

Photographs by Margaret Furniss



Yale Law School

Commencement 2005

May 23, 2005

Weather 55 degrees, mostly cloudy

Opening Remarks Harold Hongju Koh

Commencement Address Kenji Yoshino

Honorary Degree Recipient Bryan A. Stephenson

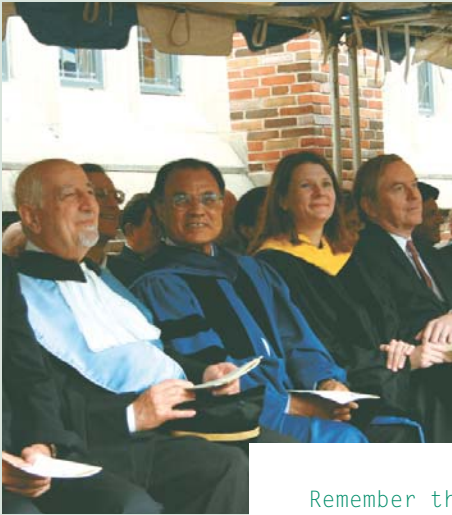
The Class of 2005 231 exceptional individuals

Every age has its reigning discourse, and the reigning discourse of this one is law.

*Kenji Yoshino, Deputy Dean and Professor of Law
Commencement Address, 2005*



The full texts of the speeches delivered at Commencement 2005 and streaming video of the ceremony are available on the @YLS website at www.law.yale.edu.



Remember that practice without theory is as thoughtless as theory without practice is lifeless...accomplishment alone, without humility, is tragic...excellence alone, without humanity, is worthless...Never let your skill exceed your virtue.

*Dean Harold Hongju Koh
Commencement remarks, 2005*



On Commencement day, the *Yale Law Report* caught up with several graduates of the Class of 2005, and asked them what was next. Their answers appear on the following pages.

Maria Burnett

Human Rights in Action

In a stretch of about two weeks, Maria Burnett got married, took her final exams, won an asylum case for a client in her immigration clinic, graduated, and moved to Burundi. This rush of events is no aberration, since she has always preferred to *do* things rather than examine events from a distance.

Burnett took as many clinics as she could at YLS and said, "Clinic work has been a stabilizing force in my life." She was particularly excited that the Allard K. Lowenstein International Human Rights Clinic allowed her "to do legal work on issues all over the

world." Burnett was the Orville H. Schell, Jr. Center for International Human Rights student director in her second year and the Lowenstein Clinic student director in her third year. She organized panel discussions on the Baku-Tbilisi-Ceyhan Pipeline and the genocide in Darfur, among other topics, hoping to motivate people to take action on these human rights issues. "I always wish people would understand more and care more," she says. "But you do what you can."

In the summers, Burnett received a Kirby Simon Summer Human Rights Fellowship and Summer Public Interest Fellowship (SPIF) funds from the Law School to study emerging areas of corporate liability for human rights

violations, to write a report on workers' rights violations in Swaziland, and to work with the Federated States of Micronesia to address the problem of human trafficking.

Her favorite non-clinic class was on legal ethics. "It examined the choices people make in a legal career, how they choose to spend their time, how they think about their self-worth and their clients' worth." Burnett said that as she made her own career choices, "that class was important breathing space."

Burnett decided she could make the greatest difference in a country that has little or no functioning legal system, and she took a job as a researcher with Human Rights Watch in Burundi.



Burnett took as many clinics as she could at YLS and said, "Clinic work has been a stabilizing force in my life."

James Grimmelmann

Studying Law and Technology

James Grimmelmann came to law school wanting to study law and technology and eventually get an academic position in that field.

