

## **Remarks of Dean Kathleen M. Boozang**

Seton Hall Law School

Orientation

August 16, 2017

Good morning!

I've talked a lot about loyalty at the admissions events you attended over the last year. I stressed how we, the faculty and deans, would be loyal to you as you

- determine your path,
- identify and test your aspirations, and then
- set out to fulfill your dreams.

I stressed the loyalty of the Seton Hall Lawyer to new graduates, and to each other, as one of the most important and remarkable things about this law school.

But NOW it is time to talk about what Seton Hall loyalty demands of each of you.

Back in the bad old days, deans used to welcome new classes of law students by telling them "look to your right/look to your left -- one of you won't be around by the end of the year." The implication was that it was highly likely one of the two people sitting next to you would flunk out or quit, because it just gets that tough.

MY message to you is radically different: I say to you – look to your left, and look to your right, and pledge to yourself and to your classmates that you will be invested in their success. And do that every day when you sit down in the classroom, cafeteria, or outside at the picnic tables.

That you will cheer them on and always be respectful when they are called on in class.

That you will walk them through the promissory estoppel section of their Contracts outline that you understand and they don't.

That you will walk someone to Dean Cascarano or Fr. Nick's office if you become concerned they need help managing the stress of law school.

That you'll share your notes when the guy who sits next to you in class misses a review session because his kids are sick.

That you'll invite the person who isn't making friends as quickly as you are to join you for a beer tonight.

That's what loyalty requires of you as a Seton Hall law student.

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You have heard it before, but I'll say it again: at Seton Hall Law, **we work with one student at a time** to help you achieve your goals – not someone else's – but **yours**. The goal for each of you is that you succeed in law school, graduate into a career that excites you, and pass the bar.

For some of you, a standard model isn't the way to achieve the outstanding success that our graduates experience when they leave here. Right from the beginning of law school, you will be taking different paths to the end goals - graduation and passing the bar.

How many of you are working full time while attending law school?

How many of you are parents?

How many of you have responsibility for younger siblings?

Look around: None of your paths will be alike.

Some of you are graduating in 2020, and others in 2021. Several of you will switch from part-time to full-time or the other way around, because life happens – and at Seton Hall Law we attempt to accommodate what's going on in your personal lives.

Some of you are single and free as you sit here today, but will be married with children when you walk across the stage to receive your diplomas at NJ PAC.

Sadly, some of you will lose parents and grandparents, or experience serious health issues, that affect your law school progress.

Seton Hall loyalty means that **together**, we will see you through whatever challenges you face. You just need to ask for help.

So, when all is said and done, you will pursue many different paths to becoming lawyers. I hate to break it to you, but 90% of you will not graduate in the top 10% of the class. But you will **ALL** be Seton Hall Lawyers. And ultimately, that's all that matters. As long as you remain true to yourself, and act with integrity, the path doesn't matter – it is about finishing. Every single one of you will face challenges over the next years – each of us in this room commits that we will be there for you.

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So, you have not just become a One L, you have assumed the obligation that we take quite seriously - to preserve the Seton Hall Law culture.

Our culture is one of mutual respect, free speech, and the civil exchange of ideas. Make that culture your own, and help us to continue to nurture it.

Many of the questions that engage first year law students – whether in 1987, 1997, 2007 or 2017 – are the same. Who (if anyone) is liable if someone falls and breaks an arm

because of the chipped sidewalk outside the building? What would a reasonably prudent person do? What kinds of promises are legally enforceable?

That's because many of the questions that a legal system must confront, and many of the underlying values and principles, are enduring.

But those values and principles are often in conflict with each other, their proper resolution contested, and their appropriate application to new situations uncertain.

Changing technology is just one area that presents such new situations. So the classes of 2020 and 21 will face and resolve issues the rest of us haven't encountered before. For example, next semester you will take Criminal Law with Professor Cornwell. Sometime next spring, the Court will issue an opinion on the scope of warrantless access to cell site location information under the 4th Amendment. The basic principle that searches must be reasonable in order to be constitutional is enduring – but how does that apply to a world in which technology can give the **government** unprecedented (if not unimagined) ability to track people, and can give **private actors** unprecedented (if not unimagined) ability to do harm?

You are preparing to be lawyers in a different world than your teachers and I have inhabited. You will be making new law and policy that will lay the groundwork for the world in which you will raise your children.

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As you engage with such issues during your law school tenure, the nation as a whole will be engaged by hard, potentially emotional, and potentially divisive, questions of law and policy -- questions whose answers will help define who we are as a country.

As you progress through your classes, you, your fellow classmates and your fellow citizens—along with courts, legislators, and executives at all levels of government--will be addressing in real time issues of regulatory, statutory and constitutional law.

These issues involve questions of policy and principle; they also involve questions of who decides: Which branch of government (executive, legislative, judicial)? Which **level** of government (state or federal)? Government or people themselves?

To take just a few examples readily foreseeable as I speak today:

- Affirmative Action in higher education
- legal and illegal immigration
- access to health insurance
- tax reform
- criminal sentencing for drug convictions
- school vouchers and lunches
- access to higher education
- interpretation and enforcement of voting rights laws

- the scope of Title VII's prohibition on gender discrimination
- gambling on sports and
- last but perhaps not least, POT. As in cannabis.

And all these issues can test our resolve and our commitment to our values. The horrors of this past weekend in Charlottesville tested the right to speak of those whose views we detest. The VICE video of the weekend's marches is nothing short of traumatizing. To witness hundreds of white men in columns marching through the dark with torches chanting their hatred of blacks, Jew and Muslims, gays, people with political opinions with which they disagree, frightened me to the core of my being. They were exercising their rights under our First Amendment. The costs of this right are significant, but free speech is core to how we define ourselves as a nation.

However, as our own Professor Healy argues in a recent *Atlantic* article, free speech means that it is perfectly appropriate to condemn ideas that are antithetical to our values. That is how the American marketplace of ideas best functions.

For the next three or four years, we entrust you with the preservation of our Seton Hall Law culture for intellectual engagement and civil discourse. It is a serious responsibility. I urge you

- Not to let your conversations be divisive
- And not to suppress the speech of those with whom you disagree.

If you squelch conversation by your response to opinions with which you disagree, you will undermine your development as a lawyer.

If you do not create an atmosphere where people with different life experiences can share those experiences, you will lose the value of what we have created to ensure you have an enriched educational experience.

You have a lot to learn from each other. Your class reflects the society whom you will represent as lawyers. Justice O'Connor observed in her 2003 opinion in *Grutter v. Bollinger* that "universities occupy a special niche in our constitutional tradition." At Seton Hall Law, we embrace the notion that the university, composed of diverse experiences and perspectives, from all segments of society, committed to academic freedom and free speech, is of great value to our democracy. We believe that this is particularly the case for law schools.

We have an obligation to produce lawyers who can represent clients from all backgrounds with empathy. Empathy requires us to have some sense of our clients' lives, or the curiosity and skills to learn about their lives.

Empathy and learning about each other's lives are skills you will grow through your time as law students. If you want to become a good lawyer, nourish those skills. They contribute as much to your success as does argumentation based upon facts, policy and law.

I believe that most of you chose to come to Seton Hall Law because you value our culture. I also know that many of you will be here next year, welcoming the One L class, because you will want to pass that culture on to those who follow you. Welcome. Connect with me on LinkedIn. Friend me on Facebook. Follow me on Twitter. Or be old fashioned and just drop by my office to hang out.