Thank you, Dean Miles, fellow alumni, and distinguished guests. Most importantly, congratulations to you—the graduates—and your families.

At the NBA, a gathering like this is called the “Ring Ceremony.” That’s when we honor the previous year’s champions in front of their home crowd, raise their championship banner to the rafters, and present them with their championship rings.

But unlike those rings, most of you earned this award over more than 30 years ago remain affiliated with the school today. To me, that means you don’t just get learning here—you get wisdom.

Your soon-to-be fellow alumni have shaped and continue to shape critical industries like government and politics, academia and business, journalism, and the arts.

As you prepare to join them, I thought I would take this opportunity to discuss an area that is both my profession and my passion: that is, the relationship among sports, society, and the law.

Sports are, in many ways, a microcosm of society.

At its best, sports are also a model for society as we wish it to be: egalitarian, progressive, inclusive, and governed by the rule of law.

And sports are a way of connecting disparate people and nations whose only common bond may be a passion for athletics and games.

So, given my current job, I’ll begin today exactly where you’d expect me to—with ping pong.

When I was nine years old, the Chinese government famously welcomed a group of American ping pong players to the Chinese mainland, where ping pong had long been one of the most popular sports.
The US players held exhibition matches with their hosts, toured the Great Wall, spent time with Chinese students and factory workers, and attended a famous ballet. At the time, it was a huge, global news story. Why? Because these athletes were the first Americans to officially visit China in 23 years.

And what they achieved was a warming of relations that led, a few months later, to President Nixon’s historic trip to China to meet with Chairman Mao, and, ultimately, to the reopening of diplomatic relations between the US and China. “Ping pong diplomacy,” it was called at the time.

Nixon later observed, “I had never expected that the China initiative would come to fruition in the form of a ping pong team.”

Through sports and efforts like these, we can build cultural and political bridges and break down barriers that separate people.

Let me share an example from my time at the NBA. In 2008, at a time of heightened distrust between the US and Iran, the NBA hosted the Iranian Olympic basketball team at our Summer League in Utah.

While the US had no official diplomatic relations with Iran, as part of what the State Department refers to as “People to People” exchanges, I led a delegation of US sports executives and elected officials to Salt Lake City, where we greeted the Iranian team, none of whom had ever been to the United States.

The Iranian Minister of Sport told me before I addressed the team that his players had no familiarity with the NBA, because foreign television channels were not permitted in Iran. And yet, after he left me alone with the team at lunch, each player proceeded to tell me his favorite players and team, express admiration for the great Michael Jordan, and, of course, complain about the officiating.

When I asked how they knew so much about the league, the team captain said, we watch NBA games all the time on pirated satellite signals from Turkey.

The Iranians later returned our hospitality in Utah by inviting a group of players from the NBA’s Development League to play in Tehran.

I’m not sure if this was a precursor to the recent US-Iranian Nuclear Agreement, but at that moment it felt meaningful to me.

Earlier this year, after diplomatic relations with Cuba had been restored for the first time in 54 years, former University of Chicago law professor Barack Obama
attended an exhibition game in Havana between the Tampa Bay Rays and the Cuban National Team. The President commented, “[Sports] can change attitudes sometimes in ways that a politician can never . . . ”

And the reach of sports extends far beyond government-sponsored activities.

Through NBA programs like Basketball without Borders, our players and coaches teach children around the world important lessons about leadership, sportsmanship, fitness, and education.

My wife and I have been fortunate to participate in several of these trips and witness firsthand sports’ incredible impact on youth.

At our annual camp in Johannesburg, the mornings are spent teaching boys and girls from throughout Africa basketball skills as well as the values of the game like teamwork, perseverance, integrity, and respect for others.

The afternoons are spent working in orphanages and impoverished areas like Kliptown in Soweto, where we’ve built basketball courts, libraries, and recreational centers, and have tried to instill a sense of hope and joy.

We’ve also conducted similar programs at schools in Mumbai and at migrant worker villages outside of Beijing. It’s by far and away the most rewarding part of my job.

But there is also a more profound way in which the values of sports and a well-functioning society come together; in both cases, the public’s trust depends upon the rule of law.

At their core, that’s what the rules of competition are—laws.

Laws to prevent unfair advantages and guarantee a level playing field.

The integrity of competition—much like the integrity of society—depends on the even and uniform application of these laws.

And not surprisingly, just like in the rest of society, we haven’t always achieved this ideal in sports.

Consider the life and work of another University of Chicago Law alum, Patsy Mink.