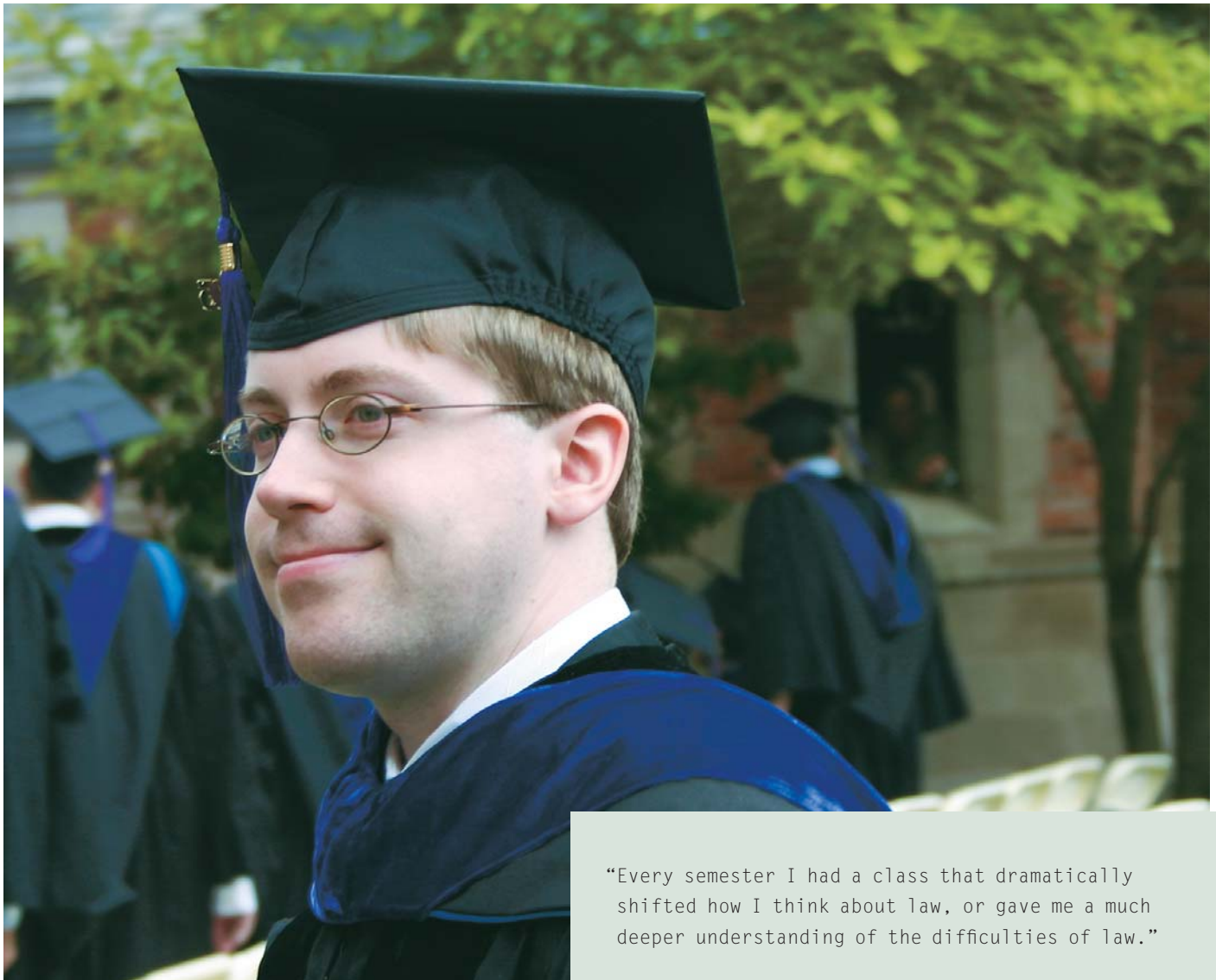
As he reviewed the curriculum, he said, “Every semester I had a class that dramatically shifted how I think about law, or gave me a much deeper understanding of the difficulties of law.” He listed some of the different approaches he encountered: law and economics, cultural analysis, “sympathetic discussions of the role of law in people’s lives,” “systemic stuff,” and “fun stuff.”

