

LAW SCHOOL COMMUNITIES ARE FIELD HOSPITALS FOR OUR WOUNDED DEMOCRACY

By Nicholas W. Allard*

Thank you, Jeremy,¹ for your kind and generous introduction.² Dean Dickerson,³ thank you sincerely for welcoming me to your wonderful

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1. Jeremy Davison is a Staffer for the *Southwestern Law Review*, SOUTHWESTERN L. SCH., <https://www.swlaw.edu/curriculum/law-review-journals/southwestern-law-review> (last visited Mar. 12, 2025).

2. This essay is drawn from and expands the author’s remarks at the Southwestern Law School Law Review Symposium Honoring Catherine Carpenter’s Legacy in Law and Academia (Los Angeles, California February 7, 2025). The title is adapted from Pope Francis’ exhortation to churches to be like field hospitals for wounded people. The Holy Father’s words are reported in Deborah Castellano Lubov, *Pope: The Church is a Field Hospital*, VATICAN NEWS (Nov. 4, 2024, 2:00 PM), <https://www.vaticannews.va/en/pope/news/2019-08/pope-francis-general-audience-church-cares-for-sick.html> (covering the Third Meeting of Iglesias Hospital de Campaña).

3. Darby Dickerson, President and Dean of Southwestern Law School is one of the longest serving law deans in the United States. She has held that position in several law schools including,

Southwestern Law School community. It is both flattering and genuinely humbling to be here with you on this special occasion at your uniquely exceptional law school. That is saying something, considering that my family accuses me of believing that my humility is world famous. In fact, recently at a large public event, my wife Marla was asked to share the secret of how we have been together for all the many years since we first met in middle school. Instantly, she replied, “It’s simple; we both are madly in love with the same man.” Ouch.

Our Honoree, Catherine Carpenter, and every educator in this large room have something in common. Students are our purpose. They are not our excuse for having law schools. As I look out at all the students participating in the symposium today, and all the aspiring attorneys who I met late last night and this morning, including Jeremy, Piper, Rocco, Cynthia, Misha, and so many others,⁴ I want them all to know how gratifying and meaningful it is to be reminded by their example that what we are doing, what all the faculty and administrators present here today are doing, is worthwhile. In our crazy world, what we are doing in law schools is planting trees whose shelter and shade other people will enjoy. We do that by transmitting, by teaching, and by expanding, through research and scholarship, knowledge of law and legal skills.⁵ I mention that because we are all here to attempt to honor the person, Catherine Carpenter, whose entire life and career has been devoted to this mission. That is, legal educators advance progress and make the world better by equipping students with the most powerful tool ever known to humans, which is a legally trained mind. It sounds lofty, even over-the-top grandiose, does it not? And it is fair to ask how, just how in the world do we do that? It is not easy to deliver on our shared aspiration. It takes hard work and constant cultivation of future lawyers. That, my friends, is exactly what Catherine has done so incredibly well as a teacher, as an administrator, as an advisor, a mentor, and as a good person. She is a role model for us all.

like the author, the uncommon experience of helping launch a new law school as its inaugural dean. Her distinguished career in legal education includes leading the Association of American Law Schools (AALS) at its President, and as the AALS delegate to the American Bar Association (ABA). *Darby Dickerson*, Southwestern L. Sch., <https://www.swlaw.edu/DarbyDickerson> (last visited Mar. 12, 2025).

4. In addition to Jeremy, *supra* note 1, the many impressive, mature, personable Southwestern Law School students whom I enjoyed meeting and learning about their experiences and plans included: Piper Hinson, *Editor-in-Chief*, Rocco Basile, *Managing Editor*, Cynthia Padilla, *Senior Lead Article Editor*, and Misha Alam, *Special Projects Editor*. They are outstanding ambassadors for their law school.

5. The author is grateful to Nicholas Cole, the senior tutor of Oxford University’s Pembroke College, for his insights about the dual missions of great academic institutions in pursuit of truth to both transmit knowledge and expand it.

As an aside, earlier this morning when everyone was challenged to choose just one word to describe an attribute of Professor Carpenter, no one mentioned the word “fun.” Well, she is fun! As you all know, Catherine Carpenter is good company. So is her arm candy, Marty, her husband, soul mate, and co-parent of another Southwestern Law professor and alumna.⁶ Marty himself is a top highly accomplished lawyer who exemplifies the best of our honorable profession. Personally, I am very glad to see Marty, who has become a dear friend,⁷ but I am not surprised to see him today. He is always there. Whether she needs him or not. He’s always there.

