

FSU COMMENCEMENT SPEECH

SUNDAY, MAY 6, 2018

JUSTICE ALAN LAWSON, SUPREME COURT OF FLORIDA

INTRODUCTION

Thirty-one years and four days ago, I was sitting exactly where you are today. In this very building. I walked across this stage to receive my law school diploma, and I graduated from Florida State University College of Law. The 11,327 days between then and now seem to have flown by. I have had a really good career. More importantly, I have enjoyed a good life. Filled with challenges and hardships, of course. But also full of love, laughter, unforgettable experiences, and more rewards than I could ever deserve. I would not trade places with anyone I know.

My job, as I understand it, is to say something that has a chance of helping you build a good career, and more importantly, a good life. After today, I hope that thirty-one years from now you can look back at the sum of what you have done and who you have become without regret and with genuine gratitude for your days between now and then.

The only place I know to turn for that is principles.

I once heard that experience is the best teacher;¹ there is certainly truth to this phrase. The problem is that if you strike out on your own, determined to figure out how to live your life by trial and error, the lessons are likely to come too late—and at far too great a price. You might figure it out eventually. But, you only have one shot at this. And, as I said, the time does seem to fly.

So, here is my gift to you, I hope. Five principles that have guided me well—and that I sincerely hope you find helpful on your journey.

I. THE FIRST PRINCIPLE: “YOU ARE NOT WHO YOU ARE”

I came very close to not applying for the 2016 opening on the Florida Supreme Court. I had applied in 2008, and I was not selected. That is not a fun experience, and I did not want to repeat it. A number of people expected that I would apply again, which meant that I was asked about it a lot. At first, I said I was not sure. But, by early 2016, I had my answer: I had made what I considered a definitive decision not to apply.

1. JULIUS CAESAR QUOTES, BRAINYQUOTE, https://www.brainyquote.com/quotes/julius_caesar_398606 (last visited May 17, 2018) (citing the great Roman leader Julius Caesar, who recorded the earliest known version of this proverb, 'Experience is the teacher of all things,' in 'De Bello Civili' (c. 52 B.C.)).

I was explaining that decision to a friend, Chuck Price. I was explaining to him how comfortable I was with my life. I had been a District Court of Appeal judge for ten years, and I had reached a pinnacle of my career as Chief Judge of the Fifth District Court of Appeal. I felt like I had mastered the skills necessary to do that job well. I explained to Chuck that when my term as Chief ended, I would also rotate off of the District Court of Appeal Budget Commission (DCABC), which I chaired, and that shedding those responsibilities as Chief Judge and DCABC Chair would give me a lot more free time—time to take it easier. It would have been a very comfortable place to stop. And, I knew that the being on the Supreme Court would involve a lot more time, a lot more work, and a lot more pressure. When I finished explaining all of that to Chuck, he just looked at me and said this: “My daddy always told me that if you’re coasting, you’re going downhill.”

So, over the following weeks, that saying haunted me because I knew that it was true. Experts from multiple fields will tell you that there is no such thing as maintaining over the long term. Athletes will tell you that if they are not training to improve performance, they will lose their performance level. (Improve it or lose it.) Business experts will tell you that when a company or business stops focusing on growth, the company starts to decline. (Grow or die.) And as I looked at my life over the weeks following my conversation with Chuck, I realized that although I had been a lifelong learner—constantly reading books, listening to speakers, taking notes, and focusing on my improvement in numerous areas of life, or in other words, growing—I had virtually stopped as soon as I began to think that I had mastered my current job pretty well and would just maintain. I could see it. My passion was ebbing, as was my enthusiasm for what I was doing.

And this applies to more than just a career. Are your relationships rich and rewarding? If not, why not? What do you not know about yourself and relating to others that you need to know to improve that area of your life? Because in every area of life, “if you’re coasting, you’re going downhill.” And that is why you are not who you are.

As Greek philosopher Heraclitus put it: The only constant is change; “everything flows and nothing abides.”² If we had time, I would tell you about all of the scientific studies in this area because they demonstrate so clearly that nothing about you is fixed. Not your intelligence level; not your personality; not your knowledge; not your skills. You are *on a trajectory*. It is either up or down. Since you are not static,

2. TRANSCRIPT: HERACLITUS OF EPHEBUS: A WORLD OF CHANGE AND CONTRADICTION, <https://campus.aynrand.org/campus/globals/transcripts/heraclitus-of-ephebus-a-world-of-change-and-contradiction> [<https://perma.cc/JAF8-DFBK>] (noting that Heraclitus’s stated, “[n]othing is, everything is *becoming*”).

it makes no sense to think about who you are. It only makes sense to think about who you are becoming.

