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COMMENCEMENT ADDRESS OF ATTORNEY GENERAL RENO
AT THE HASTINGS COLLEGE OF THE LAW,
UNIVERSITY OF CALIFORNIA
COMMENCEMENT EXERCISES, CLASS OF 1997

Sunday, May 18, 1997

Nob Hill Masonic Center
San Francisco, California

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(1:33 p.m.)

ATTORNEY GENERAL RENO: Thank you, Mr. Knox.
I'm so very proud to be at Hastings today. In the four
years that I have been Attorney General, I've had the
opportunity to work with a member of your faculty who has
made a major contribution to the Department of Justice,
Professor Rory Little.

(Applause.)

I have been counseled on so many occasions by
the brilliant lawyers who are graduates of this law
school who now work at the Department of Justice. I have
served with Betty Richardson, the very distinguished U.S.
Attorney with the District of Idaho, a graduate of

14 Hastings. I have watched on the fence where students
 15 develop a reverence and a joy for the law at this great
 16 institution and, just today, I met with some wonderful
 17 students who speak volumes for the greatness of this law
 18 school. You come from such a great foundation and I know
 19 that you will use the law well; and I wish you God speed.

20 From this great institution, you will take
 21 memories, you will take friendship, you will take
 22 learning, you will take understanding and new
 23 perspectives that will be with you for the rest of your
 24 life. In these years just recently, I have had a chance
 25 to reach back to my law school days to look at how I

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1 should analyze a problem, how I should form a judgment to
 2 solve it, based on all that I learned in law school. I
 3 have been touched by professors and by deans.

4 At law school in 1960, the dean had the 16
 5 women for dinner one night, 16 out of 544. He asked us
 6 what we were going to do with our law school education;
 7 we were a little taken aback. But that dean encouraged
 8 me, even with handwritten notes, when I did well. He
 9 supported me, not just at law school, but in the 30 years
 10 that followed, whenever I saw Dean and Mrs. Griswold.
 11 They always knew what I was doing and they always gave me
 12 encouragement.

13 As the President considered my nomination, Dean
 14 Griswold said he thought it would be a good idea. And
 15 it's a wonderful, wonderful occasion when I was able to
 16 look at him and answer what I'd done with my law school
 17 education.

18 So draw strength and wisdom from this wonderful
 19 faculty and this wonderful institution and let us
 20 together consider what you should do with your law school
 21 education. First of all, enjoy the law. I love lawyers
 22 and I love the law; I just don't like greedy, indifferent
 23 lawyers.

24 The law provides you variety that few
 25 professions give you. It provides challenges that

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1 stagger the imagination and convert vanity to prayer; it
 2 provides a view of life, its joys and its tragedies that
 3 is better than any book; and it provides an opportunity
 4 to serve others.

5 Use the law to serve others by solving their
 6 problems, whether you choose to be the corporate general
 7 counsel or a lawyer advising a person who makes \$35,000 a

8 year on how to solve their aging parents' complicated
9 social security problem. But, whether you're a legal
10 services lawyer advising a lady in poverty about what to
11 do about her recalcitrant landlord, solve the problem
12 first. Too often, lawyers do battle without solving the
13 problem. Too often, they make the momentary best deal
14 without looking to the long-range interests of the
15 clients.

16 Let me give you an example of what I mean. Too
17 often, the prosecutor comes upstairs from court,
18 triumphant because they've gotten a conviction, gotten a
19 sentence for five years that fits the crime; but others
20 know that one or two years will be all that's served,
21 that there will be no treatment for the drug problem that
22 caused the crime in the first place, no job skill that
23 will help reintegrate that person into the community, and
24 that that person will become part of a revolving door. A
25 prosecutor has more to do, to speak out, to work with the

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1 community, to ensure punishment that fits the crime, to
2 ensure opportunity after the punishment.

3 The public defenders too often think they've
4 won the battle when they come upstairs triumphant on a
5 motion to dismiss or a motion to suppress yet at the same
6 time knowing that their client is suffering from a crack
7 addiction that is a worse bondage than any prison we can
8 provide. We have got to do more.

9 But all lawyers, not just those in the
10 criminal justice system, all lawyers, have an obligation
11 to do more. But, if they don't care about their
12 obligation as lawyers, they've got to think about it in
13 the greater sense of humanity.

14 As a prosecutor, I would pick up a pre-sentence
15 investigation of a 17-year-old whom I had just convicted
16 of an armed robbery. I would see, in that pre-sentence
17 investigation, five points along the way where that child
18 could have had something happen that could have avoided
19 the crime in the first place, made him a productive
20 member of the community, and probably have found them in
21 college or on their way to college at that point.