Anyone who knows Catherine Carpenter knows that there is only one answer when Catherine asks you anything, such as on two days’ notice, asking me to speak at this conference. Here I am. Even so, I will tell you that it is a singular pleasure and a privilege to be with you, to be part of this celebration, to help acknowledge what an inspiration for others she is, and to reflect upon Catherine’s extraordinary path clearing career, which has been successful in every facet of legal education.

Professionally, Catherine is a veritable human Swiss Army knife equipped with tools for any educational task. That includes her work on behalf of the ABA Council on Legal Accreditation and Admission, to training site visit teams and law school administrators and faculty on how to navigate successfully the ABA accreditation gauntlet. Catherine’s exceptional expertise, dedication, and constant steady guidance are indispensable to a law school on a full range of issues, large and small. I can

6. Erica Jansson is an Adjunct Associate Professor of Law at Southwestern Law School and an Associate at Gibson, Dunn & Crutcher LLP. A *summa cum laude* graduate of Southwestern’s evening program, she served as Editor-in-Chief of the *Southwestern Law Review*, Chair of the Moot Court Honors Program, and was a Teaching Assistant for five professors. Professor Jansson clerked for the Honorable Philip S. Gutierrez, Chief Judge of the Central District of California. She earned a B.F.A. in Dance and Choreography from California Institute of the Arts. *Erica Jansson ’21*, SOUTHWESTERN L. SCH., <https://www.swlaw.edu/faculty/adjunct/erica-jansson> (last visited Mar. 12, 2025).

7. Martin Carpenter is a character whose orbit sometimes overlaps with that of another character, my wife Marla, when their mutual gravitational pulls draw them together on a zany escapade. For example, not too long ago, when he was rummaging through his desk, Marty spotted an unused \$100 gift certificate issued in 1990 by the Los Angeles Charthouse restaurant. After we took the Carpenters out to dinner at the Jacksonville Charthouse in Florida, Marty decided to test Marla’s well-known superpower of mind control over store clerks, cashiers, doormen, and managers of all sorts of establishments. Somehow, she is able to bend them to her will to get us to the head of any line, to obtain discounts and free stuff, and she can return any item to any store without a receipt, even if the store does not sell the item. She can return a prom dress to a hardware store. In this space, I can report that after Marty mailed Marla the gift certificate that was in mint condition despite being thirty-five years old, Marla was able to get the Jacksonville Florida manager to honor it and throw in free cocktails in honor of our longstanding loyalty, notwithstanding that the L.A. Charthouse went out of business about three decades ago, and that in the meantime, the restaurant chain has been sold to new owners at least twice.

attest to that personally as the dean of a new law school that, with her assistance, received accreditation in the fastest possible time.⁸

Being here also gives me an opportunity to express in person our concern and admiration for the people of Los Angeles, and particularly to the members of this law school congregation, who all have been dealt a really tough hand recently with the devastating fires. Hopefully, I can convey to you adequately on behalf of those who do not live in this great city, that we are concerned and thinking about you. We are moved and inspired by learning about so many examples of people in your community, of communities that comprise the City of Angels, supporting and helping each other to pull through and cope with tragic losses of all sorts, loving your neighbors, and being neighborly to each other, often including people who did not know each other. Thank you all for giving us hope and good reason by the weight of the evidence of your examples to have faith in these fraught times and in our capacity to help each other overcome the disturbing things happening in our world. If only we could bottle your best qualities and ship them when and to where they are needed, we could cure what ails us and shrink the tumorous obstacles that keep us apart and isolated from each other.⁹

Now I want to tell you in a particularly personal way about a story that I read last night on the long flight from the East Coast when I should have been preparing my remarks. Admittedly, I was procrastinating. I had already burnt through about two hours watching the captivating film *Conclave*, which I highly recommend.¹⁰ And there's a lot in that movie related to what we're talking about today, including some pointers for being a Dean working with a law faculty, but that is a subject for another time and place. If she

8. *About Our College*, JACK. UNIV.: COLLEGE OF LAW, <https://www.ju.edu/law/about-our-college.php> [<https://perma.cc/9QKY-4W88>] (last visited Oct. 20, 2025) (Jacksonville University College of Law was launched in September 2022 and received ABA provisional accreditation in February 2024).

