University of Chicago Law School
Graduation 2015

Remarks of James B. Comey, ’85
Director of the Federal Bureau of Investigation

I loved going to law school here. I was very fortunate to go to law school here, and I mean that in two different senses.

One, I was very lucky to get in—that’s not false humility, that is fact-based humility. That is LSAT-number, GPA-based humility. I was on the margins. In a post-U.S. News world, I’d have been dead. But I was wait-listed. So I came to visit this great place with my girlfriend, now the mother of my five kids and my beloved wife, and we walked around, and she said, “You know, I can picture you here.” So we went over to the Law School building and she told me, “Go in and ask to speak to the dean of admissions.” I said, “Are you out of your mind? That would be embarrassing, I’m not doing that.”

So she sat down on a bench right by that statue that I’ve never quite understood, the black one, and she said, “I’m not leaving until you go in there and let them come to know you.”

So I went in, I talked to some nice lady, and I said, “Is the dean of admissions, Dean Badger, available? I don’t have an appointment.” She had me wait, and I waited a long time. Then I met a remarkable man, and we had a great conversation, and then I left. Shortly thereafter I was admitted to the University of Chicago Law School.

Dean Badger in those days, rumor had it, and I think it’s fact, kept in his pocket what he called the number of “professional promise” admittances—people he thought might work out in their careers. He would take those people on the bubble. I was extremely, extremely fortunate to have met him and to have had this opportunity.

Fortunate in a second way, because this changed my life. I am a better person, a better thinker, a better lawyer, a better leader, for having gone to this great law school; for having professors who pushed me, who insisted on scrubbing my thinking; and to be surrounded by classmates of decency and of rigor and of fun. This place changed my life.

What I thought I would do is, very briefly, because I’m having flashbacks to the 30-years-ago humidity in this place—they did not have fans back in the day—I want to share with you just two brief reflections from my career in public service that I hope are useful to the graduates. Then I want to close by saying a brief word about why public service means so much to me, and why I hope you’ll give it a shot.

The first reflection is that judgment is an extraordinarily valuable and rare commodity, and that it is different than intelligence.

Intelligence is the ability to solve a riddle; to master an equation; to nail a set of facts. Judgment, which is far more rare, is the ability to orbit that set of facts, that answer, and see it through the eyes of others—to move it in place and time, and see it as it might be seen in a different courtroom, in a different venue, by very different people. It’s the ability not to graph something that’s complicated—that’s intelligence—but to look at that graph and say, “Here’s what this means,” and how people will react to that.

I hire for it. I promote for it. I believe it is essential to the responsible exercise of power. It is extraordinarily valuable and rare.
People with good judgment listen carefully, with a sense of humility and a constant knowledge that they could be wrong—that there could be another fact that I don’t know, there could be a better argument I haven’t thought of. They are people who have internalized some advice that Mark Twain gave: “It ain’t what you don’t know that gets you into trouble. It’s what you know for sure that just ain’t so.”

Where does this come from? I think it mostly starts with your family—with the way you were raised. Then it comes from making mistakes and seeing how people react to it: “Oh, I did this and that really ticked people off. Got it—gotta remember that.” It comes from trying to develop emotional intelligence—to see the world outside the trap that is you; to see the world through the eyes of people of very different perspectives.

There’s another way in which it is nurtured: by the experience you’ve just gone through. Think about what you’ve just done for the last three years. It’s probably too soon, it’s too raw, but think back to what you have done.

You have looked for facts, you’ve sorted facts, you’ve grouped them, you’ve tried to reason from them; you’ve tried to understand motives and biases. You’ve tried to understand what’s known, what’s not known; how would this conclusion change in a different place and time?

You’ve tried to confront unspoken assumptions. You’ve tried to understand alternative explanations. And you’ve asked, and been asked by your professors, “How sure are you of that? Where do you stand with respect to that conclusion?”

Most of all, you have learned, whether you know it or not, to instinctively mentally operate in an adversarial environment—in a cauldron where everything you conclude, everything you see, will be criticized, will be cross-examined, will be ridiculed, will be rebutted.

People who have learned that way, who have practiced that discipline, instinctively have a courtroom in their mind. They’re instinctively able to travel in time to the future. They ask themselves, “How sure am I, and what might make this different?”

That was drilled into you by great professors. You have spent three years orbiting facts and traveling in time, whether you recognized it or not. That is a great gift. It is a down payment on judgment—but it is just a down payment.

