

2014

## In the Service of Others: From Rose Hill to Lincoln Center

Constantine N. Katsoris  
*Fordham University School of Law*

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### Recommended Citation

Constantine N. Katsoris, *In the Service of Others: From Rose Hill to Lincoln Center*, 82 Fordham L. Rev. 1533 (2014).

Available at: <https://ir.lawnet.fordham.edu/flr/vol82/iss4/1>

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**DEDICATION**

**IN THE SERVICE OF OTHERS:  
FROM ROSE HILL TO LINCOLN CENTER**

*Constantine N. Katsoris\**

*At the start of the 2014 to 2015 academic year, Fordham University School of Law will begin classes at a brand new, state-of-the-art building located adjacent to the Lincoln Center for the Performing Arts. This new building will be the eighth location for Fordham Law School in New York City. From its start at Rose Hill in the Bronx, New York, to its various locations in downtown Manhattan, and finally, to its two locations at Lincoln Center, the law school's education and values have remained constant: legal excellence through public service. This Article examines the law school's rich history in public service through the lives and work of its storied deans, demonstrating how each has lived up to the law school's motto In the service of others and concludes with a look into Fordham Law School's future. The arc of the law school's history has proven Robert F. Kennedy's insightful observation of Fordham Law School that an institution is not merely made of its brick and mortar buildings, but the character and hard work of the people behind it.*

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\* Wilkinson Professor of Law, Fordham University School of Law; LL.M., 1963, New York University School of Law; J.D., 1957, Fordham University School of Law; B.S., 1953, Fordham University. Securities Industry Conference on Arbitration (Public Member, 1977–1997; Active Emeritus Public Member, 1998–2003 and 2013–Present; Reappointed Public Member and Chairman, 2004–2012). National Arbitration Committee of the National Association of Securities Dealers (NASD/FINRA) (Public Member, 1974–1981; Public Arbitrator, 1968–Present; Arbitrator and Chairperson Trainer, 1994–Present; Mediator, 1997–Present). New York Stock Exchange (NYSE) (Public Arbitrator, 1971–Present; Arbitrator and Chairperson Trainer, 1997–Present; Mediator, 1999–Present). First Judicial Department (Arbitrator, 1972–Present). Duke Law School Private Adjudication Center (Private Judge, 1989–Present). American Arbitration Association (AAA) (Arbitrator, 1991–Present).

This Article is dedicated to the Honorable William Hughes Mulligan, who was the sixth dean of Fordham University School of Law. He was also my professor, mentor, colleague, and friend.

I would also like to thank Brett Clements, Megan Hannon, Andrew Taylor, Alexandra Acosta, Conor Duffy, Nimrah Najeeb, Todd Melnick, Reverend Joseph McShane, S.J., Professor Robert Kaczorowski, the Honorable Loretta Preska, the Honorable John Keenan, George Adams, Rich Gage, James Tolan, Stephen Fearon, Professor Joseph Sweeney, Professor Maria Marcus, Professor Robert Byrn, Professor Gail Hollister, Assistant Dean Robert J. Reilly, Dennis Kenny, Joseph A. Rizzi, Stephanie Xethalis, Marissa Levy, Patrick Knowles, Lily Colahan, and scores of other alumni, students, and friends for their invaluable assistance and input in the preparation of this Article.

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*Fordham University School of Law's new building, located adjacent to its previous location at Lincoln Center. Classes will begin at the new building in September 2014.*

*All photographs courtesy of Fordham University School of Law.*

#### INTRODUCTION

Fordham University School of Law's motto is "In the service of others." It is a point of pride for students, faculty, alumni, and administrators, and it reflects a long and continuing dedication to service. Although "In the service of others" has a special significance at Fordham Law, its call to action is not limited to the legal profession, for it should be the goal of every profession. Indeed, such service should know no bounds. As a maxim often credited to Sir Winston Churchill states, "We make a living by what we get, but we make a life by what we give."<sup>1</sup> While invoking a legacy of such service is easy, proving it is a more difficult task.

Fordham Law has largely earned its reputation of service to others through the collective deeds of its students, alumni, and faculty, and their contributions to society. Although much of the credit must go to them, one cannot ignore the influence of the example set by the school's deans. To a great extent what the Fordham community has accomplished in this area can be attributed to the teachings, training, and leadership its students received at the law school. Thus, a large part of the credit must also go to

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1. RICHARD B. GUNDERMAN, WE MAKE A LIFE BY WHAT WE GIVE 56 (2008).

the ten deans (and three acting deans) who, by deed and example, have consistently steered the Fordham ship on this course of service to others. Accordingly, this Article traces their careers before, during, and after their deanships as they helped create the mold that formed students and alumni who earned Fordham this reputation for service to others.

This commitment to service has been with Fordham since its first classes at the Rose Hill campus in the Bronx and has remained a guiding light in the halls of each new building from lower Manhattan to Lincoln Center. As Fordham readies itself to move to a new building, we are reminded of Robert Kennedy's still resonating comments uttered over fifty years ago as the initial law school facility at Lincoln Center was dedicated in 1961:

We do not gather here today to salute this landscaped square or the elegance of this silent edifice. This is no tribute to architects, however splendid their achievement. Men mean more than mortar and masonry. These walls of glass and granite need to be moved by qualities of intellect and spirit to give them meaning and purpose. We know Fordham ideals, traditions, and teachers will provide that inspiration.<sup>2</sup>

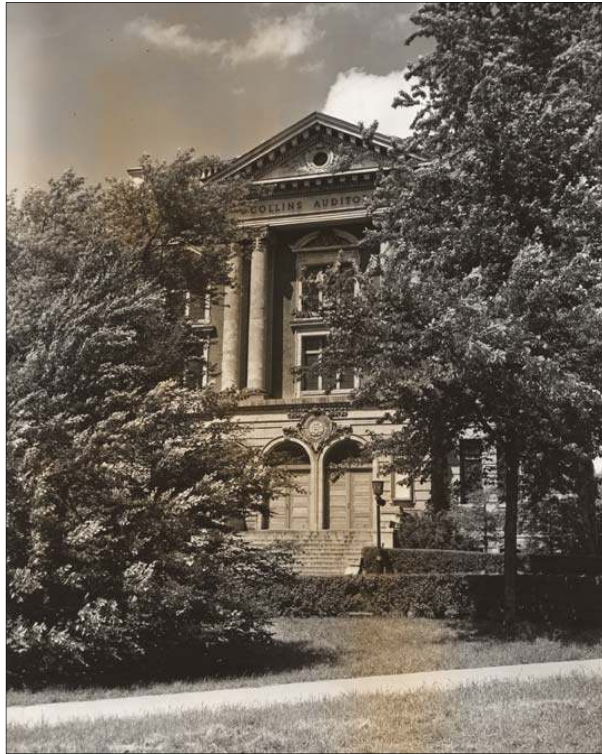
Indeed, on an earlier occasion, his brother, John F. Kennedy, a senator from Massachusetts at the time, also noted Fordham Law's moral compass. Upon receiving an honorary doctor of laws at the Fordham Law Alumni Association's annual luncheon, JFK commented that he was honored to become a Fordham alumnus, proclaiming: Fordham "never maintained its neutrality in moments of great moral crisis."<sup>3</sup>

Originating in the rural section of the Bronx, Fordham Law migrated to five different locations in downtown Manhattan before settling into its present home at the cultural complex of Lincoln Center. Each move witnessed changes in the school's physical plant and operations as it evolved from a small, local commuter school into the international institution it is today. As we prepare to abandon the building at 140 West 62nd Street—which has housed the school for over fifty years—and move next door into a magnificent, new high-tech structure, it is worthwhile to retrace these steps while remembering our humble beginnings and the purpose of our existence: *the service of others*.

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2. *Address by Attorney General Robert F. Kennedy*, 30 FORDHAM L. REV. 437, 437 (1962).

3. *The Kennedy Legacy, 50 Years Later: Q&A with Michael Latham, Dean of Fordham College at Rose Hill*, INSIDE FORDHAM, Nov. 4, 2013, at 8 (internal quotation marks omitted) (photograph caption).



*A view of Collins Hall at Rose Hill in the Bronx, where the first class of Fordham University School of Law was held on September 28, 1905.*

### I. Rose Hill in the Bronx

Fordham Law School traces its roots to the Rose Hill campus of Fordham University in the Bronx, which—centuries ago—was occupied by Native Americans and Dutch settlers.<sup>4</sup> In 1639, Indian sachems of the Taquetmet, Rechgawac, and Pachimiens sold what is now most of the Bronx and Westchester Counties to the Dutch West India Company,<sup>5</sup> which then sold parcels to new immigrants seeking farmland. Skirmishes between the Native Americans and the settlers ensued until a treaty, negotiated by Jonas Bronck<sup>6</sup> (hence, “The Bronx”<sup>7</sup>), was signed in 1642 to end the hostilities.<sup>8</sup>

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4. STEPHEN JENKINS, *THE STORY OF THE BRONX: FROM THE PURCHASE MADE BY THE DUTCH FROM THE INDIANS IN 1639 TO THE PRESENT DAY* 24–26 (1912).

5. 1 *THE BRONX AND ITS PEOPLE: A HISTORY 1609–1927*, at 57 (James L. Wells et al. eds., 1927).

6. Sometimes his name was spelled Brunk. *Id.*

7. *See id.* Bronck died in 1643 and his land was sold off. The area was known as “Brounckslan” only through the end of the 1600s—so the modern name of the New York City borough does not come directly from that farmland. However, the river that runs north to south through the mainland area, and which his farm abutted, kept the name Bronck’s River, eventually being abbreviated—or misspelled—to Bronx River. This name stuck, and

John Archer,<sup>9</sup> a land developer from Amsterdam, purchased approximately 4,000 acres in 1668 and named this land—which now comprises Fordham, the Bronx Zoo, and the New York Botanical Garden—“The Manor at Fordham.”<sup>10</sup> Fordham is a combination of two Saxon words: “ford,” meaning the act of wading across a stream or brook, and “ham,” meaning a house or home.<sup>11</sup>

#### A. St. John's College

At some point prior to 1692, the first structure, a private home called Rose Hill Manor,<sup>12</sup> was built on the spot Fordham University's Collins Hall now occupies.<sup>13</sup> It is said to have served as one of three Continental Army staff headquarters for George Washington in the New York City area during the Revolutionary War.<sup>14</sup> By 1836, Rose Hill Manor was owned by Horatio Shephard Moat, a farmer who built a second stone structure two years later, which now forms the center part of Fordham University's administration building.<sup>15</sup> Archbishop John Hughes purchased the stone structure and ninety-eight acres in 1839 with \$30,000<sup>16</sup> he had raised from Catholics in New York and New Jersey,<sup>17</sup> and through a nine-month fundraising tour of Europe<sup>18</sup>—no small feat, considering his own admission: “I had not, when I purchased the site of this new college . . . so much as a penny to commence the payment for it.”<sup>19</sup>

One of Bishop Hughes's highest priorities was to establish a college and seminary in New York for the future of his diocese.<sup>20</sup> Just two years after his purchase of Rose Hill Manor, he opened St. John's College, hoping it would become a place where talent would be nurtured and leaders prepared

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it was this river (which splits the modern borough in two) after which the Bronx was named. See JENKINS, *supra* note 4, at 28–29.

8. JENKINS, *supra* note 4, at 28–29.

9. John Archer was also known as Jan Arcer or John Jacob Astor. ROBERT I. GANNON, UP TO THE PRESENT: THE STORY OF FORDHAM 25 (1967).

10. *Id.* at 25–26.

11. See JENKINS, *supra* note 4, at 61; see also *Fordham Facts*, FORDHAM U. SCH. L., [www.fordham.edu/discover\\_fordham/facts\\_26604.asp](http://www.fordham.edu/discover_fordham/facts_26604.asp) (last visited Feb. 24, 2014).

12. See GANNON, *supra* note 9, at 26.

13. See Stella E. Moundas, *Fordham University: A Chronology*, in AS I REMEMBER FORDHAM: SELECTIONS FROM THE SESQUICENTENNIAL ORAL HISTORY PROJECT 199 (Jerry Buckley ed., 1991).

14. During the Revolutionary War, the Rose Hill Manor served as the home of Robert Watts, a major general in the American Army and George Washington's close adviser, during the 1776 evacuation of Long Island. GANNON, *supra* note 9, at 27.

15. THOMAS GAFFNEY TAAFFE, A HISTORY OF ST. JOHN'S COLLEGE, FORDHAM, N.Y. 28 (New York, Catholic Publ'n Soc'y Co. 1891).

16. JENKINS, *supra* note 4, at 354; TAAFFE, *supra* note 15, at 28.

17. GANNON, *supra* note 9, at 28; TAAFFE, *supra* note 15, at 51.

18. FORDHAM: THE EARLY YEARS: A COMMEMORATION OF THE JESUITS' ARRIVAL IN 1846, at 59 (Thomas C. Hennessy ed., 1998).

19. Patrick Verel, *1841 Society Luncheon Delves into University History*, FORDHAM U. SCH. L. (Oct. 13, 2009), [http://www.fordham.edu/campus\\_resources/enewsroom/inside\\_fordham/october\\_13\\_2009/news/1841\\_society\\_luncheon\\_73228.asp](http://www.fordham.edu/campus_resources/enewsroom/inside_fordham/october_13_2009/news/1841_society_luncheon_73228.asp).

20. See TAAFFE, *supra* note 15, at 42.

for service to others.<sup>21</sup> His dream became a reality as Fordham (St. John's College's successor) grew from a small college in a Bronx farming village into the Jesuit university of New York.

St. John's College began in 1841 with an entering class of six and was initially run by local diocesan priests and brothers.<sup>22</sup> Its first president, Father John McCloskey, later became America's first cardinal.<sup>23</sup> Struggling to attract qualified faculty, Bishop Hughes sought French Jesuits working at their own new college in Bardstown, Kentucky.<sup>24</sup> In 1846, Jesuit priests agreed to travel to New York, where they were deeded most of the college property for \$40,500.<sup>25</sup>

In 1850, St. John's College included just 115 students.<sup>26</sup> By the 1860s, the church, seminary, and other buildings were erected,<sup>27</sup> and student enrollment had grown to 310.<sup>28</sup> Numerous graduate programs as well as professional schools in law, medicine, and pharmacy were added by the early 1900s and university status was sought.<sup>29</sup> The new university took the name Fordham to represent the area of the Bronx in which the campus was located.<sup>30</sup> Fordham University was officially named in 1907.<sup>31</sup>

#### B. Dean Paul Fuller (1905–1913)

On September 28, 1905, Fordham Law School began operations in Collins Hall on the Rose Hill campus with Paul Fuller,<sup>32</sup> a senior partner at Coudert Brothers, as its first dean.<sup>33</sup> Fuller would serve as dean until he retired in 1913,<sup>34</sup> but his role at Fordham only begins to scratch the surface of the vast contributions he made to the legal community and to society at large.

A “short man with a neat Vandyke beard,”<sup>35</sup> Paul Fuller was a man of kindness, keen intellect, deep faith, humility, and, most of all, integrity. His life personified the spirit of the motto In the service of others. His story of

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21. *Id.*

22. RAYMOND A. SCHROTH, *FORDHAM: A HISTORY AND MEMOIR* 9 (2002).

23. *See id.*

24. GANNON, *supra* note 9, at 31–33; TAAFFE, *supra* note 15, at 58.

25. JENKINS, *supra* note 4, at 354; TAAFFE, *supra* note 15, at 59.

26. GANNON, *supra* note 9, at 42.

27. *See* TAAFFE, *supra* note 15, at 98–99.

28. *See* GANNON, *supra* note 9, at 71.

29. *See id.* at 122–28.

30. SCHROTH, *supra* note 22, at 112.

31. *Id.* at 378; *see also Fordham Facts*, *supra* note 11; *How Fordham Got Its Name*, FORDHAM U. SCH. L., <http://www.library.fordham.edu/archives/fordhamname.html> (last modified Apr. 25, 2013).

32. Constantine N. Katsoris, Commemoration, *A Tribute to the Fordham Judiciary: A Century of Service*, 75 FORDHAM L. REV. 2303, 2306 (2007); *see also* ROBERT J. KACZOROWSKI, FORDHAM UNIVERSITY SCHOOL OF LAW: A HISTORY 1 (2012).

33. *See* GANNON, *supra* note 9, at 126–27; KACZOROWSKI, *supra* note 32, at 1.

34. *In Memoriam Paul Fuller*, 2 FORDHAM L. REV. 17, 19 (1916).

35. LOUIS M. TEITELBAUM, WOODROW WILSON AND THE MEXICAN REVOLUTION (1913–1916), at 165 (1967).



emerging from a humble background to achieve great success, foreshadowed the path of many Fordham Law students.<sup>36</sup>

Paul Fuller's life is the quintessential example of the American dream. His mother, Mary Shuffleton Fuller, gave birth to Paul aboard the *Thomas E. Perkins* clipper ship on January 26, 1847.<sup>37</sup> The ship was transporting his family to California because his father, William Fuller, had recently enlisted with the U.S. Army to serve in the Mexican War.<sup>38</sup> Tragically, Paul's mother died only fifteen days after his birth, leaving Paul with a father who was off to combat.<sup>39</sup> William arranged for a Mexican family to care for Paul during his infancy.<sup>40</sup> During his formative years, Paul spoke Spanish as his primary language and practiced Catholicism—two traits which would play large roles throughout his life.<sup>41</sup>

When Paul's father finally returned from battle, he once again left Paul—this time in a quest for riches in the California Gold Rush.<sup>42</sup> Paul was left with a Spanish-speaking family in California.<sup>43</sup> Sadly, he never heard from his father again.<sup>44</sup> Restless, Paul Fuller set out in search of what was left of his family.<sup>45</sup> He knew they hailed from New England, so at the age of nine, he made it across the country by himself to find nothing more than an unwelcoming aunt awaiting him in Vermont.<sup>46</sup> By ten, Paul was an orphan on the streets of New York City.<sup>47</sup>

In a moment of extraordinary fortune, Charles Coudert Sr., a prominent Frenchman living in New York, came across young Fuller on the streets, questioned him, and took an instant liking to the boy.<sup>48</sup> He was particularly impressed and amazed that a boy of his age spoke impeccable Spanish.<sup>49</sup> Coudert, in an act of overwhelming generosity, took Fuller in as his own and personally cared for and tutored the young boy.<sup>50</sup> From the outset, Coudert instilled in the young Fuller the same beliefs and values he instilled in his own children.<sup>51</sup> Much like Fuller, Charles Coudert was a fascinating man. As a Napoleonic supporter, Charles Coudert escaped from France to America to avoid his own execution.<sup>52</sup> He founded a school called the New York Lyceum, where he taught French.<sup>53</sup> It was at this institution where

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36. KACZOROWSKI, *supra* note 32, at 1.

37. VIRGINIA KAYS VEENSWIJK, *COUDERT BROTHERS: A LEGACY IN LAW: THE HISTORY OF AMERICA'S FIRST INTERNATIONAL LAW FIRM 1853–1993*, at 33 (1994).

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.* at 33–34.

42. *Id.* at 33.

43. *Id.*

44. *Id.*

45. *See id.* at 34.

46. *See id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.* at 11–12.

53. *Id.* at 14.

Paul Fuller's "refined and religious instincts developed steadily" and where he first was exposed to French culture, something which would serve Fuller well when working abroad for Coudert Brothers.<sup>54</sup>

To further the young boy's learning, Charles Coudert sent Fuller to assist his sons at their newly founded law firm, Coudert Brothers.<sup>55</sup> Initially, Paul served as an office boy and soon became known as the "Fuller Express," running messages into the city from Westchester County, where the Couderts lived.<sup>56</sup> The brothers, Frederic René, Charles Jr., and Louis Leonce, took Fuller under their wing and eventually, under the tutelage of the Coudert family, he became a lawyer working for the firm.<sup>57</sup>

Paul Fuller admired and looked up to these brothers, who exemplified integrity, as did their father Charles. Frederic René, the eldest son, served as a prominent attorney of national recognition who consistently declined public offices, including a U.S. Supreme Court nomination.<sup>58</sup> Instead, he devoted his life to championing the cause of the Catholic Church, by serving as an early president of the U.S. Catholic Historical Society and a member of the board of the St. Vincent de Paul Orphan Asylum,<sup>59</sup> where Paul also became active.<sup>60</sup> Paul viewed Frederic René as the ideal attorney, marking on a copy of *Addresses of Frederic R. Coudert* (which he presented to the law school) the inscription, "To the Fordham Law School—An example of what a lawyer should be."<sup>61</sup> Indeed, Frederic

54. *In Memoriam Paul Fuller*, *supra* note 34, at 17.

Although he did not have the advantages of a college education or of a [formal] legal education, facts which he deplored, Paul Fuller became a partner in the Coudert Brothers law firm and "achieved a reputation in legal circles as one of the greatest authorities on international law in the country." He was essentially a self-taught "bibliophile of rare discernment and fanatic attachment, an omnivorous reader, a scholar of wide attainment," who maintained a private library of some twenty-five thousand volumes." His memory was "prodigious"; his knowledge was "diversified" and extended to "all manner of subjects." Though self-taught, Fuller was described as a gifted scholar who possessed "the learning of the Jesuits." He was as fluent in French and Spanish as he was in English, and he read extensively the literature of each of these languages. His cultivation and scholarly bearing suited him perfectly for his practice in consular law, which brought him into contact with many nations' diplomats, who, like Fuller, were scholars and men of letters. The large number of foreign governments around the globe that Coudert Brothers counted as clients, such as France, Belgium, Italy, Venezuela, Russia and Turkey, was attributed by his law partner and nephew Frederic R. Coudert Jr. to Fuller's and the firm's scholarly expertise.

KACZOROWSKI, *supra* note 32, at 2–3 (quoting VEENSWIJK, *supra* note 37, at 119; Frederic R. Coudert, *Memorial of Paul Fuller*, ASS'N B. CITY N.Y. REP., 1916, at 18, 63, 123, 162; N.Y. EVENING POST, Aug. 14, 1915; John Jay Chapman, *Memories of Paul Fuller* 6, *microformed on Columbia Univ. Butler Library Microform Collection*, 1916).

55. See VEENSWIJK, *supra* note 37, at 34, 58.

56. *Id.* at 35.

57. *See id.*

58. PAUL FULLER, MR. FREDERIC R. COUDERT: A BIOGRAPHICAL SKETCH 346 (1904).

59. Paul Fuller, *Introductory Note to FREDERIC R. COUDERT, ADDRESSES: HISTORICAL—POLITICAL—SOCIOLOGICAL*, at v, viii (1905).

60. *See State Aid to Charities*, N.Y. TIMES, Jan. 19, 1895, at 9.

61. Paul Fuller, *Handwritten Inscription in COUDERT*, *supra* note 59 (on file with Fordham University School of Law Library).