9. The generous spirit and decency of Angelenos reminds me of the response of the people of my home state of New York which was vividly depicted in Spike Lee's multi-part documentary chronicling the September 11, 2001, attacks and the two decades since. See *NYC Epicenters 9/11 → 2021 ½: Episode 3* (HBO Original Series 2021).

10. Produced by FilmNation Entertainment and House Productions, with co-financing from Indian Paintbrush (2024). With Director Edward Berger and Screenplay, the film is based on the novel *Conclave* (2016) by Robert Harris. The film stars Ralph Fiennes, Stanley Tucci, John Lithgow, Sergio Castellitto, and Isabella Rossellini. The acting is superb. See *Edward Berger's Papal Thriller 'Conclave' Starring Ralph Fiennes Sets U.S. Release Date with Focus*, FILMNATION ENT. (Mar. 8, 2024), <https://www.filmnation.com/about/media-coverage/edward-bergers-papal-thriller-conclave-starring-ralph-fiennes-sets-us-release-date-with-focus> (last visited Mar. 12, 2025).

were here, at this point, my wife Marla would roll her eyes and audibly, loudly “whisper” that “Nick’s autobiography will be titled ‘I Digress.’”¹¹

Still onboard, before turning to work on my remarks for this morning, I went online to check messages and email. As if by providence, I read the incredible account written by a law professor from the very school where I would be speaking today, whose bedridden dad died after leading his family out of the Pacific Palisades wildfires.¹² Of course, I am referring to the beautiful short story about Southwestern Professor emerita Beth Caldwell’s family’s escape.¹³ On that particular evening, with uncanny, perhaps miraculous timing, the heartwarming story about Professor Caldwell’s father was especially touching and meaningful for me.

That is because a few days earlier on Groundhog Day, my Dad turned ninety-six years old. My magnificent seven grandkids call him “Super Big Nick.” On this birthday, his incredibly robust health was failing because his

11. The author would disagree with those who dislike this brilliantly acted taunt political thriller because they find the film’s portrayal of the hierarchy of the church offensive; particularly, the portrayal that the secretive conclave to select a new Pope is held behind closed doors under strict quarantine from influences outside the Vatican, is corrupt, and full of political intrigue and self-aggrandizing power grabs. The film is obviously fictional and serves as a provocative parable for comparing and contrasting what is going on with us in secular, political, private and public settings, including government at home and abroad, and academic institutions. See Mark Harris, *Why Does Every Play Seem Political Now?*, THE N.Y. TIMES STYLE MAG. (Mar. 3, 2025), <https://www.nytimes.com/2025/03/03/t-magazine/political-theater-broadway-trump.html>. The film *Conclave* also resonated with me because it made me think about the concurrent health struggles of the Holy Father, Pope Francis, and my father, and the aftermath of their deaths for those who have depended on them.

12. See *Southwestern Law Prof’s Dying Father (a Retired Pepperdine Professor) Leads Family out of the Palisades Fire*, TaxProf Blog (Feb. 6, 2025), https://taxprof.typepad.com/taxprof_blog/2025/02/southwestern-law-profs-dying-father-a-retired--professor-leads-family-out-of-the-palisades.html, written by Southwestern Law School Professor emerita Beth Caldwell, and posted in the TaxProf Blog by Paul Caron, the Law Dean of Pepperdine University Caruso School of Law. See also Beth Caldwell, *A Fond Farewell: Law Prof’s Dying Father Leads Family out of the Palisades Wildfire*, ABA J. (Feb. 5, 2025, at 10:30 CST), <https://www.abajournal.com/voice/article/a-fond-farewell-law-professors-dying-father-leads-his-family-out-of-the-pacific-palisades-wildfire>. Dean Caron is an eminent Tax Professor and a very special man. I regularly read his blog, which is about as comprehensive a collection of highlights about news and commentary pertinent to all aspects of legal education as you can find anywhere. I recommend it to anyone who is not familiar with it. Note: Subsequent to submission of this article Paul Caron announced that he was ending his TaxProf Blog after twenty-one years of reporting and sharing tax and legal news. In his last post on September 8, 2025, he said that his 24/7/365 blog had been a labor of love, and he had been “puzzling over when would be the right time to stop.” *TaxProf Blog Signs Off, Paul Caron Bids Farewell After 21 Years*, NAT’L JURIST (Sep. 9, 2025), <https://nationaljurist.com/taxprof-blog-signs-off-paul-caron-bids-farewell-after-21-years/> [<https://perma.cc/T8FE-2FX4>]. Breaking News: Paul Caron’s Taxprof Blog is back. In October 2025, AALS announced that it would host the archives of the TaxProf Blog and going forward, Dean Caron and guest editors will work to keep TaxProf Blog current. See Paul. L. Caron, *TaxProf Blog*, ASS’N OF AM. L. SCHS., <https://taxprofblog.aals.org> (last visited Oct. 27, 2025).

