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Graduation Remarks

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**Graduation Remarks of
Professor Jay C. Carlisle, II at The
Twenty-Third Graduation Ceremony of
Pace University School of Law
on May 20, 2001**

Jay C. Carlisle, II*

I. Introduction

Thank you Dean David Cohen, President Caputo and Chairman Bianco. Good morning class of 2001. Congratulations and thank you for honoring the founding members of the faculty of law.

You are the twenty-third class to graduate from our wonderful law school. Your graduation is a joyous occasion for you and cause for celebration. For you it means the end of some nineteen years of attending formal classes and taking examinations. No more *Bluebooks*. No more hypothetical essay questions and the end forever of the Socratic method. No more long walks up the hill from the bottom of the parking lot. Never again will you have to sit through Professor Fishman's Contracts II class where he discusses offer and acceptance in the rap style complete with sunglasses and makeup. Never again will you have to attend a 9:00 a.m. Friday morning torts class after spending the preceding Thursday night in a four-hour liquid seminar at Olivers. Never again will you have to pay hard-earned money to watch Professor Janet Johnson's two-step sexy Tango with a young male partner at the Legal Aid Show. Never again will you be subjected to Professor Miller's Torts I discussions of consortium and his lengthy explanation of why sex is not an element of negligence or his attempt to clarify a student's reference to a spermatic cord.

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Never again will you have to attend Professor Nolon's Property class and hear him speak about Karl Llewellyn and the congruence between social and legal norms. No more arriving late to Professor Scott McLaughlin's class to receive a personal greeting, "Nice of you to join us" or to be warned by your graduation speaker that if you arrived late for his first-year civil procedure class you would be barred from entry. Never again having to listen to the words ". . . testing, testing, testing" in New York Practice. No more of Professor Madden's eloquent use of the English language — does his vocabulary include at least one word with less than thirteen letters of the alphabet? No more worrying about Professor Sobie's courses being over-enrolled so that you cannot sign up for them or having to traffic in Professor Irene Johnson's tapes prior to her final exam.

Yes, you have reason to celebrate. And finally, for your family your graduation may mean the end of perhaps a decade or more of paying tuition which is an even greater cause for celebration. The only event which can mar the celebration is a commencement address and I propose to make this one brief so that the agony will at least be of modest duration. But remember what Sir Winston Churchill said about preparing for a speech. He said, "Ask me to speak for two hours, I am ready. Ask me for one hour and I need two weeks of preparation. Ask me for ten minutes and I will never do it because it takes too long to prepare." Please indulge me for about fifteen minutes while I talk about our law school's past and our future.

II. The Past

A. *Our Beginning (1976-79)*

On June 10, 1979 our first class graduated from the Pace University School of Law. They sat where you sit today — 145 strong with sixty-eight women and seventy-five men. In preparation for my remarks today I contacted at least twenty-four members of that class and many of them shared with me their memory of our early days. Some of these I cannot repeat in public.

When the class of 1979 arrived on the White Plains campus for the fall semester of 1976, the entire law school was housed in part of Preston Hall. The beautiful quad to our right was a

parking lot. The Glass Building was nothing more than a dream which some thought would never come true. The law library was in the Tudor Room. The student lounge was named the Preston Theatre and belonged to the undergraduates. One half of the second floor of Preston Hall was used by the College of White Plains. The entire fourth floor of Preston was a dormitory for male law students with a few rooms reserved for female employees of the Sisters of Divine Compassion. There were two day sections and one evening division. The faculty was composed of founding dean Robert B. Fleming and five law professors.

The parking was terrible. Once a neighboring homeowner appeared in a first-year con law class to announce that he would need a lawyer unless the student who parked in front of his driveway moved the car. There were no clinics or centers. The environmental law program did not exist. The noise from construction of the Glass Building made it impossible to study. There was stress and worry over accreditation. Professor Gershman informed his students it was his first time in front of a class and that he was more nervous than his students—this from “Benny,” who three times in the last four years has been voted as our most outstanding teacher. And who can forget when a CBS TV news crew came into Professor Gershman’s classroom to film his class for a series on his running in the New York City Marathon. It put Pace on the map early.

Professor Stein, who was the first faculty member hired by the university, was known not only as a superb teacher but also as a master chef and restaurateur who led Pace Law students on walking and dining tours of New York City. One prominent member of the class of 1979 told me she was ready to quit law school but Professor Stein took her to the Bengal Tiger for brunch and she changed her mind. She says it was not Professor Stein’s advice but the availability of a fine Indian dining facility near to the Law School that persuaded her to not quit. Either way, she credits him with saving her career. Professor Aaron Schreiber, the first tenured law professor on our faculty and an national expert in Judaic Law, was only fifty years of age but we called him “the old man.” Professor Hervey Johnson’s contracts class spent six weeks with the Socratic method on the “hairy hand” case.

