

The University of Toledo College of Law
Commencement Address
Delivered by the Hon. Gary Farmer, Sr. ('73)
Sunday, May 6, 2018
Student Union Auditorium

UT LAW COMMENCEMENT

Dean Barros; Distinguished Faculty; Honored Guests; and Graduating Students.

I want to begin by acknowledging how honored I am to have been asked to give this Commencement Address. When asked, I first recalled from my youth a response I had learned from serving Mass: “Domine non sum dingus.” Lord I am not worthy.

And actually I am not confident I have the quality necessary. Like Mark Anthony, “I have neither wit nor words nor worth,” thus required. Yet here I am.

In his book *Advertisements for Myself*, the author Norman Mailer described receiving a request from his Alma Mater (namely Harvard) to give an update on his career for inclusion in an annual mailing to alumni. He said he would write “something destructive and therefore useful.” On this not dissimilar occasion, I have decided to try to say something useful and therefore both instructive and destructive.

Based on my history, I was never a likely candidate for college, let alone law school. Born and raised here in Toledo, my father struggled to keep my brothers, my sister and I together on the wages of a bus driver. Yet he made it possible for me to attend Rosary Cathedral School here and then Central Catholic High School.

But I rebelled and was unmanageable. I quit High School in my second year and never returned. For a long time, I evaded the truant officer sent to return me to school. He finally caught me just a few months before my 17th birthday. A Juvenile Court Judge in Toledo gave this choice: “reform” school or the military.

I chose the Marine Corps and enlisted for three years. Those of you who were Marines will know how well they get your attention in boot camp to comply with the Corps’ unyielding standard of *instantaneous obedience*” to orders of those senior to you.

The Marines sent me to the Far East where I was trained me as a radio telegraph operator. I learned Morse code and was proficient in military telegraphy. I can still decipher the meaning of the dots and dashes in movies fairly accurately.

I declined to take the offered GED preparatory course but took the exam for high school equivalency. To my utter astonishment, I passed.

Upon discharge in 1961, I moved to Florida and ultimately found work with a finance company. I met my wife, became married and began a family with two children. Parenthood had the effect of spurring me to do something about my education. Though I lacked a formal high school education, I did have that GED certificate.

So, I decided to try college while working in the day and attending school at night. After a while, I began attending school full-time during the day and working at night to speed things up. I thus finished my college undergraduate education in 4 years.

I wondered if I could ever get into law school. And even if I were accepted, I doubted there was much of a chance that a law firm would risk hiring me. How could I possibly compete with Law School graduates with more orthodox backgrounds?

UT took a chance on me and even gave me a scholarship. The problem was finding a place to live for me and my family while attending school. We were very lucky. The Toledo Tennis Club was looking for a new resident caretaker and maintenance person to live in its upstairs residence. We fell into the opportunity and were so accommodated for my entire 3 years of Law School. They were career savers for me and my family.

I started Law School in 1970 at what we called the Attic Law School, then housed in the University Tower Building. At the end of my second year, the Law School moved to its current location. Our son Gary actually helped move the Law Library.

As I neared graduation, I began to fret over any chance of being employed by a law firm. It turned out that one of my fellow students at Rosary Cathedral School was then a Law Clerk for U. S. District Judge Nicholas Walinski. With my friend's help, I was appointed as one of the two law clerks serving the Judge for two years. They were among the best years of my legal education.

My wife and progeny begged to return to Florida, so after my clerkship ended I began at a small firm in south Florida. After I had been there for 5 years, they made me a partner. When my mentor died, I decided to practice on my own. My solo firm did well enough and I practiced thus for several years.

In 1990 I learned that the Governor had a judicial vacancy to fill on the District Court of Appeal in West Palm Beach. Against the expectations of just about everyone, I got the appointment. I served as a Judge on the Court of Appeal for 20 years until I reached the mandatory retirement age of 70 in 2000. Since then I dabble in the practice of law, mostly with my son.

UT Law was one of the best things that ever happened to me. My entire career would have been impossible without it. It was apparent in my practice in Florida that my UT legal education was every bit the equal of those who attended more well-known Schools in the Northeast and Old South. Duke! Duke! Duke!

Here I was privileged to have been taught by a faculty then including Professors John Stoepler, Janet Wallin, Vincent Nathan, Ronald Raitt, Anthony Marino and Judith Jackson. Thanks to UT Law, I had no trouble with either of my Bar exams in Ohio and Florida. I found I was just as well prepared at UT Law as those from elite law schools.

So you need not doubt your legal training. A UT Law education affords you every basis for success in the practice of law, whether you stay here or settle elsewhere. As my own experience demonstrates, you are as good as your competition. In sum, I got where I am because of UT Law and am proud of studying law here.

Allow me to say something about the current climate in the practice of law. You will become lawyers at a critical and challenging time in the history of our democracy. The congregate dedication to the rule of law is now in question.

For two centuries judges, lawyers and legislators agreed on a standard body of law made of the Constitution, legislation and a common law formed from a history of judicial decisions explicating it. This legal corpus was accepted as the rule of law.

Today, lawyers and non-lawyers question or challenge essential tenets of this legal corpus. Although the legal training of lawyers had taught them that these rules are enduring and form the **rule of law**, some of them now openly question or challenge the applicability of a **rule of law**.

Fareed Zakaria recently wrote in the *Washington Post* about the role of lawyers and their function in our culture. He asserted that America is a land of law and lawyers and declared “we should be deeply grateful for it.”

In our time some insist that our long-established rule of law should now be re-interpreted and newly understood to give way to religious dogma. Some now read the Constitution’s right to choose and practice a religion as establishing a preference in law for religious beliefs to inform and dominate all other rights. Some read the Second Amendment to prohibit just about any regulation of firearms.

The duty to uphold the rule of law is indispensable in a democracy. Indeed it is a duty and a hallmark for the legal profession that results from their legal training.

Zakaria made the point that lawyers – even those serving in government – have long been trained to understand that:

“it is crucial for the country that the government operate within the law – even if the president wishes otherwise. . . . ‘It is the job of a good lawyer to say ‘yes.’ It is as much the job of a good lawyer to say ‘no.’

‘No’ is much, much harder. ‘No’ must be spoken into a storm of crisis, with loud voices all around, with lives hanging in the balance. ‘No’ is often the undoing of a career.’ ”

He went on to stress the following:

One of the oft-repeated criticisms of America is that it has too many lawyers. Maybe, but one of the country's great strengths is its legal culture. . . . Alexis de Tocqueville worried that without a class of patriotic and selfless aristocrats, the United States could fall prey to demagogues and populists. But he took comfort in the fact that, as he put it, American aristocracy can be found 'at the bar or on the bench.' [De] Tocqueville saw that lawyers, with their sense of civic duty, created a "form of public accountability that would help preserve the blessings of democracy without allowing its untrammelled vices."

The essential duty of Lawyers as members of De Tocqueville's class of "patriotic and selfless aristocrats" is to protect the rule of law as part of an unyielding code of conduct. As members of De Tocqueville's class of patriotic aristocrats, Lawyers have been called to something stricter than the customary morals of public life. To quote Cardozo, "Not honesty alone, but the punctilio of an honor the most sensitive, is [our] standard of behavior." This is the unbending and inveterate tradition that you graduates will swear to adopt and follow when you are sworn members of the Bar.

Your UT legal education has provided you with the foundation for carrying out the role of lawyers I have just described. I congratulate you on your success in this first stage of becoming members of the Bar. On behalf of the entire legal profession, I welcome you to the company of Law School graduates who may become members of the Bar.

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