

COMMENCEMENT ADDRESS
by Richard C. Atkinson, President, University of California
at the California Western School of Law
San Diego, April 28, 2000

Chairman Galinson, Dean Smith, members of the faculty, graduates of California Western School of Law, alumni, families and friends of the graduating class:

I am pleased--indeed honored--to be here today as your commencement speaker. When I was invited, your dean and the chairman of your board of trustees informed me that remarks of seven-to-ten minutes would be more than sufficient. California Western, it seems, has a tradition of short commencement speeches; I could not help but wonder if this tradition, like many good things, originated with the faculty. And if the faculty here are anything like the faculty at the University of California, listening to a university president deliver a long speech is not a high priority.

So I thought hard about what I would say to you in our brief time together. The first topic that occurred to me was the obvious one--your future. You are about to go forth into the world, after many long years of preparation, to become members of your profession. What kind of world and what kind of profession will you be entering?

As it happens, the University of California and its ten campuses share your interest in these questions. Although the University of California currently has four law schools, several of our campuses have expressed an interest in establishing new law schools. Why? Because the population of California is growing at an exponential rate, and the University of California's graduate and professional programs (unlike its undergraduate offerings) have not kept pace with that dynamic population growth. So we are exploring various possibilities for expanding all of our professional programs, including programs in the law.

We began by commissioning the RAND Corporation of Santa Monica to assess California's need for lawyers over the next 15 years. The results were fascinating. For almost a century, the legal profession in the United States grew more or less in proportion to growth in the population. However, in the 1970s and 1980s change occurred; we saw an explosion of lawyers per capita, with California leading the nation. By 1990, California and the country were clearly oversupplied with attorneys, many of whom wound up leaving the practice of law. But that oversupply has abated. At this moment in time--at the start of the twenty-first century--the RAND study concludes that the supply and demand for lawyers in California are reasonably well matched. However, depending on a variety of factors difficult to predict, California could be facing an oversupply in the next 15 years.

This projection does not sound especially promising for those advocating new law schools or for young attorneys on the threshold of a career. But don't get discouraged yet. The data also indicate that demand for lawyers closely tracks the ups and downs of the economy. The labor market for attorneys, in fact, is far more responsive to changes in the business cycle than the market for physicians, accountants, teachers, or social workers. Right now the economy is

booming. According to the *National Law Journal*, 1999 was a banner year for young associates entering the profession. And, for those of you who intend to remain in San Diego, this region is projected to be one of the fastest-growing areas in the nation over the next decade or so.

But my purpose this afternoon is not just to focus your attention on the job market. I also want to reflect for a few moments on another important aspect of your future: your responsibilities as a member of the profession you have chosen and have worked so hard to prepare for.

First, I want to remind you that you are entering a profession of words. The phrase "a profession of words" is a quote from an eminent member of the faculty at UCLA. Professor David Mellinkoff, who died last year, began his career as a successful Los Angeles attorney-Mae West was one of his clients. Later he joined the law faculty at UCLA. His greatest contributions were made not in the courtroom but in the academy.

Professor Mellinkoff believed strongly that legal language could and should be clear, simple, and to the point. In 1963 he wrote a book entitled *The Language of the Law*. That book was the most famous volley in a long war he waged against obscurity and verbosity in legal writing. Generations of law students have benefited from his writings and his passionate commitment to clear language as the most powerful tool of the law. Professor Mellinkoff and those who thought like him had an impact: about half of American law schools now offer courses in legal writing as part of the curriculum. Mellinkoff had his moments of doubt, of course. He once wrote that "The most effective way of shortening law language is for judges and lawyers to stop writing." That is not a piece of advice you will want to take; most attorneys spend far more time writing than appearing in a courtroom. But you can profit from his example and treat the language of the law with respect and a devotion to clarity and simplicity of style. If you do, you will be rendering an important service to your clients-not to mention the judges who will have to read your briefs.

I also want to point out that you are entering an ancient and honorable profession. Nonetheless, you will not be surprised to hear that many Americans do not regard the legal profession in quite that light. According to a recent Harris Poll, when asked to rank professions carrying "very great" prestige, only a small percent of those polled identified law. Why? We can speculate. For one thing, the profession of law has become the big business of law. As a result, many view it as a profession dominated by the aggressive and the acquisitive, one in which public service and sometimes even simple courtesy have fallen to the bottom of the scale of values. For another thing, movies and television glorify the ruthless attorney who wins at all costs and who lets nothing stand in the way of his client's interests-except perhaps his own.

I hope your careers will take a different direction. I am pleased to note that this class has already compiled an outstanding record of *pro bono* work; many of you have found time in the midst of a rigorous program of study to involve yourselves in community service.

But there is more to ensuring public esteem for the law and the legal profession. The State Bar Act requires attorneys to show respect for the court and its officers; the American Bar Association's ethical code requires attorneys to display courtesy toward one another. As a member of the Bar, you will be not just a representative for your client but also an officer of the court. This means that you are expected to do more than serve as a vigorous advocate for your

client. There may be times, for example, when professional ethics will require you to alert the court to legal authority that may be contrary to the position you are seeking to advance. You may find yourself in circumstances that demand disclosure of testimony or evidence that you know to be false, even if the consequences are negative for you or your client. In situations like these you must weigh your responsibilities to your client against your obligations to the judicial system and to society. These are difficult questions that must be answered with care, thoughtfulness, and integrity. If you represent only your client without also considering the effects of your decisions on the courts and society, you are fulfilling only half of your professional obligations. Your responsibilities, in other words, are not only to your client but to an institution—the great edifice of the law. Its integrity, and its reputation, are in your hands.

My seven-to-ten minutes are just about up, so let me close. You are entering the legal profession at a time of transition—from one century to the next; from a profession dominated by men to one in which women are now almost equally represented; from a world focused on the local and the national to one in which, thanks to technology, law is an international enterprise. Times of transition are rich in opportunity. And there is probably no place on the globe richer in opportunity than today's California. This state has one of the most ethnically and culturally diverse societies in the world; a booming economy, driven by science and technology, that welcomes the talented and resourceful; and an excitement and energy that can be found nowhere else. I hope you will take advantage of your opportunities to achieve personal success and satisfaction in your work. And I hope you will also embrace your opportunities to contribute to the legal profession and the judicial system on which our society has rested for hundreds of years.

According to a scholar of English medieval law, and I quote, "The founding and shaping of the English common law between 1160 and 1270 are among the half dozen most important events of the Middle Ages"* And the creation of this new legal system happened not because it was inevitable but because of the individual choices and decisions of many people.

Your individual choices will help shape the practice of law in the twenty-first century. May you always feel the power and the privilege of having been called to serve your profession and your society. Congratulations and good luck.

*Norman F. Cantor, *Inventing the Middle Ages* (William Morrow, 1991)