Cum Laude Address
April 20, 2023

Thank you so much, Mr. Brennan, for that very kind introduction, and congratulations to the inductees.

Golda Meier is believed to have said: "Don't be humble, you're not that great." Well, all of you are that great, but I nevertheless urge you–don't be humble, use your voice.

When Mr. Brennan called to invite me to give this talk, my mind quickly moved through what from my life he might want me to discuss. Was it my thespian talents that were displayed on this very stage some… well, let's just say a significant number of years ago when I and my Winsor classmates joined your predecessors in the far, far off-Broadway runs of the *Skin of Our Teeth* and *Pirates of Penzance*? Was it, on a more serious note, my work as part of the team fighting for LGBTQ rights against the Defense of Marriage Act? Or was it my more recent work over the past decade in the General Counsel's Office, which has run the gamut from finding homes for five box turtles to spending nine years defending affirmative action in a case presently pending before the U.S. Supreme Court. "What would you like me to talk about?" I asked Mr. Brennan. "Whatever you like," he answered. "I think your families' values and RL's values are very similar."

It was, at the same time, a remarkable compliment and, let's be honest, a somewhat unnerving one. Were Sean's and my values really similar to those of RL? In some ways of course: honesty in all dealings; a commitment to something more than one's own self; standing up for what is highest and best in human life and society. But what about the other aspects of life at Roxbury Latin? If asked to describe our family before Mr. Brennan's call, I likely would have paraphrased Leo Tolstoy. All functional families are alike; each dysfunctional family is dysfunctional in its own way. Are the ways in which the RL family is dysfunctional the same ways in which our family is dysfunctional? Are the lessons Michael has learned at home over the past 18 years the same ones he has learned here in his formative years with his Roxbury Latin family?

In thinking about it, I admit there are some similarities. Certainly, the origins of my family's relationship with Roxbury Latin reflect this. When my parents were asked in their RL interview why they wanted to send my brother to Roxbury Latin, they succinctly responded, "he's too happy." It was a challenge RL readily accepted and quickly met.

For Michael, too, there have admittedly been parallels, not only in the emphasis on learning and teaching, but in the pedagogical approach as well. My mother, who had worked at one time as a teacher in Harlem, took very seriously the obligation to instruct her grandchildren, and when Michael was around three, she undertook to teach him coin denominations. She had purchased a piggy bank in the shape of a monkey—Sluko, she called it—and using Sluko's voice, she asked Michael to feed Sluko a dime. (We know this because there is, to this day, recorded video of this interaction.) Michael tentatively holds out a quarter. "This one?" He asks. "Wrong!" My mother's voice rings out. "Wrong! Wrong! Wrong! You could not be more wrong!" I'm fairly certain that about twelve years later, Michael received, from Class III Latin, the same comments from Mr. Randall on a Latin paper: "Wrong, wrong, wrong!" A shared value that gentle encouragement and supportive, constructive criticism are… not the best way to motivate a young or not so young boy? Perhaps, a shared value to encourage humility.

But when we say humility, and when Roxbury Latin explains that it seeks to develop humble young men, what do we mean? "A commitment," as RL says, "to serving others well beyond your Roxbury Latin years and well beyond these walls"? Certainly. An absence of arrogance or pride? Absolutely. Humility in those respects is an important and laudable goal. But to the extent humility is defined, as it is, as "a low view of one's own importance," perhaps it is here that we want to pause, for a low view of one's own importance–a view that I sometimes wonder if we have inadvertently instilled in our children and that at times has perhaps been echoed at RL–risks unintended consequences. At times of critical opportunity, needed advocacy, important questioning and challenging, does a low view of our importance risk standing in our way and stopping us from recognizing a moment in which we need to use our voice and our talents.

When I entered college out of Winsor, I was planning to become a doctor. I was interested in medicine, and I liked science. I spent my first three years of college engaged in science classes and laboratories–years of Biology, Chemistry, and Physics. But as I was finishing my junior year and preparing to apply to medical school, I became worried that perhaps I lacked the right perspective to become a doctor. My peers who were going into medicine all had experienced significant, personal impacts from medicine in their lives. They had lost loved ones to horrible diseases or themselves suffered from significant illnesses. How could I contribute to that field if I did not have those experiences, those viewpoints?

As a 20-year-old, I failed to recognize the important perspective I could bring to medicine, that what would matter, in addition to my skills, would be my empathy, the importance of listening to others, and an ability to relate to people similar and different from myself. And I failed to understand that over the course of my ongoing education, interacting with my colleagues, sharing my own views and hearing theirs, I would develop these skills. Ultimately, this fear that I lacked the requisite perspective led me not to apply to medical school and instead to go in a different direction. I don't know if I would have enjoyed medicine as much as I enjoy the law, but, as my career progressed, I made sure not to allow a low view of my importance, a worry about the voice I could share, inhibit me from making a contribution, from speaking up, or from using my voice and my talents to enhance opportunities for others.

Years later, a similar circumstance presented itself. I had at that point graduated from law school and, after working for the Justice Department, returned to Massachusetts where I was practicing law as a partner at a Boston law firm. The firm at which I worked placed a very high premium on pro bono efforts (unpaid legal work for the community), and I had done a lot of that, but although the firm was very active in working for marriage equality–gay marriage–I had not done any work in that area. It was around 2010. Only five states, including Massachusetts, allowed marriage equality, and those few couples who were able to marry had their rights significantly impaired by a federal statute called DOMA (the Defense of Marriage Act).