22 Last week, in Madison, Wisconsin, I went to a
23 detention facility and spoke with 13-year-old detainees,
24 all juveniles. I asked them, "What is needed?" "What
25 would have been necessary to have prevented the problem

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1 in the first place?" And they talked about the need for
2 after-school programs and something to do during the long
3 hours of the day when they are unsupervised and alone.

4 Doctors took me to our public hospital to try
5 to figure out what to do about crack-involved infants and
6 their mothers but they soon taught me that the first
7 three years of life are the most formative, that that was
8 the time when the child learned the concept of reward and
9 punishment and developed a conscience.

10 What good are all the prisons we build going to
11 be 18 years from now if a child doesn't have a conscience
12 and doesn't understand punishment?

13 (Applause.)

14 What good will the great educational
15 institutions be for all America if we do not have an
16 educational foundation that is strong and firm? Lawyers
17 across this country should be dedicated, both in their
18 practice and in public and community service, to making
19 sure that the children of America have appropriate
20 preventive medical care, that the children of America
21 have appropriate child care in those formative years of
22 zero to five, that the children of America have
23 educational opportunities that can match the challenges
24 of the 21st century, that the children of America learn
25 skills that can enable them to earn a living wage.

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1 (Applause.)

2 Now, just in one day, I've had too many
3 graduates who are going to be litigators to know that I
4 can't tell you to put down your pleadings and lay down
5 your motions and close your books and leave your practice
6 behind. But there is so much that we can do, in working
7 with the city council, with the legislature, and with
8 congress, to approach this issue in a bi-partisan, non-
9 political way based on common sense by which we create
10 structures and processes in our legal system that can
11 protect our children.

12 If senior citizens can get legislation passed
13 that gives them proper medical care at the age of 70,
14 surely the lawyers of this nation can take the lead in
15 seeing that our children are protected as well.

16 (Applause.)

17 I've seen a senior partner serve on the
18 children's services council; I've seen another senior
19 partner tutor a child who doesn't have a family; I've
20 watched young associates be guardian ad litem; I've seen
21 so much done by lawyers who care while, at the same time,

22 I've watched them pursue their particular calling in the
23 law.

24 But it's not just in the criminal justice arena
25 that we have much to do. Too often, lawyers just do

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1 battle in the civil arena without solving the problem;
2 they litigate at all cost. And what are the costs? A
3 matter not resolved for four years because a lawyer
4 wanted to litigate, dollars that were spent in a
5 litigation ate up the recovery so that the litigant
6 had little left, and the trauma of litigation.

7 I will long remember a case that fascinated me
8 in law school, *Cashon v. Bascon* in One Southern 2nd, one
9 of the great cases in the evolving law of the right of
10 privacy. About 25 years later, I met the lawyer
11 responsible for that great decision and I said, "Ms.
12 Case, that was a brilliant, brilliant effort." And she
13 looked at me with cold, blue eyes and said, "I made a
14 great mistake; I put my client through hell just for
15 legal principle. I should have worried about my client.
16 Remember your client."

17 I think Abraham Lincoln said it best,
18 discourage litigation, persuade your neighbors to
19 compromise whenever you can, point out to them how the
20 nominal winner is often a real loser in fees, expenses,
21 and wasted time. As a peacemaker, the lawyer has a
22 superior opportunity of being a good person. There will
23 be business enough.

24 How do you do it? Be prepared to try the case.
25 We still have a need for great trial lawyers because you

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1 can't negotiate a case, you can't solve a problem unless
2 people know that you're not afraid to go to trial. Learn
3 how to value a case and what it's worth. Too many
4 lawyers litigate without understanding the economics of
5 what they're about. Learn how to negotiate.

6 I had Roger Fisher for civil procedure at
7 Harvard Law School and no one had ever heard of teaching
8 people how to negotiate. We've come a long way. Use
9 those tools, use mediation and other forms of appropriate
10 dispute resolution, take these skills then, not just to
11 the courtroom, but take them to the community and do as
12 the young lawyers in San Antonio have done and teach
13 children how to resolve their conflicts without knives
14 and guns and fists. You can do so much if you use the
15 tools of common sense to solve your clients' problems.

16 But one of the major problems in America must
17 be faced by every lawyer in America. Too many Americans
18 do not have access to a lawyer and to justice. Each
19 year, we graduate more lawyers and yet there is a
20 tremendous and growing segment of our population who
21 cannot afford the legal assistance they need. It is
22 estimated that 60 percent of the poor and the working
23 poor in this country do not have access to the legal
24 system.