René's generosity of spirit and profound faith are but two of the reasons Paul Fuller respected him so deeply.<sup>62</sup>

Already very close to the Coudert family, in March 1877, Paul Fuller became an official member when he wed Leonie Coudert, the daughter of Charles Coudert.<sup>63</sup> In many ways, Paul and Leonie were alike, particularly in their philanthropic nature and deep piety.<sup>64</sup> Frederic René's wife, Lizzy, who nudged the couple together, recounted that the pair had "lovely souls."<sup>65</sup> Two years after they married, they became parents and named their firstborn Charles, after the man who had raised them both.<sup>66</sup>

In 1877, Paul Fuller became a partner at Coudert Brothers, completing his climb up the ladder from errand boy to partner in one of the leading law firms in New York.<sup>67</sup> Fuller took on growing responsibilities both inside and outside the firm. He became the administrator of one of the largest legal practices in the nation.<sup>68</sup> The Coudert Brothers' prominence was growing in the legal community, both nationally and internationally. During this period, an ethical dilemma presented itself at Coudert Brothers: they had the opportunity to make significant financial gains by representing large companies that were looking for advice on avoiding legal restraints.<sup>69</sup> Due to the integrity instilled in them by "Papa Coudert," the brothers opted to avoid these types of clients.<sup>70</sup>

Paul Fuller not only avoided work he viewed as disreputable, but also actively took on many cases with noble causes. John Jay Chapman, a lawyer and essayist of Fuller's day, noted that he was, "one of the most unselfish men I ever met."<sup>71</sup> Even if he fully knew that the client had no means of compensating him, Fuller insisted on handling cases he found important.<sup>72</sup> Given Fuller's sterling work ethic, it seems that he spent endless hours on these cases without receiving a penny in return.<sup>73</sup> In fact, his work ethic is encapsulated in his own address to the first graduates of Fordham Law School, when he advised that "the performance of your task [is] your first consideration and compels you to give to the protection of your client's right all that is in you, at every sacrifice of rest or pleasure, of greater profits, or larger ambitions."<sup>74</sup> Paul Fuller heeded his own words by pouring his heart and soul into each case, not for his own prestige or reputation, but for the person in need.

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62. See FULLER, *supra* note 58, at 343–50.

63. VEENSWIJK, *supra* note 37, at 58.

64. *Id.*

65. *Id.* (internal quotation marks omitted).

66. *Id.*

67. *See id.*

68. *Id.* at 60.

69. *Id.* at 66–67.

70. *Id.*

71. JOHN JAY CHAPMAN, MEMORIES OF PAUL FULLER 8 (1916), *microformed on Call No. F g1518* (Columbia Univ. Library Microfilm).

72. See VEENSWIJK, *supra* note 37, at 67.

73. *See id.*

74. *Address of Dean Fuller*, FORDHAM MONTHLY, June 10, 1908, at 415–16.

Despite his prominence in the legal profession, Fuller was a reserved man who was more of an intellectual thinker than an orator.<sup>75</sup> As Chapman described him, “He had the learning of the Jesuits and was, by gift and training, a scholar.”<sup>76</sup> After his brother-in-law Charles Jr. died and his brother-in-law Frederic René fell ill, Paul was left as the senior partner to manage Coudert Brothers.<sup>77</sup> He worked closely with his nephew, Fred, to keep the firm running smoothly.<sup>78</sup> Despite Paul’s considerable seniority to Fred, he always treated him with respect and as an equal; Fred likewise admired his uncle, referring to him as “a lovable man.”<sup>79</sup> Chapman wrote that “he brought a knowledge of life, a temperate wisdom which calmed the asperities and mitigated the personal animosities of the younger men.”<sup>80</sup> Perhaps due to his extreme humility, Fuller’s eminence and success never prevented him from working with those younger than himself.<sup>81</sup> Indeed, he enjoyed lending a hand to all and was ready to help anyone in need in any way he could.<sup>82</sup>

Paul did much of the work behind the scenes at Coudert Brothers, running the firm administratively and often acting as the driving force behind an appellate brief on pivotal cases.<sup>83</sup> Trying to avoid the limelight, when it came time to argue such cases, Paul Fuller often would allow another colleague at Coudert Brothers to make the oral presentation and take the credit.<sup>84</sup> Moreover, due to his deep religious beliefs, he believed that receiving honors was against his faith and its call to remain humble.<sup>85</sup> Paul Fuller constantly allowed others to shine, content to work tirelessly for both his firm and a multitude of charitable organizations.

In the political arena, Paul Fuller combated corruption. During this time, Tammany Hall reigned supreme in New York.<sup>86</sup> There was vast judicial corruption brewing and few lawyers had the fortitude to stand up to the pervasive dishonesty in the system.<sup>87</sup> Frederic René Coudert led the campaign against one such political figure, Judge Isaac H. Maynard, with his brother Charles Jr. and Paul in full support of him.<sup>88</sup> Indeed, Chapman

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75. VEENSWIJK, *supra* note 37, at 123.

76. CHAPMAN, *supra* note 71, at 6.

77. VEENSWIJK, *supra* note 37, at 114.

78. *Id.* at 115.

79. *Id.*

80. CHAPMAN, *supra* note 71, at 6.

81. *Id.*

82. *Id.* at 8.

83. VEENSWIJK, *supra* note 37, at 123.

84. *See id.*

85. *Id.* at 127.

86. *See* Gustavus Myers, *The Most Corrupt City in the World*, *LIVING AGE*, Feb. 20, 1904, at 449.

87. *See generally* FREDERIC R. COUDERT, *Young Men in Politics*, in COUDERT, *supra* note 59, at 415.

88. VEENSWIJK, *supra* note 37, at 77. Frederic Coudert and Paul Fuller campaigned to remove Judge Maynard from the New York Court of Appeals after Maynard received an interim appointment to the bench by the regular Democrats, whom Maynard had allegedly aided by fixing election results in Dutchess County. *Id.* Being active in this campaign was no small act of courage, as it required Coudert and Fuller, both vice presidents of the Cooper

ranked Fuller among a group of individual reformers of his time period who “had merely a strong instinct that he ought not to violate his own conscience at any time, and that to do so would defeat his purpose.”<sup>89</sup> Fuller himself commented on the situation of the day, saying that he blamed a “lack of this knowledge [of constitutional law] at the Bar, on the Bench and throughout the educated community” as one of the primary reasons for the political problems of his time.<sup>90</sup>

His Catholic faith deeply ingrained within him, Paul Fuller also became a key member of numerous Catholic organizations in the city. Fuller’s deep religious beliefs were, in many ways, “the real foundation for those beautiful characteristics which made him respected and beloved by so many.”<sup>91</sup> He assisted in the management of New York’s church for the French population, the Church of Saint Paul the Apostle<sup>92</sup>—the Catholic church that coincidentally stands beside Fordham Law School today at its Lincoln Center campus. Additionally, Paul Fuller and Frederic René Coudert became affiliated with Fordham University through Bishop Michael Augustine Corrigan.<sup>93</sup> Frederic René had first befriended Bishop Corrigan—the Bishop of Newark at that time—when the Couderts lived in South Orange, New Jersey.<sup>94</sup> In 1880, Bishop Corrigan became bishop of New York and both Frederic René and Paul supported his many worthwhile projects.<sup>95</sup>

In 1905, Fuller helped open Fordham Law School as its first dean.<sup>96</sup> Despite already being committed to a multitude of organizations and, of course, his firm, Fuller “grasped the opportunity [to be Fordham Law’s first dean] and entered into the work with a wholehearted and disinterested spirit.”<sup>97</sup> As the first dean, Fuller gathered an impressive faculty and created the law library.<sup>98</sup>

A man who would never forget his beginnings, Dean Fuller emphasized the law school’s need to seek out working class students so that the brightest in New York could attend Fordham Law.<sup>99</sup> From the outset, Fuller set the bar higher for Fordham students, establishing a curriculum

Union mass meeting, to unabashedly sit on the dignitaries’ platform at the campaign against Maynard. *See id.*

89. CHAPMAN, *supra* note 71, at 4.

90. *In Memoriam Paul Fuller*, *supra* note 34, at 18 (quoting from a letter written by Dean Fuller to a Professor Thorpe of the University of Pittsburgh).

91. *Id.* at 17. After his death, “his influence and . . . cheery optimism” were credited with being a positive influence on “[o]rphan asylums, homes for friendless, probation societies, school boards, and countless like institutions.” *Paul Fuller*, 10 BENCH & B. 346, 348 (1915).

92. VEENSWIJK, *supra* note 37, at 59.

93. *Id.*

94. *Id.* at 42.

95. *See id.* at 59.

96. Katsoris, *supra* note 32, at 2306; *see also In Memoriam Paul Fuller*, *supra* note 34, at 17.

97. *In Memoriam Paul Fuller*, *supra* note 34, at 18.

98. William Hughes Mulligan, *Fifty Years of Fordham Law School*, 24 FORDHAM L. REV., at vii, vii–viii (1955).

99. VEENSWIJK, *supra* note 37, at 156.

that surpassed the minimum requirements for the bar examination.<sup>100</sup> As Fuller viewed it, law school required “high purpose and sound ideals.”<sup>101</sup> He cautioned the students of Fordham Law: “[Y]our toil, your effort, your earnestness, your ambition, your resolution are indispensable to make of you lawyers.”<sup>102</sup> While Fordham Law School began in 1905 with only thirteen men,<sup>103</sup> within the next five years it grew dramatically.<sup>104</sup> Indeed, by 1914, of the 1,700 students at Fordham University, 400 were enrolled in the law school.<sup>105</sup>

The entering class’s thirteen students<sup>106</sup> paid an annual tuition of \$100.00.<sup>107</sup> The school’s four full-time faculty members included Professor H. Gerald Chapin, who would later write the leading torts handbook<sup>108</sup> of his time. In addition, two renowned New York judges served as lecturers: Alton B. Parker, formerly chief judge of the New York Court of Appeals, and Morgan J. O’Brien, presiding justice of the Appellate Division, First Department.<sup>109</sup> In order to facilitate those who also had to continue to be employed, Fuller suggested that the classes be held in lower Manhattan—instead of on the Rose Hill campus in the Bronx.<sup>110</sup> Accordingly, the law school’s location transferred in 1906.<sup>111</sup>

## II. DOWNTOWN MANHATTAN

Fordham Law moved to downtown Manhattan, the center of the legal world, after just one year of operation.<sup>112</sup> Over the next fifty-two years, the law school remained in downtown Manhattan, but moved four times: beginning at 42 Broadway (two years), then moving to 20 Vesey Street (three years), 140 Nassau Street (four years), the Woolworth Building (twenty-seven years), and 302 Broadway (sixteen years).<sup>113</sup>

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100. *Id.*

101. *Address of Dean Fuller at the Opening of the Third Year of the Fordham University School of Law, September 26th, 1907*, FORDHAM MONTHLY, Oct. 5, 1907, at 10.

102. *Id.* at 13.

103. *Fordham University Sesquicentennial 1841–1991*, 1 FORDHAM INTELL. PROP. MEDIA & ENT. L.J., at ix, ix (1990).

104. Mulligan, *supra* note 98, at viii.

105. SCHROTH, *supra* note 22, at 112.

106. Katsoris, *supra* note 32, at 2306.

107. KACZOROWSKI, *supra* note 32, at 21.

108. H. GERALD CHAPIN, *HANDBOOK OF THE LAW OF TORTS* (1917).

109. *See* Katsoris, *supra* note 32, at 2306; *see also* GANNON, *supra* note 9, at 127.

110. VEENSWIJK, *supra* note 37, at 156.

111. Charles E. Rice, *A Brief History of Fordham Law School*, 39 N.Y. ST. B.J. 67, 68 (1967).

112. KACZOROWSKI, *supra* note 32, at 22.

113. *See* GANNON, *supra* note 9, at 127–28.

A. 42 Broadway, 20 Vesey Street, and 140 Nassau Street

In 1908, the law school held its first graduation with six students receiving degrees, including Vincent Leibell,<sup>114</sup> who later served as a federal judge in the Southern District of New York from 1936 to 1968.<sup>115</sup> The commencement speaker was New York governor Charles Evans Hughes,<sup>116</sup> who would later go on to serve as U.S. secretary of state and chief justice of the U.S. Supreme Court.<sup>117</sup> Fuller also spoke at the graduation, emphasizing: “I wish to present one single thought for your consideration, and I shall do so by emphasizing the underlying purpose of your careful training. That purpose is to weave into the warp and woof of your every act the unyielding, indestructible fibre of *integrity*.”<sup>118</sup> This prudent, albeit somewhat overwhelming, advice encapsulates the life of Paul Fuller himself.

While Fuller admirably served Fordham Law as its dean, he remained an active, well-renowned attorney as well. He argued numerous cases before the U.S. Supreme Court, particularly matters concerning international and constitutional law.<sup>119</sup> For instance, Paul Fuller and Coudert Brothers played an integral part in the *Insular Cases*.<sup>120</sup> More specifically, Paul Fuller and Frederic René collaborated in *Gonzales v. Williams*, in which the citizenship of Puerto Ricans was at stake.<sup>121</sup> Paul’s fluency in Spanish, an

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114. Robert M. Hanlon, Jr., *A History of Fordham Law School*, 49 FORDHAM L. REV., at xvii, xx (1980).

115. *Biographical Directory of Federal Judges: Leibell, Vincent L.*, FED. JUD. CENTER, <http://www.fjc.gov/servlet/nGetInfo?jid=1372&cid=999&ctype=na&instate=na> (last visited Feb. 24, 2014).

116. Hanlon, *supra* note 114, at xx.

117. See Peter G. Fish, *William Howard Taft and Charles Evans Hughes: Conservative Politicians As Chief Judicial Reformers*, 1975 SUP. CT. REV. 123, 124, 130.

118. *Address of Dean Fuller*, *supra* note 74, at 416.

119. See KACZOROWSKI, *supra* note 32, at 3; see also *In Memoriam Paul Fuller*, *supra* note 34, at 18.

120. See KACZOROWSKI, *supra* note 32, at 3. The *Insular Cases* were a series of pivotal and controversial Supreme Court decisions regarding the status of U.S. territories, such as Puerto Rico. See VEENSWIJK, *supra* note 37, at 133. The crux of the cases focused on whether the territories were going to be considered foreign or domestic lands and, subsequently, how the U.S. Constitution would then apply to the territories. See *id.* at 134. The result of the series of cases was the Incorporation Doctrine, in which the Court distinguished between the “unincorporated” territories, i.e., the islands in the Caribbean and Pacific, which the United States had control over, versus the “incorporated” territories of the Union, i.e., the states. See *id.* at 138; see also BARTHOLOMEW H. SPARROW, THE INSULAR CASE AND THE EMERGENCE OF AMERICAN EMPIRE 4–5 (2006). Coudert Brothers represented the plaintiffs in *DeLima v. Bidwell*, 182 U.S. 1 (1901), and *Downes v. Bidwell*, 182 U.S. 244 (1901), two of the most significant *Insular Cases*; Paul Fuller wrote both appellate briefs. JAMES E. KERR, THE INSULAR CASES: THE ROLE OF THE JUDICIARY IN AMERICAN EXPANSIONISM 23 (1982).

121. See *Gonzales v. Williams*, 192 U.S. 1 (1904). Ms. Gonzales, a Puerto Rican woman, had been detained by port authorities when she entered New York. VEENSWIJK, *supra* note 37, at 150. Coudert Brothers took the case pro bono, arguing for Ms. Gonzalez’s release. *Id.* at 154. The Supreme Court held that Gonzales was not an alien, as the immigration laws of the United States extended to Puerto Rico. *Id.* at 150. Thus, the Coudert Brothers, triumphed in freeing Gonzales; however, the Court was not willing to declare that Puerto Ricans were U.S. citizens. SPARROW, *supra* note 120, at 161.

ability he would likely not possess save for his unassuming beginnings, allowed him to excel in this particular line of cases regarding the territories of the United States.<sup>122</sup>

Fuller was not the only notable legal mind present at the law school in its early days. Among the class of 1911 graduates were two students who would go on to be chief judges of the New York Court of Appeals: John T. Loughran and R. Albert Conway.<sup>123</sup> The 1911 class also included Ignatius M. Wilkinson, who later was the school's fourth and longest-serving dean from 1923 to 1953, and the corporation counsel of the City of New York under Mayor Fiorello H. LaGuardia (known as "Little Flower"<sup>124</sup>).<sup>125</sup> The following year, in 1912, an evening division was added to Fordham Law, providing students who worked during the day an opportunity to attend the law school.<sup>126</sup>

The renowned I. Maurice Wormser joined the faculty in 1913 and taught for the next forty-two years, teaching nearly every course in the curriculum.<sup>127</sup> In particular, he was nationally known for his work in contracts and corporation law, and was widely acclaimed for popularizing the phrase "piercing the corporate veil."<sup>128</sup>

Meanwhile, Fuller also worked with President Woodrow Wilson, who chose Fuller as his personal representative to travel to Mexico during the Mexican Revolution.<sup>129</sup> As one historian noted, "The President had no

122. *In Memoriam Paul Fuller*, *supra* note 34, at 17–18.

123. Hanlon, *supra* note 114, at xx; *see also* KACZOROWSKI, *supra* note 32, at 11.

124. *See generally* LAWRENCE ELLIOTT, *LITTLE FLOWER: THE LIFE AND TIMES OF FIORELLO LA GUARDIA* (1983).

125. KACZOROWSKI, *supra* note 32, at 11. Dean Wilkinson was also president of the New York County Lawyers Association from 1944 to 1946. *Id.*

126. Hanlon, *supra* note 114, at xx–xxi.

127. KACZOROWSKI, *supra* note 32, at 131; Hanlon, *supra* note 114, at xxii–xxiii. In addition, Professor Wormser was also editor-in-chief of the *New York Law Journal* during the years 1919 to 1931. George W. Bacon, *Professor I. Maurice Wormser*, 24 *FORDHAM L. REV.*, at xxxiii, xxxiii (1956). One of the two annual Moot Court intraschool competitions that determine membership on the Moot Court Board is named after Professor Wormser. *Intra-school Competitions*, *FORDHAM U. SCH. L.*, [law.fordham.edu/moot-court/5897.htm](http://law.fordham.edu/moot-court/5897.htm) (last visited Feb. 24, 2014).

128. *See generally* Maurice Wormser, *Piercing the Veil of Corporate Entity*, 12 *COLUM. L. REV.* 496 (1912). In this article, Professor Wormser analyzed various situations where the concept of corporate entity should be ignored and the veil of limited liability lifted. *Id.* at 496. Moreover, Wormser

reflected the Fordham Law tradition of public service, accepting several government positions, including those of Special Assistant US Attorney and Government Appeal Agent in New York during World War I; special counsel to the New York Transit Commission in 1927; and consulting legal counsel to the Kings County Crime Investigation from 1938 to 1941.

KACZOROWSKI, *supra* note 32, at 13.

129. *See Paul Fuller Dies; Adviser on Mexico*, *N.Y. TIMES*, Nov. 30, 1915, at 6. At this time in Mexico, Victoriano Huerta overthrew the government of President Francisco I. Madero and took power as the new leader of Mexico. *See* Peter V. N. Henderson, *Woodrow Wilson, Victoriano Huerta, and the Recognition Issue in Mexico*, 41 *THE AMERICAS* 151, 158–59 (1984). President Wilson felt that Huerta had illegitimately usurped his authority and, thus, the American political position in Mexico was in limbo. *See id.* at 163. Simultaneously, several generals, including Pancho Villa, Venustiano Carranza, and



better agent to advise and guide him” on this subject.<sup>130</sup> The President chose Fuller due to his fluency in Spanish and his expertise in international law, among his many other accomplishments.<sup>131</sup> President Wilson held Fuller in the highest regard, writing: “I formed a most delightful impression of Mr. Fuller. He is a Democrat, is in full sympathy with the purposes of the administration, and is accustomed by long habit to deal with our friends in Latin-America.”<sup>132</sup>

Fuller worked for President Wilson without compensation, offering his valuable time to travel to and from Mexico to meet one-on-one with famous Mexican leaders, including Pancho Villa, Venustiano Carranza, and Felipe Ángeles to discuss the civil unrest.<sup>133</sup> Despite the trying situation, Fuller continued to encourage and support the president, writing to him:

Like all efforts that look far into the future, it must meet the doubters who look only to the selfish advantages of the day, but the stars in their courses will fight for you and at the worst we may console ourselves . . . and remember that ‘not failure but low aim is crime.’”<sup>134</sup>

Fuller’s words demonstrate not only his understanding of the situation in Mexico, but also his unique ability to impart wisdom. During these journeys, Fuller was nearing the end of his life and had already become weaker—so much so that his wife, Leonie, insisted she accompany him on any further missions to and from Latin America.<sup>135</sup>

On November 29, 1915, Paul Fuller suddenly died of a heart attack.<sup>136</sup> Always self-sacrificing, the day he died, Fuller attended a board meeting at Hunter College, where he served as a trustee and also wrote a memorial to President Wilson regarding the sinking of the *Lusitania*.<sup>137</sup> Even in the last hours of his life, Paul Fuller continued to serve others without reservation.

No person could have been a more fitting inaugural dean of Fordham Law School than Paul Fuller. As Chapman eloquently phrased it, “[S]uch a life as Fuller’s affects the temperament of the entire community, and leaves an influence more permanent than the inscription on many a monument.”<sup>138</sup> His spirit is forever imprinted on Fordham Law. Paul Fuller embodied the ideals that Fordham still strives to instill in its students today. His vision was for Fordham Law students to be the most respected of their peers—

Emiliano Zapata, were vying for political power. Paul Fuller’s main task was to evaluate the situation in Mexico by meeting with those military leaders. *See* TEITELBAUM, *supra* note 35, at 165, 169–70.

130. TEITELBAUM, *supra* note 35, at 174.

131. *See Paul Fuller Dies; Adviser on Mexico*, *supra* note 129, at 6.

132. 30 THE PAPERS OF WOODROW WILSON 346 (Arthur S. Link ed., 1914).

133. *Id.* at 443; *see also* TEITELBAUM, *supra* note 35, at 166–67.

134. 30 THE PAPERS OF WOODROW WILSON, *supra* note 132, at 459.

135. *Id.* at 443.

136. VEENSWIJK, *supra* note 37, at 185.

137. CHAPMAN, *supra* note 71, at 9. In response to the memorial, President Wilson wrote: “You may be sure that I read it with added interest because of the very touching and almost tragical associations connected with it. Mr. Fuller always struck me as a man intently bent upon the promotion of the real interests of the country.” *Id.* (internal quotation marks omitted).

138. *Id.*

concerned and principled lawyers. As Fuller himself exclaimed, “If you are faithful to the standard which Fordham has held up to you, when any one asks if you are fit to take charge of a given case, the answer will come: ‘A Fordham graduate! Fit for anything he undertakes.’”<sup>139</sup> Dean Fuller’s unyielding integrity set forth the bright path which all other Fordham deans have striven to follow, so that today such a statement still rings true in the legal community.



*A view of the Woolworth Building, which housed Fordham University School of Law from 1915 until 1945.*

### *B. The Woolworth Building*

In 1914, with a student body of more than 400, the law school established the *Fordham Law Review*.<sup>140</sup> The following year the law school moved to

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139. *Address of Dean Fuller, supra* note 74, at 416.

