It is my distinct pleasure to welcome you to Columbia Law School. You have chosen, wisely we believe, to attend one of the world’s great university law schools, and, perhaps more to the point, we have chosen you from among the nearly 6,200 others who also evinced an interest in coming here. At times like this, it is commonplace to be self-congratulatory—to tell you how good we are and how good you are. I am going to resist that temptation. Not because it isn’t true, but because it is the wrong time. We are at the beginning of a grand adventure. Beginnings are periods of anticipation, even anxiety—a preparation for the race that we will all run together. Moreover, today not only marks the beginning of a new and exciting academic program. It is also the beginning of your professional career as a lawyer. The demands of a professional life will shape much of what you do in law school. It will mean that you should care as much about the values that you nurture and the skills that you acquire as you do the knowledge that you gain.
For you, the Class of 2017, this beginning is uniquely special. You will be the first class to experience fully the transition from the past 10 years of progress at the Law School under the leadership of David Schizer to a new law school administration led by Dean Gillian Lester, who will be joining us in January from her previous post as the dean of the University of California, Berkeley, School of Law. Well, you may wonder, if those are the past and future deans, then what am I? Perhaps you can think of me as the person whose job it is to make this transition year an exciting and fruitful time for all of us. In that spirit, I welcome you today to what I believe is the finest environment for the study of law in the world.

What is so obvious about Columbia Law School is that it is a true microcosm of the newly connected world of law. You will study side-by-side with colleagues who come from all corners of the globe. And, you will be taught by a faculty of uncommon distinction whose teaching and research embraces a similar global perspective. Of all this, you will experience the tangible benefits of attending a world-class law school that is part of a world-class university in a world-class city. You will also find, perhaps to your surprise, a faculty that is dedicated to teaching and to engaging with each of you individually as you embark on this grand adventure. We believe you will be surprised by how much you enjoy this law school and very much hope that you will leave delighted that you chose to come here. We certainly are delighted to welcome you into our community.

But I want each of you to appreciate, as well, something of the deeper values that Columbia Law School has embodied since its beginnings 156 years ago. For all those years, this law school has played a unique role in bridging the divide between the legal academy and the professional practice of law. To be sure,
Columbia isn’t the only great law school with an academic commitment to ideas about law that work. But it is the only one that stands at the crossroads of the world, with an unparalleled commitment to international and comparative studies, and, therefore, it is the only one with a unique opportunity over the next 25 to 50 years to make the world a better place. We have been and are today an academic community that is dedicated to the enduring values of civic virtue—intellectual integrity, civility, mutual respect, prudent judgment, and public service. These values constitute the heart and soul of this law school—and our ambition to elevate them to the forefront of the legal profession explains our aspiration to become the preeminent center for legal education in the country.

It also explains why 6,000 graduates of this law school have, over the last 10 years, embraced a campaign to secure the Law School’s future by contributing over $353 million to fund new scholarships, distinguished professorships, cutting-edge research, and a range of new and innovative academic programs that will enrich all of us—faculty and students—that learn and work here. This money is a gift to you, the students of the present, from those who have gone before you.

Why did they do it? Because they believe, as I do, that each one of us, singly and collectively, have a responsibility, a responsibility to realize the ideal of the lawyer as public citizen—the singular notion that educated citizens (and most especially, legally educated citizens) can, and therefore must, strive to make a difference in the world.

And so, even though the campaign that occupied much of our attention over the past 10 years is over, our work here is only beginning. Those of us who are linked by a common bond to this special institution must continue to renew our commitment to that classic ideal.
But, in truth, each of you has today a more basic concern. “I’m eager to try,” you might say, “so what do I do?” That is a fair question, and so our principal job this morning is to introduce you to the Law School and to the legal profession.

That task is a lot harder than it might appear. Each of you is poised at the beginning of a truly exciting academic experience, but one that is also marked by strange and exotic traditions. Perhaps none is as odd as the tradition you are experiencing right now—the annual orientation and welcome to the first-year class. Several of us will stand before you in turn and try to interpret some aspect of the experience that is about to unfold. What is strange about this is that the people who will remember most about what has been said this morning are my colleagues on the faculty and staff who have joined us, and the few second- and third-year students scattered around the room. As for the rest of you, by tomorrow you probably won’t remember a single word.

Well, you might ask, “so what am I doing here?” Notwithstanding this dilemma, we try to give you an introduction anyway, because we know that, as with any intense experience, what lies ahead has many peaks and some valleys. Moreover, the path along the way is not clearly marked, and so we hope to give you a few guideposts that may help along the journey.

