

**University of St. Thomas School of Law
Commencement Address**

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*An Invitation to Join the Law Firm of “Mathew, Mark, Luke and John”
as an “Attorney for the Poor”*

Introduction

President Dease, Dean Mengler, Faculty, Family, Friends, and most of all to the class of 2012, thank you for the privilege of sharing this day with you and the honor you have provided me. To the class of 2012, all of us are here to honor you for your hard work, your perseverance, and for the contributions that your experience here will allow you to make to your families, your profession, your community and, as it means so much to so many of you, to your Faith. Congratulations.

As honored as I am to be here, I am also humbled, and for good reason. I have had five commencement speeches delivered to classes of which I have been a part, and heard at least a score of others at the graduations of family and friends, and have vivid memories of only one—my own law school graduation nearly 30 years ago. And my memories are not of inspirational words, but of insufferable length and pretentiousness.

So, at minimum, I have a goal today of being forgotten rather than misbegotten, or as in the oath of another profession “to do no harm.”

But since, in the words of the poet Robert Browning, “a man’s reach should exceed his grasp,” permit me an attempt to find my way into at least some portion of the temporal lobes of your long-term memories—with the commitment that my effort to do so will seek to have me stop speaking before most of you stop listening.

Let me offer three observations and questions for your consideration. And I fully admit that my questions will be “leading questions” and I’ll even suggest some responses, but I ask you to hold any “objections” to the reception following this ceremony, at which time we will allow Dean Mengler the opportunity to wield the gavel. For objections sustained, I will eat my words; for those overruled, some extra work on the “rule against perpetuities” or the intricacies of “Section 1031 Exchanges” is in order.

You are Among the Privileged

Observation and question one: You are now among the privileged few. How will this change what you do?

I expect all of you may not feel so advantaged as you confront a still constrained legal job market, your student debt, and the rigors of an upcoming bar examination.

Consider a different perspective however:

- Of the world's 7 billion people, almost 1.3 billion or nearly 20 percent live on less than \$1.25 a day.
- In 2010, over 46 million Americans lived in poverty, the largest number in over the last 52 years.
- In Minnesota, the poverty rate has nearly doubled. This is 600,000 people including 180,000 children; or a quarter of the residents of Minneapolis and Saint Paul live and one-third of the children. Imagine trying to raise a family of four on \$23,000. It's worse for the 250,000 Minnesotans in deep poverty who live on half this amount.
- One in three adult Americans with have a Bachelor's degree and just over one in 10 has an advanced degree. This now includes you. The chances of someone with your professional education living in poverty are very low, three percent, and your earning potential is very high.

You will have to work hard, but your God-given gifts and your education offer you the opportunity and likelihood of a standard of living of which the vast majority of the people in the world and in this country would be envious.

I hope this makes you feel grateful, not only for your privileges and opportunities, but also for the inevitable challenges and struggles you will confront. Many consider starting to "give back" when they have "made it." Through your accomplishment of being here today you have already "made it." So don't wait to "give back." Start now.

Bringing Catholic Social Teaching to Life

Observation and question two: You have now succeeded at a uniquely Catholic institution that embraces Catholic thought and teachings, as well as other faith traditions. What renditions of these traditions will be reflected in your professional work and personal contributions to the broader community?

Integral to these traditions and social thought are our Catholic Social Teachings which have basis both in scripture and papal encyclicals.

Isaiah offers the following:

Justice will bring about peace; *right* will produce calm and security. (32: 16-17.)

Pope John XXIII in 1963 described the “*rights*” that will result in calm and security:

Every person has the right to life, to bodily integrity, and to the means which are suitable for the proper development of life; these are primarily food, clothing, shelter, rest, [and] medical care... (*Pacem In Terris*, #11, 1963.)

Pope Benedict XVI in 2009 discussed how these rights will be secured:

Besides the good of the individual, there is a good that is linked to living in society: the common good...It is a good that is sought not for its own sake, but for the people who belong to the social community and who can only really and effectively pursue their good within it. To desire the common good and strive towards it is a requirement of justice and charity. (*Caritas in Veritate*, 2009.)

And as we seek the common good, Pope John Paul II reminds us that deep in our tradition...“Is the continuity within the Church of the ‘preferential option for the poor’, an option which I define[d] as a ‘special form of primacy’ in the exercise of Christian charity.” (*Centesimus Annus*, #11, 1991.)

