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## **Katyal to Class of 2012: Integrity, Ability to Listen Are Key to a Successful Career**



Former Acting Solicitor General Neal Katyal addressed the Class of 2012 on Sunday. A total of 357 J.D. graduates, 35 LL.M. candidates and two S.J.D. recipients walked the Law School lawn.

In his commencement address on Sunday, former acting U.S. Solicitor General Neal Katyal advised the University of Virginia School of Law's graduating class of 2012 that being a good lawyer requires an open mind, being principled and thinking independently.

Katyal, who is now a partner at the law firm Hogan Lovells and a Georgetown law professor, succeeded U.S. Supreme Court Justice Elena Kagan as acting solicitor general from May 2010 to June 2011. He has argued and won a number of the most significant cases before the Supreme Court in recent years, including *Hamdan v. Rumsfeld*, in which he successfully challenged the policy of military commissions to try detainees at Guantanamo Bay.

Katyal told the graduating law students the stories of three key people involved with the health care reform case, and described how they embody qualities the students should embrace as lawyers and citizens.

One of the three, Judge Jeffrey Sutton of the 6th U.S. Circuit Court of Appeals, is a "rock star of the conservative legal movement" and served on a panel that heard a challenge to the health care reform law, Katyal said. Sutton, he added, is often mentioned as a potential Republican nominee to the Supreme Court.

"When the news came out that Judge Sutton was on the health care panel, the media and blog reports were grim," he said. "It was thought that Judge Sutton, who had gotten on the court due to huge amounts of political capital being spent on his behalf by conservative Republicans, could never betray their cause. Not simply out of loyalty to his friends, it was said, but because a vote for Obamacare would

mean Judge Sutton would automatically take himself out of the running to be on the U.S. Supreme Court."



Katyal argued that case before Sutton in 2011.

"He grilled me, backwards, forwards and upside down, for a long, long time," he said. "I remember coming out, telling the attorney general, 'Well, I fear we may lose given the relentless questions, but boy it was the most fun I've ever had in an oral argument.'

"Well, we didn't lose," he continued. "We won the case, in a 2-1 decision. And the author of the opinion [was] Judge Sutton."

Sutton, he said, did what he thought was right, even though it risked jeopardizing his chances at one day serving on the Supreme Court.



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"Judge Sutton in one stroke showed what judging is all about," he said. "And in doing so, he gave himself the most important credential to be on the high court — true independence and honesty. I have no doubt that this is how future presidents, and history, will see him. But Judge Sutton couldn't have

known it at the time."

Katyal also told the students about one of the health care law's top defenders, Deputy U.S. Solicitor General Edwin Kneeder, a 1974 graduate of Virginia Law and the lawyer Katyal said he admires most in government.

Katyal praised Kneeder's work ethic, integrity and "commitment to institutionalism."

"Too many lawyers see themselves as solo guns for hire — even in big firms or big institutions like the U.S. government," he said. "I see so many people chasing the elusive big case that will bring them fame and glory. And I see so many lawyers who elbow out others on their team to take the credit when there is a victory. But if you are constantly thinking not for the good of yourself — but for the good of the institution you are a part — you will often reach the place of integrity."

Paul Clement, the former solicitor general who has argued dozens of cases before the Supreme Court, including the challenge to the health care law, was the third personality Katyal cited.

Clement's arguments and briefs are mind-blowing, Katyal said, thanks in large part to his ability to listen carefully to his opponents.

"When we think of a great orator, we think of a great speaker," he said. "Paul is that, but more important, he is a good listener. He tries hard to understand what the other side is saying. He is not trying to characterize it, nor is he trying to belittle it. He is seeking to understand it, and to rebut it."

Katyal also praised Clement's decision to resign from his job at a major law firm after he was instructed to withdraw from a controversial case in which he was defending the constitutionality of the Defense of Marriage Act.

Clement's decision to resign over a matter of principle was a risky one, Katyal said, though it ultimately worked out in his favor. He went on to argue nine cases before the Supreme Court in the current term.

"My point here is that there will be times in your life when things look bleak," he said. "And you can take the easy path or the hard path. If you stick to your principles, even if it immediately disadvantages you, you ultimately are more likely to do better."

Taken together, Katyal said, the stories of Kneeder, Clement and Sutton hold the key to a successful and happy career in the legal profession.

"Law is a profoundly human and social enterprise," he said. "And if you want to live in the law — and live happily — you have to respect your colleagues, and treat them with respect. So, in sum, show them the grace of an Ed Kneeder, show them the open-mindedness of a Paul Clement, and show them that you have the integrity of a Judge Sutton."

Also at the Law School's commencement ceremony, Dean [Paul Mahoney](#) announced that the class of 2012 collectively put in more than 14,400 hours of pro bono service.

"That is the highest total of any graduating class in our history," he said.

More than 90 members of the class met the "pro bono challenge" by providing 75 hours or more of pro bono services while at the Law School, he added, breaking yet another school record.

"You did not focus just on yourselves," Mahoney said. "You raised money and donated your time to countless important causes. Indeed, your engagement with this community and many others has been remarkable and noteworthy."

The Law School's faculty is sending the class of 2012 on its way with admiration, affection and congratulations, he said.

"You were trained to be leaders, and you will be in your careers, your communities and, in some cases, in elected or appointed public service," he said. "I have no doubt that at some future reunion of the class of 2012 we will all celebrate the ways that you have succeeded in the intervening years. Your law school

is proud of you and confident in your future."

Sanjiv Tata, a member of the class of 2012 and the outgoing president of the Student Bar Association, announced that 82 percent of the class pledged to support the Law School.

"Without a doubt, our class faced its share of storms and uncertainties [such as] the changed economic circumstances that manifested shortly after we decided to follow law as a career," he said. "That makes it all the more amazing that our class has followed the tradition of support for its alma mater."

Over the past three years, Tata said, Virginia Law has instilled in the class of 2012 the ideals of collegiality and citizenship.

"Virginia has taught us that an adversarial profession can easily coexist with a collegial environment and a collegial attitude with regards to our peers, and it's up to us to now serve as an ambassador of this message," he said.

As part of the ceremony, Mahoney announced the recipients of the 2012 graduation awards. The recipients were:

**Margaret G. Hyde Award**

Andrew John Peach

**James C. Slaughter Honor Award**

Sarah Dearing Johns

**Thomas Marshall Miller Prize**

Andrew James Bentz

**Z Society Shannon Award**

Katherine Mims Crocker

**Law School Alumni Association Best Note Award**

John Benton Hurst

**Robert E. Goldsten Award for Distinction in the Classroom**

Kathleen Shen

**Roger and Madeleine Traynor Prizes**

Katherine Mims Crocker

Samuel Isaac Levin

**Herbert Kramer/Herbert Bangel Community Service Award**

Jesse Cobb Stewart

**Mortimer Caplin Public Service Award**

Salima Elizabeth Burke

**Edwin S. Cohen Tax Prize**

Peter Vance Nelson

William Jordan Pergler

**Earle K. Shawe Labor Relations Award**

Dena Harandi

**John M. Olin Prize in Law and Economics**

Steven Yifu Sun

**Eppa Hunton IV Memorial Book Award**

Amber Glee Williams

**Virginia Trial Lawyers Trial Advocacy Award**

Colleen Depman Kukowski

**Virginia State Bar Family Law Book Award**

Richard Kent Piacenti