Patsy received her JD from this law school in 1951. She was elected to Congress from her home state of Hawaii in 1965, serving her state and her country for nearly four decades until she died in 2002—and in that time, she changed the sports landscape forever, and, through sports, our national landscape.

When she was in high school, Congresswoman Mink played basketball—but she wasn’t allowed to play full court because her school administrators believed it was too taxing for girls.

After college, she applied to over a dozen medical schools—and was rejected from all of them because of her gender.

After attending this law school, she was passed over for a law firm job because she was a married woman.

So as a Congresswoman in 1972, she cowrote the law that defined her tenure as a public servant, ensuring a woman could no longer be told “no” because of her gender.

That law is now officially known as the Patsy T. Mink Equal Opportunity in Education Act, but it’s commonly referred to as Title IX.

Title IX mandated that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

In addition to its impact on academic education, the law opened the door to equal opportunity for women in physical education and later in professional sports (see the WNBA).

Given that physical activity is linked to a host of positive health benefits, it’s not a stretch to say that Title IX has...
saved countless lives. And it’s certainly the case that Title IX has helped launch a generation of women leaders. *Fortune* magazine recently reported that more than 50 percent of senior-level executive women in the US played collegiate sports.

That brings me to my final point: the highly visible platform associated with sports provides us an opportunity to engage in public conversations around NBA core values of diversity, inclusion, and respect for others.

In 1991, when Magic Johnson announced that he was HIV positive, he began a global conversation about AIDS prevention and treatment that ultimately helped destigmatize the illness and give millions of people hope.

The NBA and its players have also spoken out on issues of race and social justice and most recently on gun violence—an epidemic here in Chicago.

Just a few months ago, the North Carolina legislature passed a bill known as HB2, codifying discriminatory measures against the LGBT community.

The NBA is in the middle of the debate over that law, given that our All-Star Game is scheduled to take place in Charlotte next year.

We are proud to use the power of sports to stand up for others who are not shown the inclusiveness, equal treatment, and respect they deserve.

No one understood how to wield this unique power better than the late Muhammad Ali. When I was coming of age as a sports fan, Ali was in his prime, and no one was bigger than he.

When he fought, the world stopped.

He demonstrated that sports are about something much bigger than the competition on the field, in the ring, or in the arena. When he took a stand on the Vietnam War or racial issues in society, everyone listened. To this day, he is a role model for athletes who want to make a difference in their communities.

When I sat where you are today, I never dreamed I’d have a career in sports. That’s the serendipity of life.

But this school prepared me to succeed in ways I didn’t fully understand at the time, but am deeply grateful for now.

As University of Chicago Law School graduates, you will have countless career opportunities. I hope that some of you will consider applying yourselves to building a stronger, more tolerant, more deeply connected world—just like Patsy Mink.

Thank you again for inviting me to be part of your commencement, and congratulations.
Greetings to the class of 2016, family, and friends.

I would like to begin by allowing myself two brief indulgences. First, I want to take a moment to get a good last look at all of you. I have a very good view. For the past three years, you have made the Law School your law school. But in a little while, you will process out of Rockefeller Chapel, cross the Midway, enjoy some sandwiches and cookies with your loved ones, and then walk out of the Law School into the rest of your lives. It is as it should be, but we will miss you.

And as a second indulgence, I want to take a good look at all those who sit behind and around and even above you; your family and friends, most of whom we have never met, but all of whom we have come to know, through you, the children they have raised; the friends, partners, and spouses they have supported.

It is a great privilege to speak to you today. As your faculty speaker, I get to have the last word. I get to put the finishing touches on your legal education. I want to make sure you leave us, today, with the education we have intended for you, and will carry it with you wherever your law degrees take you.

As you will recall, we told you a very long three years ago that our primary aim was not to fill your heads with information about law (you have BARBRI for that), but rather to teach you a new way of thinking—about law, to be sure, but, frankly, about everything. And while that might have sounded rather peculiar in your first weeks of law school, you all, I hope, now know what we meant.

While I know we have succeeded in our general mission, I sometimes worry that the message gets a little skewed. The easiest mistake people make about legal education, generally, and that you all are in danger of making about your University of Chicago legal education in particular, is thinking that it has taught you to be cynics.

Cynicism is sometimes contrasted with skepticism. Applying this contrast to your unique experience at the University of Chicago Law School, I hope to ensure that we send you off as fully hooded, muscularly skeptical graduates without cynicism.

Let me tell you what I mean by cynicism and skepticism. Cynicism, as I’m using the word, is an inclination to
believe the worst, particularly about human motives and integrity. The term is also used, more generally, to describe an inclination to take an immediate, negative view.