25 We create such great expectations of

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1 constitutional rights, of civil rights, and yet we
2 deliver too few of these rights to reality. As a
3 consequence, for too many Americans, the law is worth
4 little more than the paper it's written on. And these
5 people become alienated and bitter and fray the structure
6 of democracy. All of us have a responsibility to solve
7 this problem. We must begin to work together as a
8 profession to match deficit with resource and make the
9 law real for all Americans.

10 I have been so impressed with the opportunities
11 Hastings provides for its students who are interested in
12 public service. You use the public interest
13 concentration and clinical programs to get students into
14 real settings and I understand that some of you
15 participated in a graduation ceremony on Friday for
16 having gone through the public interest law program. You
17 set an example for all law schools by what you have done.

18 (Applause.)

19 How do we make the law real? First of all,
20 let's simplify it; let's use small, old words so that our
21 clients understand what they mean and can use the law
22 without having to come to us all the time. Let's make
23 government more user-friendly so people don't have to get
24 litigants and lawyers to litigate against their
25 government because the government provides complicated

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1 forms and processes. Make a commitment to pro bono
2 service; choose your firm based on their pro bono policy,
3 not how much they're going to pay you -- (Applause.) --
4 organize your firm or office so it can better deliver pro
5 bono service.

6 We have developed a pro bono program at the
7 Department of Justice and it is remarkable to see the
8 reward that young lawyers receive from this program.

9 Support legal services programs. Democracy's success
 10 depends on the popular will that, if a significant
 11 portion of the population is alienated because of lack of
 12 access to the system, it undermines our democracy.

13 (Applause.)

14 Consider public service, maybe not all of your
 15 career but at some point.

16 Now I understand that sometimes it's difficult.
 17 I've been cussed at, fussed at, and figuratively beaten
 18 around the head but there is nothing more rewarding than
 19 public service. An example, to go with the President of
 20 the United States to South Carolina to dedicate a new
 21 church, replacing the one that had been burned in an
 22 arson and to have a lady burst through the lines and give
 23 me a big hug and say, "Janet, I haven't seen you since
 24 Miami. You got me child support while you were State
 25 Attorney in Miami and I want you to see the two boys you

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1 helped." And two grown young men smiled down at me.

2 Those are the moments you never forget.

3 (Applause.)

4 And, as we are attacking our problems, we have
 5 got to do all that we can to heal the divisions caused by
 6 intolerance and bigotry, to heal the youth who is angry,
 7 to welcome the immigrant, to cross the racial divide. We
 8 need to speak out against prejudice and hatred wherever
 9 we find it.

10 (Applause.)

11 Haters are cowards and, when confronted, they
 12 usually batten down. But too often we let them become
 13 entrenched before we speak out because we are too busy or
 14 we don't want to be involved, it's not our problem. Hate
 15 and the turmoil it causes is everybody's problem.

16 In our own generation, we have been remarkable in our
 17 progress, in our efforts to bridge the gap between our
 18 ideals of freedom, equality, and justice and the harsher
 19 realities of our daily experience. But we cannot say
 20 that we have completed our work when, today, African-
 21 Americans and Hispanics and, in many cases, women still
 22 have a harder time renting an apartment, getting a job,
 23 or obtaining a loan. We've not completed our journey
 24 when the unemployment rate for African-American males is
 25 still twice as high as it is for white males. Even

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1 college-educated African-American, Hispanic, Asian-
 2 American men and women of every race and ethnic

3 background are paid less than comparably-educated,
4 comparably-trained white men. That's not right.

5 (Applause.)

6 Worst of all, reports of violent hate crimes
7 against minorities, Jews, gays, and lesbians are far too
8 high. If some of the church fires are any indication,
9 hate itself has become more brazen.

10 Old habits die hard, attitudes change slowly.
11 We must do more, much more, to open the doors of
12 opportunity so that every American can share in and fully
13 contribute to America's magnificent bounty. Too often,
14 we live in our insular worlds with each of us enforcing
15 our own voluntary racial separation. We pass each other
16 on the streets or in a shopping mall but we don't connect
17 as individuals. With this separation, we cannot have
18 understanding of the views and the perspectives of
19 others. We risk not learning of the wonderful, wonderful
20 racial, ethnic, and cultural traditions that make this
21 country strong.

22 I don't have to tell you the value of diversity
23 because you have experienced it here at Hastings. Half
24 the students of the law school are women and almost 40
25 percent are minorities. But I am concerned that, in the

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1 wake of Proposition 209 and the debate on affirmative
2 action, that future classes won't be able to benefit from
3 such a rich mixture of students. We have only to look at
4 the effect of the Hopwood decision in Texas. There,
5 minority law school applications to the University of
6 Texas plummeted and, with 80 percent of next year's law
7 school class admitted, only five African-American
8 students have been admitted to UT at Austin compared to
9 65 in the entering class this year.