13. *A Fond Farewell*, *supra* note 12.

body simply wore out. Let's just say he was not buying green bananas. My Mom, siblings, relatives, and I were coming to grips with knowing that he was not long for this world. So, I had been thinking a great deal about what I learned from my Dad about success and leadership.

My flights were delayed, and I arrived at the hotel last night at about midnight Pacific Time, where Rocco Basile was waiting patiently to help me check in and assure me there were no hitches. Once in my room, I did a bit of work on the speech until 1:30 a.m. Friday morning.

At 3:30 a.m. I got a call from my sister Amy back home on the East Coast telling me that our Dad had died.

Immediately, I thought about the story I had read on the plane only a few hours before, about how your own professor's father, himself a beloved former law professor nearby at Pepperdine in Malibu, rose from his hospice bed to lead the family to safety.¹⁴ He then died in peace later that night after they arrived in San Clemente at a home on the ocean with a view he loved.¹⁵ I immediately wrote to Pepperdine's Law Dean, Paul Caron to convey my condolences and admiration, and I sincerely assure you all now that reading that story on the plane helped me deal with the news of my own Dad's death only a few hours later.¹⁶

Extemporaneously (because in the fog of a sleepless night I have misplaced my scribbled notes) I will share with you the "Lessons Learned from Our Father Who Now Art in Heaven."

"Super Big Nick" taught mostly by example as a role model, not so much by what he said, but by what he did and how he did it. The Ten

14. *Id.*

15. *Id.*

16. Since my Dad's death I have been enveloped and lifted by numerous unprompted acts of kindness and revelatory experiences. For example, colleagues at the ABA reached out to me and my soon to be ninety-three-year-old Mom, and sent flowers, as did the students staffers from the *Southwestern Law Review*, and a friend who is on the ABA Standing Committee on the Law Library of Congress even unprompted organized a memorial prayer service at Washington D.C.'s Holy Trinity Catholic Church in Georgetown where she and I are parishioners. And as if it was another unexpected gift from heaven, as a Trustee of the Shakespeare Theatre Company in Washington D.C., I attended the U.S. premiere of John Kani's *Kunene and the King* a few days after my Dad died. The new play is set in South Africa in the midst of the enduring legacy of apartheid, twenty-five years after it ended. It is one of the most powerful, thought-provoking theatre experiences I ever have known. The poignant often darkly humorous drama depicts the increasing isolation, physical and mental struggles during the last days of a terminally ill actor who is unwillingly increasingly dependent on a black end of life care giver. The two and only characters have little in common other than their love of Shakespeare. The stunning performances by Edward Gero portraying the dying actor in circumstances similar to my Dad's, who is a national treasure, and playwright John Kani, who plays the nurse, who like my Dad was denied by insurmountable obstacles of his dream of becoming a physician, opened a bay window for me to for look at and understand my Dad's life, his sad final days, and his death.

Commandments that he handed down to us from the mountain of his life amount to seven rules for success and three cardinal virtues for leaders¹⁷:

I. Work hard. Work as hard as you can, for as long as you can, and as well as you can.

II. Figure it out. This includes knowing when and who to ask for help.

III. No whining.

IV. Learn from mistakes, setbacks, and failures.

V. Persevere. Keep moving ahead. Navigate, work around obstacles, overcome challenges. Never be complacent. Excise “It’s good enough” and “you don’t have to do that” from your lexicon.

VI. Celebrate success, but not too much.¹⁸

VII. Repeat.

VIII. Leadership is not about you. It is about who you help and who helps you to do it.

17. Please note, by using the metaphor of the Ten Commandments the author is not commenting on, much less embracing of the current movement contrary to the First Amendment to display the Ten Commandments in public places, including government buildings. See James Madison’s short veto message to Congress sent on February 12, 1811:

Having examined and considered the Bill entitled, “An Act incorporating the protestant Episcopal Church in the Town of Alexandria in the District of Columbia,” I now return the bill to the House of Representatives, in which it originated, with the following objections: Because the Bill exceeds the rightful authority, to which governments are limited by the essential distinction between Civil and Religious functions, and violates, in particular, the Article of the Constitution of the United States which declares that, “Congress shall make no law respecting a Religious establishment.”

