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Class of 2005 Commencement

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GRADUATION SPEECH - UNIVERSITY OF GEORGIA LAW SCHOOL
ATHENS, GEORGIA

Congratulations, graduates. I am both moved and honored to be with you on this very special day in your lives.

I hasten to add that I realize that I am just about the only thing standing between you and your diploma, lunch, parties and the rest of your lives. I also know that, speakers have become a necessary evil in graduation ceremonies, from the standpoint of the graduates themselves, graduation speakers are an *unnecessary* evil.

Knowing that I was going to be speaking to you today, a friend last Friday told me to relax; that it really didn't matter what I said. When he graduated from the United States Naval Academy some 45 years ago, the speaker had been John Fitzgerald Kennedy. "Ted," he told me, "I don't remember a word he said. And if I don't remember John Kennedy's speech, surely no one is going to remembers yours."

So, I know that whatever I say is not going to be taken all that seriously, if noticed at all. Besides, I have been told that these days, graduation speakers should be "light and brief." And, if not "light and brief," at least "brief." Of course, that would constitute a break with the past. Graduation speeches historically have been long and ponderous to the point of intolerable. Think root canal.

It is also difficult to find anything to say at a graduation ritual that is not trite, sophomoric, pompous, boring, or all of these things at the same time.

As a result of these factors, I decided not to fill the air with hackneyed platitudes about how to succeed in life, or to be happy, rich, successful and loved, or any of that overdone and sleep-inducing sentiment that has been dispensed at graduation ceremonies for centuries. You are all too bright and energetic to sit still or even stay awake very long for that sort of thing.

My solution today is to take the low road. At this moment in your lives, you have probably been saturated with idealistic advice about how to be a role model, model citizen and super lawyer. But, I know something about law students at this point in the career path, and that is that a certain percentage of you are not remotely interested in re-making the planet into a better place. A few of you out there may actually want to squander the opportunities you have before you, disappoint your professors and humiliate your family. That was certainly true in my law school graduating class. Some of my classmates seemed positively desperate to rush out there into the real world and sink like a stone. And they succeeded beyond their wildest expectations.

The few individuals in every law school graduating class that seem determined to fail manifest disturbingly similar characteristics: endowed with all the failure instincts and a will to overcome any bright opportunity for success. There can be no other explanation for some of the perversely counterproductive, socially unacceptable, and otherwise utterly inexplicable things that a few seemingly mature law school graduates do.

Just for the novelty of it, therefore, I thought that I would address the subject usually left unsaid in graduation ceremonies. Instead of talking about the high road to success, I will talk about the low road to failure and perdition. Consider this an extension of the equal time doctrine. Your soon-to-be-alma-mater has unwittingly set aside these few minutes for me to give you painfully frank counseling on going, not to the top, but to the depths. This is an interlude for the masochists among you; a brief journey, as it were, through the valley of the shadow of death.

Given my theme, I cannot very well be "brief and light," but I will at least try to be "brief and dark," so this will not take

long. Cynics, pessimists, fatalists, curmudgeons and nay-sayers are fast learners. You won't even have to take notes. And there will be no final exam. *You won't need to study if you don't want to succeed.* And, while there is much to say on this subject, I will try to be like those "how to succeed" books you see in the book stores and on the bestseller lists and keep my presentation to ten simple keys to failure.

The *first* and most essential component for succeeding at failure is the appropriate mood and demeanor. This is easy if you have the *aptitude for the attitude*. Even for those who have stifled their darker instincts long enough to get good grades in law school, knowing how to fail is like riding a bicycle, it comes back easily. Here is how to do it: As H.L. Mencken advised "*when [you] smell flowers, look for the coffin*." Learn to "read bitter lessons from the past; [be] prematurely disappointed in the future." Oscar Wilde suggested, for example, "when confronted with a choice between two evils, *choose both*."

Second, failure is like success, you may need help from others in getting to your goal: success at failure. You will find that you can enlist others in your enterprise without too much difficulty. For example, you can get others to despise you by adopting a smug and superior attitude. Make sure that everyone you meet knows immediately that you are a law school graduate, not someone to be trifled with. When you enter a room, behave as if everyone present should spring to their feet and cease all conversation. *If you are a method actor, you can achieve this by imagining yourself as a federal judge, or perhaps the Queen of England.*

Or the legendary coach, Vince Lombardi. When he climbed into bed one night after a bitter January practice in Green Bay, his wife said, "God, your feet are cold." Lombardi responded, "*dear, when we're here alone in bed, you can call me Vince.*"

Bear in mind that for the smugly superior person, it simply will not do to be impressed by the achievements of others. If you must profess admiration for anyone else's work, make it clear, as Ambrose Bierce put it, that you are simply "expressing polite recognition of [that other person's] resemblance to yourself."

