

JUSTICE JOHN PAUL STEVENS (Ret.)

HOODING CEREMONY

**DUKE LAW SCHOOL
Durham, North Carolina
May 12, 2012**

Justice Alito, Martha-Ann, Dean Levi, members of the graduating class, friends of Duke Law School:

My reasons for being happy to be here today are more numerous than the bits of advice that I plan to share with you. Philip Alito, a son of a respected former colleague and current friend, Sam Alito, is a member of the graduating class. My daughter, Sue Mullen, who is here with me today, earned her degree in English literature at Duke. One of my closest friends for many years, Robert G. Seaks, graduated from Duke Law School at the top of his class in 1934; he was my roommate in the Bachelors' Officers Quarters at the Pearl Harbor Naval Base during most of World War II. It was Bob who told me that another Duke law student, who was later to become President of the United States,

had earned the nickname "Iron-bottom" because he spent so many hours on the hard wooden chairs in the law library. The fact that the man who appointed me to the Court of Appeals in 1970 was a Duke alumnus should provide a sufficient justification for my participation in this important event.

Far more relevant, however, is my respect for Dean David Levi's work in the law, first as a law clerk to my colleague, Justice Powell, and later as a superb United States District Judge. I particularly remember his excellent opinion in a case involving the constitutionality of a durational residency requirement for state welfare benefits in which I wrote the Court opinion affirming his judgment. And, of course, I must express my appreciation for the role that his father, Attorney General Edward Levi, played in endorsing President Ford's decision to ask me to serve on the Supreme Court. It is an aspect of that decision that is relevant to the first of the three bits of advice

that I have offered younger lawyers over the years, and that I shall share with you this afternoon.

Neither before nor during the hearings conducted by the Senate Committee on the Judiciary that preceded the confirmation of my nomination to the Court did Attorney General Edward Levi or any other representative of the Executive Branch of the Government provide me with any advice about how to respond to questions by the Senators. Some years later Edward and I had a conversation about what had then become the practice of providing nominees to the Court with extensive preparation for such hearings; he stated that he had always believed that if a lawyer was qualified for the job, he or she should also be qualified to provide the Senators with intelligent answers to their questions. The fact that the nominee might have to admit that he did not know the answer to a legal question that a Senator might ask would attest to his honesty, but would not necessarily raise any question about his or

her qualifications. After all, a good judge should be expected to keep an open mind about novel issues until after he has read the briefs and heard the arguments of counsel. The parallel for young lawyers should be obvious. You should never overlook the fact that "I don't know" is a permissible answer to a question posed by a client or prospective client. Your ability to find answers to difficult questions and your good judgment are far more important assets than your ability to memorize black-letter rules. The research skills and general resourcefulness you have developed as students at this fine law school will serve you to that end.

My second bit of advice is to be sure to include a significant amount of unpaid work in your professional career. Whether it is bar association work, providing legal assistance to clients unable to pay, or political advocacy of some sort, you will not only learn important lessons not taught in any law school course, but also receive unexpected intangible rewards from

such work. As John Adams once advised a younger lawyer, "Now, to what higher object, to what greater character, can any mortal aspire than to be possessed of all this knowledge well-digested, and ready at command to assist the feeble and friendless" ¹

Finally—and most important because so many new lawyers are sure to be confronted by unexpected temptation—always remember that your most valuable asset as a member of the legal profession is your integrity. If your word is good, you will have a successful career.

Thank you for your attention. If you don't feel like you're sitting on iron, my mission has been accomplished.

¹ Letter from John Adams to Jonathan Sewall (Oct. 1759), in *2 THE WORKS OF JOHN ADAMS, SECOND PRESIDENT OF THE UNITED STATES 79* (Charles Francis Adams ed., 1850).