*From James Madison to the House of Representatives, 21 February 1811, Archives of Founders Online, NAT’L ARCHIVES, <https://founders.archives.gov/documents/Madison/03-02-0233>. See also *Jefferson’s Letter to the Danbury Baptists*, LIBR. OF CONG. (June 1998), <https://www.loc.gov/loc/lcib/9806/danpre.html>, as sent: the ecumenical intent of the founders was powerfully stated by President Thomas Jefferson, in a letter he wrote New Year’s Day, 1802 to the Baptists Association of Danbury Connecticut. Jefferson was a person of deep religious conviction who believed that religion was a very personal matter outside the purview of government. The Danbury Baptists were a religious minority in Connecticut who complained that the state legislature did not adequately afford them their inalienable right to religious liberty. Jefferson answered that the adoption of the First Amendment by the people built a wall of separation between Church and State. The First Amendment is part, a hugely important part, of intentionally exquisitely complex constitutional legal framework for living together cohesively and peacefully in a country and world in which people are fundamentally different.*

18. My Dad observed this commandment in the breach. He rarely allowed himself to take a break or celebrate. I think he lacked the gene for goofing off. This is a good example of things I learned from my Dad’s example that sometimes taught me it was better to be different. To his credit, as a child born at the start of the Great Depression and coming of age during World War II, whose military service enabled him to pay for college, but not enough for his unfulfilled dream of becoming a doctor, and living paycheck to paycheck with a large growing family for most of his adult life, he understandably felt like he had no choice but to work his tail off unceasingly.

IX. Leaders lead. If not you, then who will? Do not count on anyone else to ring the fire alarm.

X. Leaders have courage.

Turning to my intended topic, I will begin by focusing on the importance of courage, not just courage in the face of physical danger, but courage to do the right thing without regard to political risk or self-interest.

That was, for example, the case evidenced by those patriots who, against great odds, called for replacing a powerful monarchy with a novel form of limited government empowered by the people to do what they could not do for themselves to protect and promote life, liberty, and the pursuit of happiness. As many as thirty-four signatories of the Declaration of Independence were lawyers.¹⁹ They, and all the fifty-five who autographed that founding document nearly 250 years ago, knew that, in effect, they were signing their own death warrant. Since that time, it has often taken courage to “keep the Republic,” to borrow Benjamin Franklin’s prescient prediction of how hard it would be to hold together a nation whose founding document and the rule of law can be boiled down to just this: the rights and mechanisms to be different and to disagree.²⁰

The kind of selfless political courage that long has sustained the unfinished symphony of our federal constitutional democracy is the subject of then Senator John Fitzgerald Kennedy’s Pulitzer Prize winning book *Profiles in Courage*.²¹ Written after the McCarthy red scare hate-mongering era, it is worth rereading for its cautionary parables about what the United States of America could use more of in our present fraught times.

Once again, these are times that try our souls:

The summer soldier and sunshine patriot will, in this crisis, shrink from the service of their country; but [they] that stand by it now, deserve [our] love and thanks Tyranny, like hell, is not easily conquered Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as FREEDOM should not be highly rated.²²

19. James Strock, *Lawyers as Leaders in the 21st Century USA*, SERVE TO LEAD (Feb. 4, 2025), <https://servetolead.com/> (writing about lawyers as the architects of the American Nation).

20. When, on the last day of the constitutional convention, September 18, 1787, Benjamin Franklin was asked what type of government the founders adopted, he reportedly responded, “A republic, if you can keep it.” Julie Miller, “*A Republic if You Can Keep It*”: Elizabeth Willing Powel, Benjamin Franklin, and the James McHenry Journal, LIBR. OF CONG. BLOGS (Jan. 6, 2022), <https://blogs.loc.gov/manuscripts/2022/01/a-republic-if-you-can-keep-it-elizabeth-willing-powel-benjamin-franklin-and-the-james-mchenry-journal/>.

21. See JOHN F. KENNEDY, *PROFILES IN COURAGE* (1956).

22. Thomas Paine, *The Crisis*, U.S. HIST., (Dec. 23, 1776), <https://ushistory.org/paine/crisis/c-01/html>.

Although lawyers are a small fraction of the population, (0.4% according to the ABA, 4 for every 1000 people)²³ more than 10% of academic institutions will be led by lawyers by the end of this decade,²⁴ “roughly 10% of the CEOs of the Fortune 500 have law degrees,”²⁵ thousands work as government lawyers at every level, and by far, law remains the most common occupation of members of Congress.²⁶ In the current 119th Congress, 30% of the members of the House and nearly 50% of the members of the Senate have law degrees and practiced law.²⁷ Of the forty-five different people who have served as U.S. President, twenty-seven studied and practiced law.²⁸ Among them, Theodore Roosevelt, Franklin Roosevelt, Harry Truman, and Lyndon Johnson all attended law school but dropped out before graduating.²⁹ Of course, almost all judges are lawyers.