Right now, you are becoming someone else as we exchange ideas. If this exciting thought captures you, it can spur you to growth in many areas. Or, if you are disengaged, you are becoming someone altogether different. Growth or coast; you are changing.

First principle: You are not who you are.

II. SECOND PRINCIPLE: “TAKE TIME FOR REFLECTION”

In my sophomore year of college, I took an English Literature class, as most of you probably did. I do not remember much of anything that I learned that year, and the fact that I remember anything at all from that class I can only attribute to *an enthusiastic* professor who—surprisingly to me—made the subject interesting. I specifically remember that there was an American-born author named Henry James who wrote a novel entitled *Daisy Miller*.³ *Daisy Miller* was structured just like most of James’s novels—around a center; some question or thing toward which all the lines pointed. James called this center, “the thing that supremely matters.”

How are you going to grow if you do not take time to think about where you are and where you want to be—or, what it is that supremely matters to you?

Until yesterday morning, I used a quote for this principle from Socrates. You have probably heard it: “The unexamined life is not worth living.”⁴ This is very dramatic. Not just that an examined life is better than an unexamined life—but that an unexamined life is an utter and complete waste. That is pretty harsh, and I do not believe it. I believe that we all have value. The danger of a statement like that is that we will use it to judge the value of others. Or, to condemn ourselves. It is too easy to misuse. But there is still some truth in it. It reflects the harsh and unyielding reality that it is extraordinarily unlikely that you will stumble blindly through life down paths that you will end up happy to have taken. In your work. In your relationships. In your leisure. But, more fundamentally, in who you want to be—at your core.

For most of you, your course for the summer—the next phase of your life—is set; your primary focus should be preparing for the bar exam. Have you researched the best way to go about that? For example, if you regularly exercised or took activity breaks, would you do better? The answer is yes. Would you have less stress? Again, yes. Are

3. HENRY JAMES, *DAISY MILLER* (Penguin Books, Ltd. 2002) (1878).

4. Simon Longstaff, *The unexamined life is not worth living*, *NEW PHILOSOPHER* (June 2, 2013), <http://www.newphilosopher.com/articles/being-fully-human> [<https://perma.cc/ZN65-SC7A>].

there other goals that you should have—other things that you need to begin focusing on? The answer is yes. And, some of those things have yet to cross your mind—and those things could determine whether you thrive during this phase or simply survive it. In other words, what are the things that supremely matter for you right now, as you are starting something new.

Research also shows that if you make concrete decisions about the details of your summer—map it out—that act alone will decrease stress and energize you for the task. None of that is likely to happen without time for reflection. As it is for your summer, so it will be throughout your life and career. It will always be important that you regularly schedule time for reflection; because, if you aim at nothing, you will hit it every time.

First principle: You are not who you are.

Second principle: Take time for reflection.

III. THE THIRD PRINCIPLE: “REMEMBER WHAT IS IMPORTANT”

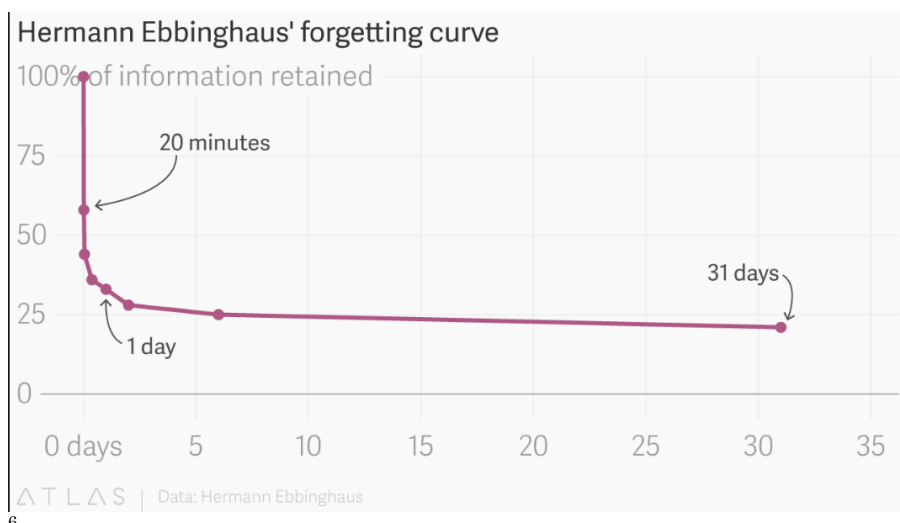
More than 100 years ago, in the late 19th Century, German psychologist Hermann Ebbinghaus⁵ was among the first scientists to perform experiments aimed at understanding how human memory works.