Amid this “riot of perspectives,” Grimmelmann maintained his focus on law and technology throughout his major writing projects. His substantial paper examined the legal systems internal to online communities—he calls it his virtual worlds paper. Grimmelmann said, “It grew out of my class in International Business Transactions, actually—treating these large online games as being separate countries.” In his SAW (Supervised Analytical Writing) he wrote about “regulation by software—how we can use software and computers to control human conduct, what you gain and lose by doing that instead of using legal techniques.”

Grimmelmann did step back from his

books and computers from time to time, and he said that he made great friends during law school, especially with some of the people who were in his first-term small group. “I don’t know if it’s random or carefully thought out, but however small group members are chosen, it’s had a great result for me.”

Next year he’ll clerk for a federal judge, but his long-term aim is still to find an academic position in law and technology. He has used his time in law school to good effect by generating a torrent of ideas. “I have a long list of things that I want to get to work on,” Grimmelmann said.



“Every semester I had a class that dramatically shifted how I think about law, or gave me a much deeper understanding of the difficulties of law.”

Shmuel Becher

Israel to New Haven and Back

Shmuel Becher came to New Haven three years ago with his wife and daughter, after completing a law degree in his home country of Israel. His intention was to get a doctorate in law, which would enable him to teach law in Israel.

Becher says his family adjusted quickly to life in the U.S., while he adjusted to American legal education. After completing his LL.M., Becher was accepted into the J.S.D. program and began working on a dissertation with his supervisor, Professor Ian Ayres '86.

"I wrote about standardized agreements or

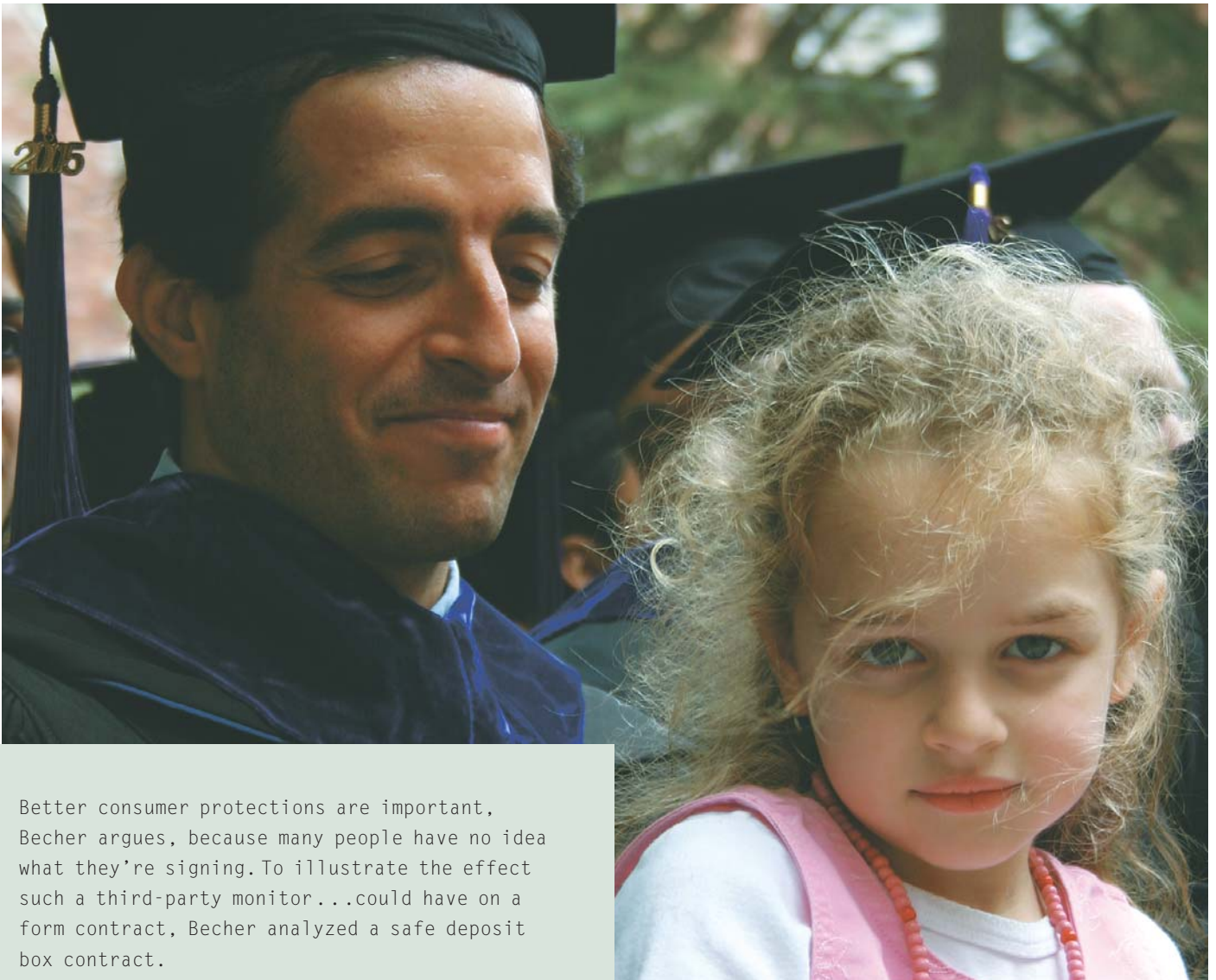
form contracts," said Becher, "all of the preprinted forms that we sign without reading, like when you open a bank account, or you purchase an airline ticket, or you open a credit card account, rent a car, buy a car...."