As our students work toward graduation, which concludes their formal legal education, law schools throughout the U.S. are determined that our graduates will be ready to begin their lifelong learning as lawyers. Increasingly, this includes, given the likelihood that after they earn their J.D.s, graduates will become leaders in a variety of capacities, preparing them to serve well in leadership roles.³⁰

For example, at Jacksonville College of Law, we offer a new course, Leadership in Law, created and taught by academic dean Dr. Courtney Barclay. Her students will learn and practice principles and skills for effective leadership in law practice and other roles. Inside and outside the

23. *Demographics*, AM. BAR ASS'N, <https://www.americanbar.org/news/profile-legal-profession/demographics/> (last visited Mar. 12, 2025).

24. *See generally* PATRICIA E. SALKIN, MAY IT PLEASE THE CAMPUS, LAWYERS LEADING HIGHER EDUCATION 10 (2022).

25. Nicholas Allard, *Commentary: Lessons in Leadership from James Earl 'Jimmy' Carter*, Jacksonville Daily Rec. (Feb. 6, 2025, 1:00 AM), <https://www.jaxdailyrecord.com/news/2025/feb/06/commentary-lessons-in-leadership-from-james-earl-jimmy-carter/> [<https://perma.cc/87M3-ZUKT>].

26. CONG. RSCH. SERV., R48535, MEMBERSHIP OF THE 119TH CONGRESS: A PROFILE 2 (2025); *see also* Allard, *supra* note 25.

27. CONG. RSCH. SERV., *supra* note 26, at 2.

28. Allard, *supra* note 25.

29. *Id.*

30. The most popular course in the history of Georgetown University Law Center with over 300 students enrolled is “Lawyers as Leaders.” This new course taught by Dean Bill Treanor is offered online and engages students in discussions about how lawyers can lead progress on the issues of our day. Susan Svrluga, *Most Popular Course Ever at Georgetown Law? How to Fight for Justice*, WASH. POST (Nov. 9, 2020), <https://www.washingtonpost.com/education/2020/11/06/georgetown-law-course-social-justice/>. Not coincidentally the activity and work of the relatively new leadership section of the American Association of Law Schools stands out. *See e.g.*, the relatively new AALS Section on Leadership’s Newsletter on leadership. *Section on Leadership*, ASS’N OF AM. LAW. SCH. (Nov. 9, 2017), <https://www.aals.org/sections/list/leadership/>. *See generally*, Salkin, *supra* note 24.

classroom, we will continue to make good use of lessons about leadership and purposeful service that can be gleaned from roles models worth emulating, starting close to home with the outstanding bench, bar, and civic leaders of our city, throughout Florida, and studying leaders on the national and global stages. In this regard, at this writing the ABA and its members have raised its visibility as a beacon for the profession. It has been unusually but sadly necessarily outspoken about basic principles such as the importance of adhering to judicial orders, the rule of law, and upholding the U.S. Constitution.³¹

For the remainder of this decade, and as far ahead as our vision can perceive in the 21st Century, every sector, including higher education, will be buffeted by the same chaos, uncertainty, political and cultural polarization as well as disturbing dangerous threats to people everywhere. For the foreseeable future, disruptive change for good and bad, divisiveness, unrest, tumult, violence, and human-made and natural emergencies are a given.

Accordingly, the most successful educators will need to focus on three priorities:

1. VALUE:

We can no longer take for granted that higher education is considered a springboard to the American Dream. For the first time in living memory, despite compelling evidence to the contrary, it is increasingly common for people to doubt the worth of a post-secondary degree. Successful educators must be able to articulate the value proposition of their institution in terms of lifelong earnings, professional accomplishments, and accolades. It is also

