Good evening, everyone. Dean Farmer, Dean Bravo-Weber, distinguished faculty, distinguished members of the judiciary, friends, fellow alumni, and the 2011 graduates. I am very pleased and honored to be invited to speak to you tonight, especially at such a critical time in the Minority Student Program history. Before I begin, however, I must acknowledge my lovely wife Betty and our children Gabriel, Melanie and Matthew and Melanie’s boyfriend Cesar. I am blessed that they have been able to join me tonight in honoring 2011 MSP graduates.

Rutgers is a Land Grant Institution; that means it is dedicated to expanding educational opportunity for the poor and working class. The MSP is a logical extension of Rutgers’ original purpose. The need for affirmative action was obvious so as not to continue to largely exclude African Americans and other racial minorities from the school’s mandate. That shortcoming was brought into sharp focus by the inner city uprising in Newark. It is important to remember the solid foundation from which we spring, lest we lose our way.

I am proud to have come to this law school through the Minority Student Program. I have always been proud.

Now some of you may have read or heard of some people who’ve expressed shame in their law degrees because they were admitted through an affirmative action program. I recall after I had won the oral argument at the appellate Moot Court competition (it was a big deal back then), I was being interviewed by the reporter for the Law Record, the school newspaper here, and when I was finished, Oliver Quinn, Dean for the Minority Student Program at the time, approached me and asked me if I was willing to tell the reporter that I was admitted through the program. One, I told him of course I would and two, I never thought the reporter would think otherwise. So I did go back to the reporter and he wrote the story – actually wrote the story to say that I made a point to come back and tell him I was admitted to the Minority Student Program.

I only tell you about this because I think there are two principles that you have to be alert to as a part of the Minority Student Program. One, many times when you achieve, some people will want to view you separate from your people. They will tell you that you are different. Oh, it may not be that blatant now, in that the words will be more subtle, but the message is the same. Keep in mind that the success you enjoy is not in spite of who or what you are, but because of who you are. Don’t ever let anyone tell you that you are different.

Second, just as those who came before us have allowed us to go beyond their dreams, we have the responsibility to make it easier for those who come after us. We should be proud because our success is the fulfillment of the American promise.
We are a diverse law school and we wave it like a flag. But in our diversity we must be careful because diversity without the expansion of opportunity is like a pretty-colored glass with nothing in it. We cannot rest on our laurels, by looking around and admiring how diverse we are. Rather, we must use our laurels as a launching pad to continue to expand educational opportunity for those who believe they don’t even have a chance of going to law school. Diversity must be about the expansion of opportunity.

We are exceptional. We need to instill in our peers and our young people the need to be exceptional. That is accomplished by always doing your best. I know, we all know, our best is not the same everyday. If you play a sport you know that some days it seems that every jump shot falls, and other days you can’t seem to throw it in if the basket were the size of the ocean. Sometimes it seems that your putter is magic, and other times you can’t seem to put it in the cup even if it were the size of a basket. Nevertheless, by doing our best each and every day, you become exceptional.

By exceptional I do not mean elitism. Let me tell you about exceptionalism. Allan Axelrod was my favorite professor when I was in law school. I took whatever he was teaching – it didn’t matter. One day I went to his office to ask him to be a reference for me when I was applying for a summer position at Lowenstein. As he invited me into his office, I noticed that his brow was furrowed and he began telling me that he didn’t think that he had conveyed a concept in class well enough earlier that day. He and I sat in his office discussing various hypotheticals by which he might better convey his knowledge to the students.

As I walked out of his office that day I realized that I had just helped one of the greatest law professors in the country. His concern was that he was not teaching the subject matter clearly enough. He only taught at Rutgers one out of every three semesters, spending one at Harvard and the other at Stanford, but Rutgers was his home. That is exceptionalism. An elitist would have concluded that the students didn’t understand him because they were stupid.

Exceptionalism is doing your best and trying things that the fear of failure would keep you from attempting. You will not regret doing your best and failing. You will regret giving a task or a dream a half-hearted effort – or not trying at all. We need your best. We are in uncharted water. Recession, budget crisis, two wars and yet some want to lower taxes, income disparity, immigration reform and the ever-escalating costs of higher education threaten to cut off upward mobility in our society. The solutions must come from our young people. We need to continually access the genius in all of our people. We cannot presume that there is some preferred class of people who will solve our problems because they have money, status or pedigree. The American promise requires that we continue to expand educational opportunity, and the needs of our nation demand that we do so.