140. Although the *Fordham Law Review* was established in 1914, it suspended publication after only three years following the United States’ entry into World War I. KACZOROWSKI, *supra* note 32, at 77. The editors provided a simple two-paragraph editorial that explained, in part, “Owing to the war, the Review will close the year with this number. Some of the Board of Editors are in military service, with national and state organizations. Others are at the training camps for reserve officers.” *Editorial*, 3 FORDHAM L. REV. 121, 121 (1917). The journal did not restart publication until 1935 amid the Great Depression. KACZOROWSKI, *supra* note 32, at 77. Soon thereafter it garnered attention for its publication of Fordham Law School Dean Ignatius M. Wilkinson’s testimony before the Senate Judiciary Committee condemning the Franklin D. Roosevelt Judiciary Reorganization Bill of 1937. Wilkinson’s testimony, published in the May 1937 edition of the *Fordham Law Review*, warned Congress that the President’s plan “reaches down to and shakes the foundations of our constitutional structure.” Ignatius M. Wilkinson, *The President’s Plan*

the then-tallest building in the world, the historic Woolworth Building.<sup>141</sup> It was there that, in 1918, women were first admitted to the school.<sup>142</sup> Indeed, during the school's time at the Woolworth Building, Ruth Whitehead Whaley graduated at the top of the class of 1924.<sup>143</sup> She would go on to be the first African American woman admitted to the New York and North Carolina bars.<sup>144</sup> Francis X. Carmody, known for his work in practice and procedure, joined the faculty in 1919.<sup>145</sup>

#### 1. Dean John Whalen (1914–1919)

Fordham's second dean, John Whalen, shared many admirable traits with his predecessor, Paul Fuller.<sup>146</sup> Like Fuller, Whalen came from humble beginnings, had a successful professional career, and was a lauded public servant and philanthropist.<sup>147</sup> A self-made man and a consummate New Yorker, not least of his accomplishments was his tactful hand in guiding Fordham Law through difficult and transitional times from 1914 to 1919.

Born to Irish immigrants in New York on July 4, 1854,<sup>148</sup> John Whalen, like Fuller, was orphaned as a young boy.<sup>149</sup> He began to pull himself up by the bootstraps at the age of ten when he “put his foot on the lowest imaginable rung of the legal ladder, that of errand boy” in the law offices of Charles O’Conor.<sup>150</sup> Whalen’s position at the firm was quite fortuitous as O’Conor was a very prominent lawyer who served as U.S. Attorney for the Southern District of New York and as senior counsel in defending Jefferson Davis (after the overthrow of the Southern Confederates) against his treason

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*Respecting the Supreme Court*, 6 FORDHAM L. REV. 179, 189 (1937). Today, the *Fordham Law Review* is the fifth most-cited student-edited law journal by journals, and the ninth most cited by courts. See *Law Journals: Submissions and Rankings*, WASH. & LEE SCH. L. L. LIBR., <http://lawlib.wlu.edu/LJ/> (last visited Feb. 24, 2014). Five other student-edited journals have since followed: the *Fordham Urban Law Journal* (1972); the *Fordham International Law Journal* (1977); the *Fordham Environmental Law Review* (1989); the *Fordham Intellectual Property, Media and Entertainment Law Journal* (1990); and the *Fordham Corporate and Financial Law Journal* (1995).

141. KACZOROWSKI, *supra* note 32, at 31; SCHROTH, *supra* note 22, at 131; David W. Dunlap, *Landmark Status Given to Woolworth Building*, N.Y. TIMES, Apr. 13, 1983, at B3.

142. W. HUTCHINSON, *THE WOMEN OF FORDHAM LAW: 1918-9-1993-4*, at 3 (1994); KACZOROWSKI, *supra* note 32, at 37–38; *Faculty Minute Book—Advisability of Matriculating Women*, FLASH: FORDHAM L. ARCHIVE SCHOLARSHIP & HIST. (May 22, 1918), [http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1001&context=faculty\\_meeting\\_minutes](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1001&context=faculty_meeting_minutes).

143. HUTCHINSON, *supra* note 142, at 6; KACZOROWSKI, *supra* note 32, at 46.

144. HUTCHINSON, *supra* note 142, at 6; KACZOROWSKI, *supra* note 32, at 46; Frances A. McMorris, *75 Years of Women at Fordham Law*, FORDHAM, Spring/Summer 1994, at 6–11, available at [http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1006&context=alumni\\_events](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1006&context=alumni_events).

145. Katsoris, *supra* note 32, at 2306–07.

146. See KACZOROWSKI, *supra* note 32, at 30.

147. *Id.*

148. *John Whalen*, 11 BANKING L.J. 177, 177 (1894).

149. KACZOROWSKI, *supra* note 32, at 30.

150. *John Whalen Dead; Lawyer and Banker*, N.Y. TIMES, Jan. 1, 1927, at 13.

indictment in 1866.<sup>151</sup> O'Connor would also serve as counsel for the prosecution in the trial of Boss William Tweed and the "Tweed Ring" in the 1870s.<sup>152</sup> John Whalen was no doubt influenced by Charles O'Connor's professional success and charitable instincts.<sup>153</sup> While Whalen served as his clerk, O'Connor refused to accept fees for his work on the Tweed prosecutions.<sup>154</sup>

Whalen graduated from New York University School of Law in 1877 and would later receive honorary Doctor of Law degrees from Fordham University, Manhattan College, and the College of St. Francis Xavier.<sup>155</sup> His professional expertise was broad; throughout the course of his career, he became experienced in real estate, education, tax, and politics.<sup>156</sup> Shortly after graduation from law school, Whalen began his successful private practice and served as counsel to the Lawyers' Title and Guarantee Company,<sup>157</sup> and he came to be regarded as "one of the most expert real estate men in the legal profession."<sup>158</sup>

From 1881 to 1896, he chaired the school board of the Twelfth Ward.<sup>159</sup> He went on to become commissioner of public education and chairman of the Committee on High Schools of the New York Board of Education.<sup>160</sup> In 1893, he was appointed the New York City tax commissioner, serving until 1896.<sup>161</sup> In 1898, the year of the unification of New York City, Whalen was named the first corporation counsel and served until 1903.<sup>162</sup> During this time, Mayor Robert Anderson Van Wyck publicly commended Whalen for his work in reducing budget expenses and doing away with unnecessary counsel fees.<sup>163</sup>

Perhaps most impressive was his success in advocating the development of the New York City subway system. On May 9, 1910, twenty-four of Whalen's friends and neighbors gave a dinner in his honor, at which they presented him with an inscribed "loving cup" as recognition for his great public service in "his earnest and successful efforts to give the city rapid transit, and the important and decisive part he took in securing the adoption, in its entirety, of the underground railway system, and in assuring the actual construction of the rapid transit road."<sup>164</sup> Prior to that honor, on May 14,

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151. *Jefferson Davis: He Is Visited by His Counsel Charles O'Connor*, N.Y. TIMES, Aug. 1, 1886, at P5. Davis was pardoned by President Andrew Johnson. P. S. Ruckman, Jr., *Executive Clemency in the United States: Origins, Development, and Analysis (1900-1993)*, 27 PRESIDENTIAL STUD. Q. 251, 254 (1997).

152. KACZOROWSKI, *supra* note 32, at 30.

153. *See id.*

154. *Id.*

155. *Id.*

156. *Id.* at 30-31.

157. *Id.* at 30.

158. *John Whalen*, *supra* note 148, at 177.

159. KACZOROWSKI, *supra* note 32, at 30.

160. *Id.*

161. *Id.*

162. *Id.*

163. *See The Board of Estimate: Corporation Counsel Whalen and Fire Commissioner Scannel Praised for Reducing Costs*, N.Y. TIMES, Jan. 26, 1898, at 12.

164. *Loving Cup for Mr. Whalen*, N.Y. TIMES, May 10, 1900, at 2.

1900, he was given the privilege of striking the first pickax that began work on the Washington Heights section of New York's first subway.<sup>165</sup> Fully meriting the appellation "New Yorker," he also served as vice president and treasurer of the New York Giants baseball team.<sup>166</sup>

As dean of Fordham Law School, Whalen brought to the table his exceptional administrative skills.<sup>167</sup> Significantly, after the law school had relocated three times in eleven years, Whalen found Fordham Law a fourth, more permanent home in the Woolworth Building, where it remained from 1916 to 1943.<sup>168</sup> The law school occupied the twenty-eighth and twenty-ninth floors of the famous building, which was then the tallest building in the world until the construction of the Chrysler Building in 1930. The Woolworth Building is a beautiful gothic skyscraper that was described as a "cathedral of commerce" at its dedication.<sup>169</sup> It has been a national historic landmark since 1966,<sup>170</sup> and a New York City landmark since 1983.<sup>171</sup>

The move to the Woolworth Building occurred as World War I raged on, which presented Whalen with unique obstacles. In 1917, some of Fordham Law's students enrolled in military training while completing their degree and had to take twenty-four-hour leave to collect their diplomas.<sup>172</sup> The war "injuriously affected" legal education in the United States and, in response to this predicament, the Carnegie Foundation advocated that, "[f]or those who suspend their studies to follow the flag, concessions from the regulations applicable to normal times must be made."<sup>173</sup> In 1918 and 1919, the last two years of Whalen's deanship, the faculty passed several provisions that allowed for students serving in the military to graduate with their law school class despite missing semesters of class.<sup>174</sup>

Like many other law schools, Fordham's enrollment declined during the war. While enrollment at Fordham in 1916 stood at 537 students, it fell to 406 and 320 in 1917 and 1918, respectively.<sup>175</sup> This drop in enrollment severely challenged Fordham which, unlike many other law schools, was tuition driven and did not have a large endowment to fall back on.<sup>176</sup> Moreover, "Fordham and other Catholic law schools were further disadvantaged by a rule adopted by the Carnegie Foundation, which created a program of pensions for academics at nonsectarian universities and

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165. See *Ground Broken for Big Tunnel*, N.Y. TIMES, May 15, 1900, at 2.

166. See *John Whalen Dead*, *supra* note 150.

167. See Joseph C. Sweeney, *International Law at Fordham Law School*, 29 FORDHAM INT'L L.J. 1139, 1143 (2006).

168. See KACZOROWSKI, *supra* note 32, at 31, 189; SCHROTH, *supra* note 22, at 111.

169. KACZOROWSKI, *supra* note 32, at 31.

170. *Woolworth Building*, NAT'L HISTORIC LANDMARKS PROGRAM, <http://tps.cr.nps.gov/nhl/detail.cfm?ResourceId=398&ResourceType=Building> (last visited Feb. 24, 2014).

171. Dunlap, *supra* note 141.

172. KACZOROWSKI, *supra* note 32, at 32.

173. THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING: TWELFTH ANNUAL REPORT OF THE PRESIDENT AND OF THE TREASURER 119 (1917); see also KACZOROWSKI, *supra* note 32, at 32-33.

174. See KACZOROWSKI, *supra* note 32, at 33.

175. *Id.* at 34.

176. *Id.*

explicitly excluded those at church-affiliated schools.”<sup>177</sup> Some of the loss in revenue was counterbalanced by funds from the federal government, which rented space at Fordham’s Rose Hill campus for military training.<sup>178</sup> No doubt, Whalen’s budget-cutting skills helped keep Fordham afloat during this difficult time.

In Whalen’s last year at Fordham, men began to return from service and the school’s enrollments doubled in the fall of 1919 as Francis Garvan took over as dean.<sup>179</sup> Upon his death in 1926, Whalen left \$3 million to his friend Cardinal Patrick Joseph Hayes, who used part of this money for the St. Patrick’s Cathedral grand gallery organ, boasting “one of the nation’s most glorious wood facades adorned with angels and Latin inscriptions.”<sup>180</sup> The organ is still in use today.<sup>181</sup> Whalen also donated \$100,000 to Fordham for a new chapel and scholarships.<sup>182</sup>

## 2. Dean Francis Garvan (1919–1923)

On April 7, 1919, John Whalen stepped down as the dean of Fordham Law School, and Francis P. Garvan assumed the post.<sup>183</sup> Garvan’s background differed from that of Fuller and Whalen, as he was rather privileged from birth.<sup>184</sup> Like his predecessors, however, he was a devout Catholic and believed in serving the public good.<sup>185</sup> Francis Garvan was born on June 13, 1875, in East Hartford, Connecticut.<sup>186</sup>

After graduating from Yale College in 1897, he clerked at the law office of James, Schell & Elkus while studying at New York University School of Law. Upon his graduation in 1899, he spent the following year studying at Catholic University.<sup>187</sup>

In 1901, New York County District Attorney Eugene Philbin appointed Garvan as deputy assistant district attorney.<sup>188</sup> The following year, Judge William Travers Jerome became the district attorney and made Garvan his assistant.<sup>189</sup> Jerome was anti-Tammany and “led a spectacular crusade against vice, crime and political corruption throughout [New York City].”<sup>190</sup> During his time at the district attorney’s office, Garvan presented the opening statement for the prosecution at the trial of Harry K. Thaw, the

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177. *Id.*

178. *See id.* at 35; *see also Fordham Law To Continue*, N.Y. TIMES, Sept. 10, 1918, at 7.

179. *See* KACZOROWSKI, *supra* note 32, at 35.

180. *Id.* at 31.

181. *Id.*

182. *Id.*

183. *Id.* at 47.

184. *Id.*

185. *Id.*

186. *Francis P. Garvan, Lawyer, Dies Here*, N.Y. TIMES, Nov. 8, 1937, at 23.

187. KACZOROWSKI, *supra* note 32, at 47.

188. *Id.*

189. *Id.*

190. *Id.* (alteration in original) (quoting *Jerome Dies at 74; Long Tammany Foe*, N.Y. TIMES, Feb. 14, 1934).

Pittsburgh millionaire.<sup>191</sup> Garvan excelled in trial law and remained in the Homicide Bureau of the district attorney's office for eight years.<sup>192</sup> In 1910 he returned to private practice and became partner at Garvan & Armstrong.<sup>193</sup> Later, he became partner at Osborne, Lamb & Garvan.<sup>194</sup>

Coinciding with his return to private practice, Garvan married Mabel Brady, a woman even wealthier than him.<sup>195</sup> Mabel's father, Anthony N. Brady, was a well-respected, self-made Irish-Catholic businessman, whose wealth was compared to that of J. Pierpont Morgan's.<sup>196</sup> Upon Anthony's death in 1913, Francis and Mabel inherited between \$11 and \$12 million—roughly a quarter of a billion in present U.S. dollars.<sup>197</sup> The couple's combined wealth allowed them to both live an opulent lifestyle and contribute heavily to institutions and charities of their choice, including: Yale University, Fordham University, the Metropolitan Museum of Art, and the Roman Catholic Church.<sup>198</sup>

During World War I, Garvan was chief of the U.S. Bureau of Investigation until he was called to an important office in the Woodrow Wilson Administration, that of alien property custodian in Washington, D.C.<sup>199</sup> He continued to hold this position while dean at Fordham.<sup>200</sup> "It was on Mr. Garvan's initiative and under his supervision that millions of dollars' worth of German property were found in this country and thus brought under the jurisdiction and control of the Alien Property Custodian."<sup>201</sup> He discovered that Germany had used the American legal system to patent various chemicals and processes largely in the dye industry.<sup>202</sup> He declared that "Germany's confidence in her chemical industry had encouraged her in aims of conquest and that the same industry was employing its usual methods in the hope of conquering the world industrially."<sup>203</sup>

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191. *Id.* at 48. In this infamous, sensationalized case, Thaw was eventually convicted of murdering the famed architect Stanford White (among his most famous works is the Washington Square Arch). *Id.* White had an affair with Thaw's wife, the young actress Evelyn Nesbit. Jason Zinoman, *Theater Review: Love Triangle at the Garden*, N.Y. TIMES, June 22, 2005, at E3.

192. See KACZOROWSKI, *supra* note 32, at 47–48.

193. *Id.* at 48.

194. *Id.*

195. *See id.*

196. *Id.*

197. *Id.* at 49; *see also CPI Inflation Calculator*, BUREAU LAB. STAT., <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited Feb. 24, 2014) (valuing \$1 million in 1913 as \$23.5 million in 2013).

198. KACZOROWSKI, *supra* note 32, at 49.

199. *Id.* at 50.

200. *Id.*

201. *Garvan Succeeds Palmer*, N.Y. TIMES, Mar. 4, 1919, at 21.

202. While speaking at a dinner at the Biltmore in Manhattan, Garvan was quoted as saying, "About 80 per cent of [Germany's] explosives and all of her poison gases were manufactured by Germany's dye factories." *Sees Trade Menace in German Plans*, N.Y. TIMES, Apr. 26, 1919, at 23.

203. *Id.*

His wealth enabled him to better aid his country, and he concurrently set up the new American Chemical Foundation.<sup>204</sup> Many of the patents that Garvan reclaimed as alien property custodian came to be held by the Chemical Foundation for the benefit of American industries.<sup>205</sup> The foundation's charter required that use of the patents be granted to all proper applicants, which the foundation defined as "any competent, equipped and patriotic American individual."<sup>206</sup> At one point, Garvan and his foundation's board of directors were sued and accused of engaging in self-dealing and trying to monopolize the American dye industry.<sup>207</sup> The courts, however, eventually vindicated Garvan, and it was discovered that neither he nor his board had a financial interest in the foundation.<sup>208</sup> Indeed, Garvan did not receive a penny from it and "used the German patents, processes, copyrights, and trademarks [and thus played a central role] in developing the American dye and chemical industries."<sup>209</sup> His extraordinary service to the industry was recognized, when in 1929, he became the only layman ever to receive the American Chemical Society's Priestley Medal.<sup>210</sup>

This service to his country was one of the many factors that contributed to his selection as dean. He had a successful career serving in federal, state, and local governments, was a prominent member of the Catholic Church, and was well known for his generosity. Indeed, when he was first appointed dean, he agreed "to make good all deficits which might appear during the next five years—an offer unmatched by any Dean in the country before or since."<sup>211</sup>

Not long after he assumed his post as dean, he took on additional responsibility in the federal government as assistant attorney general. During this time he was credited with organizing the "Palmer Raids" during the "Red Scare."<sup>212</sup> Despite his numerous outside activities, Fordham accomplished many things during Garvan's tenure as dean, namely: the hiring of eight full-time faculty members,<sup>213</sup> admitting its first African

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204. See KACZOROWSKI, *supra* note 32, at 50.

205. *Id.* at 51.

206. *American Chemistry Menaced*, 29 AM. J. CLINICAL MED. 547, 548 (1922).

207. KACZOROWSKI, *supra* note 32, at 51.

208. *Id.*

209. *Id.*

210. Elizabeth Stillinger, *Garvan, Francis Patrick*, in 8 AMERICAN NATIONAL BIOGRAPHY 769, 770 (John A. Garraty & Mark C. Carnes eds., 1999).

211. KACZOROWSKI, *supra* note 32, at 49 (quoting GANNON, *supra* note 9, at 160).

212. *Id.* at 54. The Palmer Raids were attempts by the U.S. Department of Justice to arrest and deport radical leftists, especially anarchists, from the United States. See THE FBI: A COMPREHENSIVE REFERENCE GUIDE 8–9 (Athán G. Theoharis et al. eds, 1999). The raids and arrests occurred in January 1920 under the leadership of Attorney General A. Mitchell Palmer. *Id.* at 9. The Palmer Raids occurred in the larger context of the Red Scare, the term given to fear of and reaction against political radicals in the United States in the years immediately following World War I. *Id.* at 107.

213. *Compare The Faculty*, FORDHAM U. BULL. INFO.: SCH. L. (Fordham Univ. Sch. of Law, New York, N.Y.), 1920–1921, at 3.



American students,<sup>214</sup> and increasing the student body to over 1,400 students.<sup>215</sup>



*Students study at the law library located on the twenty-eighth floor of the Woolworth Building.*

### 3. Dean Ignatius M. Wilkinson (1923–1953)

Dean Ignatius M. Wilkinson's<sup>216</sup> career was clearly defined as one of teaching, practicing law, and public service. "He made the Fordham Law School the cornerstone of his life's work, but he was never too busy to answer a call to public service."<sup>217</sup> These words encapsulate Wilkinson, the law school's fourth and longest serving dean, who began the transformation of Fordham Law from a local commuter upstart to a national law school renowned for its high academic standards while maintaining its commitment to public service.

An "exceptionally able administrator" and "brilliant" teacher, Dean Wilkinson spent forty-four years of his life at Fordham Law School, in the capacity of student, professor, and finally, as dean.<sup>218</sup> During his thirty-year deanship, Wilkinson successfully led Fordham through the tumultuous first half of the twentieth century, including the Roaring Twenties, the Great Depression, World War II, and the baby boom. Tall and aristocratic in appearance, Dean Wilkinson was known for "his integrity of character which made a deep impression upon those who sat before his teaching

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214. KACZOROWSKI, *supra* note 32, at 46.

215. *Registration by Year Since the Foundation of the School*, FORDHAM U. BULL. INFO.: SCH. L. (Fordham Univ. Sch. of Law, New York, N.Y.), 1923–1924, at 4.

216. *In Memoriam: Dean Ignatius M. Wilkinson, 1887–1953*, 22 FORDHAM L. REV. 232 (1953).

217. *Dean Wilkinson Dead; Crime Probe Member*, N.Y. HERALD TRIB., June 22, 1953, at 29.

218. *In Memoriam: Dean Ignatius M. Wilkinson*, *supra* note 217, at 232–33.

desk.”<sup>219</sup> Under his aegis, Fordham Law first achieved the excellent scholastic reputation that it continues to enjoy today.

Wilkinson was born in New York City on January 6, 1887.<sup>220</sup> After graduating from Xavier High School, he earned a bachelor of arts degree from the College of St. Francis Xavier in 1908, and entered Fordham Law School that same year.<sup>221</sup> At the time of Wilkinson’s law school matriculation, New York State allowed law students with college degrees to sit for the bar exam after only two years of law school and be admitted to practice on passing the exam.<sup>222</sup> Law students without a college degree were required to complete three years of law school to qualify for the bar.<sup>223</sup> After completing his second year of law school, Wilkinson took and passed the bar exam and was admitted to practice in 1910.<sup>224</sup> Two years later, New York State ended this practice when it raised the education requirement to three years of law school to sit for the bar exam.<sup>225</sup>

Wilkinson earned his bachelor of laws degree (LL.B.) from Fordham Law School in the class of 1911, graduating *summa cum laude*<sup>226</sup> in a class that included two future chief judges of the New York Court of Appeals: John T. Loughran and R. Albert Conway.<sup>227</sup> At the time, Fordham Law Dean Paul Fuller was assembling a faculty of highly respected and sought after lawyers who were also prolific scholars, and in 1912, Dean Fuller hired Wilkinson and fellow classmate John T. Loughran as the first Fordham Law School graduates to join the law school’s faculty.<sup>228</sup> Wilkinson began his long tenure at Fordham as an instructor of evidence and equity.<sup>229</sup> He was named associate professor in 1915 and promoted to full professor only four years later.<sup>230</sup> In 1923, Wilkinson assumed the leadership of Fordham Law School, where he would serve as dean until his death in 1953.<sup>231</sup>

During his tenure at Fordham, Dean Wilkinson’s principal contribution was to strengthen and improve the law school’s academic standards. Wilkinson assumed his deanship at a time of dramatic, post–World War I escalation in law school enrollments.<sup>232</sup> The exploding number of law students concerned leaders in the legal profession, who feared the

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219. *Id.* at 233.

220. *Id.* at 232.

221. *Id.* Interestingly, Supreme Court Justice Antonin Scalia was also a graduate of Xavier High School, and both he and Wilkinson have been inducted into the Xavier High School Hall of Fame. *The Xavier Hall of Fame*, XAVIER HIGH SCH., [http://www.xavierhsalumni.org/s/81/images/editor\\_documents/hall\\_of\\_fame\\_list\\_2012.pdf](http://www.xavierhsalumni.org/s/81/images/editor_documents/hall_of_fame_list_2012.pdf) (last visited Feb. 24, 2014).

222. See KACZOROWSKI, *supra* note 32, at 27.

223. *Id.*

224. See *id.* at 11.

225. *Id.* at 28.