His experiments went basically like this: Just teach someone a simple random thing and see how long he or she remembers it.

What he scientifically proved—*which I think you’ll find as no great surprise*—is that we forget most of what we hear *and* do so very quickly.

So, if you plot Ebbinghaus’s results on a chart it looks like this:

5. See generally, Hermann Ebbinghaus, HUMAN INTELLIGENCE (April 29, 2018), <https://www.intelltheory.com/ebbinghaus.shtml> [<https://perma.cc/65HM-5YFH>].

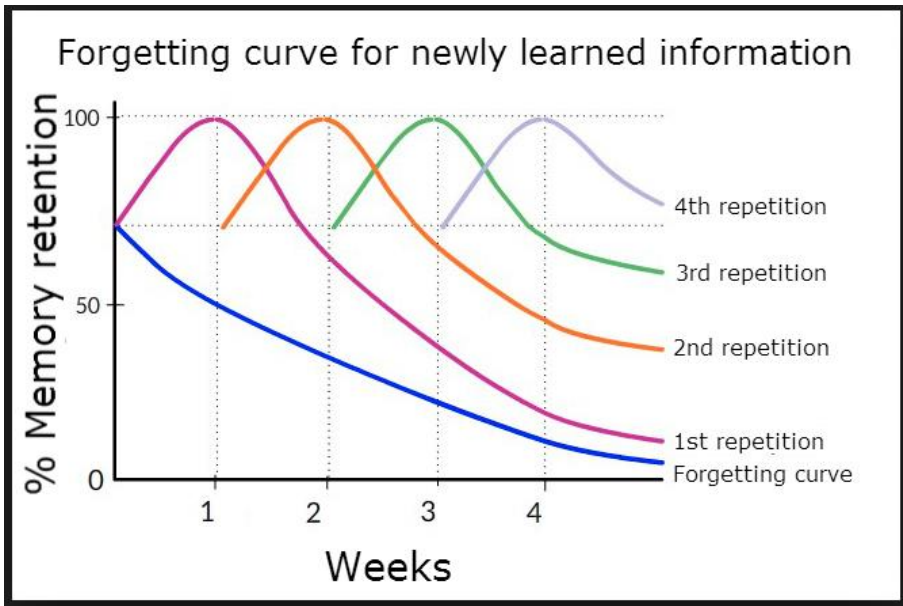


It is aptly called “the forgetting curve.”⁷ If I asked you right now what we call Ebbinghaus’ curve, almost all of you would remember it as “the forgetting curve.” You just heard it. Twenty minutes from now, if you didn’t hear it again, it will not be so easy. Tonight, unlikely. Tomorrow, less likely. A month from now, no chance. And if you ask even me in six months about Ebbinghaus, there is a good chance that even I will have forgotten everything that I’m telling you now.

Unless—and here is the second and important part of Ebbinghaus’s results: unless I see it, hear it, or think about it again in the near future. Because the downward slope of the forgetting curve can be softened by repeating the learned information at particular intervals.

6. Nikhil Sonnad, *You probably won’t remember this, but the “forgetting curve” theory explains why learning is hard*, QUARTZ (Feb. 28, 2018), <https://qz.com/1213768/the-forgetting-curve-explains-why-humans-struggle-to-memorize/> [<https://perma.cc/9QB9-AMFE>].

7. *Id.*



8

It is called “spaced repetition.” In the short run, this has immediate implications for your career and your next phase of life. You have plenty of time to ace the bar exam, but you need to strategically plan for spaced repetition. More importantly, the forgetting curve has long-term implications for the way you live your life. It is all well and good to decide that you are going to take control and learn and grow and be your best self. But without focus, you will soon tire of that. That is why you need time for reflection so that you can determine what is important to you. Even that will have little meaning if you are going to forget what is important by evening and be off to something new the next week or month.

When I was young, the way I did that was to cut out a quote from a magazine or find a poster or plaque with it or just hand write it out. And then, I put them all where I would see them regularly.