Justice, peace, human rights, pursuit of the common good with a preference for the poor are among the fundamental building blocks of Catholic Social Teaching, all of which work together to promote and defend the fundamental dignity of each human person.

What does all of this theology mean to you as new attorneys?

I am getting to that. First permit me to provide one more tidbit of history. Catholic Charities of Saint Paul and Minneapolis, which I have the privilege to help lead, is part of a national Catholic Charities USA network. The first meeting of this network was held in 1910, at which all of us were charged to act as:

“The attorney for the poor in modern society, to present their point of view and defend them unto the days when social justice may secure to them their rights.”

Again we were charged to act as:

“The attorney for the poor in modern society, to present their point of view and defend them unto the days when social justice may secure to them their rights.”

Class of 2012, I invite you to join the law firm of “Mathew, Mark, Luke, and John” and become, in some part of your personal or professional life, “an attorney for the poor.” You’ll receive no retainer, the hourly rate is miserly, but you become a partner right away, and the retirement plan promises to be heavenly!

And you are needed. We are leaving too many people behind. The Twin Cities Catholic Charities is the largest region-wide social service agency. We serve 35,000 of those most in need each year, and we reach only about 15 percent of those who experience poverty. Too many people are forced to choose:

- Do I buy medicine or pay rent?
- Buy food or pay for child care?
- Pay my wages for a taxi to get to work when there are no busses or risk losing my job?

We know that for every child in North Minneapolis that we can help start kindergarten ready to learn, there are many more that are unprepared, will likely read well by third grade, graduate high school, get a decent job, and are at risk of ending up in our shelters and jail. For everyone that we help find a job and a home after being on the streets, there are many others who have “done everything right” but are laid off, denied benefits, depleted their retirement, and wonder “where can I go?”

What can you do? There are many opportunities regardless of what you do for a paycheck. Find something that is both authentic to who you are and stretches you to better understand those parts of the community and our world that are often hidden to us.

Your legal skills are needed to do pro bono work for immigrants who lack documentation, or for veterans and others denied benefits to which they are entitled.

Your human touch is needed to serve meals, to read to kids, and to simply greet people you see on the streets, not with a handout, but with a warm smile or greeting so they know that they matter, that they are part of the same human family as you and me.

Your broader advocacy skills and your active citizenship are needed so that our economy, our politics, and, yes, our laws are based on the “preferential option for the poor” that is integral to our Catholic Social Teaching. As you confront broken systems in your work, be an advocate for repair; when you witness oppression and barriers that hold people back, help break them down. This is not partisan or ideological. It is practical. The bottom line is: If what we are doing is not working to better the least fortunate among us, there must be change. There is more “than a preponderance,” there is more than “clear and convincing,” there is evidence “beyond a reasonable doubt” that what we are doing is not working and there must be change.

I ask you to be a part of that change.

Humility and Civility

Ok. I just served a “heavy” pleading on you. As an “attorney for the poor” I have a professional obligation to be a zealous advocate for my client. But I hope you will agree that I did not cross the line and violate Rule 11 for improper or harassing pleadings.

Which brings me to my third and final observation and question: You have been witness to hubris, rigidity, and vitriol in our profession and in our public discourse. Can you help model humility and restraint to put us on a better course?

I read in Friday’s paper that one lawyer made an official charge of “bullying” against the other, and I once had a judicial colleague express frustration that he had to rule on a motion by one attorney to have the opposing attorney return a phone call to discuss settlement.

In public discourse, menacing mendacity too often substitutes for careful analysis and an appreciation for nuance; an election certificate is viewed by some as a coronation of infallibility, rather than as an opportunity to be one voice among many who jointly seek the common good with a willingness to compromise on solutions while not sacrificing principle.

I caution that you avoid the trap of hubris and victory at all costs. Your victories will likely be Pyrrhic, and you will diminish yourself, our profession, and larger society’s ability to achieve the common good by reaching common ground.

Conclusion

How do I sum this up? Gratitude, putting your Faith in action on behalf of the poor, and humility. All things worth remembering I submit. But if in 30 years you do not remember me or what I have said, I will not feel bad. I have every confidence that some version of this or a similar message is already a part of who you are and how you will live and work. And I will always remember you, the University of St. Thomas School of Law and the class of 2012, for the honor that you have provided to me today.

God speed.