

**University of North Texas Dallas College of Law
Convocation
Majestic Theater-Downtown
August 16, 2015 – 3:00 p.m.
by
Chief Judge Carl E. Stewart
United States Fifth Circuit Court of Appeals**

Thank you Senator West for your warm and generous introduction. I have enjoyed knowing you over the years and noting the many legislative achievements that you have participated in as a Texas State Senator. Your long-term support for this law school is duly noted by me and is much appreciated by all assembled here and many others.

I also wish to thank Dean Furgeson for extending the invitation to me to serve as your convocation speaker today. Thank you Dean for the friendship that we have enjoyed since your confirmation as a United States District Judge for the Western District of Texas back in 1994. Our work together continued when you joined the Northern District of Texas, Dallas Division. Throughout our mutual judicial tenures, we have had many occasions to work together on Fifth Circuit concerns and to meet and greet at the Circuit Judicial Conference and at the gatherings of the Judicial Conference of the United States of America in Washington, D.C. I take this opportunity to salute you for your many years of service to our circuit and to our nation as a judicial officer of the United States of America.

Your legal and judicial experience and love for people was well known throughout our circuit and you own the patent for affectionately denoting a colleague as a **“GREAT AMERICAN.”** In fact, your legacy in the Fifth Circuit is that of a **GREAT AMERICAN.**

When I heard that you were formally retiring from the bench in order to head up a brand new law school in Dallas, I acknowledge some momentary puzzlement about the idea. After I learned more about the new law school proposal, I figured that if anyone had the persona, prestige, and wherewithal to succeed at such a challenging endeavor, I knew that it was Royal Furgeson.

I am proud and honored that you invited me to serve as your convocation speaker at this milestone moment in the law school's history.

Shortly after I became Chief Judge in October 2012, I pledged to the Bench and Bar in El Paso that for the first time in Fifth Circuit history, we would hold a regular court session in El Paso federal court. In September 2013, my panel of Judges Carolyn Dineen King, Edward C. Prado, and I held court in El Paso.

While I was greeting many people gathered at a reception held for us at the El Paso federal courthouse, I looked up and there was the "**GREAT AMERICAN**" himself, Judge W. Royal Furgeson—back at his El Paso starting point. I recalled that for many years he was in private practice in El Paso prior to his appointment to the federal bench, so I guess that I should not have been surprised to see him there working the home crowd.

He quickly greeted us and introduced us to Associate Dean Valerie James. Jointly, they proudly announced that on September 3, 2013, UNT Dallas College of Law had begun accepting online applications for this inaugural class. Their optimism about the new law school was evident then, and clearly that optimism has been borne out after much hard work on the part of many.

I also applaud the many people at UNT Dallas College of Law who were engaged in the multi-year active planning for the launch of student applications in September 2013 which led to the seating of the inaugural class in August 2014. Your collective efforts produced a very diverse group of students.

*****2014-2015 – First Year Completion*****

140 students (½ minorities; ½ women)

Average Age: 33

80 in day class – 60 in evening class

Most come from working class backgrounds

\$14,500/\$35,000 Cross Section of Admission Criteria

Considering the numerous questions that abound today about the future of legal education in America, your achievements to date are well worth today's "pause moment" of reflection.

Despite an oasis of enthusiasm, a law school is ultimately defined by the quality of its mission and those who are aligned together to achieve that mission.

Chancellor Lee Jackson's message says that:

[W]e're committed to an innovative curriculum that will stress rigorous analysis of the principles and precedents that form our legal system, with an equal commitment to the practical application of that knowledge. We want to produce graduates who are ready to apply their skills after hands-on experience in the real world of legal practice.

While law school supporters and organizers were equipped with that lofty mission, there still remained a substantial challenge for them to meet in order to transform a dream into "Main Street Reality." That challenge was to attract a solid faculty and administrative staff.

The milestone moment that you celebrate today is directly attributable to the constellation of stars who not only embraced the lofty UNT mission conceptually but who literally left prestigious, secure, well-paying positions in academia, the private sector, and the public sector in order to bring to fruition the long-held aspirations of many in this region.

The exceptional faculty and staff at UNT Dallas College of Law represents:

1. Former Endowed Professor of Law,
2. Former Adjunct Professor and Practitioner,
3. Former Partner in Premier Litigation Firm,
4. Former City Attorney,

5. Former Visiting Professor within Texas,
6. Former Professors and Accomplished Authors from Prestigious Law Schools in other states, and
7. Former Staff Attorneys, Legal Technicians, Librarians, Constitutional Law Scholars, Litigation Specialists and the list goes on.