High school: I usually studied on my bed. So I put them on my walls where I could see them from the bed.

College Dorm: I usually studied at my small desk in the dorm room. So I had them on the wall in front of the desk.

Law school apartment: I was hardly ever in my room. I primarily studied in the library, so I started using index cards that I would review daily in the car.

8. Julian Montano, *Spaced Repetition Systems, an important key for permanent learning*, COLOMBIAN ACCENTS (Feb. 6, 2016), <http://colombianaccents.co/science-and-technology/spaced-repetition-systems-the-key-for-permanent-learning.html> [<https://perma.cc/J4XH-94XU>].

Julie and I got married a little over a month after my law school graduation. And when I pulled out my posters and things in our first one-bedroom apartment, we had one of our first marital disagreements. I had to concede that she was right. My old tattered high school and college-era posters and plaques and scribbled reminders of what was important did not fit the décor, so I stored them away. Many of those quotes related to a principle that people and relationships are far more important than money, status or things. I still believe that.

But, again, those reminders got boxed up. Plus, our first apartment was in downtown Miami—very close to my office. There was no time in the commute to go through index cards. So I abandoned that habit. Thus, the forgetting curve started to do its work.

At the same time, as a litigator, I began the work of honing to perfection some necessary skills like cross-examination and the persuasive parsing of words. I needed to be able to use language and skills of persuasion to do things like lay bare the lies of an opposing witness or tear apart the argument of an opposing counsel—with cold efficiency. I was not very good at those things in the beginning, but I studied those skills and had the chance to learn from some of the best lawyers in the State. I got better and better.

It took a while, but my relationship with Julie began to sour. I did not recognize it at the time but I had begun using my litigation skills with her. I could win arguments. And winning looked like success, and my success started becoming the most important thing. That was not a decision I made, but that is the message of our culture. And since I was no longer systematically revisiting what I had once determined to be important, I was becoming someone who I never wanted to be.

We do not like to think about ourselves at our worst. But if I am going to keep it real and be honest with you, it got pretty bad. Success after success over here. But more discontent and ugly in here [my heart]. Thankfully, I am married to an amazing woman who loved me through it all—even as I was becoming more unlovable.

Let me tell you how I would write that ending if this were fiction:

After two years in Miami, we moved to Tallahassee. True. All sorts of things went in boxes. True. I do not think we had yet learned the first rule of packing up a house: mark the boxes well—which meant that when we arrived at the new place, every box had to be opened. True. And I unpacked one filled with posters, hand-written sayings, and cheap plaques, and I was suddenly faced with what I knew to be important to me—and that I had forgotten. True.

But what everything in me wants to tell you is that I had a “eureka” moment; I realized my problem and corrected it. All was well.

But no; I missed it.

I had a “eureka” moment and realized that I had forgotten what was important to me.

But, the “eureka” moment I should have had was realizing that I would forget again.

Thankfully I corrected course at this time and was reminded enough times over the ensuing years that I ended up with a really good career, marriage, and life. But it would take years for me to realize that if you really want to take charge of who you are becoming, you have to remind yourself every day of what is important. And even then, especially at first, you can forget quickly as you tackle your day. But if you stick with it, over time, you and all of those around you will see the change. And if you combine all three of these principles, you can set an extraordinary course for your life.

But I can tell you with conviction that all of the dark times in my life resulted from me simply forgetting what was really important—which is exactly what happens to all of us if we do not have a way to remind ourselves very, very regularly of our things that supremely matter and who we want to be and become.

First principle: You are not who you are.

Second: Take time for reflection.

Third: Remember what is important.

IV. THE FOURTH PRINCIPLE: “YOU GET TO CHOOSE YOUR OWN ATTITUDE”

I first remember learning this principle in what, for me, was a profound way. When I was about 16 years old and in high school I took a summer job as a deck hand on a crew boat servicing oil rigs off the Texas coast. It just sounded like a such grand adventure, and to top it off I would be flown out in a private airplane, live on a boat, and be out at sea every day. Plus, relatively good money and all expenses paid.

The reality did not match my preconceived notion at all.