The first thing you will notice—with some shock—is that law school is nothing like the previous 17-plus years of your formal educational experience, nor is it much like anything you have ever imagined it to be. If I were to ask each of you what you expect to learn in law school, many, if not most, might say—with barely concealed disdain at such a stupid question—that you expect to “learn the law.” But in fact, there is only a very small bit of truth in that assumption. To be sure, you will learn some legal rules. You will learn about the doctrines of consideration and offer and acceptance in contract law. If you
Take bankruptcy law, you will learn that a plan of reorganization in bankruptcy cannot be approved unless a class votes for it by two-thirds in dollar amount and a majority in number of those voting. Clearly, in the practice of law, you will need to know—or know where to find—“rules” such as these.

But you will quickly find out that this is only a small part of legal education. The first problem you grapple with is that the rules don’t stay the same. They change. Furthermore, any time it matters (that is, whenever anyone is interested in hiring you as their lawyer), the rule you are counting on conflicts with other rules. Compounding the problem, the policies behind the rules will not be clear, and, if they are, they will be in conflict with other policies. Before you bemoan this fact, think about it: Even if it were feasible, would you want to live in a world comprised only of legal rules, all perfectly clear and perfectly defined? Lest we all shout “yes,” we might do well to remember the famous closing to Grant Gilmore’s book, *The Ages of American Law*. Gilmore wrote, “In heaven, there will be no law and the lion will lie down with the lamb. In hell, there will be nothing but law, and due process will be meticulously observed.” The point is that law is only a small part of a much larger fabric of social control that consists of families, social norms and groups, religious traditions, and cultural ties. We will never have a neat, workable bundle of legal rules, because law must work in harmony with all these other forces. And, as Gilmore suggests, the greater these forces, the less the need for law and vice versa.

But this begs the question, so what do you learn in law school? In law school you will learn legal rules, but only for the purpose of learning that, when push comes to shove, they don’t work. Let’s take a clear, simple legal rule everyone knows before coming to law school: “speed limit 55 mph.” What does it mean? The correct answer is: who knows? You need first to answer some
preliminary questions: Are there any exceptions? Can you go faster for medical emergencies? How about driving to airports? Do you have to slow down in ice storms? What if the person in front of you is driving too slowly? And, is there any rule at all if the police don’t enforce it unless you are going more than 10 miles over the speed limit?

Each of you will find, after several painful days, that law school is not about learning rules, it is about learning the limits of rules. In other words, it is the process of asking questions, where each question leads to another, which leads to another until the rule that at first seemed so clear finally breaks down and unravels completely.

Let’s be honest, this is a bit unsettling. And the queasy feeling in your stomachs is only compounded by the fact that the person asking all the questions is the professor, who, after all, is supposed to know the answers; and the person giving the answers is you—and you don’t know anything. More than anything else, what is likely to distress you at first is that things that looked reasonably clear to you when you walked into class are a complete muddle as you walk—in a daze—to your next class. Your tendency will be to blame us, those who are on the other side. “At least give us some hints,” you mumble.

And how do we respond? Do we give you the answers? No! Do we tell you a few shortcuts to make the process less baffling? No! All we say to you is: “Keep the faith. Each and every one of you will look back on this first year as the most stimulating, exciting, and fulfilling educational experience of your entire lives.” Predictably, and quite understandably, your reaction to this high-minded platitude is: “Thanks a lot.” But while I can’t offer any shortcuts, what I can do this morning is to point out three guidelines for you to follow as you begin this new experience. The first is: what not to do; second: what to do; and third: how to do it.
1. What Not to Do. Here the answer is simple, but for some of you it will be hard to follow. You must avoid traps for the unwary, and the most pernicious trap of all is the risk of confusing short-term and long-term goals. Law students are peculiarly subject to this common malady—you are extremely goal-oriented, but you are not exactly sure what your goals are. (We all know this is true, because we suffer from the malady, as well.) You learn easily to climb the rungs on the ladder (you are all here because you are very good at it) without having a clue where the darn thing is going. This phenomenon results in the confusion of long-term and short-term goals. Your short-term goals are clear—good grades and a good job. These are perfectly understandable goals, but in pursuing them you need to remember one thing—the job is not the end—it is the beginning. And then the question is going to be—what do you know? Are you any good at what you do? Each of you will spend the next 40 years of your life engaged in this enterprise. Your personal and professional satisfaction is inextricably linked to your long-term goals—being fulfilled, being able to stay the course, making a difference in people’s lives.

