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Professor Jay Tidmarsh Commencement Address

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Commencement



As is tradition, the diploma ceremony for the Class of 2005 ended the day for the graduates and their families and friends.

Yet, as is always the case, regardless of how long the day has seemed, each graduate knows that there is no better way to end this special day: the one day on which they begin as students and end as graduates.

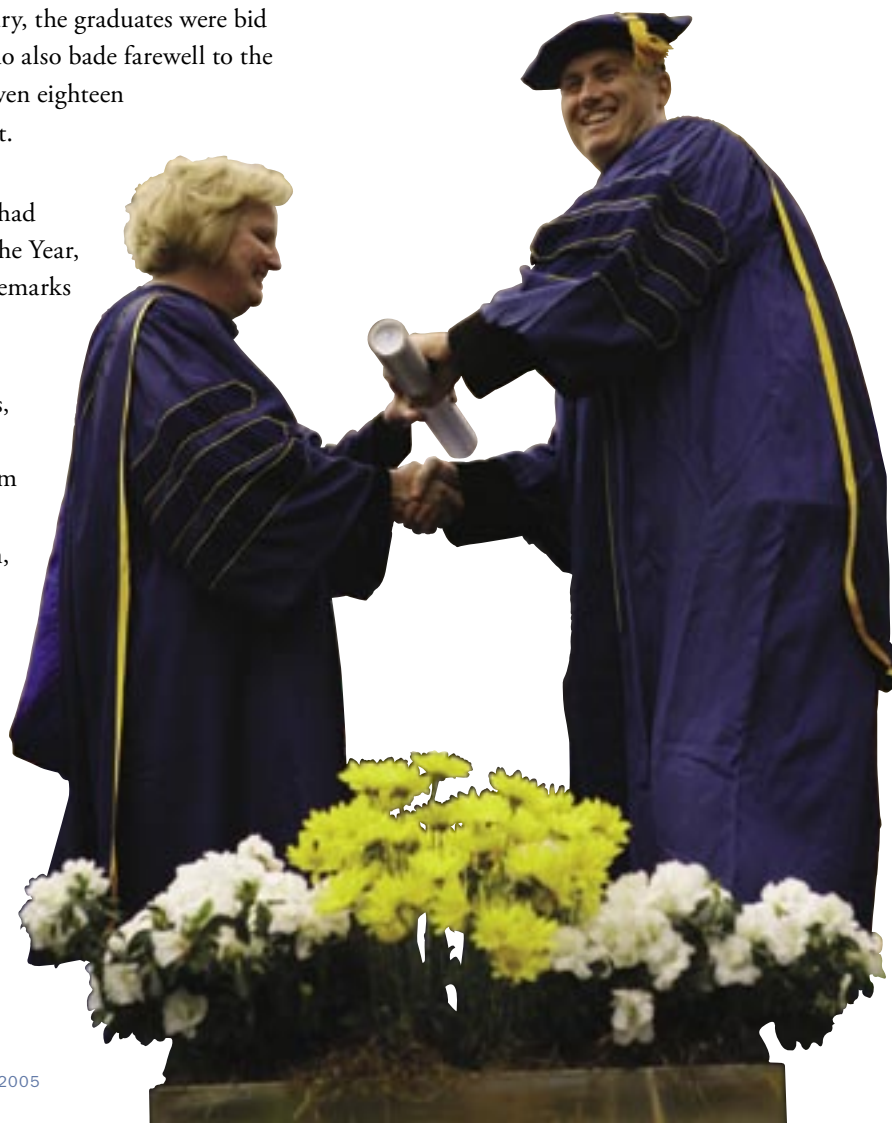
Law School community wish each graduate good fortune, happiness, success, and steadfast faith in their future lives. We look forward to greeting them as Notre Dame lawyers!

Held by the reflecting pool and before the towering mosaic that is on the Hesburgh Library, the graduates were bid farewell by Father Malloy, who also bade farewell to the University to which he has given eighteen years of service as its President.

Professor Jay Tidmarsh, who had been selected as Professor of the Year, addressed the graduates; his remarks follow.

After receiving their diplomas, graduates listened to Dean O'Hara as she challenged them to remain steadfast in their dedication to faith and reason, the hallmarks of a Notre Dame Law School education.

Graduates received one final memento of their time as students: a baseball cap, designed especially for them with their graduation year on it. All of us in the





2005

GRADUATION AWARDS

Dubin Prize in Intellectual Property for academic excellence in intellectual property

Adam Barrett Townshend

Judge John R. Brown Award for excellence in Legal Writing

Angela Nicole Petrucci

Conrad Kellenberg Award for service toward the betterment of the Law School and the local community

Lindsay Christine Updike

Clinical Legal Education Association Outstanding Student Award

Kimberly Marie McLeod

Arthur Abel Memorial Competition Writing Award for excellence in writing for the *Notre Dame Law Review*

Diane J. Hellwig

American Bar Association Negotiation Award for excellence in the art of negotiation

Brian Gregory Noonan

Ross Allen Boughton

Edward F. Barrett Award for outstanding achievement in the art of trial advocacy

Shauna Lynn Ripley

Casey Michael Nokes

Joseph Ciralo Memorial Award to a law student who exemplifies spirit, service, and significant achievement in the face of adversity, as did Joseph Ciralo, member of the class of 1997