Skepticism, in contrast, is an attitude of doubting the truth about something, an approach that looks to the evidence and demands strong proof before reaching conclusions. It derives from the Greek word (with apologies for my pronunciation) skeptikos, to inquire or to find out, whereas cynical means “dog-like,” a derivation with a complicated, contested history but which nevertheless seems entirely apt today.

While the two approaches have a doubting inclination in common, in many ways they are sharply opposed: Cynicism races toward the comfort of certainty and conclusions, whereas skepticism lingers in the uncomfortable zone of uncertainty and inquiry. Cynicism is lazy, and, worse yet, cowardly. Skepticism demands exhausting ongoing work. And, yes, living in the world of the skeptic demands a certain courage, because it requires you to resist conventional wisdom without the protection of a sneer.

The special seductive attraction of cynicism, for you all, is that it offers the quickest path to looking smart. For whatever reason, being derisive and dismissive scores IQ points in our interactions both professional and personal. We first discovered the power of the smirk sometime in middle school, and it’s a technique most of us keep within too easy reach. The problem with the approach is not simply that it is not nice (though we should care about this too). Rather, the hazard of cynicism that pertains directly to your legal education is that it stands in the way of the pursuit of understanding, a pursuit that is the lifelong project of the skeptic.

So, my simple message: Do not leave here as cynics. Leave here as the courageous, uncertain, truth-seeking skeptics we have trained you to be.

The distinction between cynicism and skepticism (as I have defined the terms) can readily be applied to many aspects of your education and to your future work as lawyers. In my brief remaining time up here, I will give you a taste of what I have in mind by applying the distinction to three things you surely associate with your University of Chicago education: Law and Economics, the fairness argument taboo, and OCI (which, for those of you not up on your law school jargon, stands for “on campus interviewing” for law firm jobs).

First, Law and Economics. Many of you came to the University of Chicago for its exceptional expertise in Law and Economics. Many others of you came to embrace the economic analysis of law while you were here. Others still found the approach alienating, or at least incomplete;
perhaps it did not cover as much ground with as much power for you as it seemed to for some of your classmates and some of your professors.

The legitimate worry of the theory’s detractors is that Law and Economics can formalize a cynical approach to the development of the law. But at its best, the approach enables skeptical thought. Its very insistence on a neutral application of principles, stripped of conventional refrains about values, can inspire a clear-eyed assessment of the assumptions underlying law and policy that might otherwise go untested. I hope you all leave here with great respect for such a powerful intellectual tool, but also a mature resistance to any simple-minded notion about how far it can take you in your development into wise and competent lawyers.

The second University of Chicago tradition I want to run through the cynicism/skepticism sorter is the purported taboo against making arguments that invoke what is “fair.” The dreaded University of Chicago “F-word.” If arguments based on fairness draw from you a roll of the eyes or a smirk, I am not sure you are quite ready to graduate. Please see me after class. If, on the other hand, you recognize that arguing for what is fair is only a starting point, and that the hard work lies in articulating what fairness means and, harder still, convincing others who did not start in the same place that you did that you are right, then congratulations, you are ready to roll up your sleeves and get to work. To be cynical about the importance of fairness and justice to law is unworthy of your University of Chicago Law School education. To be skeptical about easy, unanalyzed equations of “what I already believe” and “what is fair” is essential if you want to have any hope of actually helping to achieve a fairer and more just world.
Finally, your process of searching for a job and deciding what kind of a lawyer you wanted to be. Some of you broke from the path and pursued alternatives—in public service, in international careers, or in business. Most of you went through the OCI process and are headed for firms. I hope none of you have any cynicism about your own choices or about those of your classmates. Being well-trained skeptics, you should know how little any of you know, yet, about the shape your careers will take. And one of the most valuable assets we have given you for your life of skepticism is one another. There is nothing like hearing different views from people you care for and respect to keep you on task in your ongoing, uncomfortable pursuit of understanding. After you disperse throughout the profession and throughout the world, I hope you will learn from one another’s successes and setbacks as you continue to reflect upon the best and happiest use of your prodigious talent.

Am I wishing on all of you the discomfort of a skeptic’s life of uncertainty? I guess I am. But it is a special kind of discomfort I hope you have come to love in your three years here, wherever you found the best, most intellectually rewarding part of your education, whether in the classroom, in the clinic, or the Green Lounge.

We wish you all the best in your courageous, lifelong pursuit of understanding. Congratulations.