Now here is the trap. For at least some of you, as you progress toward the short-term goals, you may experience some disappointments. The results may not always seem to perfectly reflect your effort. There is then a natural human tendency to abandon your goals (or at least reduce your efforts). When this happens, you must consciously shift your gaze. Look long! If you remember to keep your eyes on the far horizon, I guarantee the investment will always be returned in full. What you put in will come back in the form of a rich and rewarding professional life.

2. So What to Do? Once again the answer is simple: Set your long-term objectives clearly right now. For those who are still searching, I have a suggestion—I suggest that you commit
yourself to becoming a lifelong student of the law. Before you say, “okay, why not?,” note well what this commitment implies: A lifelong journey is a marathon, not a 100-yard dash. This is not a race to the end of the first semester. This is an objective that favors endurance rather than speed. So husband your energies, maintain and nurture your other interests. You are in this for the long haul. Moreover, the commitment I ask you to make is not to mastery, but to the process of learning—the life of a student—the life chosen by every lawyer with you in this room this morning. It means you continue to learn, err, adjust, and learn some more. Finally, the commitment is to the law. Not to law school, the legal system, or lawyers, but to an idea. The idea that the mechanisms people choose to regulate their affairs—ranging from the mundane to the majestic—are among the most precious commodities of a civilized society.

3. Fair Enough. How to Achieve it? Here the answer is more complicated. Success requires (at least) two things. First, you will need a moral compass—a well-developed sense of professional (and personal) values and beliefs. Just think for a moment of the words we use to describe a good lawyer. We say, “she is an advocate, a counselor.” These are words of service. In some important sense, people will entrust their lives (their liberty or economic security) to you. You need some sense of what that awesome responsibility requires of you. Clearly, a moral compass derives from many sources, but at least one source is the experience you will gain from each other. So here I urge you to invest in the experience of law school. Connect with your peers as individuals. You need to learn more about what motivates others beside yourself. In short, you need to develop the capacity for empathy.
Second, the task that will likely be the easiest for you to achieve but is the hardest for me to explain: You will need to develop the fundamental skills of legal reasoning. (As we tend to express it: how to think like a lawyer.) “O.K.,” you reply, “finally we get down to the nitty-gritty. How do I do that?” Well, I could tell you that what this requires is that you marshal the diverse intellectual skills of speculation, imagination, and causal reasoning in order to test the normative foundations of our legal system. I could say that. But I won’t. Not because it isn’t true, but because none of you would have the slightest idea what I meant. So instead, let me tell you a story—and I want you to just put it away, then tell it to a friend in November and tell it again in December and each time you retell the story, it will mean a little more to you.

This is a true story. It is a story about Hardy Dillard, a master teacher, contract law scholar, and law school dean, who greatly influenced my life when I was starting out. Dillard excelled in law school, and upon graduation and a clerkship, he accepted a job teaching at the University of Virginia. But first he had to take and pass the Virginia bar exam. One of the questions that year concerned the Law of Corporations. The corporations question (20 points) was a single sentence: How many members are there on the Virginia State Corporation Commission?

Dillard’s initial reaction was exactly yours and mine—Who knows? Who cares? But now he faced a choice: Do I leave it blank or take a wild guess? Rather than either of those options, he began to write.

He began, “I have only been a resident in Virginia a few years, but I’ve already learned that the people of Virginia are proud of their deep tradition of civility and respect for authority. Therefore, it is clear that however many members there are on the SCC, it must be less than the membership of the highest, most august judicial body in our land—the United States Supreme Court. That means there must be fewer than nine.”
“Following the same line of reasoning,” he said, “leads to the conclusion that there must be fewer members on the SCC than the highest judicial body in the Commonwealth of Virginia, the Virginia Supreme Court. That means there must be fewer than seven.”

“Moreover,” he said, “my time here has taught me that Virginians prize peaceful and non-rancorous forms of dispute resolution. They would, therefore, avoid at all costs unpleasant squabbles resulting from deadlocks or ties. Thus, the membership of the Commission must be an odd number. This means there are either five or three or one.”

“The word Commission,” he continued, “necessarily implies the existence of a group. Therefore, there must be more than one commissioner. That leaves five or three. I choose five.”

He was wrong. The right answer is three. But the examiners were so impressed with his answer that they gave him full credit anyway and published the answer in The Washington Post and The Richmond Times-Dispatch.

And that is what it means to think like a lawyer.

In closing, let me just leave you with a final thought. You will hear it said time and again that this is a special place. That is because we believe it to be so. But if it is to remain a special place it will be so only because of the commitment and contributions of each one of you. I look forward with real anticipation to the opportunity of working with and learning from each of you during the next three years.
Robert E. Scott
Interim Dean and the Alfred McCormack Professor of Law; Director, Center for Contract and Economic Organization