

Donald Ostertag's Valedictory Address

May 12, 2007

Thank you Deal Hasl, members of the faculty and administration, respected guests, family members, friends, and classmates.

I am going to start by telling you a story. I assure you it is a story that has at least some relation to the practice of law, and I figure that since I'm up here I should do my best to provide some entertainment in exchange for your polite attention for the few minutes I have it. What better way to do that than with a story? Well, the story dates back to when I was a young boy, living in the suburbs of Detroit, Michigan with my parents and older brother (who, incidentally, are all in the audience today and have no idea I am about to tell this story). So, the story goes, I'm about seven years old, and my older brother David, he's about 13 or 14. And for all of you who have ever grown up with siblings, you are very

aware of the fun quarrels and disputes that come about at that young age. Well, my brother and I were both at home one day, standing in the foyer of our house if I recall correctly, and we were having one of those little tussles that brothers often have. And you know how those fights between boys usually play out: they start by name calling, and then they progress into raised voices, and before you know it your brother has you in a headlock demanding that you say “uncle” before he will let you go. So there I am, wrestling with my brother, our arms and legs flailing about, when I punch him, square in the stomach. My brother looks at me, pauses a moment, and then just starts bawling. One of those awful, wretched, ear-piercing cries. Now, did I feel bad for my brother? Was I worried that he might be hurt? Heck no, I was glowing man, top of the world; I just beat up my older brother. Seven years old and I took down my teenage brother. What a wimp, I’m thinking. You’ve gotta be kidding me. What a sissy.

And of course, within less than a minute, my parents come racing down the stairs to see what is happening. They see my brother bawling away and me just hanging out, looking guilty as ever. And my brother, of course, starts pointing at me and telling my parents that I hit him and that he can't breathe, etc., etc. And then it all hits me. As my mom is consoling my brother away to a land of video games and candy in hopes of a speedy recovery, my brother looks in my direction, and in between his sobs, just ever so slightly, he smiles at me, cracks a faint grin. Well of course I knew what was going on: my brother's faking it. He's making up this whole charade, and he's doing a great job at it. I mean, Marlon Brando in *The Godfather* has got nothing on the performance my older brother was belting out. I did my best to accuse my brother of faking it, but my parents just weren't buying it. I'm getting shipped off to my room to sit there with no T.V. for a week, and my brother is on a fast track to sympathy and attention with his malingered injury.

And what does this story have to do with the practice of law you ask? Well, nothing directly, but there are some striking parallels that I think can be drawn. One, I imagine that often times in the legal profession, just as in life, you lose even though you're certain you're right. I *knew* then that I was right—that my brother wasn't really hurt—but there was just no convincing my parents, the childhood equivalent to the court, that he was faking it. Before I knew it the gavel came down and the sentence was imposed: grounded for a week. And unfortunately, I was not afforded the right to appeal with effective assistance of counsel. I was stuck. But now I look back at that time and realize that I was not punished for inflicting any real harm on my brother, but rather just for fighting with him in the first place. I'll now admit that although I was certain then I was right, my brother got the better of me in that one.

And that really leads into the next parallel that can be drawn between this story and the practice of law: you can

and should still have respect for your adversary where respect is due. For as much as I was dejected by my brother's victorious defeat of me, it made me respect him even more. Dave, I know you're here in the audience, I hope you don't take embarrassment from my story. I'm still striving for the type of cunning wit you displayed on that day. I presume such acuity would serve any lawyer quite well as they wade through the often adversarial legal profession. So the moral of the story: you can and should stand up for what you believe is just and proper, but if you are defeated, don't sulk. Take the opportunity to learn as much as you can, be curious, ask questions, grow as a person and as a legal advocate. You might just find that one day you are in a position to capitalize on that lesson.

And now, on a more serious note, I must take a moment to emphasize what a humbling privilege it is to speak here today. Over the past three years it has been my distinct pleasure to be surrounded by such a truly amazing

group of fellow classmates; I am grateful for the opportunity I have had to know and admire many of you. I have learned a great deal from a countless number of my classmates, and it is my honor to call many of you my friends.

And here I am, asked to talk on behalf of this graduating class, asked to summarize in only a few brief minutes a variety of different perspectives and beliefs. Well I must admit, to say that I feel unqualified for the task would be an understatement. We have all come from many varied backgrounds and we all bring with us many different beliefs. Our intentions in going to law school and our goals with our legal careers range across the spectrum. But we do have at least one common thread: we have all succeeded in achieving this goal we set for ourselves. We all endured long hours studying, we all sacrificed countless nights and weekends, we all experienced the joy of the Socratic method at eight-o'clock in the morning, and most importantly, we all made it. We have accomplished something only a small

percentage of people accomplish. And we did so through dedication and ambition.

And that really segues into an important point: this achievement we celebrate here today belongs as much to us as it does to those who have supported us and made this opportunity possible for us. I am sure just about everyone has that person or those people in their lives who were there for them during their law school careers. Those people who doubtless felt the relationship strain while we were busy studying for finals, but who were always ready and willing to provide a much needed word of encouragement and have faith in our success. These people come in the form of significant others, children, parents, friends, family, professors, and mentors. For myself, without question, those people are my parents. I am certain that without the tireless efforts of my father to lead by example, to show me first-hand exactly what it means to be hard-working, dedicated, ambitious, and responsible, and to have endless

patience at times when agitation seemed so appropriate, I would not be earning this degree today. And I am certain that without my mother to learn from, without the compassion, care, love, and kindness she has continually displayed, without witnessing her persistent strength and courage, without having had the opportunity to observe her example of precisely what it means to be a truly great person, I would not be earning this degree today. So to everyone who has offered support to one of these graduates, I speak on behalf of the class and extend a very sincere “thank you” to you all.

And now, in the interest of keeping things short, I will conclude by thanking the school, the Thomas Jefferson School of Law (probably something I was supposed to be doing from the outset). As young members of the legal community we really are lucky to graduate from a school that is on its way up, a school that employs faculty and administration who truly care about the students and the

advancement of the legal profession. We have all seen improving transformations during our time here, and we are all aware of the many improvements just beginning to take shape. And that is where we come in. It is the responsibility of each and every one of us to continue the upward trend of our school's reputation. It is our duty to ourselves and to one another to show by example that graduates from Thomas Jefferson School of Law are hard-working, ethical, humble members of the legal community. I am proud to be graduating from this fine school, and I am proud to be graduating alongside this dedicated, respectable, honorable group of fellow classmates. I am confident that with our combined efforts, we can achieve immeasurable success, both personally and as an institution. Thank you.