Judgment is something that must be nurtured. Believe it or not, there’s the occasional person who gets out of here and doesn’t demonstrate great judgment in the rest of their life. It requires constant attention, it requires continuing humility, and it requires balance in your life.

The ability to orbit a situation—to exercise judgment—is materially assisted by stepping away from your work. By getting away from whatever it is you’re focusing on, by doing whatever you do, whether it’s kickboxing or...
kayaking or reading. It allows you that physical distance to refresh, and to better orbit a situation and exercise judgment.

Let me put in another plug, for sleep.

I’ve always known it was important to sleep, but now we’ve got lots of great science. What’s going on while your brain is off-line one-third of every day? The neuro-chemical process of judgment. Your brain is mapping the data you took in during the day—making connections, laying it down, to form your basis for deriving meaning and having perspective. Sleep.

And one last piece: Love somebody. This great hall is filled with people who are called your loved ones. There will be many others in your life. They are called that because you are supposed to love them.

There is a danger in the life of a lawyer: it’s “get-back-itis.” It’s the sense that “I’ve got this thing to do, so I will get back to …” fill in the blank: my kids, my girlfriend, my boyfriend, my parents, my siblings, the people I care about—I’ll do this thing, and then I’ll get back to it.

There is no getting back. They will not be there when you turn to go back. You must fight to achieve a balance in your life. You must fight for the space to love somebody. It’s the right thing to do, and very good for protecting judgment. It refreshes you mentally, refreshes you physically, allows you to orbit in a better way. So please love somebody.

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The second reflection, very briefly, is that the ability to say “no,” particularly under great pressure, is essential to the life of a lawyer—especially one working in public service. This reflection is aimed mostly at lawyers who work in government, but I think it is relevant no matter what kind of law you are going to practice. Frankly, the ability to say “no” in a good way is important if you’re going to raise children as well.

It can be very, very hard to be a conscientious attorney working in government, especially when it comes to counterterrorism or war fighting. It is not because you won’t work with great people. You will. You will work with people who spend every single waking hour trying to protect people and to save lives.

It will be difficult, instead, not because of the people, but because the stakes couldn’t possibly be higher. Because you’re likely to hear these words: “If we don’t do this, people will die.” You can supply your own this: “If we don’t collect this type of information,” “If we don’t extend this authority,” “If we don’t use this technique”—“people will die.”

It is extraordinarily difficult to be an attorney standing in front of the freight train that is the need for “this.” Those lawyers standing on those tracks don’t want people to die. In fact, they have joined organizations, they have taken oaths as part of those organizations, for the very purpose of saving lives.

But it’s not that simple—although during times of great crisis, at times of great threat, it can surely seem very simple. But lawyers know—or should know—better than anyone, that it’s never that simple.

At the outset, lawyers know what you’ve just spent years learning: we are a nation of laws. You have chosen a profession that internalizes that truth. And when you join the government, you not only have been trained to
understand that the rule of law is the bedrock of this great nation; you took an oath to support the Constitution of the United States.

Lawyers know that there may be agonizing collisions between the duty to protect and the duty to the Constitution and the rule of law. When they encounter those moments of collision, and they will come, I hope those lawyers are aided by judgment—by an ability to travel in time and picture the future, to transport themselves to another place, in front of an imaginary fact-finder, in an environment very far from the storm of crisis and tension, and look back on the decision they’re about to make.

They will be aided immeasurably by the judgment you have spent years developing and that I hope you will nurture.

They must be able to imagine that they won’t be alone in that future calm, well-lit room—a room blazingly lit by hindsight. With them will be the reputations of their great institutions that will be harmed for years by scandal and abuse of authority.

That lawyer is the custodian of a great deal: the custodian of a personal reputation, for sure; but more importantly, the custodian of institutional reputation, and most importantly of all, the custodian of the Constitution and the rule of law. That lawyer must never, ever lose sight of the obligations of that custodian.

It is the job of a good lawyer to say “yes.” It is as much the job of a good lawyer to say “no”—and “no” is much, much harder. “No” must be spoken into a storm of crisis and tension, with loud voices all around, and lives maybe hanging in the balance. And it must be spoken in competition with the voices of other lawyers who may not have the courage to echo it.