B. *The First Graduation*

On June 10, 1979 was graduation day for the “seventy-niners.” Many of today’s founding faculty were present. At that time there was not one Pace Law graduate in the entire world. Not one Pace Law graduate had taken, let alone passed, a bar exam anywhere in the world. No Pace Law grads serving as judges, partners in well-known law firms, or as distinguished public officials. But on that June day four remarkable persons, on the dais, stood between the “seventy-niners” and the unknown. First, and foremost, was our founding dean, the late Robert Burke Fleming. He left a secure and comfortable position as a tenured professor of law and associate dean at the State University of New York in Buffalo to come to White Plains to start our law school. Dean Fleming was a man of vision and strength. He felt a sense of obligation to legal education. He had high standards and excellent judgment as evidenced by the fact that every member of the founding faculty was personally hired solely by Dean Fleming.

A second key person on the dais was our founding Associate Dean Doctor Josephine King. She too had left a secure and comfortable tenured position at Hofstra Law School to join our faculty. Dr. King is a pioneer woman legal educator. She started our law review and worked hard to found the Hopkins Chair and our Health Law Program. Dean Fleming once said publicly, “Without Jo we never would have been accredited by the American Bar Association.”

A third remarkable person on the dais was then president and now Chancellor Emeritus Edward Mortola. It was his decision to found a law school in White Plains. He hired Dean Fleming. He raised the funds to make it all happen. A fourth remarkable person on the dais was the late Honorable William Hughes Mulligan, former dean of the Fordham Law School and then a judge for the United States Court of Appeals for the Second Circuit. He received the law school’s first honorary degree. He gave the commencement speech and I was able to obtain a copy of it from his son Bill Mulligan who is a partner in the White Plains law firm of Bleakly, Platt & Schmidt.

Judge Mulligan’s speech was featured in the Monday, June 11, 1979 edition of *The New York Times*. *The Times* stated, “At the Pace Law School commencement, the graduates were told

by Judge Mulligan . . . that they might have an extra burden to carry when looking for jobs. The legal profession, said Judge Mulligan . . . is often reluctant to test the graduate of a new law school, no matter how sound its faculty or how accomplished its student body. In part, he said, this happened because there was ‘no entrenched alumni body to help the students.’”

A dismal future for the “seventy-niners”? Well today there are at least five distinguished jurists from the class of 1979 and several senior partners in some of the nation’s largest law firms. Other members of her class have assumed leadership roles in the bar and are known in the profession as outstanding lawyers. One, Debby Wilokow, recently argued a case before the U.S. Supreme Court.

Yes, the Class of 1979 paved the road for subsequent graduates of our law school. Today there are almost 5,000 Pace Law School graduates who work in forty-four states, the District of Columbia, Puerto Rico, The Virgin Islands, Bermuda, Canada, England, France, Germany, Hong Kong, Nepal, Pakistan, Sierra Leone, and Switzerland. Our graduates specialize in every conceivable area of law practice. They are judges; partners in small, medium and large law firms; district attorneys; legal aid and public interest lawyers; elected and appointed public officials; bar association presidents; corporate counsels; local, state and federal attorney employees. The list goes on. From Montauk, New York to Kauai County, Hawaii. From Florida to Maine and from California to Alaska. Yes, we have come a long way in only twenty-five years.

III. The Future

I begin with the instructive words of Mr. Justice Oliver Wendell Holmes, Jr. He said,

No result is easy which is worth having. Your education begins when what is called your education is over, when you no longer are stringing together the pregnant thoughts, the jewels five words long, which great men have given their lives to cut from the raw material, but have begun yourselves to work upon the raw materials for results which you do not see, cannot predict and which may be long in coming—when you take the fact which life offers you for your appointed task.

Class of 2001, your appointed tasks will be as many as there are many of you. At the end of today you will begin them. There are bar examinations and then employment. The future belongs to you far more than it belongs to any of us. Seize it with gusto, with enthusiasm, with joy, and with the expectation that you will have to work hard to be successful. There is nothing wrong with hard work. There is nothing wrong with making a lot of money. Just give some back to your favorite law school.

Do not hesitate to run fast along life's many paths. But as you run remember to stop on occasion to refresh yourself. The mind and the body need regular rest. Also, stop on occasion to acknowledge those who helped you through law school. Mothers, fathers, brothers, sisters, grandparents, aunts, uncles, spouses, significant others, your children, close friends, and even former law professors. Pick up the phone or better yet visit in person. Tell them, "Hey, I just made partner in the nation's largest law firm . . . hey, the governor or the president of the United States just called to appoint me as a judge . . . hey, I was elected president of the Westchester County Bar Association . . . hey, the State Bar Association gave me the Lucille Fontana public interest award — but that's not as important as the fact that I want to thank you for all the support you gave when I was in law school."