226. *In Memoriam: Dean Ignatius M. Wilkinson*, *supra* note 217, at 232.

227. Katsoris, *supra* note 32, at 2306.

228. See KACZOROWSKI, *supra* note 32, at 11.

229. *In Memoriam: Dean Ignatius M. Wilkinson*, *supra* note 217, at 233.

230. *Id.*

231. *Id.*

232. Hanlon, *supra* note 114, at xiii, xxiv.

profession was becoming overcrowded and populated by unfit attorneys.<sup>233</sup> White Anglo-Saxon Protestants controlled the legal profession in the early twentieth century,<sup>234</sup> but lawyers who were immigrants, or the children of immigrants, were a rapidly growing percentage of practitioners in populous cities such as New York, Chicago, and Boston.<sup>235</sup> Legal elites believed these groups lacked vital characteristics of a lawyer, such as morality, and mastery of the American legal and political systems.<sup>236</sup> In an attempt to curate the ethnic, class, and racial composition of the profession, elite lawyers explicitly announced an intention to use increased law school requirements to restrict minority entrance.<sup>237</sup>

Fordham served the very same demographic groups that the elites sought to exclude from the legal profession. As such, Wilkinson was determined to make Fordham Law School “the best avenue into the legal profession for the New York City area’s immigrants and their children, providing them with the opportunity to achieve respectability and upward socio-economic mobility in a life of professional public service.”<sup>238</sup>

Wilkinson’s immediate goal upon taking the reins at Fordham Law School was to fortify the school’s admission and academic standards. At a time when the education prerequisite for law school admission in New York State was only a high school diploma, Wilkinson raised the bar for admission by instituting the law school’s first higher education requirement.<sup>239</sup> Wilkinson favored the admission prerequisite because he believed that students who engaged in college work prior to law school were more mature and well rounded and therefore better equipped to handle the rigors of law school.<sup>240</sup> Accordingly, in 1924, Fordham Law School raised its preadmission requirement to one year of college.<sup>241</sup> In September 1927, Wilkinson raised the higher education prerequisite yet again to two years of college work.<sup>242</sup>

In March of that year, the New York Court of Appeals held public hearings on the question of increasing admission prerequisites for all New

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233. *Admission to the Bar*, N.Y. TIMES, June 6, 1929, at 19.

234. KACZOROWSKI, *supra* note 32, at 82.

235. *Id.* at 82–83.

236. *Id.*

237. *Id.*; see also Faculty Meeting Notes (June 10, 1937) (on file with Fordham University, Walsh Library in folder 9, box 11).

238. KACZOROWSKI, *supra* note 32, at 80.

239. Hanlon, *supra* note 114, at xx.

240. See Letter from Reverend Charles J. Deane, S.J., Dean, Fordham Univ., to Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law (July 30, 1932) (on file with Fordham University, Walsh Library in folder 1, box 10); Letter from Reverend Charles J. Deane, S.J., Dean, Fordham Univ., to Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law (July 27, 1932) (on file with Fordham University, Walsh Library in folder 1, box 10); Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Reverend Charles J. Deane, S.J., Dean, Fordham Univ. (July 29, 1932) (on file with Fordham University, Walsh Library in folder 1, box 10).

241. DEAN’S REPORT 1 (1929) (on file with Fordham University, Walsh Library in folder 2, box 11).

242. *Id.* at 1.

York State law schools.<sup>243</sup> Wilkinson attended the hearings as dean of Fordham Law School and as the specially designated representative of the Association of the Bar of the City of New York.<sup>244</sup> Wilkinson spoke to the court in favor of implementing a statewide two-year college requirement.<sup>245</sup> The hearings persuaded the court to raise the state's law school admission standards, and beginning with the entering class of September 1930, all law students were required to have completed two years of college work in order to matriculate at a New York State law school.<sup>246</sup>

In addition to raising Fordham Law School's admission standards, Wilkinson spent the early years of his deanship raising the law school's internal academic policies in order to improve Fordham's reputation. One of his earliest reforms was to limit the number of times a student could retake a course or an exam the student had previously failed.<sup>247</sup> Prior to 1925, there was no limit on the number of times a student could repeat an exam, and students who failed their exams were permitted to take a reexamination in the failed subject at the beginning of the following semester.<sup>248</sup> In June 1925, the Fordham Law faculty adopted a rule that required third-year students to repeat the entire failed course before sitting for the reexamination, and students were given only one opportunity to pass the repeated course to earn their law degree.<sup>249</sup>

That same year, Wilkinson instituted the requirement that all students must maintain a C average to be in good standing, and devised a rule which gave him the discretion to require any student whose grades indicated that the student would not likely succeed in the practice of law to withdraw from the law school.<sup>250</sup> In 1931, the law school instituted a policy that prohibited any student who had an outstanding failed course from beginning their third year of law school.<sup>251</sup> By 1932, Wilkinson reported that Fordham's new rigorous academic policies eliminated approximately one-third of students in their first two years, and had earned the law school respect among other law schools and the legal profession.<sup>252</sup> Wilkinson proudly observed that law firms that had previously restricted their hiring to graduates of elite institutions, such as Columbia and Harvard, were beginning to employ Fordham Law School alumni as well.<sup>253</sup> In an effort to aid Fordham students to gain attractive employment, in 1930, Wilkinson created the Placement Bureau, the forerunner to today's Career Planning Center.<sup>254</sup>

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243. *Id.* at 2–3.

244. *Id.* at 3.

245. *Id.* at 2–3.

246. Hanlon, *supra* note 114, at xxiv.

247. KACZOROWSKI, *supra* note 32, at 106–07.

248. *Id.* at 107.

249. *Id.* at 108.

250. DEAN'S REPORT 6–7 (1925) (on file with Fordham University, Walsh Library in folder 1, box 11).

251. DEAN'S REPORT 6–7 (1932) (on file with Fordham University, Walsh Library in folder 4, box 11).

252. KACZOROWSKI, *supra* note 32, at 109, 111.

253. *Id.* at 114.

254. DEAN'S REPORT, *supra* note 251, at 12.

In the 1930s, Wilkinson remained focused on raising the law school's academic standards and national profile, and his strenuous efforts were rewarded in 1936 when Fordham Law School earned its accreditation from the American Bar Association (ABA) and membership in the Association of American Law Schools (AALS).<sup>255</sup> During this time, Wilkinson emerged as a leader in shaping the rules on part-time legal education in New York State with a part-time program.

One of the most significant reforms Wilkinson achieved at Fordham Law School during the 1930s was to persuade the New York Court of Appeals to permit New York law schools to spread their three-year part-time curriculum over a four-year program.<sup>256</sup> The need for this change arose when the ABA and AALS adopted resolutions in the 1920s that required member schools to offer their part-time and evening programs in a four-year format.<sup>257</sup> Wilkinson was determined for the law school to join these organizations, but felt that extending Fordham's current three-year night program to four years was impractical under the New York Court of Appeals rules, which at the time applied the same minimum class hours per week to both part-time and full-time curricula.<sup>258</sup> Under those rules, all law students were required to take a minimum of ten class hours per week over thirty-two weeks per year for at least three years.<sup>259</sup>

Wilkinson saw no benefit to extending Fordham's part-time students' curriculum to four years, because the fourth year would impose on them numerous additional class hours when compared to the full-time students.<sup>260</sup> Rather, he felt it was of greater benefit to spread the same number of class hours over a longer time period in order to afford part-time students, the majority of whom were employed full time,<sup>261</sup> sufficient free time to prepare for class.<sup>262</sup> Wilkinson believed the lighter course load would afford part-time students extra hours of study, which in turn would enable these students to do better in their classes and permit the law school to demand greater scholastic proficiency of their part-time students without overtaxing them.<sup>263</sup> Accordingly, Wilkinson supported the move to a four-year, part-time curriculum only if the Court of Appeals amended its rules to enable part-time students to take the same number of classroom hours over four years that their full-time counterparts took over three years.<sup>264</sup>

In 1931, Wilkinson aided in drafting a resolution on behalf of the Association of the Bar of the City of New York petitioning the New York Court of Appeals to mandate part-time programs to be spread over four

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255. See Faculty Meeting Notes, *supra* note 237.

256. See DEAN'S REPORT, *supra* note 251, at 14, 17.

257. See *id.* at 17.

258. See *id.* at 18.

259. See *id.* at 15.

260. See *id.*

261. DEAN'S REPORT 23–25 (May 15, 1934) (on file with Fordham University, Walsh Library in folder 5, box 11).

262. *Id.*

263. DEAN'S REPORT, *supra* note 261, at 25.

264. DEAN'S REPORT, *supra* note 251, at 15–17.

years with a reduced number of weekly class hours per year.<sup>265</sup> The New York County Lawyers Association joined the petition, and the ABA supported the move by sending a representative to argue to the Court of Appeals on its behalf.<sup>266</sup> Wilkinson also submitted a written brief on behalf of Fordham Law School.<sup>267</sup> According to Wilkinson, every law school in New York State supported the change, except St. John's Law School.<sup>268</sup>

Nevertheless, the Court of Appeals denied the petition, finding that under the current system, many full-time students were gainfully employed during their free time and part-time students successfully maintained their grades despite their outside occupations.<sup>269</sup> In light of these circumstances, the Court concluded that extending part-time legal studies to four years would treat day and night students equally but would "operate harshly" on those part-time students who had to support themselves while in law school.<sup>270</sup> However, the Court left the door open to future changes, and Wilkinson remained determined to change the existing rules.<sup>271</sup>

By November 1933, Fordham University President the Very Reverend Aloysius J. Hogan, S.J., instructed Wilkinson to place the law school's part-time program on a four-year curriculum beginning with the entering class of September 1934.<sup>272</sup> Although the Court of Appeals still required only three years, Father Hogan was convinced by Wilkinson's arguments that the extra study time afforded by a four-year curriculum would produce greater scholastic proficiency among the law school's night students.<sup>273</sup> In addition, Father Hogan wanted to secure Fordham Law School a coveted place on the ABA's list of accredited law schools, which required that part-time programs be operated on a four-year basis.<sup>274</sup>

Determined to secure state approval for the move, in December 1933, Wilkinson filed a second petition to the New York State Court of Appeals on behalf of Fordham Law School, asking the court to amend its rules to enable law schools to spread their part-time programs to four years without requiring more class time than that required of the three-year full-time

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265. *Id.* at 15–19.

266. *Id.* at 17.

267. *Id.*

268. *Id.* For the full text of the Dean Wilkinson's brief, see Memorandum on Behalf of Fordham University, School of Law, *In re Ass'n of Bar of N.Y.*, 177 N.E. 423 (N.Y. 1931), in DEAN'S REPORT, *supra* note 251, at Exhibit D (on file with Fordham University, Walsh Library in folder 4, box 11). Wilkinson acknowledged that "the spokesman" for New York University made a similar argument, and the *New York Times* reported that Cornelius W. Wickersham and George A. Spiegelberg, chairs of the Committees on Legal Education of the Association of the Bar of the City of New York (ABCNY) and New York County Lawyers Association were to argue on behalf of the petition along with representatives of the American Bar Association of the law schools in New York State. *Hears Plea June 5 on Bar Standards*, N.Y. TIMES, June 1, 1931, at 19.

269. *In re Ass'n of Bar of N.Y.*, 177 N.E. at 423.

270. *Id.* at 424.

271. *Id.*

272. DEAN'S REPORT, *supra* note 261, at 25.

273. See Memorandum on Behalf of Fordham University, School of Law, *supra* note 268, at 3.

274. See *id.* at 6.

programs.<sup>275</sup> The Fordham Law petition was almost identical to the one Wilkinson drafted on behalf of the Association of the Bar of the City of New York and the New York County Lawyers Association two years earlier, save for one important difference.<sup>276</sup> While the 1931 petition would have required all New York law schools to change their part-time programs to four years, Fordham's request in 1933 was permissive, and left the choice of whether or not to adopt a four-year curriculum up to the discretion of each individual law school.<sup>277</sup> Wilkinson noted that St. John's opposition to the 1931 petition was based on the mandatory nature of the proposed rule, and that the law school no longer opposed the requested change to a four-year curriculum if it were permissive in nature.<sup>278</sup>

On January 16, 1934, the New York Court of Appeals granted Wilkinson's petition in full, and the New York State Department of Education quickly approved and registered Fordham's proposed part-time program.<sup>279</sup> Wilkinson's new curriculum consisted of eight hours of weekly classes for the first two years and ten hours of weekly classes for

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275. See Memorandum in Support of Petition of Fordham University for an Amendment to the Rules, *In re Amendment of Rules IV and V of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law* (N.Y. 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit D.

276. See *id.* ("The amendment then asked would have *required* compliance therewith by all approved law schools in this State. The present requested amendment is entirely permissive in character and would not require any law school to change its course in any way."). Wilkinson's brief noted St. John's College School of Law's position that hours requirement should "be left to the discretion of the institution." *Id.* (quoting St. John's College School of Law Reply Brief at 21, *In re Amendment of Rules IV and V of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law*) (internal quotation marks omitted).

277. *Id.*

278. *Id.*

279. For a copy of Judge Cuthbert W. Pound's judgment order, see *In re Amendment to Rules IV and V of the Rules of the Court of Appeals for the Admission of Attorney's and Counselors at Law* (on file with Fordham University School of Law Library). See also Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Harlan H. Horner, Assistant Comm'r, State Educ. Dep't (Jan. 19, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C. For a reprint of the amended rule, see Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Harlan H. Horner, Assistant Comm'r, State Educ. Dep't (Jan. 23, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C. The education department approved. See Letter from Harlan H. Horner, Assistant Comm'r, State Educ. Dep't, to Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law (Feb. 27, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C; Letter from Harlan H. Horner, Assistant Comm'r, State Educ. Dep't, to Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law (Feb. 9, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C; Letter from Harlan H. Horner, Assistant Comm'r, State Educ. Dep't, to Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law (Jan. 20, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C; Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Harlan H. Horner, Assistant Comm'r, State Educ. Dep't (Feb. 28, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C; Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Harlan H. Horner, Assistant Comm'r, State Educ. Dep't (Feb. 26, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C; Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Harlan H. Horner, Assistant Comm'r, State Educ. Dep't (Feb. 13, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C; Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Harlan H. Horner, Assistant Comm'r, State Educ. Dep't (Feb. 7, 1934), in DEAN'S REPORT, *supra* note 261, at Exhibit C.

the last two years, a total of thirty-six hours over four years—the exact equivalent of the twelve weekly hours required in the law school’s three-year full-time curriculum.<sup>280</sup> Riding on the success of Fordham Law School’s revised part-time program, Wilkinson was instrumental in persuading the New York Court of Appeals to change its rules once again in 1937, this time to mandate a four-year part-time curriculum for all law schools in New York State offering a part-time program.<sup>281</sup>

Because the court’s 1934 rule change was permissive in nature, three New York City law schools, Brooklyn Law School, New York Law School, and St. John’s Law School, continued to operate their part-time programs on a three-year basis.<sup>282</sup> In the spring of 1937, in his capacity as a member of the Joint Conference on Legal Education of the State of New York, Wilkinson finally persuaded the deans of all ten New York law schools to adopt a resolution mandating a four-year part-time program and secured the agreement of the deans of Brooklyn, New York Law School, and St. John’s to extend their part-time programs to a four-year curriculum.<sup>283</sup> Having secured the unanimous approval of the New York State law schools, Wilkinson drafted an amendment to the New York Court of Appeals rule to mandate a four-year part-time curriculum for all law schools in New York State.<sup>284</sup> In the summer of 1937, the court granted Wilkinson’s proposal, making the four-year curriculum a mandatory requirement for all part-time law programs in the State of New York.<sup>285</sup>

Having achieved the four-year part-time curriculum, Wilkinson turned his attention to meeting the other standards required for ABA accreditation and AALS membership. The chief problems he encountered were requirements relating to the size of the law school’s full-time faculty and law library.<sup>286</sup>

By 1930, both the ABA and AALS required member schools to employ one full-time professor for every 100 law students.<sup>287</sup> Most law professors

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280. DEAN’S REPORT, *supra* note 261, at 12.

281. DEAN’S REPORT 19–20 (Feb. 28, 1938) (on file with Fordham University, Walsh Library in folder 7, box 11).

282. *Id.*

283. *Id.* at 20; *see also* Faculty Meeting Notes, *supra* note 237.

284. DEAN’S REPORT, *supra* note 281, at 19–20; *see also* Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Will Shafroth, Adviser, ABA Section on Legal Educ. (Oct. 30, 1936) (on file with Fordham University, Walsh Library in folder 2, box 13).

285. *A Decade of Progress in Standards of Legal Education in New York*, in 63 N.Y. STATE BAR ASS’N, PROCEEDINGS OF THE SIXTY-THIRD ANNUAL MEETING HELD AT NEW YORK, JANUARY 25, 26, 27, 1940 THE MIDSUMMER MEETING HELD AT SARANAC, JUNE 28 AND 29, 1940 AND CHARTER, CONSTITUTION, BY-LAWS, LISTS OF MEMBERS, OFFICERS, COMMITTEES AND REPORTS FOR 1939, at 90, 93 (1940).

286. *See* Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to John Kirkland Clark, ABA (Apr. 19, 1934), in DEAN’S REPORT, *supra* note 261, at Exhibit C.

287. As early as 1892, the ABA recommended that every law school have at least one teacher who devoted “his life to the study and teaching of law as a science.” THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING: SIXTEENTH ANNUAL REPORT OF THE PRESIDENT AND OF THE TREASURER 90–91 (1921). The AALS adopted a standard in 1916 that took effect in 1919 that required member law schools to employ at least three teachers



in the early twentieth century taught on a part-time basis and concurrently pursued active law practices.<sup>288</sup> Wilkinson himself believed “the first and principal business of any good law school is to train men for the practise of their profession,” and his ideal law professor was the practitioner who taught part time.<sup>289</sup> Wilkinson himself practiced what he preached, working at the law firm of King & Wilkinson for the first eight years of his deanship.<sup>290</sup> Wilkinson believed it was impractical to build a full-time law faculty in a city like New York, which offered plenty of more lucrative opportunities to capable lawyers.<sup>291</sup> He was concerned that in its quest to satisfy the ABA and AALS standards, the law school would have to fire some of its best part-time faculty members because these employees could not be induced to accept full-time professorships at the salaries Fordham could afford to pay.<sup>292</sup>

Despite his reservations, Wilkinson agreed with the ABA and AALS rationale for a full-time faculty—that teachers who spent all of their time at the law school were more readily available to students who wished to consult with them.<sup>293</sup> Wilkinson also recognized that a full-time faculty at Fordham would allow the school to institute law clubs and offer voluntary courses in law library usage and legal research.<sup>294</sup>

In 1929, Wilkinson set out to build the new faculty.<sup>295</sup> He appointed two full-time professors in the summer of 1930 by convincing two part-time faculty members, Professor Walter B. Kennedy and Associate Professor George W. Bacon, to accept full-time positions.<sup>296</sup> Wilkinson next

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who devoted substantially all of their time to the school. *Id.* at 91. In 1921, the ABA adopted the ambiguous standard that required accredited law schools to employ a sufficient number of teachers who devoted all of their time to the law school “to ensure actual personal acquaintance and influence with the whole student body.” *Id.* at 73; *see also* DEAN’S REPORT, *supra* note 241, at 11–12; DEAN’S REPORT, *supra* note 261, at 13–14.

288. For statistics on full-time and part-time faculty, see RICHARD L. ABEL, *AMERICAN LAWYERS* 173 (1989).

289. Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to John G. Hervey, Adviser, ABA Section on Legal Educ. (Dec. 7, 1948) (on file with Fordham University, Walsh Library in folder 4, box 13).

290. *See Wilkinson Named As City’s Counsel*, N.Y. TIMES, June 7, 1943, at 15.

291. DEAN’S REPORT, *supra* note 261, at 14.

292. Full professors received between \$500 and \$600 per course hour; associate professors who taught in the day division were paid between \$450 and \$500 per hour and those who taught in the night school were paid between \$400 and \$450 per hour; lecturers in the day division earned between \$350 and \$450 per hour, and lecturers in the evening division received between \$300 and \$400 per hour. DEAN’S REPORT, *supra* note 250, at 10. Wilkinson did not explain what determined who received the maximum and minimum salaries, but it was probably geared to years of service.

293. *See* DEAN’S REPORT, *supra* note 261, at 13–14.

294. *See* DEAN’S REPORT, *supra* note 251, at 10–11.

295. *See id.*

296. KACZOROWSKI, *supra* note 32, at 140. For the names of the full-time faculty, see Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Will Shafroth, Adviser, ABA Section on Legal Educ. (Oct. 16, 1935), *in* DEAN’S REPORT, at Exhibit A (Feb. 17, 1936) (on file with Fordham University, Walsh Library in folder 6, box 11), and Letter from Ignatius M. Wilkinson, Dean, Fordham Univ. Sch. of Law, to Will Shafroth, Adviser, ABA Section on Legal Educ. (Nov. 29, 1935) [hereinafter November Letter to Shafroth], *in* DEAN’S REPORT, *supra*, at Exhibit A.

persuaded the ABA to regard John X. Payne, S.J., the law school's regent and professor of jurisprudence, as a full-time teacher.<sup>297</sup> Father Payne was not a lawyer, and the ABA had never in the past classified a regent as a full-time faculty member, but Wilkinson bargained to sever his own ties with private practice in 1936 if the ABA agreed to Payne's full-time status.<sup>298</sup> In September 1934, Wilkinson hired Eugene J. Keefe and Thomas L. Corcoran as full-time professors<sup>299</sup> and, from 1936 to 1937, he hired Joseph W. McGovern, William R. White, and Paul A. Carroll.<sup>300</sup>

In 1936, the law school received its accreditation from the ABA and became a member of the AALS.<sup>301</sup> With eight full-time faculty members by May 1937, Wilkinson capped enrollment at 850 students and succeeded in satisfying the ABA and AALS requirement of one full-time professor for every 100 law students.<sup>302</sup>

Having set the law school on the course to academic excellence, Wilkinson, in the next phase of his deanship, turned his focus to public interest work outside Fordham's hallowed halls. Not only a leader in the reform of part-time legal education in New York State, Wilkinson's actions and leadership also had a profound and lasting effect upon the national judiciary.

Dean Wilkinson was a Democrat who praised the first administration of President Franklin Delano Roosevelt.<sup>303</sup> His legal philosophies, however, were firmly rooted in the traditions of natural law, which led Wilkinson to later become a strong and vocal opponent of Roosevelt's expansive view of executive power and the President's New Deal legislation. Wilkinson believed the country's unique constitutional democracy was built on the preservation of the individual's natural rights and accomplished by the separation of powers.<sup>304</sup> With the countries of Europe falling prey to dictatorships, Wilkinson feared that the Great Depression would lead the United States to abandon its traditional constitutional system and tip the balance of power in favor of the executive branch.<sup>305</sup>

By 1937, great changes were in the air. Fordham Law School was celebrating its recent accreditation by the ABA, while President Roosevelt basked in the afterglow of a historic landslide victory and his party's overwhelming majority in Congress. All too soon, however, the celebration would be over, and within three months Fordham Law School and Dean Wilkinson would be linked in a controversy with the president of the United

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297. DEAN'S REPORT, *supra* note 296, at 11.

298. See November Letter to Shafroth, *supra* note 296.

299. See KACZOROWSKI, *supra* note 32, at 141.

300. DEAN'S REPORT, *supra* note 281, at 16.

301. Sweeney, *supra* note 167, at 1145 n.15; see also *ABA-Approved Law Schools by Year*, AM. B. ASS'N, [http://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools/by\\_year\\_approved.html](http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/by_year_approved.html) (last visited Feb. 24, 2014).