There are several alternatives to the haughty, imperial, boorish, tyrannical, better-than-everyone style. One of them was once explained by the famous comedian and film-maker, Woody Allen. As a youngster, he worked at being as obsequious, sniveling and unctuous as possible around anyone he thought could help him. He learned that nothing is better calculated to cultivate disrespect and loathing by everyone he encountered. Do this well and often enough, Woody found, and friends and neighbors, and even family members, will begin showing up on your doorstep with vats of boiling tar and bags of feathers.

Third, practice certain career-ending techniques to implement your planned self-destruction. I will mention just two.

One of these is to **be a clone**. Stifle your individuality. Surround yourself with people who look, think and act just like you. Think of your life as a house of mirrors. Everywhere you look, you can see yourself. *Think sheep*. It is not a coincidence, by the way, that the first clone was a sheep. Who could tell that it was a clone? As one writer [Margo Kaufman] put it, "*don't be a sheep, people hate sheep. They eat sheep.*" But that is what you want. So if you can't be a clone, be a sheep. You've heard of a diploma referred to as a sheepskin. Take that literally, and wrap yourself in your diploma.

Alternatively, try *carelessness, sloth and indolence.* As Eleanor Roosevelt explained, "no one can make you feel inferior without your consent." Here is how to give your consent: Just as attention to detail is universally perceived as a key to success, inattention to detail will pay immediate dividends in the opposite direction. Sign a letter with the name of your client, boss or judge spelled wrong. *Better yet, spell your own name wrong*. Get dressed in the dark. Send e-mails without reading what you've typed or checking to see who you are really sending them to. Fill your vocabulary with unintelligible jargon. Talk to people as if they were idiots. Duck all hard assignments. As baseball great Ted Williams advised, "*if you don't think too good, don't think too much.*" Show up at meetings late, or unprepared. Better yet, late and unprepared. And always have an elaborate and implausible excuse. Remember that successes, like promotions, babies, weddings, and even graduations, come with announcements. *Failures announce themselves.*

My *fourth* guideline for those who aspire to a dry, stultifying, unsuccessful career is to be risk-adverse, and let everyone

know it. As E.M. Forster said, "[It's better to] be a coward then brave because *people hurt you when you are brave*." So if you don't want to risk getting hurt, stay in the same job your entire life. Don't take on new challenges, or civic responsibilities. Don't write articles, give speeches or teach. Don't get involved in politics or controversies. Stay below the radar screen. Wear gray clothes. Practice anonymity.

And don't experiment with government service. Everyone I have ever known who has spent at least some time working in government has come away richer in friendships, experience and perspective. They became better, more versatile, more successful, and more productive as citizens. But that involves taking a chance, and thoughtful chance-takers tend to wind-up in those "who's who" books. That is not the career path we've been talking about. So, don't do any branching out. Think oak tree. Stay rooted in one place and watch as the world goes by.

By the way, risk-adverse persons always swim with the current. You will soon realize that the only fish who swim that way, at least for very long, are dead. Sheep, lemmings and dead fish all learn to head in the same direction at the same time. *Be the kind of person who says, "there they go, I must hasten to follow them, for I am their leader."*

While I am on the subject of risks and failure, I should say a word or two about experience. Experience is tricky because there are all kinds of experiences. It is the quality of one's experience that is important, and what we learn from what we experience is more important still. Some people seem never to learn that there are good and bad kinds of experience. One kind is the reason that insurance companies use the term "experience" to describe how many accidents someone has had. As, one expert once explained, that is the kind of "*experience that teaches you to recognize a mistake when you've made it again.*" "Good judgment," it is said, "comes from experience, and experience comes from bad judgment." If you want to fail, repeat the kinds of experiences that teach you that if you keep doing it the same way, you'll keep getting it the same way.

My *fifth* guidepost for you on your slide to failure is to be sure to set easily attainable objectives and standards for yourself. And avoid changing them. A few years ago, one of my law partners, frustrated with a professional set-back, asked me, "*when do I stop having to prove myself?" The answer, of course, is never.* Not if you're going to continue growing, learning, and reaching loftier heights. A field goal kicker once explained, its not that you are only as good as your last kick, you're only as good as your *next* kick. Watch what happens when you spend a lot of time marveling at your last accomplishment. When you look up, you will see that your competitors have been developing ways to beat you the next time. *While you are patting yourself on the back, others will be tying your hands behind your back.*

Success has a very short half-life, so, if you want to start down the path toward failure, you don't have to do much except to let up on the accelerator and start to coast. *Failing to get better means getting worse.* And, by the way, people will notice. You won't have to play any dirges for yourself. People will know right away when you start to die.

Six, listen only to people who agree with you or who will say what you want to hear. Since you are already smart enough, you won't be needing any advice or help from others. As Mark Twain explained, "honest criticism is hard to take, particularly from a relative, friend, acquaintance or stranger."