It takes more than intelligence, more than a sharp legal mind, to say “no” when it matters most. It takes moral character. It takes judgment. It takes an ability to see the future. It takes an appreciation of the damage that will flow from an unjustified “yes.” It takes an understanding that, in the long run, government under the law is the government so many have died for.

Those are my two reflections about judgment and about the importance of “no.” Let me leave you briefly with some words about public service.
I have left government service twice. Each time it left a hole in my life.

The first time is when I moved from New York with my family to Virginia and there was a hiring freeze, and I couldn’t get into the government. So I went to a law firm, a big law firm, and they brought me matching furniture, which I had never experienced before. I had a parking space, they made me a partner, and I was making good dough, and I was living in a nice place, and I had colleagues that I liked—and there was something missing.

It was my wife, Patrice, who noticed it first. She said, “What’s wrong with you?”—something she says in all different contexts. She said, “What’s wrong with you? We have a five-bedroom colonial we paid $252,000 for. We’ve got great schools, you’ve got a great job. You’ve got matching furniture. What is wrong with you?”

And I said something that seems obnoxious and corny, but I said, “You know what it is? I miss having a job with moral content. I miss getting up in the morning and being part of trying to do something good for other people.” Once you have done that, it becomes addictive.

Now look: public service can be very hard on your credit cards and a lot of other things. It can be even harder when you look over at friends and colleagues who are making all kinds of dough, and making it in jobs that are “prestigious.”

But at times like that, I hope you will remember words like those that Albert Einstein spoke. He said this to young people: “Try not to become a person of success, but rather try to become a person of value.”

If those friends making all that dough in those prestigious jobs never take the chance to represent the poor, or to protect old people from predators, they may have found success, but they will have missed real value—and that’s a tragedy.

The many personal responsibilities of life can make it hard to do public service and can make it very hard to do for an entire career. But I quietly ache for my classmates who never even tried it when they could have, or don’t stay with it when they could afford to, because of the siren song of some prestige.

Augustine wrote, “Human honor is . . . smoke, which has no weight.” It would be an awful thing to get to the end of this short life and realize you have accumulated the smoke of success, but nothing of real value.

Let me close with my most depressing piece of advice for you, which is that you periodically imagine yourself about to die. I hope in your imagination—and in reality—you are old and gray. From that vantage point, look back and ask this question: “Who do I want to have been?” Because if you ask it that way, the stuff that obscures your view, living life in the normal way forward—human honor, prestige, money, cars, houses, boats—all of that stuff is stripped away, and what matters comes into view.

Everybody’s answer will be different. For me, the answer is, I want to have been somebody who had quality relationships with the people around me. I want to know my children, their children, and God willing, my children’s children. And I want to be somebody who, with whatever gifts I have, with the great training I got, if I had the chance, took it to try to do something for people who needed me. The rest is smoke.

Whether you see it now or not, this great university, this amazing law school, has prepared you well to see through the smoke and to be people of value. I hope you find work you love. I hope you live lives filled with laughter and joy and the love of those around you. And I hope you continue to be part of this extraordinary Chicago family.

Congratulations and good luck.
Remarks of David A. Strauss
Gerald Ratner Distinguished Service Professor of Law

Thank you, Mike, for that very generous introduction. As Dean Schill said, this is his last graduation as the dean of our law school. But great leaders of institutions do work that lives on after them. All of us here today—we’re all members of the law school community—will always be very much in Mike’s debt for everything he has done.

But this day is about celebrating you—all of you who are graduating, your families and friends who are here with you today, in person or in spirit, and have been with you throughout. People who graduate from this law school, without exception, have been so successful in so many ways that it would be easy for you, I think, to take your achievements for granted—as something you’re accustomed to—and to think your success is not a big deal. But what you’ve accomplished is a big deal. So I hope, while you’re in the middle of all the events, and of looking after your guests, and of all the arrangements and the celebrations, that you take a second to reflect on how much you’ve accomplished both here and in your lives so far.

Now I’m sure this is not the end of your success. You’ll do more great things in the future, too. But for nearly all of you, this is the end of at least one chapter of your lives, because this is probably your last graduation. Some of you have been in school for as long as you can remember; others of you have spent some time, maybe quite a lot of time, doing other things. But for all of you, now, school’s out—probably, school’s out forever. Maybe you haven’t thought of yourself as a kid for a while, but now, for sure, you’re not kids any more. You’re lawyers, or at least you’re going to be working with the law in some way.