31. See Amanda Robert, *ABA President Denounces 'Chaotic' Attacks on the Rule of Law*, ABA J. (Feb. 11, 2025, 4:00 PM) <https://www.abajournal.com/web/article/aba-president-bay-denounces-chaotic-attacks-on-the-rule-of-law>, for the statements made by the ABA and its President; and *The ABA Rejects Efforts to Undermine the Courts and the Legal Profession*, AM. BAR ASS'N (Mar. 3, 2025) <https://www.americanbar.org/news/abanews/aba-news-archives/2025/03/aba-rejects-efforts-to-undermine-courts-and-legal-profession/>; and Staci Zaretsky, *Hundreds of Law School Deans, Professors, Law Firm Partners, and Former Judges Demand the Government Officials Obey the Rule of Law*, ABOVE THE L. (Mar. 4, 2025), <https://abovethelaw.com/2025/03/hundreds-of-law-school-deans-professors-law-firm-partners-and-former-judges-demand-that-government-officials-obey-the-rule-of-law/>, for an important message to members of the ABA. See also Sara K. Burris "Bravo": *Legal Experts Laud Georgetown Law Dean's Response to Trump Official's Threat*, MSN, <https://www.msn.com/en-us/news/us/bravo-legal-experts-laud-georgetown-law-dean-s-response-to-trump-official-s-threat/ar-AA1ApolK> (last visited Mar. 16, 2025), and Paul Caron, *Legal Experts Agree: Georgetown Law Dean Gave Master Class on How to Fight Trump's Anti-DEI Crusade*, TAXPROF BLOG (Mar. 8, 2025), https://taxprof.typepad.com/taxprof_blog/2025/03/legal-experts-agree-georgetown-law-dean-gave-master-class-on-how-to-fight-trumps-anti-dei-crusade.html, in response to acting U.S. Attorney Ed Martin's attack on Georgetown University's DEI programs.

imperative that they champion the intangibles, such as the value of knowledge, self-worth, satisfaction, and the gratification of meaningful service to others. That is how to protect humanity from obsolescence, irrelevance, inequality, authoritarianism, economic distress, exploitation, unethical behavior, injustice, and danger. The arts and humanities are priceless. I include and underscore that law is inextricably intertwined with all the disciplines of liberal arts and humanities. In combination with STEM subjects, the liberal arts including law are vaccines protecting humanity from obsolescence, irrelevance, inequality, authoritarianism, economic distress, exploitation, unethical behavior, injustice, and other dangers.³²

2. ADAPTATION:

We also must work hard in pursuit of truth to continue to transmit and expand knowledge at a time when the only constant is rapidly accelerating change. Given this reality, adaptability is both imperative and a platform for progress, such as expanding access to quality, affordable legal services to underserved and less advantaged people. Successful educators will constantly engage in fact-based data driven assessments and adjustments of teaching and scholarship. They must address and prepare graduates both for the world as we know it and, as importantly, promote lifelong learning skills that equip people with the knowledge and critical thinking needed to adapt to the continuous disruptive change, including, specifically, qualifying graduates for careers and tackling challenges that do not yet exist.

Adaptability will be crucial. It requires learning how to deal with risk, making prudent decisions and acting based on the best available but imperfect and incomplete information.³³ It involves learning from mistakes and failure and understanding that it helps to rely on the teamwork of colleagues with truly different backgrounds, abilities, and perspectives. Adaptation also is a process of reflection and discernment leading to continuous self-invention and reinvention. We lawyers tend to be not as used to change and adaptation as we need to be.³⁴ It should be no surprise that law

32. The author credits former Princeton University President, Dr. Shirley Tilghman, an eminent molecular biologist who worked in the forefront of mapping the human genome, for the insights that the liberal arts are not only inherently priceless, but also like a vaccine to ward off human foibles. President Shirley M. Tilghman, President, Princeton Univ., 2012 President's Commencement Address (June 5, 2012), <https://www.princeton.edu/news/2012/06/05/2012-presidents-commencement-address> [<https://perma.cc/LUH2-YPM3>].

33. The conventional case method approach to teaching law, in contrast, relies on learning law in the context of a set universe of facts, i.e. the judicial record.

34. *Overcoming Lawyers' Resistance to Change*, THOMSON REUTERS, <https://legal.thomsonreuters.com/en/insights/articles/overcoming-lawyers-resistance-to-change> (last visited Mar. 16, 2025).

schools and employers of legal talent are developing techniques for cultivating and honing these skills.³⁵ They are tools that were relied on by history's pioneers, and now they will serve lawyers well as necessary leaders, clearing paths forward in a new age of discovery that tests the limits of society's existing rules.