The *seventh* lesson is to inflict gratuitous injury on those around you; your colleagues, friends and family. And, find pleasure in the misfortunes of others. As Gore Vidal explained, *"it is not enough to succeed, others must fail." "Every time a friend succeeds," he said, "I die a little."* For people like that, Ambrose Bierce commented, happiness is that "*agreeable sensation [that arises] from contemplating the misery of others."*

Be sure, by the way, to help your colleagues fall on their faces. Be discouraging, critical, and unimpressed. Put boulders in their paths, pebbles in their shoes, and grains of sand in their eyes. It is remarkable how thoroughly an organization can succeed if its members cheer on and help one another. It is equally amazing how swiftly an enterprise can be undermined, demoralized and sabotaged by a few acts of selfishness, envy or back-biting.

Feel free to acknowledge the deficiencies of your colleagues and the people for whom you work to outsiders, especially to

journalists. *You will be respected for your candor, your integrity, and your willingness to share your opinions with others.*

This is especially good advice after something goes wrong, horribly wrong. After a disaster, you can point out that if others had only listened to you, or had been smart enough to "connect all the dots," as *you* obviously would have done, the catastrophe would never have occurred. Learn, and recite often, the phrase, "*I told you so.*" This is a very valuable technique, because the retrospectascope is an inexpensive weapon and you can practice on Monday mornings after football games.

There will be plenty of opportunities to do this. Set-backs and unforeseen failures inevitably occur. And there are *always* others to blame. Let everyone know that *"they"* are responsible for *your* failures. By the way, you won't necessarily have to identify the culprits if you can't figure out who to blame. The pronoun "they" will generally do the job. Everyone will know what you mean: that dark conspiracy that is out there someplace foiling all your plans and ambitions. It will always be there for you. Remember the snowflake rule: *"Every snowflake in an avalanche pleads not guilty."*

The *eighth* tip for achieving a failed career is a corollary of the seventh. If it is impossible to blame others for a failure, accident or scandal that has happened on your watch, you might consider either the *reverse apology* or the *abstract, passive-voice apology*. Both of these techniques are regularly practiced by politicians, and if a politician can learn them, you won't have much trouble learning how to do it. The first of these involves a statement of self-glorification masquerading as an apology. Former Washington, D.C. Mayor Marion Barry used this technique after he was arrested for cocaine possession. *He apologized for working so hard for the city that he fell prey to a narcotic addition, thus adroitly blaming his irredeemably bad behavior on his essentially good character.*

The passive-voice, abstract-tone apology is regularly employed by government officials, including presidents from Ronald Reagan to William Jefferson Clinton, to George W. Bush, when they can no longer avoid confronting a massive, odoriferous mess on their doorsteps. In these circumstances you will invariably hear some variation of the baleful acknowledgment that "*mistakes were made*." The official thus seems to concede that dreadful things have happened, but the passive voice removes the actor from the sentence, as if "mistakes" were unfortunate and pesky phenomena that simply show up like meteor showers. *In the law we might call this non-liability without fault.*

My *ninth* rule is a sure-fire technique that you regularly see with unsuccessful people. It is the over-promise, under-deliver gambit. This may take the form of resume fraud, overstatements of past achievements, commitments to finish a project when it can't really be done on schedule, or promised results that won't be achieved. Successful people who deliver more than they have promised create satisfied customers, clients, colleagues and even spouses. Unsuccessful people leave behind them a trail of frustrations at unfulfilled promises, the sound of gnashing teeth and bitter recriminations.

Finally, we reach rule number *ten*. At the end of the day, if all else fails, *be angry*. Anger is probably the most corrosive and therefore the most helpful emotion of all in stifling success. A flash of anger can in a heart-beat obliterate rational thought, good sense, morals, sound instincts and a lifetime of good work. As Aldous Huxley taught, "*Ye shall know the truth, and the truth shall make you mad.*" You've heard people say, "get a life." *Be the person they say that to.*

* * *

Well, I promised to be brief. I hope that isn't one of those over-promises that I just mentioned. *In this case, that would be under-delivered by virtue of being over-delivered.*

The bad news for virtually all of you who wish to fail is that in your case, you will have to work hard to do so. You are talented, hard-working and resourceful or you wouldn't be here today. And your friends, family and colleagues want you to succeed. But perseverance, as William Faulkner explained in accepting his Nobel Prize for literature, is a potent force. Those who endure will prevail. And perseverance can get you nowhere just as surely as it can get you somewhere. *If you're dumb enough to want it, you're smart enough to get it.*

For the rest of you, I trip my hat to you for the accomplishments that we celebrate today, and for the many in your future. This is one of those few moments in your life when you can pause, look back with pride at what you have achieved, and forward to a new passage in your life; a time when you can begin to open the doors that the degree you receive today have brought within your reach. Make the most of it and thank you for allowing me to celebrate your accomplishment and happiness with you.