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1986]

COMMENCEMENT REMARKS made by Chief Justice Designate
William H. Rehnquist at the Villanova Law School
Commencement May 16, 1986.

Dean Murray, distinguished guests, graduates, and families and friends of graduates. It is a great honor to receive the degree of Doctor of Laws from Villanova University, and I express my thanks to the Board of Trustees for having conferred it on me. It is also a great pleasure to be here with you this morning and speak on the occasion of the presentation of the J.D. Degree to those of you in the Villanova Law School graduating class of 1986. There does seem to be a bit of unfairness when you compare my degree with yours; it has taken me thirty some years of toil in the legal profession to merit Villanova's Doctor of Laws Degree, whereas you have earned your J.D.'s in only three years. But I realize that these three years may have seemed very long to you, and let me now add my congratulations to those of others' on this happy occasion. Now you need only to pass the Bar Exam to be full-fledged members of the legal profession.

I don't know what the average age of commencement speakers is, but I have the feeling that most are sufficiently well along in years so as to be thought to have words of wisdom to offer to the graduating class. I am certainly well enough along in years to meet that part of the standard, and I will leave it to you to judge whether my remarks today partake of wisdom. The advice I am about to offer you may not seem fully in the spirit of the occasion—indeed, you may think of me as something of a specter at the feast for offering it. For the advice I offer you today is this: Do not let the law be too jealous a mistress. Do not let the legal profession totally absorb you. Make certain that the practice of law is not an end in itself, but only a means to some greater end. Make a determined effort to spend a significant amount of your time, day by day and week by week, doing something other than practicing law.

My advice must obviously be applied with a little common sense. I suspect that most of your future employers are not in the audience today, and they will not know that you have been advised to spend only a limited amount of time practicing law. Obviously, you take a job on the terms on which it is offered, and law firms, particularly large law firms, have a habit of putting young

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associates on a very demanding schedule. You will probably have a good deal less choice as to the amount of free time you have left after you've filled the demands of your job in the first few years of your practice than you will later.

But though you must temper the advice with a sprinkling of common sense, I have no doubt from my own experience that the advice is well grounded. Lawyers must learn to spend some time each day, each week, and each year away from the practice of law for a very good reason. There are other very important things in life besides earning a living, even if you earn a living by practicing law, and some of these things can best be done at one time of your life rather than another. A collateral benefit from this sort of "spreading yourself out" is that you may well broaden your perspective and thereby your judgment, and ultimately become a better lawyer as well as a better person for having done so.

Graduation exercises such as these are rightly called "commencement ceremonies" because they celebrate the end of one phase of your life and the beginning of a new one. If you sit down today and ask yourself what you wish to achieve with your life, probably one answer you will give is that you want to be a good lawyer. This is just as it should be. You have worked hard for three years in order to obtain a degree which will enable you to practice law, and it only makes sense that after such arduous work you should want to further develop yourself in your chosen profession.

I defer to no one in my belief that the legal profession is a splendid and satisfying vocation. But if you look at the matter in a little bit larger scope, I daresay you will conclude that being a good lawyer is not all you want out of life. Many of us would say that we have an obligation to God or to our country, to be not just a good lawyer but a useful and productive citizen. But even if the question is put, not in terms of obligation, but in terms of purely hedonistic self-satisfaction, what better hedonistic desire can there be than the ambition to lead a meaningful and enjoyable life? That ambition should include the ambition to be a good lawyer, but it should also include a good deal more. There are some very important things in life which have nothing to do with how you earn your living: how you live with your husband or wife, how you raise your children, how you deal with the people around you, how you serve your community, state, or nation. All of these must figure into the calculus. But quite apart from these sorts of things, you should develop interests which will simply enable you

to enjoy life more. If variety is indeed the spice of life, you will want to make sure that you add some of that spice to your own life.

How you go about doing this is largely a matter of personal taste. If you don't have a hobby, you should develop one. You should set aside enough time to keep physically fit. Literature, painting, the theater, all beckon with their own peculiar ways of enriching your life.

Of course, if you add multitudinous other scheduled events to an already busy practice of law, you can become hopelessly overscheduled; you may have a great deal of variety in your life, but no time to enjoy that variety. You must give yourself time enough not only to *do* a variety of things, but to allow yourself to *appreciate* and *enjoy* what you are doing.

If you do "branch out" as the saying goes, even at the expense of a few billable hours in your practice, you may well find that this branching out pays off for you not only in the enjoyment of life but in making you a better lawyer. Essentially, the skills which a lawyer brings to bear on a legal problem are analytical ability, knowledge of the law, and judgment. Analytical ability can be hired out of law school; it is an extremely valuable talent, but it is only part of the practice of law. Knowledge of the law, particularly in a specialized field, can be gained partly in law school and partly through experience in the specialized areas as a result of your practice. This, too, is a very valuable asset, but it too can be hired.