Also remember, as you run, to make time for your law school classmates. After today you may run on different life paths but stop to reach out to your classmates. Twenty-five years from now call that person who sat next to you in your first-year civil procedure class and who practices law in Santa Fe, New Mexico. "Hello Bill, the class of 2001 is celebrating our 25th anniversary and the 50th anniversary for the law school in White Plains on May 20, 2026. Yeah, everyone will be there. *U.S. News and World Report* rated us in the first tier last year. It took awhile but we got there. Remember the editor-in-chief of the *Law Review*? Well, she is the chief judge of New York. And that SBA guy who talked too much? . . . well, he was elected governor of New York last November. And the infamous two who were always cutting class? Well, they formed a law partnership shortly after graduation because they couldn't find a job and now they are the richest lawyers in the Empire State. And the nerd in the back of the class that never said a word? . . . He's

a law professor. Yes, speaking of law professors, some of ours will be back for the reunion. Dean Simon will be there . . . she is almost 70 years of age and is still on the faculty . . . her hair is all gray . . . she has arthritis and can hardly walk but shows up to teach her Saturday morning civil procedure class at 6:30 a.m. And Professor Garfield refuses to retire . . . she has lost 30 pounds and died her hair purple. Professors Rogers and Fentiman will be back. They have revived the health law program. Dean Mushlin runs the Pace Vienna program. Dean Merton will be there . . . she is a volunteer U.S. Attorney for the Southern District and her first prosecution was against Professor Jensen for income tax evasion.”

Some of the founding faculty will not be there because they are dead . . . but they will be there in spirit. “Professor Robinson? . . . No . . . he is not dead . . . he founded a Pace law branch in Kyoto, Japan where he presides over a faculty of one and has published his sixth edition of the world famous book, *My Life As the World’s Greatest Environmental Lawyer*. Professor Doernberg? He has a ranch in Montana. Yes, he still wears tight pants and has published the sixth edition of his book, *Why I Am The World’s Most Famous Conflicts Law Professor* . . . Professor Westerman . . . she still teaches in the Pace London Law Program and recently co-authored a best selling novel *David Cohen*. It has something to do with Canada.”

Last, but not least, as you run along life’s many paths in the future remember to look for those who may have fallen along the side of the road. Some you will know and some not. Take time to lend some of them a helping hand. You don’t have to carry them on your back but you can pause to encourage them. “Hey, look at me, I am running and enjoying it . . . come run with me. You can do it.” Remember, you too may fall. The true test of a person is not how they look when they are at the front of the pack but how they look and behave when they are in the rear. If you fall, look to us — we will stand by you. If you run hard and pause on occasion for others, you may arrive at your ultimate destination in a few weeks, a few months or a few years later than you planned but when you arrive you will know you ran life’s race the right way.

Finally, and that is a word that always gets the attention of graduating law students, I want to close with the words of our

beloved Dean Emeritus Richard Ottinger. At each graduation he presided over he would quote the late Senator Robert Kennedy as follows: "Each time a man stands for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance." What Dean Ottinger never told you about was the context of those remarks by Senator Kennedy. He made them in South Africa . . . shortly before his untimely death, and before an audience whose political and economic leaders were firmly committed to the idea of apartheid. People of color and whites could not study together, they could not attend law school together or practice law together. They could not marry each other or have families together.

I wonder how Senator Kennedy felt on that day. He was much younger than most of us on the dais and not much older than most of you. He had nothing to gain and a lot to lose by making those remarks. What business of his was it to speak out? And yet he did what he believed to be right, and the world is better for it. I am confident that the day will come when each of you will be similarly tested. Whether it be at a school board hearing in Mamaroneck or before a zoning board in Greenburgh or in a City Court in Yonkers or at an administrative hearing in the Village of Scarsdale or at a partnership meeting of your law firm's or in judicial tribunals across the Empire State and elsewhere in the country—your time will come and you will ask yourself if you should say and do what is right even though it may be unpopular to do so and may put you in harm's way. I am confident you will do what is right.

And now, Class of 2001, on behalf of the founding faculty, the entire faculty, deans, the late Robert Fleming, the late James Hopkins, Janet Johnson, Steve Goldberg, Barbara Black, Richard Ottinger and David Cohen. On behalf of our visiting dignitaries, former presidents the late Dr. William Sharwell and Dr. Patricia Ewers, Chancellor Edward Mortola, President David Caputo and former chair of the Board of Trustees Carl Phorzheiner and current chair Neil Bianco — and on behalf of our deceased colleagues Phillip Blank, Willem Vis, Hervey Johnson, Barbara Salken and Nicholas Triffin and to the God

we are all ultimately accountable to — it is one for the money, two for the show, three to get ready and four to go. Run, run, run and good luck!