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Keynote Remarks as Prepared

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Thank you. I am honored to be with you tonight as you celebrate a new law school. Not to be immodest, but I am the perfect person for this job. Because unlike some, I **loved** law school! I loved every—well, almost every—minute of it.

And I certainly knew from the first day that I had come to the right place. Being a part of this profession has had a profound impact on my life. You do not become president of the ABA unless you love the law, admire lawyers, honor the profession, and revere its traditions.

A law school is not primarily a building, or even a faculty. It is an integral part of a community devoted to educating, training, shaping professionals. All of us in the profession—the bar association, and the ABA—are part of that community.

Tonight is a rare opportunity to pause and ask the question: What makes a law school great? Each of us can name great law schools:

- Their greatness is built upon long histories and traditions
- Great students are drawn to the reputation, and as a result, the reputation grows

But when you set aside history, set aside reputation, what makes a great school?

At Drexel, you had the opportunity to ask that question, and the answers you have provided are exciting, challenging, even provocative.

- Your motto is Knowledge, Skill, Duty
- Your mission is to educate students to become knowledgeable, skilled and caring lawyers.

I want to come back to those three words in a moment.

Thinking about that question myself, I turned to Ralph Waldo Emerson, and his essay, “The American Scholar.” Emerson made an important point about scholars, whom he called “Man Thinking.” The goal of scholarship, he thought, is to inspire others, to motivate them to their own insights. But he observed that once we accept the wisdom of a new idea and adopt the doctrine, something strange happens. Instead of leading us to further questions, ideas can become dogma.

Emerson thought this was dangerous.

- “Instead of Man Thinking,” he wrote, “We have the bookworm.”
- “The book, the college, . . . the institution of any kind, stop[s].”
- We fall so in love with familiar doctrines that creativity can be stifled.

Lawyers can be like that, too. We can become so comfortable with precedent that we fail to argue for change. We can convince ourselves that principles have reached a point of perfection.

The Constitution, written in this city, is a profound and brilliant document. But let’s not forget that, according to its terms,

- women cannot vote,
- slavery is just, and
- a slave is 3/5ths of a man.

So we must acknowledge, although we are a profession built on precedent, that change is essential for the law to remain vital and relevant. Sometimes lawyers lead the change, and sometimes we have to be pushed by shifts in society at large.

The last time legal education changed in any fundamental way was 130 years ago, when Langdell initiated the case method and the Socratic dialogue. Exactly 100 years ago, right down the street at Penn Law School, Dean Lewis set up a full-time faculty offering a complete professional education. Instead of apprenticing, and “reading the law” with practitioners, students would study specific subjects in a set order, and develop a particular set of predefined skills. It was an innovation, a radical departure. But in time, students became trapped in this structure like bugs caught in amber.

A former president of the ABA, a brilliant man named Robert MacCrate, recognized this, and in 1992, an ABA Commission under his leadership issued a report on legal education. The MacCrate report contained a number of recommendations—for law schools, but also for bar associations and practitioners.

The core of the recommendations stressed the need to enhance students’ professional development *during* the law school years. The report described the legal profession as “larger, and more diverse than ever before and yet is more organized and unified as a profession than at anytime in its history.”

The report recognized that almost everything about law practice was changing:

- the breadth of services lawyers provide,
- the proliferation of new areas of law,
- the growth in new practice settings and methods for delivering legal services.

And it recognized that legal education had to change and innovate to keep up.

These changes are even more evident today. Both the volume of law and the pace of change have grown exponentially.

It took some time for the MacCrate report to catch on. But in the years since it was issued, many of its recommendations have become the best practices in legal education.

At Drexel, your innovative approach to legal education directly addresses the need for new skills. Your commitment to teaching professionalism is what the ABA has asked law schools to do since the MacCrate Report.

Now, more than ever, law requires a commitment to life-long learning. The MacCrate Report recognized this in its call for continuing education. It acknowledged—as you have—that legal education and the practicing bar are parts of one profession. It said:

“The skills and values of the competent lawyer are developed along a continuum that starts before law school, reaches its most formative and intensive stage during the law school experience, and continues throughout a lawyer's professional career.”

Your faculty will teach the language of the law and the structure of legal analysis.

- You will teach contracts and the rules of civil procedure
- But more importantly, you will teach students to teach themselves, so that after law school, change will never outstrip their skills.
- Your co-op program will teach students the real-world application of these skills and impress upon them the weighty responsibility that lawyers bear.

And together, I hope you will teach them Emerson's lesson:

- That doctrine can become dogma, and that can be dangerous.
- That a lawyer's mind should never be entirely made up. Her opinion should never be fixed.

I hope you will nurture lively and OPEN minds.

Ultimately, lawyering is a delicate balancing between a constantly evolving world, and the fundamental principles that define our legal system. It calls upon your compassion as well as your intellect, your heart and well as your head.

And that brings me back to your mission:

To educate students to become knowledgeable, skilled and caring lawyers.