302. See DEAN'S REPORT, *supra* note 281, at 12-13.

303. *Dean Wilkinson Dead*, *supra* note 217.

304. Ignatius M. Wilkinson, *The Lawyer and the Defense of Constitutional Democracy in America*, 7 FORDHAM L. REV. 301-03 (1938).

305. Wilkinson, *supra* note 140, at 182.

States that would become one of the most dramatic chapters in the nation's history.

Flush with the great mandate of the popular and electoral votes, President Roosevelt, in the wake of the election, moved quickly to reorganize the federal judiciary, which he viewed as an impediment to his New Deal's social and economic programs. Central to his strategy was the bold proposal to increase the number of justices sitting on the U.S. Supreme Court, thereby overcoming decisions that had scuttled his major plans.

On February 5, 1937, President Roosevelt sent a message to Congress requesting the power to reorganize and expand the federal judiciary at all levels.<sup>306</sup> Most importantly, he asked for the power to appoint one new justice, up to a maximum of six, for each Supreme Court justice who did not retire at age seventy (conceivably amounting to a total of fifteen justices).<sup>307</sup>

Immediately met with fervent opposition, Roosevelt's so-called "court-packing" plan was subject to criticism from newspapers, both parties' leadership, and even New Deal supporters.<sup>308</sup> Leading legal educators who opposed the plan, Dean Wilkinson argued vehemently that the scheme would lead to "the absolute supremacy of the executive over the other two branches of our government."<sup>309</sup>

In a *New York Herald Tribune* article, Dean Wilkinson explained that opposition to court packing was based in the Bill of Rights, finding that the scheme could undermine the protections these amendments set forth.<sup>310</sup> Put more directly, Dean Wilkinson questioned whether any end, including vital social legislation, justified endangering individual rights by setting a precedent of allowing "any later Executive in adopting the same means to validate any law which he deemed desirable?"<sup>311</sup>

In reaction to the *Tribune* article, senators opposed to the plan asked Dean Wilkinson to provide testimony at a U.S. Senate Committee hearing. After reading his statement, Dean Wilkinson submitted a resolution signed by every Fordham Law faculty member. The resolution opposed the court-packing scheme, arguing that it threatened the free and independent judiciary, which is an invaluable component of the United States' constitutional democracy.<sup>312</sup> Dean Wilkinson's testimony was one of the hearing's longest, with committee members questioning him for an hour and a half. National press reported on Dean Wilkinson's testimony and the faculty's resolution. Shortly thereafter, attorney William L. Ranson, the

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306. See *President's Message*, N.Y. TIMES, Feb. 6, 1937, at 1.

307. See *id.* at 8.

308. FORDHAM LAW & THE UNITED STATES SUPREME COURT: A SELECTED PORTRAIT 2 (Fordham Univ. Sch. of Law ed., 2002).

309. *Fordham Dean Dissents: Law School Head and Sheridan Oppose Court Program*, N.Y. TIMES, Feb. 17, 1937, at 3.

310. Ignatius M. Wilkinson, *The Menace to the Individual*, N.Y. HERALD TRIB., Mar. 4, 1937, at 22.

311. *Id.*

312. Katsoris, *supra* note 32, at 2319; see also FORDHAM LAW & THE UNITED STATES SUPREME COURT: A SELECTED PORTRAIT, *supra* note 308.

preceding president of the ABA, wrote a letter to the dean, stating: “At a time when so many teachers of law have gone ‘haywire’ in impromptu acceptance of this awkward and alarming method of accomplishing needed progress in legal doctrine, it is gratifying and reassuring to find that the faculty of a fine law school is unanimously in well-considered opposition.”<sup>313</sup>



*A view of Fordham University School of Law’s final downtown location at 302 Broadway.*

### C. 302 Broadway

Shortly after World War II, the law school moved in to its final downtown location—302 Broadway<sup>314</sup>—sharing the building with several other Fordham schools.<sup>315</sup> With help from the G.I. Bill, students filled

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313. FORDHAM LAW & THE UNITED STATES SUPREME COURT: A SELECTED PORTRAIT, *supra* note 308, at 3. For a discussion of the extent fate may also have played in influencing the defeat of the court-packing scheme, see Michael Beschloss, *History Pivoting on the Unpredictable*, NEWSWEEK, Dec. 25, 2006–Jan. 1, 2007, at 12 (“It was the summer of 1937, and Franklin Roosevelt was depending on his Senate majority leader, Joe Robinson, to pass perhaps the most important bill of his second term—packing the hostile Supreme Court with pro-FDR justices. Colleagues said that only Robinson had the clout and I.O.U.s to turn the tide in Roosevelt’s favor. But almost on the eve of the roll call, a housemaid found Robinson dead of a heart attack in his apartment, the Congressional Record at his side.”).

314. KACZOROWSKI, *supra* note 32, at 189; *Fordham Acquires New Building*, FORDHAM RAM, Sept. 10, 1943, at 1, available at [http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1001&context=vincent\\_building](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1001&context=vincent_building). Known as the Vincent Astor Building, this building was built in 1889 by the Astor family. KACZOROWSKI, *supra* note 32, at 189.

315. *Fordham Acquires New Building*, *supra* note 314.

Fordham Law's day and evening divisions.<sup>316</sup> However, the law school's endowment remained essentially nonexistent<sup>317</sup> and a large portion of students were still second-generation immigrants.<sup>318</sup> Accordingly, the school was funded almost exclusively by tuition revenues<sup>319</sup> and, offering no dormitories, consisted primarily of New York-area commuters. I was privileged to have been one of those students and, like most of my classmates, had a part-time job to help cover expenses.<sup>320</sup>

While many of the world's leading law firms were just blocks from Fordham's downtown campus, in the early years, firms rarely recruited the school's student body. Over time, however, a growing number of Fordham graduates managed to secure jobs at these firms, and the alumni network was bolstered by the 1948 "revivification" of the Fordham Law Alumni Association.<sup>321</sup>

From his role on the national stage in the Great Depression, Wilkinson continued to shape the national standards of American legal education throughout World War II. The war had severe effects on student enrollments at law schools throughout the nation, with enrollment numbers dropping about 80 percent between 1940 and 1943.<sup>322</sup> Law schools were hit particularly hard by the war, since law students were of military age and were not exempt from conscription.<sup>323</sup> The military draft severely depleted Fordham Law School's student body, as men volunteered or were drafted for service before they were able to earn their law degree.<sup>324</sup>

The New York Court of Appeals responded to the war by adopting new rules to accommodate law students leaving for the military.<sup>325</sup> Wilkinson drafted a rule on behalf of the court to provide students who left for military service during their last semester of law school with credit for the full semester without taking their final exams.<sup>326</sup> These students were permitted to graduate provided they had completed at least half of their final semester, were in good academic standing, and had met all of their school's scholastic requirements through the semester prior to their military service.<sup>327</sup> The New York Department of Education and the New York bar associations all supported Wilkinson's rule.<sup>328</sup>

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316. KACZOROWSKI, *supra* note 32, at 196.

317. *See id.* at 200.

318. *See id.* at 62.

319. *Id.*

320. I was enrolled as a student for eight years at 302 Broadway, four in the undergraduate school of business, and the balance at the law school in the day division. Many of the students in the day division held part-time jobs, whereas most of the students in the evening division held full-time jobs.

321. *See* Hanlon, *supra* note 114, at xxxi. The alumni association remains an important point of pride for the law school. Last year's reunion took place at Cipriani's in New York on March 1, 2013. More than 800 alumni and guests took part.

322. KACZOROWSKI, *supra* note 32, at 178.

323. *Id.*

324. *Id.*

325. *Id.* at 178–79.

326. *Id.* at 179.

327. *Id.*

328. *Id.*

In the fall of 1941, Wilkinson was elected to the AALS's Executive Committee, where he worked closely with the ABA's Council on Legal Education.<sup>329</sup> The ABA Council on Legal Education asked Wilkinson to draft a regulation modeled on the rule recently adopted by the New York Court of Appeals.<sup>330</sup> The ABA adopted Wilkinson's draft rule in June 1942.<sup>331</sup> Thanks to Wilkinson's formative role, third-year law students around the country enjoyed the same wartime accommodations as those in New York.<sup>332</sup> That same month, Fordham Law School extended the same accommodation to first- and second-year law students.<sup>333</sup> Students who provided proof of their impending military service as either inductees or volunteers were awarded full credit for the semester in which they withdrew, subject to the same conditions that applied to graduating draftees.<sup>334</sup>

Drastic reductions in student enrollment and increased annual deficits forced Wilkinson to consider further measures in order to keep Fordham afloat during the war.<sup>335</sup> Wilkinson collaborated with Dean Young B. Smith of Columbia Law School to create an accelerated curriculum that enabled students to complete three semesters in one academic year by adding a summer session as a regular third term, beginning in the summer of 1942.<sup>336</sup> At first, Wilkinson thought it unwise for students to study in stuffy classrooms during the days of no air conditioning, but he set aside his opposition to the summer term when Columbia, New York University, Brooklyn, and St. John's law schools announced their intention of implementing accelerated programs.<sup>337</sup>

Wilkinson surveyed student interest in the accelerated curriculum and found that more than half of Fordham's day students and almost half the evening students were in favor of the summer term. This supported the law school faculty's belief that many Fordham students would defect to other local institutions that offered an accelerated program unless Fordham did the same.<sup>338</sup> Finding sufficient student interest, Fordham implemented a three-term academic year that allowed day students to earn their LL.B. in just two years and evening students in two and two-thirds years.<sup>339</sup> Beginning in June 1942, Fordham Law School's summer school enrollments grew substantially each year.<sup>340</sup>

In January 1943, Wilkinson was chosen by New York City Mayor Fiorello LaGuardia to head a five-man committee convened to improve

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329. *Id.*

330. *Id.*

331. *Id.*

332. *Id.*

333. *Id.* at 180.

334. *Id.*

335. *Id.*

336. *Id.* at 181.

337. *Id.*

338. *Id.* at 181–82.

339. *Id.* at 183.

340. *Id.*

labor relations in the city's rapid transit system.<sup>341</sup> Wilkinson's appointment came on the heels of a dispute between the board of transportation and the Transportation Workers Union (representing the civil service employees of the city's unified transit system).<sup>342</sup> Union workers were demanding a 15 percent increase in wages that had remained stagnant for two years and pressing for settlement of the dispute by arbitration.<sup>343</sup> Mayor LaGuardia commissioned the Wilkinson Committee to study and recommend new ways to set wage rates for city employees and to examine the grievance system. The transit inquiry was well received.<sup>344</sup> In an advertisement placed in several newspapers, the Transportation Workers Union "welcome[d] such a study,"<sup>345</sup> and the *New York Times* editorial page deemed the committee members "citizens who command confidence" who "will do their work well."<sup>346</sup>

By April of 1943, the Wilkinson Committee released its findings and recommendations.<sup>347</sup> The even-handed report sustained many of the city's technical and legal points, but criticized the board of transportation for its "unsympathetic position" toward the labor problem.<sup>348</sup> Specifically, the Wilkinson Committee recommended drastic revisions in the board's method of setting wages and addressing employee grievances, including creating an impartial arbitration committee and appointing a deputy transportation commissioner to handle labor relationships with city transit workers, empowered with the authority to discuss wage rates and make grievance decisions.<sup>349</sup> LaGuardia selected Edward C. McGuire, a 1923 Fordham Law School alumnus with experience in labor relations, to fill the newly created position recommended by the Wilkinson Committee's report.<sup>350</sup>

Impressed with his work on the rapid transit inquiry, in June 1943, Mayor LaGuardia named Wilkinson the New York City Corporation Counsel for the duration of World War II.<sup>351</sup> Wilkinson assumed his duties July 15, 1943, replacing Thomas D. Thatcher, who had served as corporation counsel for only four months when New York Governor Thomas E. Dewey appointed Thatcher to fill a vacancy on the New York Court of Appeals.<sup>352</sup>

Mayor LaGuardia, a liberal Republican and New Deal supporter, used his law department to keep the city's budget in balance and obtain federal

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341. *Law Dean To Head City Labor Board*, N.Y. TIMES, Jan. 11, 1943, at 17.

342. *See id.*

343. *Id.*

344. *See, e.g., The Rapid Transit Inquiry*, N.Y. TIMES, Jan. 12, 1943, at 22.

345. *Law Dean To Head City Labor Board*, *supra* note 341.

346. *The Rapid Transit Inquiry*, *supra* note 344.

347. *See Drastic Change in City's Set-Up on Transit Labor Urged on Mayor*, N.Y. TIMES, Apr. 30, 1943, at 1.

348. *Id.* at 12.

349. *See id.* at 1.

350. *McGuire To Rule on Transit Labor*, N.Y. TIMES, July 18, 1943, at 28.

351. *Wilkinson Named As City's Counsel*, *supra* note 290.

352. WILLIAM E. NELSON, *FIGHTING FOR THE CITY: A HISTORY OF THE NEW YORK CITY CORPORATION COUNSEL* 163 (2008).

funding.<sup>353</sup> In line with his policy of maintaining a nonpartisan and nonpolitical administration, LaGuardia hired law department attorneys on the basis of their professional merits.<sup>354</sup>

As a Democrat and Fordham Law alumnus, Wilkinson's appointment by LaGuardia was not only a strange choice philosophically, but in appearance as well. According to William Hughes Mulligan, "The two men were one of the oddest combinations of all time. LaGuardia was small in stature, a man of the people, considered to be highly liberal. Wilkinson was tall, aristocratic and considered to be conservative."<sup>355</sup> Nevertheless, Wilkinson devoted himself fully to his service to the city. He took a leave of absence from his duties at Fordham Law School and appointed Professor Walter B. Kennedy as acting dean in 1943.<sup>356</sup> Despite his new position, Wilkinson maintained close contact with his colleagues at Fordham, frequently consulting with Kennedy<sup>357</sup> about law school matters, and regularly attending faculty meetings.<sup>358</sup>

Wilkinson served as Mayor LaGuardia's corporation counsel through the end of 1945, when he returned to his deanship.<sup>359</sup> Upon resuming his full-

353. *See id.* at 156.

354. *Id.* at 160–61.

355. KACZOROWSKI, *supra* note 32, at 188.

356. *Id.*; *see also* NELSON, *supra* note 352, at 163.

357. Walter B. Kennedy, a legal philosopher, received a bachelor of arts from Holy Cross in 1906 and a bachelor of laws degree from Harvard in 1909. *See* KACZOROWSKI, *supra* note 32, at 118. After several years of private practice, he joined the faculty at Catholic University School of Law. *Walter B. Kennedy (1885–1945)*, 15 *FORDHAM L. REV.* 1, 1 (1946). In 1923, Kennedy began teaching at Fordham University School of Law, where he would remain an instrumental figure until his death in 1945. *Id.* During his years at Fordham Law School, Professor Kennedy taught a wide variety of subjects including, bills and notes, property, constitutional law, and conflicts of law. *Id.* Indeed, in writing about professors at the law school, Dean Mulligan counted Kennedy among the "superior classroom performers." William Hughes Mulligan, *A Former Dean Remembers*, 49 *FORDHAM L. REV.*, at xxxiv, xxxiv (1980). Moreover, Kennedy served as the faculty adviser to the *Fordham Law Review* from 1935 until his death. *Walter B. Kennedy (1885–1945)*, *supra*, at 1–2. According to his fellow faculty, "He was an exacting taskmaster and held the staff to a high degree of efficiency in legal research and literary craftsmanship." *Id.* at 2.

Fordham Law School appointed Professor Kennedy acting dean when Dean Wilkinson took a leave of absence to serve as corporation counsel for New York City, KACZOROWSKI, *supra* note 32, at 188, from 1943 until 1945. *Walter B. Kennedy*, *supra*, at 1. During this time, Dean Kennedy took on the major task of the law school's relocation from 233 Broadway to 302 Broadway, *see* KACZOROWSKI, *supra* note 32, at 189, in addition to overseeing the affairs of the law school during a particularly tumultuous war-time period.

Particularly noteworthy are Professor Kennedy's contributions to the field of legal philosophy. He "became one of the chief defenders of the traditional classic philosophy of law with its insistence on the validity of general principles in law and their derivation from natural law and natural justice." *Walter B. Kennedy (1885–1945)*, *supra*, at 2. In his works, Kennedy emphasized his belief in scholasticism over realism; as he phrased it, "I believe that the future of American law is safer under the ideals and idealism of Aristotle and Thomas Aquinas than under the muscular psychologism or latent inhibitions of Watson or Freud." WALTER B. KENNEDY, *MY PHILOSOPHY OF LAW: CREDOS OF SIXTEEN AMERICAN SCHOLARS* 149 (1941). Indeed, his service to others came in an intellectual form but was no less of a contribution.

358. KACZOROWSKI, *supra* note 32, at 188.

359. NELSON, *supra* note 352, at 163.



time duties at Fordham, Wilkinson devoted himself once again to raising the law school's scholastic standards. In September 1946, Fordham Law School joined a select group of only eight law schools in the entire nation to require a college degree for admission.<sup>360</sup> Fordham's already selective admission policy, combined with the college degree requirement, set it apart from most other American law schools.<sup>361</sup> By the end of the 1940s, Wilkinson raised the minimum acceptable undergraduate average to a B, and the law school required applicants with below-average undergraduate records to take the Law School Admission Test.<sup>362</sup> By the end of World War II, Fordham Law School had risen to being one of the top law schools in New York.<sup>363</sup> Wilkinson took great pride in Fordham's academic strides: "We prefer to build Cadillacs rather than Chevrolets," he said. "Both are good cars but they cater to different markets."<sup>364</sup>

In 1951, Governor Dewey appointed Wilkinson as vice chairman of the newly formed New York State Crime Commission, organized to investigate the rampant corruption on the New York City waterfront.<sup>365</sup> In the early 1950s, racketeering plagued the piers of New York Harbor.<sup>366</sup> Organized crime had infiltrated the local longshoremen's union, with local mob bosses demanding longshoremen to pay kickbacks to obtain employment—in practice, known as the "shape-up"—and overseeing the theft of millions of dollars' worth of cargo each year.<sup>367</sup> The corrupt conditions on the docks not only exploited the longshoremen, but threatened the economic health of the New York metropolitan region.<sup>368</sup> The dismal conditions at the harbor were first documented in a twenty-four-part series of articles that ran in the *New York Sun* entitled *Crime on the Waterfront*,<sup>369</sup> which earned author Malcolm Johnson the 1949 Pulitzer Prize.<sup>370</sup> The articles served as the basis for Budd Schulberg's Academy Award-winning screenplay for *On the Waterfront*.<sup>371</sup>

The crime commission held a series of public hearings that Wilkinson presided over regarding crime and corruption on the waterfront.<sup>372</sup> Wilkinson took a tough stance at the hearings, and it was noted by

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360. KACZOROWSKI, *supra* note 32, at 193.

361. *See id.* at 194.

362. *Id.*

363. *Id.*

364. *Id.*

365. *Dean Wilkinson Dead*, *supra* note 217.

366. N.Y. STATE INSPECTOR GEN., INVESTIGATION OF THE WATERFRONT COMMISSION OF NEW YORK HARBOR 6 (2009).

367. Peter B. Levy, *The Waterfront Commission of the Port of New York: A History and Appraisal*, 42 INDUS. & LAB. REL. REV. 508, 509 (1989); *see* N.Y. STATE INSPECTOR GEN., *supra* note 366.

368. *Cf.* Levy, *supra* note 367, at 509.

369. Haynes Johnson, *Foreword* to MALCOLM JOHNSON, ON THE WATERFRONT, at vii, ix (2005).

370. JAMES T. FISHER, ON THE IRISH WATERFRONT: THE CRUSADER, THE MOVIE, AND THE SOUL OF THE PORT OF NEW YORK 102 (2009).

371. Budd Schulberg, *Introduction* to JOHNSON, *supra* note 369.

372. *See Dean Wilkinson Dead*, *supra* note 217.

observers that he “was after the facts and did not tolerate disorder.”<sup>373</sup> In March 1953, Wilkinson confided to his associates on the crime commission that he required surgery, but delayed entering the hospital until June, when the commission’s final report and recommendations to the governor and state legislature were written.<sup>374</sup> The crime commission concluded that “the time has come for drastic action,” and urged the creation of a government authority with the power to regulate and conduct investigations into the state of the piers of New York Harbor, which included ports in both New York and New Jersey.<sup>375</sup> The U.S. Congress and the state legislatures of New York and New Jersey quickly passed legislation establishing the Waterfront Commission of New York Harbor.<sup>376</sup> President Dwight D. Eisenhower signed the Waterfront Commission Act into law on August 12, 1953.<sup>377</sup>

Wilkinson did not have the chance to see his labors on the crime commission materialize into federal law. On June 5, 1953, he entered the hospital for an abdominal operation and died unexpectedly on June 21, 1953, at New York Hospital.<sup>378</sup> Wilkinson’s colleagues on the commission praised his commitment to public service, writing in a letter to the editor of the *New York Times*: “Dean Wilkinson’s contributions to the public welfare encompassed the fields of education, religion, law and governmental affairs. His devotion to the public service was . . . nowhere better manifested than in his constant and complete devotion to the task of curing the evils afflicting New York’s waterfront.”<sup>379</sup> In 1961, Fordham Law School established the Agnes & Ignatius Wilkinson Professorship of Law in his honor.<sup>380</sup>

#### 1. Acting Dean George William Bacon (1953–1954)

Following Dean Wilkinson’s unexpected death in June of 1953, Fordham University President Laurence J. McGinley, S.J., appointed Professor George William Bacon to serve the law school as acting dean.<sup>381</sup> At the time of his appointment, Bacon was in his early sixties and a renowned figure at Fordham Law School.<sup>382</sup>

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373. *Id.*

374. *Dean Wilkinson of Fordham Dies*, N.Y. TIMES, June 23, 1953, at 29; *see also In Memoriam: Dean Ignatius M. Wilkinson*, *supra* note 217, at 234.

375. Levy, *supra* note 367, at 511.

376. *Id.*

377. *Id.*

378. *Dean Wilkinson Dead*, *supra* note 217.

379. Peter M. Brown et al., *Tribute to Dean Wilkinson*, N.Y. TIMES, June 29, 1953, at 20.

380. The first occupant of the Chair was Dean William Hughes Mulligan, followed by Professor John D. Calamari (both of whom were Wilkinson’s students); the proudest moment of my professional career was when I was selected to succeed my two professors—Mulligan and Calamari—as the third and present holder thereof.

381. *See KACZOROWSKI*, *supra* note 32, at 213.