DOMA was a federal law that had been passed in 1996 and was signed into law by President Clinton. The law had come into being because three years earlier, in 1993, there had been a case in Hawaii in which the Hawaii Supreme Court made a ruling that might have led to legalizing gay marriage. It didn't happen–Hawaii amended its state constitution to prohibit it–but the possibility so panicked Congress, that it passed a law to define marriage as a marriage between one man and one woman for every federal law or regulation. This might not sound that significant, but those laws cover all aspects of someone's life–laws about education loans,

healthcare, adoption, child custody, social security, Veterans benefits, more than 1,000 laws and regulations in all. So, the law firm at which I worked undertook to challenge DOMA as unconstitutional, and, recognizing that the issue likely would go to the Supreme Court, they asked if I would join the team.

Although it is not unusual for a lawyer to work on litigation that does not directly affect them, this was not the case for the leadership team of the DOMA litigation. It consisted of an excellent group of attorneys, all of whom were directly impacted by this law. I was not. But I had a perspective as an appellate attorney that was valuable to the team. I did not have the personal connection to the issue, and a low view of my importance to this team might have led me again to forgo this opportunity, as with medicine nearly 20 years before. But this time I recognized that I could add my voice, my skills, and my perspective to this extremely important cause. I took the opportunity and was able to be a part of a remarkable experience, working with extremely talented colleagues and getting a discriminatory law struck down by the Supreme Court as unconstitutional.

Each of you has a unique perspective. When opportunities present themselves, when you have the chance to use your voice for something important, when there are others who are afraid to speak, step up, share your perspective, and ensure they have a chance to share theirs.

For the past nine years, I have managed the lawsuit against Harvard College that is challenging affirmative action, and I have been defending our ability to bring all kinds of diversity to campus. At its core, this defense comes from an understanding that we cannot have successful educational institutions like Harvard or Roxbury Latin if we do not provide opportunities for all voices to be heard. Certainly, one of the most challenging issues on college and university campuses today are issues around diversity and free speech. It may surprise you to know that many of the colleges you will attend are not covered by the First Amendment. In fact, a quick glance at the 75 or so colleges that Roxbury Latin students have attended in the past five years indicates that fewer than 20% are constitutionally required to protect free speech. But I assure you, all of them do. They all recognize, as Harvard does, that the free exchange of ideas is vital to their educational missions, that educating and learning cannot come without an opportunity for all to share their views, and that we learn the most when we are educators of each other.

I had the opportunity to work with a small group of faculty and the Dean of Harvard College in drafting a report on the importance of student-body diversity. The report emphasized that for hundreds of years, education at Harvard College has relied on an "educational experience in which challenge and confrontation are essential counterparts to collaboration and cooperation." As Harvard's former President Neil Rudenstine observed, Harvard's goal is to create even a "disputatious… community where the zeal and zest of argument and debate would be audible and tangible," where "the collision of views" would occur.

The report emphasized that it is not enough to read about or be taught the opinions of others on a subject, for, quoting John Stuart Mill: "That is not the way to do justice to the arguments, or bring them into real contact with [one's] own mind. [One] must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them."

I urge you to bring your most disputatious selves, to defend your views in earnest, to have the zeal and zest of argument and debate as you move through Roxbury Latin, to college, and after.

In addition to my work in the General Counsel's Office, I am an adjunct lecturer at Harvard Law School. For the past five years, I have been co-teaching, with a colleague, a course I developed on advocacy, helping first-year law students learn how to advocate for themselves through the media, through speeches (it will not surprise you to hear my co-instructor handles that one), and through negotiation. We encourage students to challenge the status quo if they want to change it or to fight to retain something they value that is at risk of being taken away; to ask for and understand not just the position of another person but their underlying interests–why they are taking the positions that they are. We encourage them to think about a time their minds were changed and how they might change the minds of others. These are first-year law students, and, by the time they have reached this point in their lives, many of them have long lost the ability to advocate for themselves. They have a fear of speaking up, of speaking out, of presenting a view that may be contrary to that of their peers. They have become, perhaps, too humble.

I urge you not to be that humble. Put on display your diverse, intelligent, novel, and valid points of view. We are taught–and importantly so–to be respectful to our families, to our communities, to our teachers, to our professors, to our bosses, and to each other–and so we need to be. But this is, at times, misinterpreted as an instruction not to question what is being said or to stay silent in the face of contrary views. You all know how to disagree without being disagreeable, and it is not disrespectful to show the world that you are engaged in the experiences that are presented to you and that you are interested in actively learning from others.

Roxbury Latin is giving each of you an exceptional education and is developing, in you, extraordinary talents. You learn here how to think, how to analyze, how to write persuasively, and how to formulate convincing arguments on ideas. Share them. Whatever your background, you are privileged to be learning within these walls. Take that privilege, and use it to fight for good and just causes, to encourage all voices to be heard, and to educate and be educated by one another.

To Mr. Brennan and the faculty, staff, and trustees of this outstanding institution, I thank you. Thank you for giving me the honor of speaking here today, and thank you for welcoming us into your wonderfully unique, dysfunctional family. You are indeed creating men who will live lives of noble purpose. And again, congratulations to those honored here today and to all of you. You are a group of remarkably accomplished and accomplishing young men. You can and will do amazing things with your lives. Care about each other, care more about your community than yourselves, ask questions, challenge what you are learning, encourage and participate in the clash of ideas, and build for yourselves a life *laude digna*, worthy of praise.