So let’s think about something that was said by Charles Lamb, who was a late-18th and early-19th-century English poet and essayist. He was born and raised around lawyers and seems at times not to have had a high opinion of them. Charles Lamb said: “Lawyers, I suppose, were children once.” You get the idea. Being a lawyer is more or less the antithesis of being a kid. Children are carefree and full of life and energy and promise. Lawyers are cynical, jaded, overworked, joyless, beaten-down drones. That’s the image, anyway.
Well, here’s the thing. If that’s what Charles Lamb meant, I think he had it backwards. I think if you want to be a successful lawyer, successful both in your profession and in your life, you have to keep the kid inside of you alive. Part of this, actually, has to do with the law itself. When my own daughters were little, it occurred to me that you could teach the entire first-year law school curriculum if you spent just one nerve-racking afternoon with them. There’s “Daddy, you promised!” That’s contracts, of course. Then there’s: “She hit me.” “It was an accident!” “I don’t care.” Torts, right? Intentional torts, negligence, strict liability. “I’m telling,” a fair approximation of criminal law. “That’s mine. Give it to me!” That’s property. “Be quiet. It’s my turn to talk.” The essence of Civil Procedure. And, although it’s not a first-year course here, there’s my own main subject, Constitutional Law: “No fair!”

Now obviously if it were all that simple, your legal education would have looked a lot different. You wouldn’t have had to put up with us on the faculty, and getting called on, and all the exams and papers. And, more seriously, I don’t have tell you that the law has its share of perverse or weird or even destructive features. But we can’t let that obscure the fact that the law is ultimately about trying to make sure that people’s lives are improved and that people are treated fairly and decently and respectfully in ways that even children understand. So while the law might be complicated, the highest ideals of your new profession are really not so complicated after all. And one way to honor those ideals is to make sure you do what lawyers can do, maybe better than anyone else, which is to stand up to the bullies and the thoughtless or abusive authority figures, because, as you know, bullies show up in adult life just as surely as they do on the playground.

The second thing that being a lawyer has in common with being a kid has to do with curiosity. I think law is a great profession for curious people. You can’t do your best for your clients if you don’t understand what they’re doing, and clients do all kinds of things—some of them interesting in a not-so-good way, in the sense of, “hmm, well, that’s, um, interesting”—but some of them just plain interesting. Depending on what you do as a lawyer, you might deal with software engineering one day, health care the next day, and a municipal zoning dispute after that. You can engage with questions that are not strictly legal—policy and strategy questions in the government, or in business, or in the not-for-profit sector that might be really difficult but are not boring.

Or you might specialize in a field and learn so much about it, in a short time, that you can work side by side
with people who’ve spend their careers in the area. And if you represent people who have not had the privileges many of us have had, you might find that you learn things from them in ways that you never would have imagined.

Being open to learning things and, if need be, looking for new ways to take advantage of the opportunities a legal education offers you to find things that will keep you curious, and keep you interested and inquisitive, like a kid—that’s a way of making sure you’re not one of the people Charles Lamb warned us about.

Then there’s a third part of your inner kid that you should never leave behind. That’s the part that asks questions, and asks questions without worrying about whether the alleged grown ups will think the questions are naïve or embarrassing. All of us who teach have had the experience of people coming up after class and beginning by saying “this may be a stupid question, but . . . .” When you hear that, actually, it usually means that it’s a pretty good question, because it’s coming from someone who has been thinking hard and for whom something is just not clicking, and that means, if you’re a teacher, you have to explain it better.

One of the most important things we hope you’ll take away from here really has nothing to do with learning a lot of law: it is being willing to ask a question when things aren’t quite clicking—being willing to ask the question that no one else is asking because they’re afraid to ask the “stupid question.” If something is nagging at you, something that doesn’t seem to make sense, something that just seems wrong, something everyone else in the
room is assuming but you don’t understand why they’re assuming it, do what a kid would do: ask why. I think it’s actually not an exaggeration to say that a lot of misfortune in human history could have been avoided if only grown-ups had been more willing, like kids, to ask questions without being afraid of looking dumb, or naïve, or like someone who is not a team player.

So school’s out, and you’re not kids. But moving on doesn’t mean leaving everything behind. It means keeping alive what is best from your past, best from here, I hope, and the best from other phases of your lives. And, yes, we were all children once, and, in the right ways, I hope we always will be. Good luck to you all, and the warmest congratulations for everything you’ve done and everything you will do.