382. *Id.*

Born in 1892, Bacon hailed from Jefferson, New Hampshire, and attended prep school at Fryeburg Academy in Maine.<sup>383</sup> A “meticulous scholar” with a “staunch New England character,”<sup>384</sup> Bacon earned his bachelor of arts degree in 1915 from Bowdoin College and thereafter graduated from Fordham Law School in 1921.<sup>385</sup> Following his military service in the Rainbow Division during World War I,<sup>386</sup> Bacon returned to Fordham in 1925 to join the faculty as a lecturer in law.<sup>387</sup>

During his thirty-four years teaching at Fordham Law School, Professor Bacon was celebrated as an “academic giant.”<sup>388</sup> A recognized authority in contract and sales law, and a professor of criminal law and wills, Bacon “trained future judges, lawyers, law teachers, civic officials, corporate counsel and officers without pretense of fanfare and without ever losing either his humility or his New Hampshire accent.”<sup>389</sup>

Bacon served as acting dean until June 30, 1954, when he was replaced by John F.X. Finn—the fifth dean of Fordham Law School<sup>390</sup>—but he continued to teach, retiring in 1960 as the Alpin J. Cameron Professor of Law.<sup>391</sup> Perhaps the best description of George Bacon is captured by a request he made of his long time colleague, Professor John McAniff: “John, I have a favor to ask you. I want you to promise that you will see that the last line of my obituary reads ‘He loved Fordham Law School.’”<sup>392</sup>

## 2. Dean John F.X. Finn (1954–1956)

Dean John F.X. Finn graduated *summa cum laude* from the City College of New York in 1920 and became a student in the evening program at Fordham Law School that same year, while acting as a reference librarian during the day.<sup>393</sup> In 1923, he graduated *summa cum laude* with an LL.B. and joined the faculty of Fordham Law School in 1924.<sup>394</sup> In sum, Finn “was a dynamic teacher of the law, inspiring his students not only to academic achievement but to the highest ethical concepts of our profession. His public service was unstinting and his appellate advocacy justly merited his reputation at the Bar.”<sup>395</sup>

From 1920, when Finn first set foot in Fordham Law School as a student, until his untimely death in 1956,<sup>396</sup> he remained a prominent figure,

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383. John E. McAniff, *Commemoration*, 44 FORDHAM L. REV., at viii, viii (1975).

384. Joseph M. McLaughlin, *Commemoration*, 44 FORDHAM L. REV., at vii, vii (1975).

385. *Contributors to this Issue*, 10 FORDHAM L. REV. 64, 64 (1941).

386. *Prof. George W. Bacon*, N.Y. TIMES, July 23, 1975, at 37.

387. *Contributors to this Issue*, *supra* note 385.

388. Lucille P. Buell, *Fordham in the Forties*, 49 FORDHAM L. REV., at xxxvi, xxxvii (1980).

389. McLaughlin, *supra* note 384, at vii.

390. See KACZOROWSKI, *supra* note 32, at 213.

391. See *Prof. George W. Bacon*, *supra* note 386.

392. McAniff, *supra* note 383, at viii.

393. Edward Q. Carr, *Professor John F.X. Finn*, 25 FORDHAM L. REV., at xxiii, xxvii (1956).

394. *Id.*

395. William Hughes Mulligan, *In Memoriam*, 25 FORDHAM L. REV., at xxv (1956).

396. See *John F.X. Finn, 55, Attorney, Is Dead*, N.Y. TIMES, Sept. 9, 1956, at 84.

demonstrating his brilliance, generosity, and dedication to the school. When Finn graduated, he became an associate professor at his *alma mater*, while also working at the firm of Lorenz & Lorenz, where he ultimately became partner.<sup>397</sup> In addition to being a skilled teacher, Finn was also a renowned trial attorney, specially known for his prowess as an appellate advocate. He became particularly famous for being the trustee of the Childs Company, a restaurant chain, during its reorganization.<sup>398</sup>

Finn was a man of great intellect, and he specialized in teaching trial and appellate practice, corporate reorganizations, and the law of the receivers' and creditors' rights.<sup>399</sup> Contracts and New York practice and procedure, though, were his favorite courses to teach.<sup>400</sup> In addition to being an enthusiastic and dynamic professor, Finn was also a prolific author. He co-authored *Keener's Cases on Contracts*, *Carmody's Manual of New York Practice*, and a *Manual of New York Practice Statutes*.<sup>401</sup> As dean, "he experimented with innovations which he thought might improve the scholastic well-being and the social relationships of the school."<sup>402</sup> His final role at Fordham was especially important—he served as the coordinator of the Fordham Law Development Center on Lincoln Square (i.e., the project which set in motion Fordham Law School's move to its current location).<sup>403</sup>

Always dedicated to Fordham Law, Finn was also actively involved in public service. He served as a chairman on the New York City Bar Association's committee on state legislation and he was also a member of the New York State Law Revision Commission, appointed by the governor of New York.<sup>404</sup> Additionally, he was the first president of the New York Legislative Service, a nonprofit organization that supported education and research associated with New York legislation.<sup>405</sup> Finn also served as a director and vice president of the Hodgkins Disease Research Foundation.<sup>406</sup> As Edward Q. Carr, a fellow Fordham Law professor, described him: "He was a man of prodigious energy and great enthusiasm. He threw himself wholeheartedly into any venture he undertook."<sup>407</sup> Although dean for only two years, Finn's loyal service to Fordham Law and the public left an indelible impression.

During the law school's downtown years (1906–1961), what the school lacked in lush landscaping and expansive resources, it made up for in a passionate administration and faculty, a determined and focused student body, and a common purpose. What flowed from this strong community

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397. Carr, *supra* note 393, at xxvii.

398. See *John F.X. Finn, 55, Attorney, Is Dead*, *supra* note 396.

399. *Id.*

400. Carr, *supra* note 393, at xxviii.

401. *Id.*

402. *Id.*

403. *John F.X. Finn, 55, Attorney, Is Dead*, *supra* note 396.

404. *Id.*

405. Carr, *supra* note 393, at xxviii.

406. *John F.X. Finn, 55, Attorney, Is Dead*, *supra* note 396.

407. Carr, *supra* note 393, at xxix.

was exemplary academics and invaluable friendships. Notably, the five deans of Fordham between 1923 and 2002 (Wilkinson, Finn, Mulligan, McLaughlin, and Feerick) all graduated from the downtown campuses.



*Trustee Joseph A. Martino, Fordham University President Laurence J. McGinley, S.J., and Dean William Hughes Mulligan examine blueprints at Lincoln Center in 1959.*

### III. THE MOVE UPTOWN TO LINCOLN CENTER

In March 1958, Fordham University President Lawrence J. McGinley, S.J., declared that “February 28, 1958, will probably prove to be the most significant date in Fordham University’s modern history.”<sup>408</sup> On that date, Mayor Robert Wagner signed the deeds transferring the title to the greater part of two square blocks between 60th and 62nd Streets from Columbus to Amsterdam Avenues to Fordham—a location immediately south of what is now the Lincoln Center for the Performing Arts.<sup>409</sup>

Finally, in 1961 Fordham Law transitioned uptown to Lincoln Center, where the school had built a stand alone building, which had its cornerstone

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408. SCHROTH, *supra* note 22, at 240. Indeed, although Father McGinley was mindful of the material enrichment of the acquisition, his goals as an educator, expressed when he became president of Fordham remained unchanged:

With all the challenges from without and the reexamination of pedagogical tools in the light of changing needs, one thing is constant—the importance in time and eternity of the individual student. For him alone we build buildings, stock our libraries, plan courses, and engage the most brilliant teachers. The minute education forgets that all these exist for the student, that they are means to an end and not an end in themselves, it loses its ability to educate.

*Id.* at 218.

409. *Id.* at 240–41.

dedicated by Supreme Court Chief Justice Earl Warren in 1961.<sup>410</sup> At the opening ceremony on November 18, 1961, Attorney General Robert F. Kennedy, the principal speaker—after making flattering remarks about the then-new law school building—vividly reminded us that it is *heart and soul* that makes an institution, not its *brick and mortar*.<sup>411</sup>

*A. Dean William Hughes Mulligan (1956–1971)*

The next dean of Fordham Law School was a homegrown product. William Hughes Mulligan (known to many simply as Bill) was born on March 5, 1918, in the Bronx,<sup>412</sup> not far from the Rose Hill campus. He was a collateral descendent of Archbishop John Hughes, the founder of St. John's College (which later became Fordham University) and the first archbishop of New York.<sup>413</sup> Mulligan attended Cathedral Preparatory, a high school for boys who felt a calling to enter the priesthood—a vocation not to be.<sup>414</sup> A Fordham Ram throughout his life, Bill Mulligan—“a tall, skinny lad”<sup>415</sup> back then—entered Fordham College, where he wrote for the school newspaper—*The Ram*—and sang in the glee club.<sup>416</sup> Following his college graduation in 1939, Bill Mulligan entered Fordham Law School at the Woolworth Building.<sup>417</sup> Mulligan described the Fordham Law School he attended as having, an “excellent teaching faculty and an avid student body which had its appetite for learning whetted by a depression which still persisted.”<sup>418</sup> When Mulligan entered Fordham Law, however, he was probably unaware of the enduring bond that he would develop with the institution.

Shortly after graduation, he served in the U.S. Army's counterintelligence corps,<sup>419</sup> and was stationed in New York during his tour of duty.<sup>420</sup> He nobly served his country by “chasing spies in New York City.”<sup>421</sup> Meanwhile, Mulligan also embarked upon a true World War II

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410. See *Fordham Toasts Future at Groundbreaking*, FORDHAM U. SCH. L. (May 3, 2011), [http://www.fordham.edu/campus\\_resources/enewsroom/archives/archive\\_2103.asp](http://www.fordham.edu/campus_resources/enewsroom/archives/archive_2103.asp); see also KACZOROWSKI, *supra* note 32, at 225.

411. See *Address by Attorney General Robert F. Kennedy*, *supra* note 2, at 437.

412. William Hughes Mulligan, Jr., *Introduction to MULLIGAN'S LAW*, at xiii, xiii–xvii (William Hughes Mulligan, Jr. ed., 1997).

413. Wolfgang Saxon, *William Hughes Mulligan, 78; Judge and Dean of Law School*, N.Y. TIMES, May 14, 1996, at B8.

414. William Hughes Mulligan, *My Friend, Joe Crowley*, in *MULLIGAN'S LAW*, *supra* note 412, at 194, 194.

415. Leonard F. Manning, *William Hughes Mulligan—An Appreciation*, 39 FORDHAM L. REV., at vii, vii (1970).

416. William Hughes Mulligan, Jr., *Eulogy to William Hughes Mulligan St. Joseph's Church May 17, 1996*, 65 FORDHAM L. REV. 27, 28 (1996).

417. See Michael P. Walsh, *Dean William Hughes Mulligan—A Tribute*, 39 FORDHAM L. REV., at xxvi, xxvi (1970).

418. Mulligan, *supra* note 357, at xxxiv.

419. John D. Feerick, *Dedication to the Honorable William Hughes Mulligan*, 7 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 1, 2 (1996).

420. See Joseph M. McLaughlin, *In Memoriam: William Hughes Mulligan*, 65 FORDHAM L. REV. 15, 15 (1997).

421. *Id.*

love affair when he met Roseanna Connelly, who was serving as a colonel's secretary while Mulligan was serving in the army.<sup>422</sup> The two married in 1945 and went on to have three children: Anne, William Jr., and Steven.<sup>423</sup>

As his son, Bill Mulligan Jr., said at his father's eulogy, "[F]or all of my father's achievements in life, which are well documented (none of which you would hear about from him) and were hard earned, they pale in comparison to his achievements as a husband and a father."<sup>424</sup> Above all, Bill Mulligan's family came first. Eventually, both Billy and Steve followed in their father's footsteps and attended Fordham Law School. I had the privilege of teaching both of them.

After his time in the counterintelligence corps, Dean Mulligan quickly found his passion for teaching when he started at Fordham Law in 1946.<sup>425</sup> Over the course of his time at Fordham, he taught criminal law, criminal procedure, equity, antitrust, trade regulation, and insurance law.<sup>426</sup> In 1954, Mulligan assumed the position of assistant dean to Dean Finn.<sup>427</sup> In 1956, after Dean Finn passed away, William Mulligan took over as the dean of Fordham Law School—a position he filled for fifteen years.<sup>428</sup>

When I entered Fordham Law School as a student sixty years ago, I was uncertain about my path, because I had no one to guide me in the law. However, like so many who had preceded me, I was nourished by a loving and supportive family. It was at this time that I met many of my closest friends—one was William Hughes Mulligan.

My friendship with Bill Mulligan and his family was instantaneous and lasting, while our professional relationship kept evolving. I remember as a first-year student in his criminal law class, I foolishly asked him a question that was answered in the next assigned case. After politely dropping me on my head before the entire class, he proceeded to publicly counsel me on the evils of being unprepared.

Just before I was to start my last year of law school, my best friend—my father—unexpectedly passed away. Circumstances required that I take a year's leave of absence to attend to family business, not really knowing if I would ever return to complete my legal studies. It was Bill Mulligan who stayed in touch, offering sage advice and encouragement. He never let me despair. It was during this time that Bill Mulligan became my "second" father. Indeed, upon reflection, I suspect he was a second father to many others as well.

After I joined the faculty, Bill would continue to counsel me, and occasionally we disagreed. In the overwhelming number of instances Bill

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422. Feerick, *supra* note 419, at 2.

423. See Saxon, *supra* note 413.

424. Mulligan, *supra* note 416, at 27.

425. John D. Feerick, *Remarks Delivered on the Occasion of the Presentation of the Fordham Stein Award to the Honorable William Hughes Mulligan*, 59 FORDHAM L. REV. 479, 480 (1991).

426. See *id.*

427. See Feerick, *supra* note 419, at 2; Sweeney, *supra* note 167, at 1145 n.17.

428. See Sweeney, *supra* note 167, at 1145 n.17.

would prove to be right. On a couple of occasions, however, after consulting with the Almighty, he would concede that perhaps I was right—more or less, in words to that effect.

To the modern day Fordham Law School, Bill Mulligan was its father. Admittedly, he was not its *first* dean, but he was the one that cemented Fordham's transformation from a first-rate regional school to one of national prestige. The many thousands of pupils he taught, as well as those who appeared before him while on the bench, will attest to his great intellect and integrity. While time may dull some of those recollections, Bill's wit and humor will never be forgotten. No matter how serious or difficult an issue, he would find a way to ease the tension. He was aptly described at his funeral mass as one who walked among kings and queens, yet treated *everyone* like his next-door neighbor.

He was a master of the written and spoken word, and could turn a phrase until it sang. Because of Bill's delivery he is ranked among the greatest orators in Fordham's long history.<sup>429</sup> Indeed, Ronald Reagan applauded Bill's talents at the Alfred E. Smith Memorial Foundation Dinner on October 16, 1980:

Long have I heard of his love for the people, his political sagacity, his towering abilities; long have I sympathized with his complaint that the press fails to do him justice. And now, tonight, thanks to the graciousness of Terence Cardinal Cooke, I have come face to face, at long last, with the wit and wisdom of . . . Judge William Hughes Mulligan.<sup>430</sup>

I will always remember Bill Mulligan for his wonderful traits that he selflessly shared with the world. To this day, whenever I have a message I am seeking to communicate to an audience, I ask myself—"how would Bill Mulligan have done it?" We are all richer for having known him.

During Bill Mulligan's time as dean, he played a crucial role in the development of the plans to move Fordham Law School to its current Lincoln Center campus.<sup>431</sup> With his characteristic sense of humor, Mulligan once noted, "Fordham lawyers who were educated at 302 Broadway were so good on their feet because there weren't enough chairs to go around."<sup>432</sup> During his deanship, Mulligan made great efforts to

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429. Indeed, in recognition of his outstanding rhetorical skills, the William Hughes Mulligan Moot Court Competition was named in his honor. The competition is an intra-Fordham event that determines which students will be selected for the Fordham Moot Court Board. This year, nearly 200 students wrote briefs and argued two criminal procedure issues—one Fourth Amendment and one Fifth Amendment. E-mail from Catherine Ryan, Mulligan Editor, Fordham Moot Court Bd., to Kimberly Channick, Articles & Notes Editor, Fordham Law Review (Jan. 18, 2014, 04:13 EST) (on file with *Fordham Law Review*). The competition is judged on the bases of excellence in legal writing and oral advocacy skills. The final round of the 2013 Mulligan competition was judged by a panel of three judges from the Southern District of New York: Judge Richard J. Sullivan, Judge Vincent L. Briccetti, and Magistrate Judge Henry Pitman.

430. *Epigram to MULLIGAN'S LAW*, *supra* note 412, at vii.

431. Walsh, *supra* note 417, at xxvi; *see also* Walter H. Waggoner, *Fordham Visitors See New Building: 2,000 Attend Open House at Lincoln Sq. Law Unit*, N.Y. TIMES, Oct. 8, 1961, at 84.

432. Feerick, *supra* note 419, at 5.



“strengthen the faculty” and “expand and intensify the curriculum.”<sup>433</sup> I was a beneficiary of Mulligan’s recruitment efforts. When he promised me a living wage and free tuition for my children as an inducement for leaving Wall Street practice, I was still wavering until he made me an offer I could not refuse—a promise that the Jesuits would pray for me every week at Sunday Mass. Fordham Law School added twenty-one new courses to its curriculum while Mulligan was dean.<sup>434</sup> Indeed, in the early 1970s, Leonard F. Manning,<sup>435</sup> the Alpin J. Cameron Professor of Law, described Bill Mulligan’s deanship as follows:

Bill Mulligan has integrity in abundance. Indeed his integrity, his honesty, his frankness bubbles out of him as readily as his wit and wisdom. But those attributes alone do not signify the strength of the man or mark his greatest contribution to Fordham. Nor does the law school building here at Lincoln Center, which he as dean came to plan and over which he has since presided. The law school here at Lincoln Center may well stand as a physical sign of Bill Mulligan’s success. But the building is no more than a symbol.

What I am struggling to say—to dare to admit—is that fifteen years ago Fordham Law School students did not travel—and could not easily buy passage—in Harvard, Columbia and Michigan circles. Today Fordham is preeminent in legal education—second neither to Harvard, nor Columbia, nor Michigan. Fifteen years ago when Bill Mulligan was named dean of Fordham Law School, Fordham had, I know, the makings of excellence. In those short fifteen years, while all the world grew old, Bill Mulligan brought excellence to maturity. That excellence, not mortar, nor stone, nor shining marble, is his gift to Fordham.<sup>436</sup>

Mulligan presided over the law school during the turbulent era of the 1960s, which were marked with student uprisings and boycotts.<sup>437</sup> Yet through it all, Bill Mulligan “gave of himself generously and unstintingly to the personal anxieties and desires of students at the law school. For years his door [was] wide open to students.”<sup>438</sup> Dean Mulligan loved his students and genuinely respected them. In turn, his students adored Dean Mulligan. “The many thousands he taught as a teacher, or who appeared before him

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433. Walsh, *supra* note 417, at xxvi. At his suggestion, the law school introduced a course in accounting for lawyers in 1966, which sought to add financial acumen as part of the students’ training. In addition, the tax offerings were also greatly expanded.

434. Feerick, *supra* note 419, at 3.

435. Professor Manning received a law degree, *cum laude*, from Harvard Law School in 1936. See Leonard Manning, 65, *Fordham Law Professor*, N.Y. TIMES, Jan. 8, 1983, at 17. He was a member of the Fordham faculty from 1948 until his death in 1983 during which time he taught a wide range of courses, *see id.*, most notably, constitutional law. He was a prolific writer and much sought-after scholar on constitutional law issues. He was idolized by his students and was moderator of the *Fordham Law Review* from 1954–1983, during which time both Dean McLaughlin and Dean Feerick served as editors-in-chief under his guidance. Board of Editors, *Dedication*, 51 FORDHAM L. REV., at v (1983).

436. Manning, *supra* note 415, at vii.

437. Interview with William H. Mulligan, Jr., New York, N.Y. (Apr. 1, 2011).

438. Walsh, *supra* note 417, at xxvii.

while on the bench will attest to his great intellect and integrity.”<sup>439</sup> Indeed, he had an “extraordinary influence” on his students.<sup>440</sup> Dean John D. Feerick, a student of Dean Mulligan, described him as “my hero, representing all that was good and possible as a human being.”<sup>441</sup>

In 1970, Mulligan oversaw the first lecture in the John F. Sonnet Lecture Series.<sup>442</sup> Three years later, Chief Justice Warren Burger received national recognition and praise for his Sonnet Lecture, which was entitled *The Special Skills of Advocacy: Are Specialized Training and Certification of Advocates Essential to the System of Justice?*, and questioned the state of advocacy in both state and federal courts.<sup>443</sup>

In addition to being the academic keystone to the Fordham Law community during his time as dean, Bill Mulligan also performed a great deal of public service. He served on the New York State Law Revision Commission starting in 1957,<sup>444</sup> and later became counsel to the New York State Constitutional Convention in 1967.<sup>445</sup> He also chaired the State Commission on the Reapportionment of the Legislature<sup>446</sup> beginning in 1964,<sup>447</sup> and, in that same year, Dean Mulligan was appointed chairman of the examining board of the Manhattan and Bronx Surface Transit Operating Authority.<sup>448</sup> Subsequently, he was appointed as a member of the advisory council for the Labor and Management Improper Practices Act in 1968.<sup>449</sup>

439. See Constantine N. Katsoris, Dedication, *Memories of a “Second” Father*, 65 FORDHAM L. REV. 21, 22 (1996).

440. John D. Feerick, *A Personal Remembrance of William Hughes Mulligan*, 65 FORDHAM L. REV. 11, 11 (1996).

441. *Id.*

442. In 1970, friends and colleagues at Cahill, Gordon, Reindel & Ohl established the John F. Sonnet Memorial Lecture Series. Katsoris, *supra* note 32, at 2308 n.8. Sonnet was a Fordham Law night student who graduated in 1939. *Id.* He went on to becoming a prominent trial and appellate lawyer with an international reputation. *Id.* As special assistant to the secretary of the U.S. Navy, he conducted the final Navy investigations into the attack on Pearl Harbor. *Id.* The first Sonnet lecturer was the Honorable Tom Clark, followed by the Honorable Cearball O’Dalaigh, the Honorable Irving R. Kaufman, the Honorable Warren E. Burger, the Right Honourable Lord Widgery, the Honorable Robert J. Sheran, former special prosecutor Leon Jaworski, former attorney general Griffin B. Bell, the Honorable William Hughes Mulligan, former attorney general Benjamin R. Civiletti, the Honorable Lawrence H. Cooke, the Right Honourable Sir Robert E. Megarry, the Honorable William T. Coleman, the Honorable Wilfred Feinberg, the Honorable Thomas A. Finlay, the Honorable Francis T. Murphy, the Honorable John J. Gibbons, the Honorable Ole Due, the Right Honourable Lord Mackay of Clashfern, the Honorable Kenneth W. Starr, the Honorable Warren E. Burger (for a second time), former president of the Supreme Court of Israel Aharon Barak, the Honorable Dennis Jacobs, and former judge of the Constitutional Court of South Africa Kate O’Regan. *Id.*

443. “Over twenty years later, in 1994, Chief Justice Burger again delivered the Sonnet Lecture, which turned out to be his last public speech before his death in 1995.” Katsoris, *supra* note 32, at 2308 n.9.

444. *Dean of Districting: William Hughes Mulligan*, N.Y. TIMES, July 13, 1964, at 21.

445. Katsoris, *supra* note 32, at 2321.

446. Feerick, *supra* note 419, at 4.

447. See *Dean of Districting: William Hughes Mulligan*, *supra* note 444.

448. Walsh, *supra* note 417, at xxvii.

449. *Id.*

Later, Mulligan served on the New York State Commission on the Revision of Legislative and Judicial Salaries.<sup>450</sup> In connection with his judicial service, Mulligan was appointed by the presiding justice of the Appellate Division to the Committee on the Administration of the Courts.<sup>451</sup> Being a deeply religious man, Mulligan also served as a director of Catholic Charities for the Archdiocese of New York and as a trustee of both St. Patrick's Cathedral as well as Fordham University.<sup>452</sup> Dean Mulligan "succeeded in coupling a brilliant academic career with an equally illustrious one in public service."<sup>453</sup> His dedication to public service continued long after he stepped down as dean.