10 Here in California and across the nation, there
11 is another threat to tolerance and understanding and that
12 is the growing development of anti-immigrant sentiment.
13 There is a tendency to find in new arrivals a new
14 opportunity for scapegoating.

15 One of my first childhood memories is of my
16 father describing his arrival in the United States from
17 Denmark when he was only 12. He spoke only Danish, not
18 one word of English and people teased him about his funny
19 clothes and his funny language. He never forgot that.
20 But, four years later, he was the editor of the high
21 school newspaper writing beautiful English. He went on
22 to become a reporter for the Miami Herald. He always
23 made clear to me that this nation had done so much for

24 him and for his children and that we must always honor
25 this country's tradition as a nation of immigrants.

15

1 (Applause.)

2 We cannot let demagoguery carry the day. While
3 immigration is a complex and a compelling area of public
4 policy, we must not let the public debate be ruled by
5 divisiveness and fear. Our immigration policy is not
6 about fear of those from other countries, it is not about
7 the color of someone's skin or the native tongue or
8 cultural tradition or accumulated wealth of others, it is
9 about upholding the rule of law in a fair, respectful
10 way.

11 America is an ever-changing place. We must
12 continue to be a society that celebrates our differences
13 while embracing our unique ethnic identities. We cannot
14 permit the narrow-minded to deny that we are a multi-
15 cultural society, as we have always been. Every person
16 is diminished when any one of us, on account of color or
17 accent or where we were born, experiences anything less
18 than the full measure of his or her dignity and privilege
19 as a human being.

20 (Applause.)

21 But sometimes problems don't get solved by
22 problem-solving. Lawyers must be ever-vigilant and
23 always willing and prepared to use the law as a shield to
24 protect against hatred, to protect against bigotry, and
25 to correct the wrong.

16

1 For as long as I live, I will always remember
2 the case of James Joseph Richardson, a man who had been
3 prosecuted, convicted, and sentenced to death for the
4 poisoning death of his seven children 21 years before.
5 The Supreme Court had set aside the death penalty so he
6 escaped that but he had always maintained his innocence
7 and the governor of Florida asked me to go to another
8 jurisdiction to reinvestigate his case. I concluded that
9 the evidence was insufficient to have charged him
10 originally, that it was clearly insufficient now, and
11 that he should go free. And I so advised the court and
12 the court so ordered. For as long as I live, I will
13 always remember that man walking out of that court house
14 a free man for the first time in 21 years.

15 Be prepared to try the cases, be prepared to
16 file the actions, be prepared to use the law to achieve

17 justice for all.
18 (Applause.)
19 But some will turn from the challenge of
20 problem-solving and protection, and even lawyers will do
21 that. They will throw up their hands and say, "I'm just
22 one person; I can't make a difference." Yesterday, in
23 the East Bay area, a reporter asked me, "Whenever I come
24 out here..." she said, "...the problems seem so
25 overwhelming; it seems like we can't do anything." Every

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1 one of us can make a difference.
2 Yesterday, in the East Bay area, I saw
3 grandparents who were parents-on-patrol; I watched
4 coaches coach a little league team, they had been doing
5 it, week in, week out, for years and the students that
6 they had coached were now coaching with them as parents
7 who cared. I saw teachers and police come together in a
8 community where I had been before. Every one of us can
9 make a difference, because they had made a difference in
10 Lockwood Gardens.

11 Let us leave here today as lawyers, new
12 graduates, senior partners, and Attorney General and, in
13 answer to the question: What will I do with my law
14 school education?, let us answer by resolving anew to use
15 the law in the right way to make a difference in this
16 world, to serve and to protect the people, and to never
17 give up trying our very best to secure peace, liberty,
18 and justice for all.

19 God speed to you all.

20 (Applause.)

21 (Whereupon, at 1:57 p.m. the address
22 concluded.)
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C E R T I F I C A T E

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4 This is to certify that the attached
5 proceedings in the matter of:

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7 Name of Proceeding:

8 COMMENCEMENT ADDRESS OF ATTORNEY
9 GENERAL RENO FOR HASTINGS
10 COLLEGE OF THE LAW, UNIVERSITY

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OF CALIFORNIA

Docket Number: N/A

Place of Proceeding: SAN FRANCISCO, CALIFORNIA

Date of Proceeding: May 18, 1997

were held as herein appears, and that this is the original transcript thereof for the file of the Department of Justice taken by me and, thereafter reduced to typewriting by me or under my direction, and that the transcript is a true and accurate record of the foregoing proceedings.

Margaret Devers