The plane was a propeller plane, and it is a long and not so comfortable trip in a small plane from here to Ingleside, Texas, near the border with Mexico. The marina was an ugly commercial marina far from whatever civilization existed out there at the time, and there were no amenities whatsoever; not even a vending machine, that I remember. There were no vehicles or time off, and no way to leave the boat, except to walk out into the ugly marina. Like most ships’ crew accommodations, my berth was very small. The shower and toilet were down a narrow hall. There was no television, no internet, and no phone, except a pay phone somewhere in the marina. Finally, there were two other crew members, a captain, and a mechanic. They were salty, older seasoned guys who I seemed to have nothing at all in common with.

I was miserable; literally aching inside with loneliness. I was not much of a reader then, but what else was there to do when I was not cleaning a boat or cooking or washing dishes. Every night I would lie down in my bunk and read until I could fall asleep. I was reading something written by Chuck Swindoll, and he was making this point that you could choose a good attitude in any situation and your life would be better.

I thought this was hogwash, and I was not buying it. In my mind, my circumstances were terrible, and no amount of positive thinking could change my attitude because no amount of positive thinking would change my circumstances. And it was the negatives of the circumstances that had my full attention—until Swindoll quoted Victor Frankl.

I won't take time to tell you much about him. It is important for you to know that in 1936 Frankl started his new career as a new doctor in his hometown of Vienna, Austria, at about the age of most of you graduating today. He had specialized in neurology and psychology and had made a name for himself as a resident, which allowed him to start his own practice successfully, until the next year, 1937, when the Nazi régime took over the Austrian government.

Frankl was Jewish and was immediately prohibited from seeing "Aryan" patients. As you know, things would only get worse. Then, on September 25, 1942, Frankl, his wife, and his parents were forcibly removed from their homes, stripped of virtually everything, and shipped to the Theresienstadt Ghetto—a Nazi concentration camp. Sadly, his parents died. He was later transferred to Auschwitz, where his wife would die. On April 27, 1945, his camp was liberated by American soldiers.⁹ He would later pen the words that I would read on a lonely summer night on a bunk in a small cabin of a Crew Boat on the Texas gulf coast, feeling very sorry for myself and after telling myself that Swindoll had no idea what he was talking about with this attitude garbage. I mean, he had never been stuck on a crew boat without his friends like I was.

Frankl wrote:

We who lived in concentration camps can remember the men who walked through the huts comforting others, giving away their last piece of bread. They may have been few in number, but they offer sufficient proof that everything can be taken from a man but one

9. See, e.g., VIKTOR E. FRANKL, *MAN'S SEARCH FOR MEANING* (Ilse Lasch trans., 2006); Emily E. Smith, *There's More to Life than Being Happy*, ATLANTIC (Jan. 9, 2013), <https://www.theatlantic.com/health/archive/2013/01/theres-more-to-life-than-being-happy/266805/> [<https://perma.cc/2N5V-M64V>].

thing: the last of the human freedoms—to choose one’s attitude in any given set of circumstances, to choose one’s own way.¹⁰

Those words cut me to the core. From this, I was able to choose a different attitude and use the rest of my time as a deck hand to learn and grow. It did not take long before what started out as the worst summer ever ended up being one that I remember fondly and cherish for not only the things I learned but for the adventure I had.

That was about forty years ago. And since then, to borrow the words of author Chuck Swindoll:

The longer I live, *the more* I realize the impact of attitude on life. Attitude, to me, is more important than facts. It is more important than the past, than education, than money, than circumstances, than failures, than successes, than what other people think or say or do. It is more important than appearance, giftedness[,] or skill. It will make or break a company . . . a church . . . a home. The remarkable thing is we have a choice every day regarding the attitude we embrace for that day. We cannot change our past . . . we cannot change the fact that people will act in a certain way. We cannot change the inevitable. The only thing we can do is play the one string we have, and that is our attitude. . . . I am convinced that life is 10% what happens to me and 90% how I react to it. And so it is with you . . . we are in charge of our Attitudes.¹¹

First principle: You are not who you are.

Second: Take time for reflection.

Third: Remember what is important.

Fourth: You can choose your own attitude.

We are almost done.

V. THE FIFTH PRINCIPLE

The fifth principle comes from a large cardboard poster that my little sister gave me as a birthday gift when I was still in high school. It had a beautiful picture of a sunset, and in bold letters it said this:

Two foundational facts of human existence:

1. THERE IS A GOD.

2. YOU ARE NOT HIM.

I took that exactly as my sister intended it: Get over yourself, big brother!