The consummate lawyer that he was, Bill Mulligan also had an active judicial career in addition to his devotion to education and public service. After fifteen years at the helm of Fordham Law, President Richard Nixon nominated Bill Mulligan to the Second Circuit in 1971.<sup>454</sup> His son, Bill Jr., fondly remembers a family invitation to the White House for a Sunday morning prayer breakfast event just prior to his father's nomination.<sup>455</sup> Newly crowned heavyweight champion Joe Frazier was the special guest.<sup>456</sup> The family took the invitation as a positive sign that the nomination was forthcoming.<sup>457</sup> Despite having no judicial experience, Bill Mulligan was confirmed by the Senate, and embarked upon a very successful decade-long career on the bench. As Mulligan himself described it,

The Congressional Record and the press generally accurately reported that President Nixon had nominated me to succeed Judge Edward Lumbard. The Senate confirmed. Since I was to succeed Judge Lumbard and since he was the Chief Judge, it seemed crystal clear to me that I become the new Chief Judge. My mother who didn't even have the benefit of a legal education had the same understanding.<sup>458</sup>

Alas, while Dean Mulligan was never the Chief Judge of the Second Circuit, he did make a strong and lasting contribution. As described by one of his law clerks, "No one worked harder or was fairer."<sup>459</sup>

Bill Mulligan thoroughly enjoyed his time on the bench and was greatly honored when he was appointed. Even in this distinguished and formal setting, Bill Mulligan let his own radiance and humor shine through many of his court opinions. As Mulligan described the experience himself:

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450. Feerick, *supra* note 419, at 4.

451. Walsh, *supra* note 417, at xvii.

452. See Feerick, *supra* note 425, at 482.

453. Walsh, *supra* note 417, at xvii.

454. Sweeney, *supra* note 167, at 1145 n.17.

455. Interview with William H. Mulligan, Jr., *supra* note 437.

456. *Id.*

457. *Id.*

458. William Hughes Mulligan, Judge, U.S. Court of Appeals for the Second Circuit, Address to the New York County Lawyers Association (Dec. 9, 1971), in MULLIGAN'S LAW, *supra* note 412, at 43, 44.

459. Feerick, *supra* note 425, at 481.

The most difficult job of the appellate judge in my view is to write his opinion. . . . Not only your contemporaries but future generations of lawyers and legal scholars will have the opportunity to admire or to abhor your decision, depending upon what side of the case they have or what academic biases they bring to the issue. This used to bother me until I began to realize how few people read my opinions.<sup>460</sup>

Despite what Mulligan said through his own self-deprecating yarns,<sup>461</sup> he was a well-respected and admired jurist, achieving “an enviable reputation for his even-handedness, legal craftsmanship and well-reasoned opinions.”<sup>462</sup> As his fellow judge, the esteemed Henry J. Friendly, once said to him: “Bill, from you I expected the least and got the most.”<sup>463</sup>

After ten years of honorable service on the Second Circuit, Dean Mulligan decided to make another big career change: private practice. When he left the bench to become a partner at Skadden, Arps, Slate, Meagher & Flom, Mulligan candidly spoke of his reasons for leaving the bench, which were financially motivated. He famously described the salary of a federal circuit judge as follows: “You can live on it, but you can’t die on it.”<sup>464</sup> Always protecting his family, Dean Mulligan decided that returning to private practice would ensure his family’s financial stability. His stepping down, incidentally, drew much attention to the issue of judicial salaries. The *New York Daily News* commented,

We have argued before that federal judges deserve a better financial deal than they get now. Judge William Hughes Mulligan, one of the most respected members of the federal bench in this part of the country, has just strengthened our case by resigning from the U.S. Court of Appeals in Manhattan for financial reasons.<sup>465</sup>

Commenting on his transition from the bench to Skadden, Bill Mulligan wrote,

Life as a practitioner is quite dissimilar from the orderly, scholastic, and almost monastic life I enjoyed on the bench, and the transition has not been easy. After thirty-five years working for the Jesuits and the United

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460. William Hughes Mulligan, Judge, U.S. Court of Appeals for the Second Circuit, Address to the Vermont Bar Association (Oct. 1, 1976), in MULLIGAN’S LAW, *supra* note 412, at 94, 96.

461. *Id.* Dean Mulligan was once quoted as saying:

Some time ago I was introduced as a man who had, in a short time, won the respect and attention of his fellow judges. I responded that this reminded me of the story of the cross-eyed javelin thrower—although we [sic] never won any contests while he was competing, he always won the respect and attention of all the other contestants.

*Epigram* to MULLIGAN’S LAW, *supra* note 412, at vii.

462. Feerick, *supra* note 425, at 480.

463. Interview with William H. Mulligan, Jr., *supra* note 437.

464. Arnold H. Lubasch, *U.S. Appellate Judge Quits over His Salary and Benefits*, N. Y. TIMES, Feb. 5, 1981, at B1. Recently, the Office of Court Administration in New York urged a significant raise for state court judges in New York who had not had a raise in over ten years. See Andrew Keshner & Joel Stashenko, *OCA Urges Up to 41% Pay Raise for Judges*, N.Y. L.J., July 12, 2011, at 1.

465. Mulligan, *supra* note 412, at xiv.

States, two institutions which have many characteristics in common . . . I found relative affluence a most difficult status to accept.<sup>466</sup>

In reality, one of the big attractions to Skadden for Bill Mulligan was the fact that so many Fordham Law alumni worked there.<sup>467</sup> Dean Mulligan became a litigation partner, focusing specifically on appellate practice and arbitration.<sup>468</sup> While at Skadden, Bill maintained the same friendly demeanor he always sported; anyone could walk into his office.<sup>469</sup> When asked how he should be addressed—considering he was a former professor, dean, and federal circuit judge—he quipped that “Your Worship” would be a satisfactory title.<sup>470</sup> His colleague at Skadden, Barry Garfinkel, remarked that Bill Mulligan had a knack for words and was willing to assist anyone in crafting a persuasive argument, particularly on the appellate level.<sup>471</sup>

Switching from academia and the federal bench to working at Skadden required adjustments in work habits, such as the need to keep time sheets and a diary. In this regard, Mulligan was told by a fellow senior partner that the firm was really not interested in reports on the weather, the antics of his grandchildren, or the problems of the New York Giants backfield.<sup>472</sup> Indeed, when asked the question if he knew the meaning of billable hours, he replied, “[Y]es—I think he is running in the fifth at Belmont.”<sup>473</sup> As is clear from this comment, Bill Mulligan always brought his own spirit to his work, no matter the phase of his career. This was a visceral quality possessed by Bill and admired by all.

Not only did he serve as an outstanding educator, administrator, board member, trustee, and judicial officer, but, more importantly, he served with enigmatic charm. Bill Mulligan had a great mind and an even bigger heart. He would help anyone, or sometimes tease anyone, in order to brighten their day. Sadly, during his tenure at Skadden, Bill Mulligan suffered a stroke while on vacation in 1989.<sup>474</sup> After that, Dean Mulligan could not practice and suffered yet another stroke in 1995 before his death in 1996.<sup>475</sup> In 1995, the law school established the Mulligan Chair in International Legal Studies to attract leaders in the field to teach at the school, in honor of Dean Mulligan.<sup>476</sup>

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466. William Hughes Mulligan, Judge, U.S. Court of Appeals for the Second Circuit, Address to the St. John's University Law Alumni Association (Dec. 5, 1981), in MULLIGAN'S LAW, *supra* note 412, at 142, 143.

467. *Id.* at 144.

468. Feerick, *supra* note 425, at 481.

469. Barry H. Garfinkel, *William Hughes Mulligan at Skadden Arps*, 65 FORDHAM L. REV. 25, 25 (1996).

470. *Id.*

471. *See id.*

472. *Id.* at 26.

473. *Id.*

474. Mulligan, *supra* note 412, at xv.

475. *Id.*

476. Katsoris, *supra* note 32, at 2322 n.37. Former U.S. Senator George J. Mitchell, a former Senate majority leader and President Clinton's special advisor to Northern Ireland, was the first holder of the Mulligan Chair. *Id.* Professor Dominique Carreau of the Université de Paris-Sorbonne Law School was second to hold the chair, followed, in order,

Dean Mulligan was known and loved by the entire Fordham Law community, as well as the New York legal community: “In a city of carbon copies, William Hughes Mulligan was an original.”<sup>477</sup> “There was also a special quality about him—a sparkle in his eye, a turn of phrase or other expression that uplifted every occasion.”<sup>478</sup> As I mentioned in an earlier dedication to Dean Mulligan, “It was for his fierce sense of honesty and fairness that I most admired and loved Bill Mulligan. There was never any doubt where he stood on an issue. He told it like it was.”<sup>479</sup> As fellow dean of Fordham Law School, John Feerick, explained, “Like many great persons, he built his own memorial—in everything he did and in every life he touched. To see it, we have only to look around.”<sup>480</sup>

*B. Dean Joseph M. McLaughlin (1971–1981)*

Following in the footsteps of William Mulligan was his student Joseph M. McLaughlin. Similar to Dean Mulligan, Dean McLaughlin was also from New York City, having been born and raised in Brooklyn. McLaughlin was my officemate at Cahill, Gordon, Reindel & Ohl, and later my colleague and dean; however, to me, he always remained just Joe.

When McLaughlin took over as dean of Fordham Law School in 1971, both the school and American culture were in the midst of a rapid transformation. Traditional values were confronted by students’ new expectations regarding their careers, as well as their role in society. For the law school, this would require a renewed commitment to helping underprivileged students financially, increasing diversity among the faculty and students, improving the legal curriculum and job placement services, and advancing the law school’s financial independence. What is remarkable about the McLaughlin decade is that all of these goals were accomplished, as were many more. At the time of his departure in 1981, the law school was able to hit the ground running at the start of a new decade as an entirely modern institution that had nonetheless retained a full sense of its traditional mission.

McLaughlin was raised in a tradition of public service. He grew up in the parish of St. Teresa of Avila, where he served as an altar boy.<sup>481</sup> McLaughlin later attended Brooklyn Preparatory School, and thereafter continued his Jesuit education at Fordham University as a classics major, commuting an hour and a half each way by subway from his Brooklyn

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by Professor Richard M. Buxbaum, the Jackson H. Ralston Professor of International Law at Boalt Hall School of Law, and Justice Richard J. Goldstone, who sat on the Constitutional Court of South Africa from 1994 to 2003. Justice Goldstone was later appointed to the independent international committee that investigated the Iraq Oil for Food Program in 2004. *Id.*

477. McLaughlin, *supra* note 420, at 19.

478. Feerick, *supra* note 440, at 12.

479. Katsoris, *supra* note 439, at 22.

480. Feerick, *supra* note 419, at 7.

481. Interview by Robert Reilly, Assistant Dean, Fordham Univ. Sch. of Law, with Joseph McLaughlin, Judge, U.S. Court of Appeals for the Second Circuit, in Brooklyn, N.Y., at 1 (Apr. 9, 1990).

home.<sup>482</sup> In addition to his undergraduate studies at Fordham, McLaughlin was enrolled in the Reserve Officers' Training Corps (ROTC) program,<sup>483</sup> a drum major in the university band,<sup>484</sup> and a host on the school radio station, WFUV.<sup>485</sup> Even though his major was unpopular (he was the only classics major in his graduating class), this course of study was instrumental in directing him towards the legal profession.<sup>486</sup> After he graduated, he obtained an assistant professorship at Fordham College with Father Francis V. Courneen in the field of ethics.<sup>487</sup> In exchange for grading papers and occasionally teaching class, he received free tuition and a stipend to attend the law school.<sup>488</sup>

In 1955, after completing his first year at Fordham Law, McLaughlin's legal education was interrupted when he was called into active duty with the U.S. Army Corps of Engineers, serving sixteen months in Korea.<sup>489</sup> Despite having only a single year of formal legal education, McLaughlin nevertheless served most of his call of duty doing court-martial work.<sup>490</sup> Always pragmatic, he had prepared himself before departure from school by taking a class in military law with Professor John D. Calamari.<sup>491</sup>

Upon returning to the law school in 1957, McLaughlin became editor-in-chief of the *Fordham Law Review*.<sup>492</sup> He was also a member of the national moot court team and graduated at the top of his class in 1959, whereupon McLaughlin accepted an offer from Cahill, Gordon, Reindel & Ohl.<sup>493</sup> There, he worked in the litigation department for two years, working on the famous "quiz show" cases.<sup>494</sup> These cases involved a novel lawsuit by former television game show contestants against the producers of television game shows following revelations that the outcome of live trivia competitions had been rigged.<sup>495</sup>

In 1961, a young and well-liked Fordham Law professor named Joseph Fournier died unexpectedly, and McLaughlin was asked by Dean Mulligan to serve as an immediate replacement for his class on New York practice.<sup>496</sup> McLaughlin leapt at this opportunity, and his work was well received. By

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482. *Id.* at 1, 4.

483. *Id.* at 8.

484. *Id.* at 2–3.

485. *Id.* at 2.

486. *See id.* at 5.

487. *Id.*

488. *Id.*

489. *Id.* at 8. His rank at the time of his discharge was that of captain. *See McLaughlin, Judge Joseph*, N.Y. TIMES, Aug. 10, 2013, at B8.

490. Interview with Joseph McLaughlin, *supra* note 481, at 9.

491. *Id.* at 7.

492. *Id.* at 12.

493. Sweeney, *supra* note 167, at 1149 n.25.

494. *See, e.g., Morrison v. NBC, Inc.*, 227 N.E.2d 572 (N.Y. 1967).

495. Interview with Joseph McLaughlin, *supra* note 481, at 14. These cases were the basis for the movie *Quiz Show*. *See QUIZ SHOW* (Baltimore Pictures, Hollywood Pictures & Wildwood Enterprises 1994).

496. Interview with Joseph McLaughlin, *supra* note 481, at 14–15.

his third year as a professor, he had also taken on teaching domestic relations, criminal law, and evidence.<sup>497</sup>

It was evidence, along with procedural law, which McLaughlin dove into with committed fervor. The New York Laws of Civil Procedure were newly revised in 1962, and McLaughlin saw in this an opportunity to get “in on the ground floor” and become a needed resource on the subject.<sup>498</sup> As he once put it, “I had the time, energy, and inclination to master this subject.”<sup>499</sup> McLaughlin, along with David Siegel, wrote yearly commentaries on the Code for *McKinney’s Practice Commentaries*.<sup>500</sup>

During his decade as a professor at the law school, McLaughlin became both widely accomplished and immensely popular among his colleagues and students. He was known, in particular, for his use of humor and his mastery of the subject matter. He believed that to be a great teacher, one had to be “thoroughly versed in every aspect of the material,” and he viewed the professor’s role as creating, not more academics, but rather “scrappy, smart lawyers who were ethical and engaged.”<sup>501</sup>

Dean Mulligan announced his intention to retire from the deanship in 1970, leaving a full year to find a worthy replacement.<sup>502</sup> The seven-person search committee formed by then-Fordham President Michael Walsh, S.J., after soliciting recommendations from the nation’s most prominent law school deans and contacting over forty-two nominees, settled squarely on Professor McLaughlin, to whom they gave their unanimous support.<sup>503</sup> Among their reasons for their strong preference for McLaughlin were his leadership abilities, his estimable accomplishments as a publishing scholar, and his widespread popularity among faculty and students.<sup>504</sup> Law school alumni who had been asked for recommendations had also voiced strong support for McLaughlin, likely as a result of their experiences with him as students.<sup>505</sup>

When Joseph McLaughlin took over from Dean Mulligan, his relationship with Fordham had been ongoing for two decades. Also standing in his favor was his demonstrated commitment to public service outside of his immediate legal career, which he engaged in contemporaneously with his professorship. In 1961, he served as assistant counsel on the New York City Charter Revision Committee.<sup>506</sup> Among the committee’s implemented recommendations were a grant of greater power to the mayor and an increase in the size and authority of the City

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497. *Id.* at 19.

498. *Id.* at 15.

499. Interview by Andrew S. Taylor with Matthew T. McLaughlin, New York, NY (Sept. 20, 2011).

500. *Id.*

501. *Id.*

502. KACZOROWSKI, *supra* note 32, at 263.

503. *Id.* at 263–65.

504. *Id.* at 264–65.

505. *Id.* at 264.

506. THE AMERICAN BENCH: JUDGES OF THE NATION 69 (Diane R. Irvine et al. eds., 19th ed. 2009).



Council.<sup>507</sup> From 1962 until 1966, Dean McLaughlin was executive secretary for the Mayor's Committee on the Judiciary.<sup>508</sup> And, in 1967, he was counsel for a Suffolk County District Court investigation<sup>509</sup> into judicial bribe taking.<sup>510</sup> He had also served on numerous bar association committees during his deanship.<sup>511</sup> McLaughlin's committed involvement with helping the legal community and the city at large featured heavily in the strong support he received from Fordham faculty and students following his nomination to the deanship. In particular, his public service record demonstrated a marked willingness and ability to bring the Fordham Law name to a place of prominence and influence.<sup>512</sup>

Dean McLaughlin was sympathetic to the law school's need to change with the times. At the time of his graduation, there was no placement office to speak of.<sup>513</sup> The curriculum had been rigid, with few electives.<sup>514</sup> Student enrollment was almost entirely male, and students throughout the 1960s were required to adhere to a strict suit-and-tie dress code. Indeed, women comprised less than 10 percent of the graduating class of 1970.<sup>515</sup> However, by the end of his deanship, the number of female students rose to approximately 40 percent of the enrolled student body.<sup>516</sup>

The law school also needed to overcome insularity in order to compete on a national level with other first-tier programs. In the early 1960s, there were typically around 500 applications for 300 spots, with admission virtually guaranteed for graduates of Fordham University.<sup>517</sup> Most professors were themselves graduates of the law school.<sup>518</sup> But by the end of the decade, applications had greatly increased in number, rendering admission more selective. By the early 1970s, only around 30 percent of applicants gained admission.<sup>519</sup> Yet, even with higher selectivity, enrollment had increased by more than 50 percent.<sup>520</sup> This required the law school to make new preparations for the professional development and career planning of its graduates in an increasingly competitive environment.

Furthermore, Fordham's traditional atmosphere came into conflict with the rapidly growing student protest culture. At one point, toward the end of

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507. Alan L. Dingle, *85, a Civic Leader Who Served on City Charter Unit*, N.Y. TIMES, Mar. 4, 1981, at D23.

508. THE AMERICAN BENCH: JUDGES OF THE NATION, *supra* note 506, at 69.

509. *Id.*

510. Interview with Matthew T. McLaughlin, *supra* note 499.

511. *Id.*

512. *Id.*

513. *Id.*

514. KACZOROWSKI, *supra* note 32, at 273.

515. See *Degrees Conferred*, SCH. L. BULL. (Fordham Univ. Sch. of Law, New York, N.Y.), 1971-1972, at 31-32.

516. Katsoris, *supra* note 32, at 2327.

517. Interview with Joseph McLaughlin, *supra* note 481, at 35.

518. KACZOROWSKI, *supra* note 32, at 223.

519. Interview with Joseph McLaughlin, *supra* note 481, at 35.

520. Compare *Register of Students 1971-72*, SCH. L. BULL. (Fordham Univ. Sch. of Law, New York, N.Y.), 1972-1973, at 40-60 (showing 1,032 students in 1972), with *Register of Students, 1961-1962*, SCH. L. BULL. (Fordham Univ. Sch. of Law, New York, N.Y.), 1962-1963, at 42-58 (showing 687 students in 1962).

Dean Mulligan's tenure—during the height of the Vietnam protest movement, when law students throughout New York City sought exemptions from having to take their final exams so that they could participate in a march on Washington—Fordham Law was an outlier among local law schools by not yielding to the exemption demands, despite repeated exhortations from students, including many protesters from other law schools.<sup>521</sup> At one point, then-Professor McLaughlin—a war veteran and a skeptic of the counterculture—along with other faculty members, stayed up with students who had occupied the school cafeteria until the early hours of the morning, talking with them in an attempt to bridge the gap in understanding.<sup>522</sup> The faculty's refusal to cancel exams was later vindicated when the New York Court of Appeals, in a special session, decided that no one who had not taken meaningful examinations to graduate law school would be permitted to take that July's bar exam.<sup>523</sup>

In 1971, along with the rest of the country, Fordham Law School was struggling with a recognized need to diversify the legal community in general. Strong cultural pressures demanded an increase in access to the profession for women and minorities. For Fordham Law, this effort included looking outside of the university when recruiting new faculty members. In addition, due to a divisive political climate, the designers of American law school curricula were finding that “tradition” was being assaulted on all fronts.<sup>524</sup> What is commendable about Dean McLaughlin's tenure is that while he recognized the need to overcome the rigidity of the traditional curriculum, he felt just as strongly that an atmosphere of diversity and choice could still embody essential core values, and that a flexible curriculum could be accomplished without diluting the academic rigor that the profession demanded.<sup>525</sup> In a 1975 issue of *Bar Leader Magazine*, in response to a nationwide trend of law schools submitting to student demands for a grade-free and requirement-free legal education, Dean McLaughlin stated: “The profession must never surrender the right to exercise the ultimate judgment on who is qualified to practice law.”<sup>526</sup>

When McLaughlin became dean, the law school was already implementing several changes initiated by his predecessor, Dean Mulligan; McLaughlin lent his full and immediate support to these changes.<sup>527</sup> In his first *Annual Dean's Report to Alumni* for the 1971 to 1972 academic year, he noted that the school had, for several preceding years, been undergoing a “comprehensive self-study” regarding its relationship to the university, as well as to its internal development, with a special emphasis on

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521. Interview with Joseph McLaughlin, *supra* note 481, at 22–23.

522. *Id.* at 23.

523. *Id.*

524. See LAURA KALMAN, *YALE LAW SCHOOL AND THE SIXTIES: REVOLT AND REVERBERATIONS* 28–31 (2005); ROBERT BOCKING STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S*, at 233–36 (1983).

525. See Interview with Joseph McLaughlin, *supra* note 481, at 25.

526. Joseph M. McLaughlin, *Law Schools Must Demand That Students Learn Law*, B. LEADER MAG., July 1975, at 17, 19.

527. KACZOROWSKI, *supra* note 32, at 263.

curriculum.<sup>528</sup> While the relationship with the university's administrators would be a point of contention and struggle for much of McLaughlin's deanship, it is clear that from the very start that Dean McLaughlin took steps to bring the law school greater independence from the university. Improved outreach to alumni was of prime importance in this endeavor.<sup>529</sup> His inaugural report describes how, following input from advisory committees consisting of both faculty and students, the school adopted an expanded curriculum that consisted of a comprehensive "hard core" of required courses, followed by a wide variety of elective options.<sup>530</sup> Additionally, not wanting the school to succumb to academic insularity at odds with the goal of bringing Fordham to a level of first-tier national prominence, McLaughlin signaled his interest in retaining faculty with prior experience as legal practitioners, and preferably with degrees from other law schools.<sup>531</sup> This, and other enthusiastic descriptions of the law school's many ambitious plans for improvement, no doubt greatly appealed to its alumni. By the end of his ten-year deanship, McLaughlin had accomplished a nearly tenfold increase in the yearly intake of unrestricted gifts.<sup>532</sup>

Many of these accomplishments are attributable to Dean McLaughlin's extraordinary personality. With his debut in the *Annual Dean's Report to Alumni*, the start of the dean's tenure marked a shift in tone from his predecessor. Whereas the 1970 report was a simple, six-page fold-out sheet, Dean McLaughlin each year issued a beautiful multipage printed booklet, replete with illustrations and photographs and peppered with ironic literary quotations. McLaughlin's writing shows an obvious affection for the school community, and his recounting of the year's happenings was told with genuine pride and affection.