“Caring” is a daring word to use. I imagine there was serious, nuanced debate about it. I commend your bravery in acknowledging that caring is as much a part of the legal profession as intelligence. Your curriculum places service at the center of the training you provide. This approach will instill in each student the conviction that it is *every* lawyer's responsibility in *every* setting to serve others.

This isn't a theoretical issue. The need is very close at hand.

Yesterday, I had the opportunity to attend a community roundtable hosted by the Philadelphia Bar Association. The topic was Youth at Risk, one of my presidential initiatives. We gathered representatives from organizations and institutions throughout the city that deal with young people who are in trouble.

Youth at Risk is a program to address problems that arise when young people, ages 13-19, interact with the legal system. Youth at Risk has several goals:

- We will examine how the profession can promote meaningful involvement of teenagers in proceedings that affect them – in dependency, custody, family violence, and delinquency cases.
- Many teens wind up in court because of behavior that would not be illegal if they were adults. We will examine how the law treats young people who are status offenders—runaways, truants, or out-of control at home—and explore how better to address these behaviors.
- Teens with emotional and behavioral problems must have better access to mental health services and other programs that can help prevent their involvement with juvenile and criminal systems.
- Because girls are entering the juvenile justice system in greater numbers than ever before, expanded services for them are desperately needed.

I asked your local representatives if they could use the services of a lawyer in addressing these complex issues. Not a single organization said no! Drexel's Co-Op Program offers the perfect structure for this partnership. So I ask you to commit your fresh vision and blossoming young professionals to help the young people at risk in our communities.

Your students are very close to this issue. Some of them may have experienced and overcome problems with the law as teenagers. Ask them to bring their special perspective to the table to help us craft solutions:

- By working in an advocacy program for young people in the juvenile justice system in Philadelphia.
- By offering assistance to the ABA's Judicial Division—which is developing materials to help young people understand the legal proceedings that affect their lives.
- Or simply by convening a summit of the organizations that serve at-risk youth so you can work cooperatively with them to address these issues.

Now I want to talk about the second of those words: Knowledge. You will teach your students to revere the rule of law: that our founding fathers, when they gathered here, wisely built a legal structure that placed the law above all of us. They did so because they understood that even benevolent rulers would become dictators if given the chance.

Hamilton wrote, in The Federalist Papers, a shockingly relevant statement:

“[E]very breach of the . . . law—though dictated by necessity—impairs the sacred reverence which ought to be maintained in the [heart] of rulers toward the constitution”

As lawyers, the rule of law is our most precious resource. And unlike other commodities, the more we share it, the more we have. Democracy and law are spreading throughout the world. Lawyers are helping to midwife that change.

At the ABA Annual Meeting, Justice Anthony Kennedy defined the rule of law:

- The law is superior to, and thus binds, the government and all its officials.
- The law must respect and preserve the dignity, equality, and human rights of all persons.
- To these ends, the law must establish and safeguard the constitutional structures necessary to build a free society in which all citizens have a meaningful voice in shaping and enacting the rules that govern them.
- The law must devise and maintain systems to advise all persons of their rights, and it must empower them to fulfill just expectations and seek redress of grievances without fear of penalty and retaliation.

I’ve just come from the joint meeting of the American Bar and the International Bar. We held a two-day summit on the Rule of Law. It was a humbling and inspiring event.

We studied the consequences of a world without just laws:

- Where women are still sold into slavery
- Where dictators make decisions on a whim
- Where cartoon trials are followed by summary executions
- Where lawyers and judges are assassinated for exercising fair and impartial judgment.

We heard how the rule of law is being challenged in countries with established legal systems, including our own. The ABA and IBA began a plan of action to support and defend the rule of law through joint action throughout the world.

This is the profession for which you will train them. We expect them to take responsibility for matters as intimate as the kid next door and as grand as the development of true, enforceable rules to guide the conduct of nations. You must teach them to look beyond their desks and beyond our borders. It’s quite a daunting task.

And that brings me to the third word: Skills. The future of our profession depends upon the ability of law schools to instill in their students the skills to succeed.

And I mean that literally. Here’s an interesting statistic for you to ponder: In the next ten years, up to 400,000 lawyers will leave the full-time practice of law and enter active retirement. Here’s the good news: Your students are going to get jobs!

The bad news: They're going to lose the guidance of the most experienced professors, mentors, and judges. They are going to have to learn quickly, and more independently than any previous generation. They will have to meet greater demands than any prior generation of lawyers, and they're going to do it with fewer colleagues.

The ABA is working to ease this transition. Through our Second Season of Service initiative, we are going to connect active retirees to organizations in their communities, so that they can share their effort, experience, and energy.

But we're doing more than that:

- We're going to help legal institutions—including law schools—develop best practices for that transition, so that the collective expertise of this generation is not lost.
- We're working to develop products and services to serve those retirees.

And we need to help lawyers who are entering the profession develop skills to cope with the demand for legal services efficiently and effectively.

You can see that you have your work cut out for you. And I can see that you are well prepared to undertake it. I welcome your knowledge, your skills, and your compassion. I look forward to working with you, and your students, and your graduates, in the coming years.

Thank you.