Suffice it to say that the foundation for the short-term and long-term success of UNT Dallas College of Law is being led by an accomplished array of legal scholars who would not be here but for their wholehearted commitment to you—the students, families, and supporters of this noble endeavor. I am sure that not all of them were applauded by their friends, family, or former colleagues for leaving the comfort and security of their former positions in order to be a part of the inaugural faculty and staff of a startup, downtown law school in Dallas. They could be elsewhere, thus, today is not a day for students to rest on one year's laurels, but it is a day of student recommitment toward learning as much as you can, as often as you can, from these dedicated professionals.

You have established valuable relationships with your faculty and administrators and others who truly care about your achievement and advancement as a lawyer. I urge you not to take those valuable relationships for granted. Success in life is often more geared to great relationships than to great knowledge. Years from now, law professors can be invaluable to you as you seek to climb the ladder of success as lawyers, politicians, government officials, or the like. Do not make the mistake of “kicking the law school to the curb” once you attain your law degree. Moreover, your future ability to network with friends and associates from law school will pay great dividends to you. The type of caring environment fostered at UNT Dallas College of Law will mean a great deal to you as you confront difficult decisions ahead. I am sure that your many professors, advisors, and administrators will always be willing and available to help you make wise choices about your

career goals. The tough-grading professor who you could hardly stand, may be just the one to extend a helping hand to you somewhere down the road!!

In 21 years on the federal bench, I have had 71 elbow law clerks, 18 interns, from 37 different law schools. Of the 71 term law clerks, 8 are law professors and 1 is the current Dean of Howard University School of Law in Washington, D.C. These 8 frequently share with me the joy that they receive in helping their students to reach their career goals. I know that they are committed to helping their students while they are in the classroom and for many years thereafter.

You are studying law during a very tough economic time. You are well aware of the fact that the global economic downturn has reached the legal profession. Major law firms are turning out to be just as susceptible to general economic conditions as every other industry. In 2010, over 14,696 people were laid off by major law firms. More than 12,219 people were laid off from law firms in calendar year 2009. Both, 2011 and 2012, had similar layoffs and furlough statistics. Many young associates were having their job entry dates deferred by a year or more. Some were committing to lower salaries than they had been offered months previously. Some young associates were being paid to work in nonprofit organizations at lower salaries until the law firms can bring them into the firm at higher rates. Concomitantly, middle sized law firms and solo practitioners are suffering declines in business as well. Eventually, you will step out of the comfort zone of law school and into a frenzied work world. That said, this law school will have given you the foundation that you need in order to successfully negotiate the next rungs of your success ladder. **There is always room in the legal profession for excellent lawyers who have a passion for people.**

Although the job market in general is not optimum, the fact remains that high levels of poverty, combined with slow recovery of the national economy, have substantially increased the

number of financially disadvantaged Texans unable to afford critical legal services. It is estimated that almost five and a half million Texans qualify for legal assistance with issues of domestic violence, elder abuse, home foreclosures, landlord tenant, consumer protection, and other areas vital to their daily lives. Texas is like my state of Louisiana where more and more of our armed services veterans are in need of quality legal assistance covering a range of issues. Despite the high demand, it is estimated that only about 20 percent of bonafide legal aid needs are currently being met from available funding sources. In short, once you complete your legal education here, there will be no shortage of opportunities for you to serve the public with excellent legal skills honed by impeccable ethics and professional standards.

I strongly encourage you to view your career as a marathon. In this market, you may not succeed in getting the top law firm job or that coveted clerkship that you set your heart on. You are just beginning what will be a long journey. Life has all kinds of unexpected surprises and opportunities. **So where you start out doesn't necessarily have to be (and often will not be) where you finish!!** I had classmates who did not have jobs at graduation but who are enjoying successful careers now. People whom some might not have thought were the most likely to succeed are doing some amazing things—partners in firms, law professors, legal analysts for major media outlets, politicians, and the list goes on and on. Sometimes you will have to take risks and get out of your comfort zone. You might have to go where you never dreamed of going in order to get to the place of your dreams!!

When I graduated from Loyola University School of Law in New Orleans in 1974, I had a military obligation because the draft was still on and America was engaged in the Vietnam War. I had a low draft number so I was sure to be drafted out of law school and into the Army. My older brother Richard began law school ahead of me, but he had already been drafted out of law school