I was a driven type-A personality making straight As, and I was the co-editor of my high school’s award-winning newspaper. I was involved

10. FRANKL, *supra* note 9, at 86.

11. CHARLES SWINDOLL, ATTITUDE, <http://www.bigeye.com/attitude.htm> [<https://perma.cc/SSP5-UG5S>] (emphasis added).

in all sorts of things. And, like most driven achievers, I was trying to control every outcome that I could; to prove myself over and over again; to bend the world to my will. What I needed to hear, and what I did hear, and what my sister was trying to say in a not so subtle but very clever way, was that I am not perfect and never will be. I am fallible. I am one of billions of people on this planet. I may have an illusion of control because I may think that I have achieved something. But control is just that—an illusion. Success is fleeting at best. I am just not that important in the grand scheme of things. And I better get that in my head. I needed to chill out and not take myself so seriously; I needed to give myself a break and give everybody around me a break.

For me, that poster served the same function as Reinhold Niebuhr's serenity prayer:

“God, give us grace to accept with serenity the things that cannot be changed, Courage to change the things which should be changed, and the Wisdom to distinguish the one from the other.”¹²

I needed that then. I need it now. I think we all do, whether we believe that there is a God or not.

I also want to say something about the first assertion on that poster: There is a God. I believe that is true. And more importantly, I believe that my faith in God, more than any other single thing, is responsible for who I have become and what I have accomplished—the good, at least. It is my thing that Supremely Matters.

It is where I found the guiding principles like the one quoted from the prophet Micah at my first investiture by then Ninth Circuit Chief Judge Belvin Perry: “And what does the Lord require of you but to do justice, love kindness and walk humbly with your God.”¹³ This has been the main lamp to my feet and light for my path, as it says in the old Jewish Wisdom Literature.

Now, I know that making those statements can be viewed as provocative because this is an emotionally charged subject for many people, particularly for those who have been victimized by religion or the religious. And I recognize that religion has many victims. But let me tell you what I believe to have helped me in that regard. If what you are hearing is being shouted at you in anger, it is not coming from God. “God is Love.”¹⁴ That is what I have read and believe. And if he is speaking to you, it will be the whisper of love, and you will know it. If God does exist, of course, he is perfectly capable of telling you that Himself. So I am not saying what I am saying to try to convince you of

12. Reinhold Niebuhr, *The Serenity Prayer*, SKDESIGNS, http://skdesigns.com/internet/articles/prose/niebuhr/serenity_prayer/ (last visited May 29, 2018).

13. *Micah* 6:8.

14. 1 *John* 4:8.

anything; I am just trying to be real with you about my journey, in the hope that it will help yours.

But I do want to say one more thing about the one potentially controversial thing that I said today. And it may be the most important thing that I do say about who we are as a society and who we are as a country.

I learned—and I don't know where I learned it—but I learned that the way to navigate in society, in cultures, in organizations, in institutions, in clubs, and things like that, is to go into the group and meet people—don't say anything controversial, of course—and then try to bond with individuals. Right? Find things that you have in common with them, that you can bond over, and then you bond over those commonalities. That's great, right?

The problem is that this does not make for a robust and healthy democracy. We need to go into rooms and try to bridge, not bond. We need to hear from and talk with and get to know people who do not think like we think; who do not look like we look; who do not sound like we sound.

And the temptation in settings like this (a speech to a diverse group of people) is to only say what everybody will agree to be perfectly acceptable to everyone. Right?

But, doesn't that mean that our public discourse about the most important issues just devolves into nothing but screaming and shouting?

If we cannot address our differences respectfully in public speech, that will make for a most unhealthy future.

CONCLUSION

There is a footnote to each of the principles I gave you, and it has to do with this truth: You cannot do this thing called life successfully on your own. Life is best lived as a team sport. We all need each other.

First: My friend Chuck Price. Who rather than just nodding and agreeing with my conclusion challenged it skillfully and tactfully.

Second: An English Literature professor whose name I don't even remember.

Third: Julie, my loving wife and life companion.

Fourth: Victor Frankl. A voice from the past who survived and wrote about it. And also Chuck Swindoll, who put the time, energy, and effort into skillfully crafting important thoughts into a book that helped me.

Fifth: My sister with her thoughtful and wise gift.

And here is the point. If you can just remember what we talked about and apply it, what difference will you make in this generation

with the gifts you've been given already or with what you have already accomplished? Who can you become?

I, for one, am proud of what you have accomplished. Remember: 11,327 days between there and here.

I expect great things!

