a critical part of that journey.

Now, like I said, I know that when you heard me first mention *To Kill a Mockingbird*, you thought I was going to talk about what a great lawyer Atticus Finch was and how he is the symbol of pro bono work. Well I didn't, and I'm not. I'm not because, for me (maybe not for you, but for me), I have a better story; a story about another person; a story that rings truer for me, maybe because I am involved.

In 1981 I went to work for what was then a large law firm in Seattle, Washington—it had eighty-five lawyers. That firm was Lane, Powell, Moss, and Miller. Now it is Lane, Powell, Spears, and Lubersky. In any event, at the time, MTV was just being born. The first video being played on MTV—yes, young friends, they did once play videos on MTV—was a song called “Video Killed the Radio Star.” I had no idea what the practice of law would do to my little star. I also had no idea what I would do in the practice of law. My father was a lawyer. He did labor and advertising work for Colgate-Palmolive. So I knew a little bit about what lawyers did—at least lawyers who worked for big corporations. Additionally, while my father was a lawyer for a great corporation by day, he was also a lawyer by night and on the weekend. The practice of law was one of his hobbies. (Yes, I know what the mental health experts say.) My father wrote wills for people; he helped them buy and sell their houses; he helped them with divorces; and he did various and sundry other tasks for which he charged either nothing or very little. Since my father did not drive a car, once I learned to drive and turned eighteen, I was frequently called on to be a witness to wills throughout the state of New Jersey. Chauffeur and will-witness.

But that was my father's career. What would I do? Who was I as a lawyer? In my firm, I was joining a department called Commercial Litigation, whatever that was. Very early in my tenure with the firm, a man with thinning and not-too-carefully-combed hair and a little beard came into my office. This guy was moving in every direction at once. He looked a little bit like the main character in The Troggs' song “Wild Thing.” Who was this? I wondered. To make matters even more confusing, the office in which I was working was not really mine. It belonged to a senior partner in the firm who had suffered a stroke. The partner had kept his office because his doctor had said that it was good for him to have a place to periodically go. I had been warned that if the senior partner in whose office I was housed ever entered the building, I was supposed to get out of the office before he noticed I was in it. As a young lawyer in a foreign office, I was vigilant. Whenever I heard steps, I was ready to move. That day, watching this guy in the other office, I was at first worried that he was the partner in whose office I was bivouacked. But then it occurred to me that this man I was staring at was a little bit too young and way too frantic. In fact, he was not the lawyer in whose office I was a squatter.

The person in my office was a partner in the firm named Matt Kenney. Matt had been at the firm almost ten years. Before that, he had been an antitrust lawyer for one of Washington, D.C.'s, most prestigious firms. Matt said he was in my office to find out if I was a New York Yankee fan. Matt was from Long Island. I was from New Jersey. And, yes, I was a Yankee fan like him. But what Matt really wanted to know was when I was going to go to Evergreen Legal Services. Matt explained that two times a month, someone from our firm went to Evergreen Legal Services to meet pro bono clients. If appropriate, we would take the clients' problems back to the firm with us and open files. One of my former clients still calls me.

Matt did not ask me if I wanted to go to Evergreen. He did not ask me if I satisfied my pro bono obligation by doing something other than representing those in our society who would not otherwise be represented. He didn't ask me if I preferred impact cases to the kind of cases I would be handling through Evergreen. He asked me, quite simply, when I would be going to Evergreen to start doing pro bono work.

Matt told me that it was my responsibility to go and represent people who would not otherwise be represented. I wonder what the poor office-holder would have done if he had come in then. I believe he probably would have come to Evergreen with us. Anyway, Matt told me that our justice system depended upon pro bono work. He informed me that providing legal services to low income individuals was my obligation as a practicing attorney. I believed him then, and I still do. I couldn't change my mind if I tried. With Matt in my office that day, I just signed up.

Some folks asked Matt about billable hours at the firm. He told them that their pro bono work through Evergreen Legal Services counted as part of their billable hour requirement. Some asked Matt about staff support. He explained to them that, at our firm at the time, all our staff support services were available for our pro bono clients. Still others started to ask him more questions, but Matt would tell them that they would become better lawyers through their representation of pro bono clients. He told them that it was a firm commitment. He didn't care about political commitment; he didn't care what school you went to, what your upbringing was, what your race was, what your gender was, or what your sexual orientation was. He just wanted lawyers to handle cases for people who would otherwise go unrepresented.

A few years later, after I left the firm to go into legal education, Matt left the firm to join the Peace Corps. Now, Matt is working for another firm, but he still does pro bono work like crazy. Now, he works the phones with the Northwest

Justice Project advising people about family law and domestic violence issues. He is still doing his thing.

Matt Kenney has inspired many people. He lost some others, but like Bob Seger said, Matt's "Still the Same." He doesn't focus on the losses; he doesn't focus on the wins. He focuses on the individuals who call him on the phone and seek and need his legal advice. Among those whom Matt has inspired is John McKay, the person who is now your U.S. Attorney and who headed up the Legal Services Corporation in Washington, D.C. In 1999, John also came and visited the University of Tennessee; he gave a great speech; he published an excellent article in our law review; and he got me involved in access-to-justice work in my own state. I'm glad he is here today. John, I wish my talk here is close to as good as yours at Tennessee.

In any event, I am here today, in large part, because of my friend Matt Kenney. We need more Matt Kennes. Friends, we need more people like Matt in law schools, in law offices, and in legal aid societies. We need more people doing what he does and inspiring others to do it. When my daughters listen to OutKast and ask me what's cooler than cool, I know the answer they want is "Ice cold!" but today, in this story, what's cooler than cool is Matt Kenney and the work he has done and inspired. "Hey Ya," Matt.

To get back to the idea of a Rule of Law: Matt knows there is no such thing if both sides of a controversy are not represented in an appropriate manner. People must understand the peril they may be in, the choices they have, and their rights. People can't do that without access to legal services. And pro bono work has to provide a large part of that access. I know we lawyers have a lot of competition, but we all know that, without our licenses, we can't practice law at all. We have a limited monopoly on the practice of law, and that's just one of the reasons we must give back. More importantly, it is our duty to be sure that the system works.

Friends, today the King County Bar Foundation plays a key role in facilitating, coordinating, and supporting volunteer legal services in this great community. It plays a key role in assuring the system works. Through the Bar Foundation's Volunteer Legal Services Program, the Volunteer Attorneys for Persons with AIDS/HIV Legal Access Program, the Native American Wills Project, the Homeless Project, Family Law Self-Help Plus, the Family Law Mentor program, the Housing Justice Project, the Newcomers Resource Project, and more than twenty Neighborhood Legal Clinics, the King County Bar Foundation works hard to make sure that equal access to justice and equal justice can become a reality. The Foundation does great and critical work. Please support it and let its good work grow.

Now, what about me? I am still just half an Irishman. I have talked too long. Let me close by saying that I appreciate your patience in listening to me and, more importantly, I praise your commitment to diversity, to volunteer legal service, and to justice. They go hand-in-hand.

Thank you. And, Happy St. Patrick's Day!