Now let me talk about Law School. First, I will admit, I love the law. I love being a lawyer. So I have some bias. Nevertheless, I know that the last few years have caused some to doubt the wisdom of choosing law school. 2008-09 saw 10,000 jobs cut from the legal market. Some recent law graduates blog about how they have been duped. Saddled with huge debt and working at Home Depot. Yet law school applications are ever increasing and the ABA accredited nine new law schools in the most
recent decade. There is no more versatile degree and as Peter Simmons told me once, it is the last refuge of the generalist.

The analytical training you receive in law school serves you well no matter what you choose to do. You will be among the people who decide the new direction, new ways of using your degree.

To the faculty, these times demand that law students be better trained. It’s not just the skills in analyzing and writing; a broader skill set is required for them to demonstrate the exceptionalism that you want to see in them. I know there’s a lot of talk in academic circles about the third year of law school. Rutgers should lead the way in making that third year count. The Minority Student Program should not wait for the faculty.

At law school campuses, there is a disconnect. There’s so much talk about big firms and big firms’ salaries that it ignores the reality that 85 percent of the lawyers in New Jersey in private practice work in firms of five lawyers and fewer. That means that the vast majority need to be prepared to practice in smaller firms.

Even in larger firms entrepreneurial skills are becoming essential to success at firms like mine. Just as important, students who are going to large firms need to understand there is a change in the dynamic. Yes, you get a large salary to start. No, you are not worth it. And no, clients don’t want to pay to train you. And yes, law firms want to make a profit from your work. Now do you think that’s a problem? You think that puts a little bit of pressure on first and second-year associates? What it means is that you have to be a lot better and learn a lot faster than I did.

The third year of law school should be used to give you a head start on understanding the real requirements of your first job. The third year of law school should be used to help you understand what your first specialty might be. The third year of law school can be used to help deepen your understanding of some subject area you really love. Your third year of law school can be used to help you make the connections with the people from whom you think you can learn something. The Minority Student Program needs to take the initiative in determining how you can use alumni to help make the third year of law school more meaningful, more beneficial for the students in the program.

Alumni, if the school and the students are going to be successful in making sure that the students are well-prepared and that this program of which we are so proud continues to not only be a hallmark of diversity, but also an engine for the expansion of opportunity, then we must stand up. We have no right to sit and lament when we know we stood on the shoulders of giants. We have to commit our time, our talent, and our treasure. Although I believe it is the role of the faculty and staff to come up with programs, means, and methods by which we can help, we need to make ourselves available. Some of us have good ideas and strong beliefs – we need to put those on the table. All of us have special gifts and unique achievements and insights; we need to make those available to these young people so that when they are doing their best, it is indeed exceptional. And it is fundamental that in these times, if we want our voices to really be heard, we have to demonstrate our support of this program through the commitment of financial contributions. Not just one time but a regular year-after-year contribution.

Two years ago my classmate, Neil Alexander, died unexpectedly – he was only 55 years old. A few months after Neil’s death, there was a convening of Minority Student Program participants, along with some of the faculty that taught us, in Washington, DC. It was great that there was a commitment
at that time to contribute $500 apiece and have the approximately 200 people there contribute to the program in one lump sum. It never happened.

Last year a much, much smaller group was organized – I think we call ourselves the Minority Student Program Legacy Group. The important part was we got together and we discussed the importance of the MSP’s alumni supporting this program. And we each committed sums much greater than $500 to the program. I am proud to say that did happen.

It is critical that we continue to have contributions from many more people for several reasons. One, we know the cost of law school and that without scholarships, law school is unattainable to the very people we need to reach. Two, we need to demonstrate to others and to ourselves that we are not ashamed of our degrees and we hang them on our walls probably because we know that we are the fulfillment of the American promise and that America is better because we are, and we know that if we don’t help America to keep its promise, it will fail and its shame will be our shame. And last but not least we have a duty to ourselves and we have a duty to those people on whose shoulders we stand who risked and sacrificed much so that we could be here today. If we stand up and meet our duty and we do it together, we become the giants on whose shoulders others will stand to see over the horizon and do more than we ever envisioned.

I want to close by saying that I love this program, I love the school – it changed my life. I’ve tried to be faithful and to do my best and to help change the lives of others as mine was.

Congratulations again to the class of 2011. Do your best and be at peace. Thank you.