so I had a heightened incentive to complete my law school education before performing military service, if at all possible. I had been the Battalion Commander in my Booker T. Washington High School Junior ROTC unit, so I was able to apply for a special two-year undergraduate college ROTC program while I was in law school. Loyola was one of only two schools that I had been accepted to that still had ROTC on campus. The other school was in the Northeast, so I chose Loyola. I joined the ROTC program and stuck out like a sore thumb in my green uniform while attending my daily law classes. I was always afraid of being called on in class because I was such an obvious target for the professor. I spent two consecutive summers in Army summer camp at Fort Knox, Kentucky and at Fort Riley, Kansas. When I was sweating out early morning road marches at Fort Knox and fighting off king-size mosquitoes and chiggers at Fort Riley, I never saw myself sitting on the United States Fifth Circuit Court of Appeals some 40 years later. Although I was miserable most of the time while at those camps, I stayed focused on the fact that the ROTC program allowed me to defer my entry into the Army until after I graduated from law school. Instead of entering the Army as a private on the front lines, I entered the Army as a Captain in the Judge Advocate General's Corps within days after passing the Louisiana Bar exam. I spent three years right out of law school gaining valuable trial experience as a defense lawyer and I had the honor of providing hospital bedside legal assistance about wills, powers of attorney, and other civil matters to severely burned soldiers and their families at Brooke Army Medical Center in San Antonio, Texas. The Army legal experience was not the comfort zone that I would have initially dreamed up, but it turned out to provide some of the most rewarding skill-building and service-rendering opportunities that I have had in my entire 41-year career as a lawyer and judge. Those memorable experiences helped me to understand at an early age that the law is a profession geared toward rendering service to others.

Unlike many of my current colleagues, I was not fortunate enough to land law firm employment during my three years of law school. There were **eight African-Americans** in my graduating class and our employments during school were either in public service offices such as the district attorney's offices or in nonlegal arenas of the private sector. Given the huge student loan balances we all had covering undergraduate and law school, employment was a necessity.

During my 1L year of law school, I worked as a part-time weekend security guard for Pinkerton Security Company at the Audubon Building on Canal Street in downtown New Orleans. Without a car of my own, I rode the city bus to my Friday midnight to 7:00 a.m. Saturday shift and to my Saturday midnight to Sunday noon shift. My efforts to read my case material between rounds of the building were scuttled by an older, white, Pinkerton employee who worked the day shift when the building was fully occupied. He persuaded the building owner that the unoccupied building's security at night was hampered by my reading law books. Though I was frustrated by this turn of events, I did not allow it to distract me from achieving my law school objectives.

My **second job** during my 2L year, was as a part-time automobile and property claims handler for Allstate Insurance Company in New Orleans. I worked in what was called the "Initial Action Unit," from 4:00 p.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturdays. My main duties required me to take recorded statements over the telephone from insureds, claimants, and witnesses who were involved in vehicle or boat accidents or who suffered property or personal injury damage resulting from fire, hail, floods, or rainstorms. Occasionally, I performed the same duties with customers who came into the claims office on Saturdays.

My work at Allstate taught me that the work environment often brings together people who have a mixture of different views of the world and societal conditions. Nonetheless, good teamwork can be realized so that the overall company objectives can be accomplished.

From such an atypical student employment background, who would guess that one day I would be honored and blessed to serve on one of the nation's busiest courts. **It proves to me that where you start out in life is not necessarily determinative of where you will end up, if you are goal-oriented and committed to realizing your dreams.**

I want to propose three challenges for the new entering class of 2015-2016 and for the 2014-2015 class as you prepare for the next two years of study, graduation, the bar exam, and the entry into the working legal profession.

I. EXCELLENCE

The first challenge I would like to offer you is to obtain and maintain a standard of **excellence** in whatever you do. If you decide to go on to further your education through graduate or professional school or if you have a job waiting for you, **excellence** must be your trademark. I assure you that there is no market for mediocrity. No employer is interviewing people to find an average employee. Average is sometimes described as the best of the worst. No professional school is looking to accept an average applicant. Because of the highly competitive world you will be stepping into, employers and graduate schools are all looking for the very best people they can find. You can ill afford to set your goal at just enough to get by. I assure you that if you do that, you will be disappointed many times during your life.

The world of work that you will face will be comprised of many different kinds of people—those who look like you and those who look quite differently; those who worship like you—those who do not worship at all. The person competing for the same job as you or sitting next to you in the classroom may have different racial, cultural, or family background experiences. Each person will be attempting to capture the prize. The extent to which you are willing to turn average into excellent will probably make the difference in the successes you achieve. Charles Kendall Adams

once said, "No [one] ever attains very eminent success by simply doing what is required of him; it is the amount and excellence of what is over and above the required, that determines the greatness of ultimate distinction." Today is a new day. It is important that you set your standards high and pursue **excellence** in order that the life you live really will be a beacon that your children, your nephews, your nieces, your cousins, and your neighbors will want to follow. Your challenge as you leave the theater this afternoon is to let your star continue to shine as brightly as the total energy you have within. Never let your energy level sink to a level where you are satisfied with being average or producing mediocre work. Despite the many problems that our country is engaged in and despite the many obstacles that may be out there, the world is always looking for excellent people to provide the workforce and the leadership we need to lead us through the 21st Century. Remember, it is always crowded at the bottom, but there is always room at the top.