Becher made three arguments: "First, current approaches to consumer protection problems [with form contracts] are insufficient; second, psychological aspects should be taken into consideration when analyzing the legal issue; and third, we should create some kind of third-party independent body that could review contracts for consumers and approve them."

Better consumer protections are important, Becher argues, because many people

have no idea what they're signing. To illustrate the effect such a third-party monitor—which Becher compares to the Good Housekeeping Seal of Approval—could have on a form contract, Becher analyzed a safe deposit box contract. "I have a safe deposit account," he says, "I read the contract, and I just analyzed it and I pointed out the problems with that contract.... I also suggested how the bank might draft the contract if they want the 'Good Housekeeping Seal of Approval.'"

With his dissertation done, Becher and family are heading back to Israel, where Becher will start teaching later this year.



Better consumer protections are important, Becher argues, because many people have no idea what they're signing. To illustrate the effect such a third-party monitor... could have on a form contract, Becher analyzed a safe deposit box contract.

Candace Jackson

Experimenting with the Law

"I came to law school not knowing what I want to do and I'm leaving not knowing what I want to do," says Candace Jackson. "But I've been able to try a lot of different things."

Indeed, Jackson systematically developed a program of courses that would allow her to sample various areas of the law. She devoted a third of her time to black letter law, a third of her time to different clinical courses (including a clinic she invented for herself: "I went to work at the Yale general counsel's office, because I wanted to see what it's like to work as a lawyer for a university"), and a