The third arrow in a lawyer's quiver—the factor of judgment—is the factor that cannot simply be hired on the basis of law school grades or numbers of briefs written or opinion letters rendered. It is a factor that top-notch lawyers have in common with top-notch doctors, top-notch investment bankers, and top-notch performers in all walks of life. It comes, I think, from rubbing shoulders with a lot of different people and from having been exposed to a lot of different situations. The senior partner in the law firm—the "rainmaker"—does not know more about the law than the junior partners or the associates. But he has that indefinable something that makes clients turn to him, not just for an opinion on strictly legal matters, but for his judgment as to how they ought conduct their affairs. This diversity of interests which develops judgment will also help you over some of the rough spots which happen to each of us as we go through life. If you haven't learned it by now, you'll surely learn soon that "into each

life some rain must fall.” Disappointments come to all of us, and we’re tested by the way in which we deal with them. Not all of your aspirations will be fulfilled, and unfortunately the difference between those who succeed in this respect and those who fail is determined as often as not by luck as by skill or perseverance.

One of the most delightful of the events associated with my high school graduation many years ago was the “class play.” The play which we put on thirty-odd years ago was the then popular “You Can’t Take It With You,” written by Moss Hart and George Kaufman. One of the principal characters in that play was Grandpa Vanderhof, an eccentric but lovable old man who presided over a household of equally eccentric people. One of his lines in that play has stuck with me all these years. Towards the end, he says:

How many of us would be willing to settle when we’re young for what we eventually get? All those plans we made . . . what happens to them? It’s only a handful of the lucky ones that can look back and say that they even came close.

Grandpa Vanderhof’s observation is a little on the gloomy side compared to the inspirational tone of many commencement addresses. But there is a lot of truth in it. There are only a very few in any generation of lawyers who can be presidents of General Motors, United States Senators, senior partners in top caliber law firms, self-made millionaires, and the like. For everyone who achieves fame and distinction of this sort, countless others who want it just as much will fail.

But even for those who succeed, success does not always bring with it satisfaction. The poet Edward Fitzgerald in *The Rubaiyat Of Omar Khayyam* said:

The worldly hope men set their hearts upon turns ashes,
or it prospers and anon like snow upon the desert’s
dusty face lasting a little hour or two is gone.

It is no news to most of us that failure is a disappointment, but it will come as news to many of the younger generation that success can also be a disappointment. And it is to buffer oneself against the manifold disappointments of life, whether you are succeeding in your ambition or failing in it, that the development of interests other than your profession is absolutely essential. Do not give up what you can do today—whether it be hike through the woods,

attend a symphony, work in your community, or the like—with the thought that there will be plenty of time for those sorts of things later in life. Unfortunately, there isn't. The moving finger writes and having writ moves on.

The most priceless commodity in one's life is time well spent. Our banking system enables us to travel now and pay later, to work hard during one stage of our life so that we may enjoy the fruits of our labor during another stage. But there is no time bank. You are allotted twenty-four hours in each day, and seven days in each week, and there is no way in the world that you can squeeze one more minute out of any day or one more day out of any week. If you voluntarily slave away for the next thirty years of your life while telling yourself that you will relax and enjoy the years after that, you'll surely be disappointed: your exclusive slaving away at one enterprise will have so stunted your development that the only thing you will be able to enjoy is continuing to slave away.

Those of us in the legal profession—whether we be practicing lawyers, government officials, judges, or teachers, can be thankful that we have a vocation which offers a rare combination of intellectual satisfaction, financial reward, and service to the public. No doubt it is this combination of attractions which caused someone long ago to say that “the law is a jealous mistress.” But even as interesting and challenging a profession as the law should not claim the full measure of one's exertions. Be grateful that you are to be admitted to the profession, then strive to do your best. But also be constantly mindful that life's dramas should be played on a number of different stages, and you cannot possibly do justice to the potential of your own life without sampling not one but several of these productions. As you do this, you'll be surprised to find that new sources of enjoyment arise in your life from some of the places where you would least expect them. Just as long-worked-for success may not give you the satisfaction you thought it would, a venture into an art gallery, onto a playing field, or into a political campaign may prove an unexpected source of satisfaction. None of us can possibly know enough about life to say that we are perfectly satisfied with what we are doing now and want no new horizons at which to gaze. Let your practice of law be the means to the end of a richer and more meaningful life, and you will learn the truth of these lines by the English poet Arthur Hugh Clough with which I shall close these remarks:

And not by eastern windows only,
When daylight comes, comes in the
light;
In front the sun climbs, slow, how slowly!
But westward, look, the land is bright!