II. CHARACTER AND INTEGRITY

The second challenge I offer you is to exhibit high standards of **character and integrity**. You must take the high road at all times. It is not always the fastest road, but it is the road that will lead you to the greatest fulfillment you could want. You need only read the daily newspaper or listen to the radio or TV in order to recount the many instances in which lawyers, politicians, government officials and sports and entertainment celebrities find themselves under scrutiny by some investigating body, or having been fired or fined or even criminally prosecuted for having taken a shortcut caused by compromising their standards of integrity. Those breaches of character have diminished the individual as well as the institutions that they were involved with. Polygraph tests and drug tests have become standard pre-employment conditions for almost all jobs because employers only want people who will be able to maintain their best performances and people who

are committed to being persons of strong character. To play hard, yet fair, is still a good rule of thumb to govern your lives by.

What good will it do you to ultimately graduate from law school, or to get a high paying job tomorrow, only to lose all of that when you yield to temptations to violate the rules, violate the law, or otherwise breach ethical standards. Once your reputation is diminished by a breach of integrity, your life will never be the same.

Some of you have children and other close family members who have invested considerably of their time and resources in order to help you reach this mark today. Not only for the sake of your own success, but because there are so many people close to you who want you to succeed and who depend on you, you must keep your head on straight at all times. Doing so will enable you to take full advantage of all the opportunities for promotions, for advancement, for travel, and for good paying jobs that are out there.

You will face ethical issues each day of your career—in and outside of the office. Never do anything that will cause you to be unable to look at yourself in the mirror—in or outside the office. **NEVER!** I share this admonition with my law clerks all the time. You have worked too hard to sacrifice your law license for anybody, even a family member. Your law license represents a sacred trust. Periodically, I review the Louisiana Bar Association Disciplinary proceedings and opinions by our Supreme Court. I am continually shocked and amazed at the number of lawyers who are suspended or disbarred each year because of breaches of the public trust and the trust owed to their clients by involving themselves in fraudulent schemes or misusing client trust funds. I urge you to evaluate and reevaluate your relationship with anyone who wants you to do something that will cause you to sacrifice your personal and professional integrity and your license. **Never forget how privileged you are.** The knowledge and insight that you have gained in law school is

unique; the ability “to think like a lawyer”—being relentlessly analytical and critical—is truly a gift. Never take that for granted!

III. SERVICE

The final challenge I offer you is to be of **service** to your community. The greatest gift you can give to humankind is to give of yourself in the way of your time, talents, and resources. Many of the intricate problems that we face today will not be solved by elected or appointed public officials alone. Committed volunteers will always be needed to support worthy causes. You have developed skills during college and law school that are needed by many nonprofit organizations, community groups, and youth serving projects. You have the energy needed to forge new vistas of understanding. You have an obligation to reach down and to help others who have come from the same or similar backgrounds as you have to see the value of an education, to see the value of extending their horizons towards high achievement and excellence. Always seek ways to sharpen your analytical and critical thinking skills. Lifetime learning in an environment of service will reap great dividends for you professionally and personally. Always seek out ways to utilize your skills to help others because with the gift that you now have comes much responsibility; responsibilities that society, through our various professions, has given us.

The late Chief Justice Oliver Wendell Holmes captured this thought many years ago by saying: **“I think that, as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.”** Of course, this thought rings true for men and women alike.

My personal philosophy from my first days of law practice in the Army through three different judgeships has been to involve my time, talent, and treasures in civic and charitable pursuits that were principally oriented toward serving the plight of disadvantaged persons and

those who were in the youth-serving business. I have found no shortage of needs in schools and community-based organizations that a strong corps of volunteers could not overcome. The volunteer spirit frequently articulated by retired General Colin L. Powell has been alive and well in the community for a long time. Some of my most treasured possessions are not the many plaques that I have received, but the countless notes of appreciation sent to me by schoolchildren, program directors, pastors, and a wide range of people who give extraordinary praise for ordinary acts of kindness.

As Dr. Marian Wright Edelman of the Children's Defense Fund says in her book, *The Measure of Our Success*, "**Service is the rent we pay for living.**" We must incorporate the value of service in our lives and pass those values on to our young people in order that they will do likewise. Your children will mirror your conduct, attitudes, and values. Education is a privilege that implies a greater opportunity and therefore a greater obligation to serve the society in which we live and those with whom we share it.

SUMMARY

Arm yourselves with a commitment to excellence as you enter the world of work or additional schooling. Exhibit strong integrity and character in all of your daily pursuits and you will sleep well wherever you chose to live as well as set an example and truly serve as a beacon for others to follow. Serve the community and yourself with a portion of your time and your talents and your dividends of satisfaction will be returned fourfold.

I salute you for your commitments thus far, and I challenge you to continue your upward trajectory toward the realization of your dreams!!

God Bless You All!