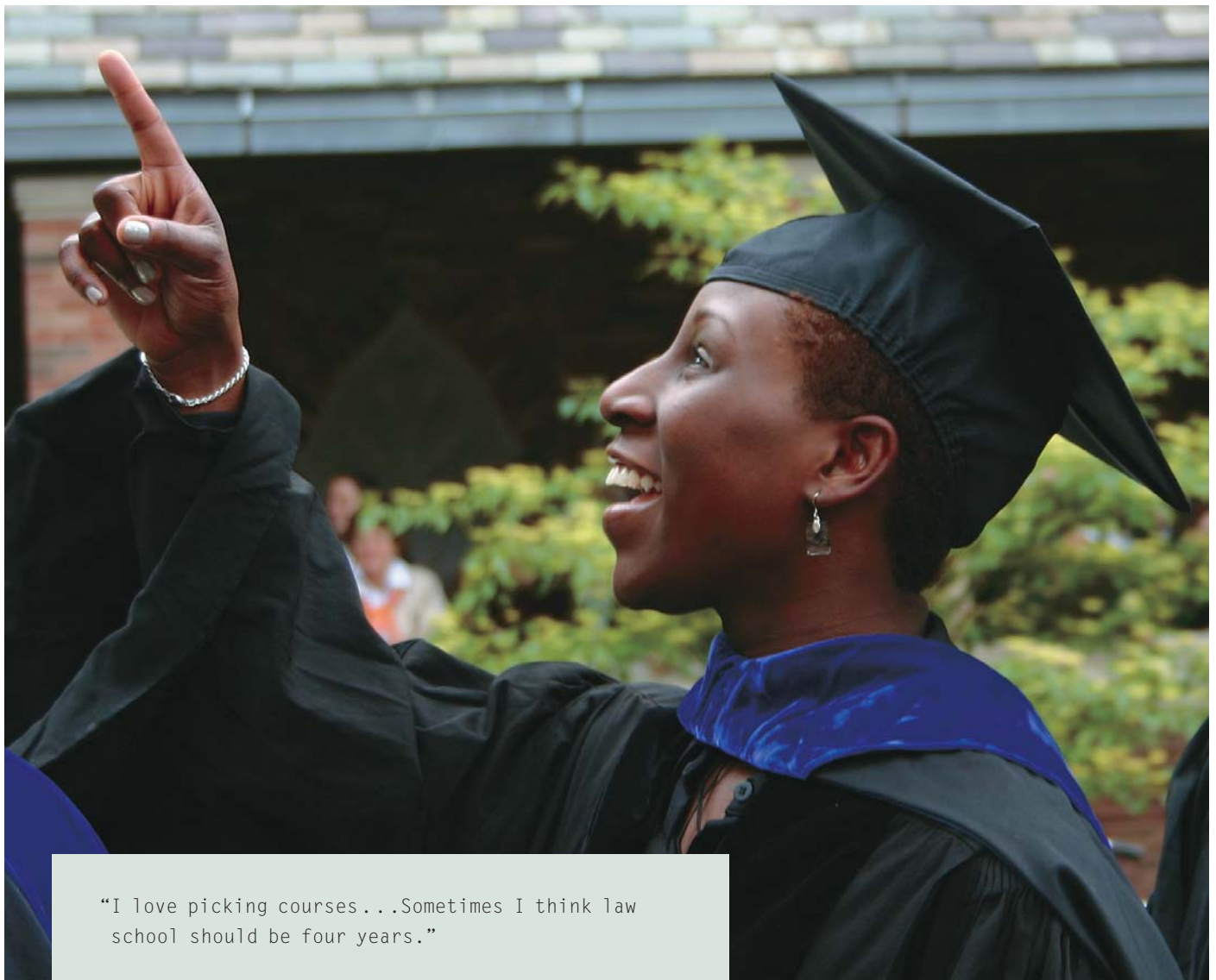
third of her time to courses about civil and human rights ("because I think that I might want to be a civil rights or human rights attorney").

"I love picking courses," says Jackson. "About halfway through each semester I start wondering, When is [Registrar] Judith Calvert going to send out the courses for next semester?" Her excitement springs from the new things she'll learn. For instance, a few days before graduation, Jackson was refining her SAW, which applied just war theory to domestic law. "States use force against other states and we call that war," explained Jackson. "But I think states also use force at home, like telling me to pay my taxes.... I used

these just war criteria to evaluate how moral a situation like that is." But she added, "I didn't even know what just war theory was last year."

Jackson also helped put on a successful conference commemorating the fiftieth anniversary of the *Brown* decision. Despite all she's done, she says, "Sometimes I think law school should be four years."

After graduation Jackson will clerk for a district court judge in Chicago ("I've never lived in the Midwest, so that will be my year in the Midwest"), and then for a circuit court judge in her home state of Virginia. In a sense she hopes to prolong the experimentation of her law school experience.



"I love picking courses... Sometimes I think law school should be four years."