Joshua Matthew Fine

Jordan Alexander Mundt



GRADUATION AWARDS

The Farabaugh Prize for high scholarship in law

Erin Elizabeth Gallagher

The Colonel William J. Hoynes Award for outstanding scholarship, application, deportment, and achievement

Christopher Edward Goggin

International Academy of Trial Lawyers Award for distinguished achievement in the art of advocacy

Paul Russell Harris

Mark Henry Schauerte

William T. Kirby Award for excellence in brief writing

Mark Thomas Emery

Dean Konop Legal Aid Award for outstanding service in the Legal Aid and Defender Association

Rosanne Mercurius Perry

The Jon E. Krupnick Award for excellence in the art of trial advocacy

Philip James O'Beirne

David T. Link Award for outstanding service in the field of social justice

Kathleen Sheila Eich

The Judge Joseph E. Mahoney Award for outstanding leadership

Meghan Lynn Rhatigan

The Arthur A. May Award to a member of the Barristers team who demonstrates a commitment to professional ethical standards and exhibits excellence in trial advocacy

Shauna Lynn Ripley

Captain William O. McClean Law School Community Citizenship Award to the person who has done the most to contribute to the lives of students at the Law School

Meghan Lynn Rhatigan

National Association of Women Lawyers Award for scholarship, motivation, and constitution to advancement of women in society

Katherine McGinnis Anand

The Dean Joseph O'Meara Award for outstanding academic achievement

Jeannette Christine Cox

The A. Harold Weber Moot Court Awards for outstanding achievement in the art of oral argument

Charla Tanyce Blanchard

Robert Malty Crea

Katharine Hoyne Hosty

Jeremy Andrew Moseley

The A. Harold Weber Writing Award for excellence in essay writing

Thomas Michael Messner

2005 PROFESSOR OF THE YEAR

I particularly appreciate receiving this award from you, such a strong, wonderful, and now graduated class, the Class of 2005. I must admit, though, that I have never liked receiving awards. I have always seen the process of legal education as a collective enterprise, to which no one faculty member contributes much. You have been trained by a tremendously talented group of faculty. I should mention just a few, Ray Gallagher, Alan Gunn, Con Kellenberg, and Fr. John Pearson, all of whom leave the faculty this year. Among them, if I have my math right, they have a collective 88 years of teaching at Notre Dame, with 50 of them belonging to Con Kellenberg.

And we are not alone in teaching and guiding you. There are your first and best teachers, your parents and families, as well as your elementary, high school, and college teachers who have brought you to us. Most of all, you have been each other's teachers, in class, in study groups, and in conversations over at Recker's. What you are and what you will accomplish in the law you owe to each other.

Well, I take it that my job here today is to make you laugh, to say a few wise words, and then to make you cry, and, because you have been talked at for the past two days, to do all this in three minutes or less.

So I was thinking this morning about what I might do or say, and it dawned on me that there was one thing, just one thing, that I hadn't done since you guys came here three years ago. So if you can wait just a minute here, ...There. [Professor Tidmarsh combs his hair.] That ought to do it for another three years. Hey, I don't need this [his comb] anymore. Anybody want it? Only used once. Now I don't want to see that on e-Bay in a couple of years.

Well, after that, I'm not sure that anyone is going to think that what I have to say is very wise, so let me make just one observation. I am certain of only one thing, that human society does and will inevitably change. The society that you will inhabit 30 years from now, when you are watching your own children graduate, will be different from today's society. And the world in 50 years, when you are contemplating retirement, will be different still from that world. If you are an optimist, and believe in human progress, as I do, you hope that changes are for the better. But there are no guarantees. Progress depends on the constant interaction between tradition and creativity, sometimes sticking with tradition, and sometimes striking out on a new path, and on the wisdom to recognize when it is right to do each.

At every step of this movement into the future lawyers will be there, you will be there, shaping society for the generations to come. Lawyers are rarely the catalysts of change, but we shape those catalysts into social, economic, and political structures and institutions that define and determine the future. Sometimes

you will find yourself aligned on the side of tradition, and sometimes on the side of change. My hope and prayer for you are to treat those with whom you disagree with the dignity and respect for which Our Lady and this University stand. When I was a young lawyer, many years ago, I'd often eat lunch or dinner, or maybe have a drink, with the lawyers who represented the other side, sometimes even during the heat of trial. We disagreed about many things, like who ought to win the case, but we never disagreed about our shared commitment to leave the world a better place for our efforts. Differences of ideas and arguments are goods to be treasured, for without them progress is not possible. So assume the best, and not the worst, about those who would disagree with you. They are almost always people of good faith.

Lawyers are not always popular in our society. I have heard most of the jokes, and some of them are actually quite funny. But one way in which society needs our leadership now more than ever is to do what lawyers for centuries have known and done, to disagree civilly, professionally, and courteously, and to respect the fundamental dignity of all those with points of view different from our own.

And now for the tears. You will pardon me if some are my own. In the end, I don't know very much, not even about design defects, or class actions, or collateral estoppel. What I have just said about progress and civility is all that I know, and all that I have ever tried to teach you. It is also what you have taught me. On graduation day it is fashionable to speak of how you will take Notre Dame with you as you leave. Know as well that all the talents you have contributed to this school remain here. Thank you for all you have done for us. For as long as I am here, you also remain here, in my heart.