Even so, lawyers and legal educators are notoriously late adopters, perhaps more so than any other learned profession. There are many very good reasons why this is so. Among other things, those schooled in the law give credence to evidence, and we value the probative value of give-and-take argument, which can take time to develop. We are comfortable with precedents, and we understand that departure from generally established principles and practices can be disruptive, have unintended consequences, and be unintentionally unfair, especially to those who may have relied on *stare decisis*. The status quo is also anchored by many factors contributing to institutional inertia and by the weight given to conventional wisdom that what is tried and true is best. It is not an inventive ethos but a preference to avoid experimentation and innovation. However, in an age of accelerating disruptive change, lawyers and legal educators should and must push to consider improvements that need to be made and how to do what we do better. Business as usual and rigid resistance to adapting to new technological, economic, political, climactic, and other societal circumstances is not a viable option. Indeed, it is a formula for failure.³⁶

3. PURPOSE:

Understandably, academic faculty, staff, and students are troubled and distracted by the seeming hopelessness of the many upsetting problems, crises, and emergencies of our times. They may feel like our world is falling apart, as if there will be no tomorrow. They worry about their own safety and the suffering of others. It is important for academic leaders to remind the members of their communities, without downplaying the seriousness of contemporary problems, that the world has always been full of troubles and always will be. They also should help people to be mindful of the purpose

35. One major development is that law schools are responding to demands for better practical training while often also satisfying students' interests in not waiting for graduation to make an impact on significant public issues. Law Schools are rapidly beginning to find pedagogical uses of virtual reality and AI.

36. See HEATHER E. MCGOWAN & CHRIS SHIPLEY, *THE ADAPTATION ADVANTAGE* (2020). See anecdote relayed in Nicholas W. Allard, *LOVE'S LABORS FOUND*, *TOL. L. REV.* 199, 216 (2109), about the opening speaker at an international program on innovative technology in legal education stubbornly asserting that though he did not understand or use technology to teach his trial practice students, but he knew it was not good for teaching. Not a rare sentiment even in this advanced digital age.

and the opportunity they will have to use what they are learning to make the world better. After all, academic institutions have been, throughout history, the field hospitals for what ails society. In other words, it is important to spotlight that what the people of each academic community are doing is important and matters.

The most urgent purpose for legal educators is to have the courage to teach, uphold, and defend our constitutional democracy and the rule of law. We can and should resist and fight back against what, forgive me, feels to me like the start of the Great Repression.

We may not yet be at the end of our democratic union, but we can see it from here. This is our time, as educators and lawyers, to step up. It is what we do. And we must. Now. Not just for our students, but for the public.

I am not saying we should be political. We can call balls and strikes on constitutional issues. We can have vigorous, civil, thoughtful conversations and even disagreements over what is a ball and what is a strike. But when a pitch hits someone in the head, it is not a strike. And when it is flagrantly intentional, there must be consequences.

We can be assertive calmly and courteously but firmly. We should stand in stark contrast to the daily threats and baseless insults by prominent, powerful people attacking fellow Americans whose shoelaces the abusers are not worthy to untie. So sad. Pathetic really. In contrast, we can turn the other cheek and show a better way to lead the nation's business. We can patiently and calmly resist through the legal process and stand up for our ideals, and speak out for justice. Each voice gives courage to others. Robert F. Kennedy once taught us that each small act of courage generates a ripple of hope, "and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression."³⁷

Legal educators can take heart that their voices will be heard, and that includes the students they teach, who can ably carry on the world's good fights for justice, equality, peace, and the wellbeing of the planet we share. In words spoken to young audiences by both President and Robert Kennedy, "The energy, the faith, and the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world."³⁸

37. Robert F. Kennedy, *Day of Affirmation Address University of Capetown, Capetown, South Africa, June 6, 1966*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM (June 6, 1966), <https://www.jfklibrary.org/learn/about-jfk/the-kennedy-family/robert-f-kennedy/robert-f-kennedy-speeches/day-of-affirmation-address-university-of-capetown-capetown-south-africa-june-6-1966> (also known as "Ripple of Hope" speech).

38. *Id.*; John F. Kennedy, *Inaugural Address, January 20, 1961*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM (Jan. 20, 1961), <https://www.jfklibrary.org/archives/other->

Postscript: That night, after the self-administered therapy of eulogizing my Dad at the Symposium and preaching to a brilliant choir at Southwestern Law School, I enjoyed a wonderful dinner with the honoree and her ever supportive, lawyer life partner, Marty Carpenter. Then I red-eyed back home and took care of what we could. Amen.