The curriculum also reflected the new dean's firm belief in practical training that both drew from and prepared students for professional legal practice. In line with the Jesuit tradition of coupling theoretical rigor with active engagement in practical undertakings, the new curriculum sought to develop professional lawyering skills in parallel with the academic training.<sup>533</sup> As such, a "vastly expanded" research and writing course would now be required of all first-year students, along with participation in an appellate moot court competition.<sup>534</sup> Additionally, four new "experimental" clinical programs had been implemented the previous year, allowing students to participate in legal fieldwork with professional supervision.<sup>535</sup> After review, one of these clinics was approved for the following year as a credit-earning course, while the remaining three would

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528. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1971-72, at 2 (on file with Fordham University, Walsh Library box 24).

529. *See id.* at 1.

530. *Id.* at 2.

531. *See id.* at 3.

532. KACZOROWSKI, *supra* note 32, at 271.

533. *See* ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1971-72, *supra* note 528, at 3.

534. *Id.*

535. *Id.*

continue on an extracurricular basis.<sup>536</sup> These early steps would eventually lead to the law school's present clinical program, which features dozens of available "real client" and simulation clinics, as well as externships.<sup>537</sup>

Nonetheless, building up practical experience while in law school would not singularly suffice to advance the national standing of Fordham Law graduates if students and employers did not have an active and engaged meeting ground for conducting interviews and making contacts. McLaughlin could recall that, at the time of his own graduation, "student placement" consisted primarily of phone calls to certain area law firms by the dean on behalf of only the most outstanding handful of each year's graduates.<sup>538</sup> But, as Fordham continued to admit more students from throughout the country, this informal system was no longer sufficient. Dean McLaughlin, therefore, fostered the development of a placement office, and brought about an increase in on-campus recruitment by firms.

The first year of McLaughlin's deanship also saw, for the first time in the school's history, the debut of a second legal journal: the *Fordham Urban Law Journal*.<sup>539</sup> Initially funded by Louis Stein—a graduate of the class of 1926, the chief executive officer and chairman of the board of Food Fair Stores, and a major benefactor of the law school<sup>540</sup>—the *Urban Law Journal* was championed from the start by Dean McLaughlin.<sup>541</sup> Dean McLaughlin had enjoyed a rewarding experience with his own time on the *Law Review*, and perceived a need for more opportunities for students to become involved in legal scholarship. Funding for the new journal was tenuous at the beginning, however, and the first year saw only one issue published, followed by two issues the second year.<sup>542</sup> Fortunately, McLaughlin's fears that the fledgling journal would soon become a "budgetary casualty" did not materialize. By the end of his deanship, the journal was thriving at a hefty four volumes per year.<sup>543</sup> Moreover, it was during McLaughlin's deanship that the *Fordham International Law Journal* began publication in 1977.<sup>544</sup>

McLaughlin's tenure as dean also saw the introduction of several new chairs and awards. The Louis Stein award was initiated in the 1975 to 1976 academic year to recognize a member of the legal profession "who has merited the award for his or her outstanding achievements or accomplishments as a member of the bar, and who has in some way made

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536. *Id.*

537. For more on the school's current clinical program, see *infra* notes 848–58 and accompanying text.

538. See Interview with Joseph McLaughlin, *supra* note 481, at 13.

539. See *id.* at 26.

540. See *History: Louis Stein*, FORDHAM U. SCH. L., <http://law.fordham.edu/louis-stein-center-for-law-and-ethics/1955.htm> (last visited Feb. 24, 2014).

541. See ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1971–72, *supra* note 528, at 4.

542. See Interview with Joseph McLaughlin, *supra* note 481, at 26.

543. See generally Constantine N. Katsoris, *The Fordham Urban Law Journal: Twenty Years of Progress*, 19 FORDHAM URB. L.J. 915 (1992). Nearly 15,000 copies of the article were distributed to Fordham alumni, deans of ABA schools, judges, and practitioners.

544. *About This Journal*, FORDHAM INT'L L.J., <http://ir.lawnet.fordham.edu/ilj/about.html> (last visited on Feb. 24, 2014).

substantial contributions and brought great credit to the legal profession.”<sup>545</sup> Justice Thurgood Marshall presented the first award to Judge Henry J. Friendly, who was chosen by a panel of lawyers and jurists.<sup>546</sup>

A particular source of pride for Dean McLaughlin was the Bacon-Kilkenny Chair for a distinguished visiting professor, which achieved funding during the 1978 to 1979 school year.<sup>547</sup> The chair, which was part of McLaughlin’s longstanding effort to bring more outside voices into the Fordham legal community, was named after two beloved Fordham Law professors who had recently passed away. George Bacon, former acting dean and Alpin J. Cameron Professor of Law,<sup>548</sup> passed away in 1975<sup>549</sup> and had been a close friend of McLaughlin. Bacon’s teaching endeavors had stretched from 1926 through 1960,<sup>550</sup> including two years as acting dean in 1953 and 1954.<sup>551</sup> During this time he established himself as a renowned authority in contract and sales law.<sup>552</sup> Victor Kilkenny was a Fordham graduate and a professor at the law school for nearly three decades and had been beloved by his students and held in high esteem for his humorous and accessible teaching style.<sup>553</sup> He later served as a judge in the

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545. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1975–76, at 9 (on file with Fordham University, Walsh Library box 24).

546. *Id.* The Stein prize is awarded annually and is intended to recognize publicly the positive contributions of the legal profession to American society. The prize honors individuals whose work “exemplifies outstanding standards of professional conduct, promotes the advancement of justice, and brings credit to the profession by emphasizing in the public mind the contributions of lawyers to our society and to our democratic system of government.” *Kenneth Feinberg Receives 2011 Fordham-Stein Prize*, FORDHAM U. SCH. L., <http://law.fordham.edu/louis-stein-center-for-law-and-ethics/28131.htm> (last visited Feb. 24, 2014). Since its inception in 1976, seven of the thirty-six recipients have been U.S. Supreme Court justices. Recipients include the Honorable Henry J. Friendly (1976); Edward H. Levi (1977); the Honorable Warren E. Burger (1978); the Honorable Wade H. McCree, Jr. (1979); Archibald Cox (1980); Warren M. Christopher (1981); the Honorable William H. Webster (1982); the Honorable Potter Stewart (1983); the Honorable Edward Weinfeld (1984); Edward Bennett Williams (1985); the Honorable Shirley M. Hufstедler (1986); the Honorable Lewis F. Powell, Jr. (1987); Robert M. Morgenthau (1988); Marian Wright Edelman (1989); the Honorable William Hughes Mulligan (1990); William P. Rogers (1991); the Honorable Sandra Day O’Connor (1992); Cyrus R. Vance (1993); the Honorable Milton Pollack (1994); Lloyd N. Cutler (1995); the Honorable Gerald Bard Tjoflat (1996); Charles Alan Wright (1997); George J. Mitchell (1998); the Honorable William H. Rehnquist (1999); the Honorable William T. Coleman, Jr. (2000); the Honorable Ruth Bader Ginsberg (2001); the Honorable Judith S. Kaye (2002); John D. Feerick (2003); the Honorable Patricia M. Wald (2004); Griffin B. Bell (2005); the Honorable Joseph M. McLaughlin (2006); Robert Fiske, Jr. (2007); the Honorable Stephen G. Breyer (2008); the Honorable John Keenan (2009); Theodore B. Olsen (2010); Kenneth Feinberg (2011); the Honorable Jack B. Weinstein (2013). *Stein Prize Past Recipients*, FORDHAM U. SCH. L., <http://law.fordham.edu/louis-stein-center-for-law-and-ethics/23980.htm> (last visited Feb. 24, 2014). The 2012 award was cancelled due to Hurricane Sandy.

547. *See* ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1978–79, at 7 (on file with Fordham University, Walsh Library box 24).

548. William Hughes Mulligan, *Dedication*, 27 FORDHAM L. REV., at ix, ix (1958).

549. *See* ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1974–75, at 3 (on file with Fordham University, Walsh Library box 24).

550. *Prof. George W. Bacon*, *supra* note 386.

551. Mulligan, *supra* note 548, at ix.

552. *Id.*

553. *See* Katsoris, *supra* note 32, at 2315.

Superior Court of New Jersey.<sup>554</sup> McLaughlin declared that securing funding was his top priority.<sup>555</sup> The first chair was awarded for the 1980 to 1981 school year, to Professor Douglas A. Kahn,<sup>556</sup> a prominent authority on taxation law from the University of Michigan Law School.<sup>557</sup>

Standing alone, the above list of accomplishments points to a formidable record of achievement, but the story does not end there. In addition to his commitments and accomplishments while serving in his deanship at Fordham Law School, McLaughlin managed to maintain a parallel career as a writer, a legal scholar, and a public servant. He authored numerous textbooks and scholarly articles, for which he had gained recognition prior to his deanship.

Even before taking over as dean, McLaughlin had firmly established himself as an authority on the rules of civil procedure and evidence—subjects that he taught as a law school professor.<sup>558</sup> From 1963 to 1990, he made yearly contributions to the practice commentaries to the New York Civil Practice Law and Rules in *McKinney's Consolidated Laws of New York Annotated*.<sup>559</sup> His expertise on these matters was widely sought outside of the Fordham community, leading to his appearances as a frequent lecturer at New York University, Harvard, and Columbia. He also worked throughout the 1960s and 1970s as co-author, with Herbert Peterfreund, of *New York Practice: Cases and Other Materials*, which published its fourth edition in 1978.<sup>560</sup> The following year, he published *Evidence 1979: New York Rules, Federal Rules & Federal Rules of Evidence*.<sup>561</sup> He continued to publish work as a recognized authority on matters of procedure and evidence into the 1990s, when he authored the *Federal Evidence Practice Guide*<sup>562</sup> and served as editor-in-chief of *Weinstein's Evidence*, both published in 1996 by Matthew Bender & Co.<sup>563</sup>

In addition to textbooks, McLaughlin produced a voluminous amount of legal scholarship, publishing over forty articles in numerous law reviews. During the decade of his deanship at Fordham, he also contributed monthly articles for the *New York Law Journal* under the journal's series *Trends, Developments: New York Trial Practice*.<sup>564</sup>

554. *Id.*

555. See ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1977–78, at 1 (on file with Fordham University, Walsh Library box 24).

556. KACZOROWSKI, *supra* note 32, at 271; see ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1979–80, *supra* note 547, at 3.

557. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1979–80, *supra* note 547, at 3.

558. See generally JOSEPH M. McLAUGHLIN, EVIDENCE 1979: NEW YORK RULES, FEDERAL RULES & FEDERAL RULES OF EVIDENCE (1979).

559. Interview with Matthew T. McLaughlin, *supra* note 499.

560. See HERBERT PETERFREUND & JOSEPH M. McLAUGHLIN, NEW YORK PRACTICE: CASES AND OTHER MATERIALS (4th ed. 1978).

561. McLAUGHLIN, *supra* note 558.

562. FEDERAL EVIDENCE PRACTICE GUIDE (Joseph M. McLaughlin et al. ed., 1989).

563. WEINSTEIN'S FEDERAL EVIDENCE (Joseph M. McLaughlin et al. ed., 1997).

564. *Fordham Law Mourns the Passing of Hon. Joseph M. McLaughlin '59*, FORDHAM U. SCH. L. (Aug. 8, 2013), <http://law.fordham.edu/30521.htm>; see, e.g., Joseph M. McLaughlin, *Trends, Developments: New York Trial Practice*, N.Y. L.J., Nov. 12, 1976, at 1, 2.

McLaughlin's accomplishments as a writer were not solely academic—many of his articles reveal a gifted writer with a fine mastery of language and expression, as well as a strong sense of humanity and social responsibility. As someone who had spent his career navigating legal intricacies, he viewed intellectual subtlety and careful use of wording to be a matter of genuine moral concern, and not simply an intellectual skill. A recurring theme in his writing is that clarity of expression and thought are crucial elements to the administration of justice. His work often observes that the decline in language is not merely coincidental to the decline in ethical standards. He reminds us that “[t]he judge’s role as gatekeeper in jury trials is to protect the jury from being sidetracked by unreliable, immaterial, or irrelevant evidence,” and warns that careless use of terminology can lead to mistaken ideas and thinking, and hence to injustice.<sup>565</sup>

His views sometimes prompted him to speak out during the “me” decade of the 1980s. At the end of that decade, eight years after his appointment to the federal bench, Dean McLaughlin lamented that “lawyers have lost our sense of mission, evolving from a profession into a business, a big business at that,”<sup>566</sup> and decried the “Faustian salaries” of the big law firm that had evolved to serve corporate giants.<sup>567</sup>

McLaughlin's own career shows that he lived according to his belief that attorneys must work for the public interest. Indeed, except for the first two years of his professional career in private practice, the balance thereafter was dedicated to public service—twenty years as an educator and dean, and thirty-two as a trial and appellate federal judge. Even as he served as dean of the law school, while teaching classes there at the same time, he was also engaged in numerous panels and advisory committees in a career of public service that ran parallel to his deanship.

A complete and comprehensive summary of McLaughlin's public service record while at Fordham would be prohibitively long. Of his many public duties, one of which he was particularly proud was his work as chairman of the New York State Law Revision Commission from 1975 to 1982.<sup>568</sup> Appointed to the position by Governor Hugh Carey, McLaughlin worked with other lawyers to make recommendations to the legislature.<sup>569</sup>

In addition to the Law Revision Commission, McLaughlin served as a member of the New York City Police Department Academic Advisory Committee (1972–1975), the Mayor's Committee on the Judiciary (1973–1977), the Committee on Qualifications to Practice in Federal Courts (1973–1975), the Judicial Conference Committee on Standards for

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565. Joseph M. McLaughlin, *Introductory Remarks*, 9 ST. JOHN'S J. C.R. & ECON. DEV. 1, 2 (1993).

566. Joseph M. McLaughlin, *The Values Undergirding Our Justice System*, N.Y. ST. B.J., Dec. 1989, at 18, 19.

567. *Id.* at 71.

568. *In Memoriam*, L. REVISION COMM'N, available at <http://www.lawrevision.state.ny.us/MemoriamJudgeMcLaughlin.pdf> (last visited Feb. 24, 2014).

569. See Interview with Matthew T. McLaughlin, *supra* note 499.

Admission to Practice in the Federal Courts (1976–1979), the New York Legal Coalition for Soviet Jewry’s Advisory Board (1975–1981), the Advisory Committee on Civil Practice, New York Judicial Conference (1978–1981), and as a Special Mediator of Medical Malpractice Panel (1975–1981).<sup>570</sup>

It is perhaps not surprising, in light of his academic accomplishments, that McLaughlin’s work as dean was followed by a long and illustrious career in the federal judiciary—first as a judge in the Eastern District of New York, followed by a position on the Second Circuit beginning in 1990.<sup>571</sup> He was nominated by Presidents Ronald Reagan and George H.W. Bush, respectively.<sup>572</sup> He attained senior status in the Second Circuit in 1998, until his death in the summer of 2013.<sup>573</sup>

### C. Acting Dean Joseph M. Perillo (1981–1982)

When Dean McLaughlin stepped down as dean in 1981 in order to take the bench, Fordham turned to Joseph Perillo, an active member of the school’s faculty, to temporarily fill the gap.<sup>574</sup> At that point, Professor Perillo, who had been appointed by Dean Mulligan and had been teaching at Fordham for nearly twenty years, was a natural candidate to serve as the interim dean. During his time as acting dean, Professor Perillo oversaw and reviewed the plans for the physical expansion of the law school. As an expression of gratitude for Professor Perillo’s dedication to the school, at the end of his year as acting dean, the student body awarded Professor Perillo the Eugene J. Keefe Award, which is annually presented “to the person who has made the most important contribution to the Fordham community.”<sup>575</sup>

During his time at Fordham Law, Professor Perillo taught a wide range of subjects, most notably in the field of contract law. Only three years after arriving at Fordham Law, Professor Perillo teamed up with Professor John Calamari to write one of the most famous hornbooks on contract law, *Calamari and Perillo on Contracts*, followed by a casebook, still widely

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570. THE AMERICAN BENCH: JUDGES OF THE NATION, *supra* note 506, at 69.

571. *Fordham Law Mourns the Passing of Hon. Joseph M. McLaughlin*, *supra* note 564.

572. *Id.*

573. *See id.*

574. *See Joseph M. Perillo, Acting Dean, 1981–1982*, FORDHAM L. ARCHIVE SCHOLARSHIP & HIST., [http://ir.lawnet.fordham.edu/perillo\\_photographs/1/](http://ir.lawnet.fordham.edu/perillo_photographs/1/) (last visited Feb. 24, 2014). Joseph Perillo obtained both his bachelor’s degree (1953) and his juris doctorate (1955) from Cornell. *Faculty: Joseph Perillo*, FORDHAM U. SCH. L., <http://law.fordham.edu/faculty/josephperillo.htm> (last visited Feb. 24, 2014). Following two years of service in the Navy and several years in private practice, he accepted a Fulbright scholarship and set out for Italy, *id.*, where he worked in conjunction with Columbia University on a project regarding civil procedure and, subsequently, co-authored a book on Italian civil procedure. *See MAURO CAPPELLETTI & JOSEPH M. PERILLO, CIVIL PROCEDURE IN ITALY* (1965). In 1963, he joined the faculty at Fordham Law School, where he is a prominent legal scholar and fixture. *See generally* John D. Feerick, *A Tribute to a Giant*, 71 FORDHAM L. REV. 623, 623 (2002).

575. *U.S. Attorney Preet Bharara Delivers Graduation Address at Law School Diploma Ceremony*, FORDHAM U. SCH. L. (May 20, 2013), <http://law.fordham.edu/29922.htm>.



used today by law students across the country, *Cases and Problems on Contracts*. Perillo also serves as the supervising editor of *Corbin on Contracts* and has personally written some of the volumes.<sup>576</sup> After his time as acting dean, Professor Perillo continued to be a leader in the Fordham Law community. When Fordham's Louis Stein Center for Law and Ethics was first getting its legs in 1983, Dean Feerick chose Perillo to direct the institute.<sup>577</sup> Professor Perillo also served as the first director of Fordham's summer abroad program in Ireland,<sup>578</sup> where he taught a course in comparative contract law. He ensured that the program ran smoothly. Due to its early success, Fordham's Ireland summer abroad program is still flourishing.

Perillo's achievements, while vast in the Fordham community, extend to the international legal community at large. He has taught as a visiting professor at a number of institutions including La Sapienza in Rome, Italy; Temple University in Philadelphia, Pennsylvania; University of Haifa in Israel; and Washington & Lee University in Lexington, Virginia. Additionally, Perillo lobbied before the United Nations Commission on International Trade Law (UNCITRAL) in New York for the Uniform Commercial Code (UCC) to be incorporated into the Convention for International Sales of Goods (CISG).<sup>579</sup> In the 1990s, the World Bank selected Professor Perillo to be the American representative expert on contract law and sent him to China to meet with Chinese government officials who were in the midst of framing a new body of contract law. Due to his vast achievements in the field, Professor Perillo received a Lifetime Achievement Award at the International Conference on Contracts in 2008.<sup>580</sup>

Perillo is a truly a man of all around integrity—someone who has served the Fordham Law community, as well as the legal profession and the international community, with humility for over fifty years. Always willing to tackle a challenge, Joe Perillo has lived the Fordham mantra: *In the service of others*.

#### D. Dean John D. Feerick (1982–2002)

Fordham Law outgrew the building at Lincoln Center just twenty years after its construction.<sup>581</sup> The subsequent expansion provided the school

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576. Feerick, *supra* note 574, at 624.

577. *See id.*

578. *See id.*

579. The CISG, ultimately signed in Vienna in 1980, is an exceptionally important treaty and is ratified by almost every major trading nation in the world.

580. Interview with Joseph Perillo, Professor Emeritus, Fordham Univ. Sch. of Law, in New York, N.Y. (Jan. 11, 2011).

581. Since the move to Lincoln Center, the following centers and institutes have been created: the Brendan Moore Trial Advocacy Center; the Center on European Union Law; the Center on Law and Information Policy; the Center on National Security; the Coalition for Debtor Education; the Competition Law Institute; the Conflict Resolution & ADR Program; the Corporate Law Center; the Fashion Law Institute; the Feerick Center for Social Justice; the Forum on Law, Culture, and Society; the Institute on Religion, Law & Lawyer's Work;

with two new floors in the western wing and a five-story structure in the eastern courtyard (the Ned Doyle Building).<sup>582</sup> The two additions were joined by a stunning glass domed atrium, dedicated to Edith Guldi Platt.<sup>583</sup> Just under 1,500 alumni, guests, and friends attended the October 24, 1984 dedication ceremony.<sup>584</sup> During the ceremony, Justice Sandra Day O'Connor, the principal speaker and first female Supreme Court justice, was presented with an honorary degree.<sup>585</sup> A few years later a residence hall was constructed at the Lincoln Center campus, in part for use by the law school. With an on-campus housing option available for the first time, the school could increase national and international recruiting.<sup>586</sup>

Overseeing this expansion was the eighth dean of the law school: John D. Feerick. Like his predecessor Dean Mulligan, Feerick was also born to Irish immigrant parents, just a stone's throw from Fordham's Rose Hill campus.<sup>587</sup> Similarly, both Dean Mulligan and Dean Feerick spent part of their careers with the Skadden law firm, except in reverse order: Bill Mulligan worked at Skadden late in his career when it was a mammoth firm, whereas his student John Feerick was hired by Skadden directly out of law school when Skadden was in its infancy.<sup>588</sup>

The oldest of five children, John Feerick is extremely proud of and devoted to his family. He credits the love of his parents, his wife Emalie, his siblings, his six children, and his eleven grandchildren as the driving

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the Intellectual Property Institute; the Interdisciplinary Center for Family and Child Advocacy; the Leitner Center for International Law and Justice; the Public Interest Resource Center; and the Stein Center for Law and Ethics.

582. Katsoris, *supra* note 32, at 2308; *see also* KACZOROWSKI, *supra* note 32, at 320.

583. KACZOROWSKI, *supra* note 32, at 320. Edith Guldi Platt was the mother of Emalie Feerick, wife of John Feerick, the eighth dean of Fordham Law School; her family donated the facility in her memory. *See* Constantine N. Katsoris, *Semper Fidelis: A Tribute to John Feerick*, 70 *FORDHAM L. REV.* 2173, 2175 (2002).

584. Katsoris, *supra* note 32, at 2308.

585. For her remarks at the dedication ceremony, *see* Sandra Day O'Connor, *Legal Education and Social Responsibility*, 53 *FORDHAM L. REV.* 659 (1985). A plaque that commemorates the occasion has been permanently affixed in her honor at the entrance to the Platt Atrium. Besides being a role model both on and off the bench, she has graciously participated and contributed to Fordham Law School in so many ways. In addition to the building dedication in 1984, in 1992, Justice O'Connor received the prestigious Fordham-Stein Prize in recognition of her outstanding contributions to the legal profession and the furtherance of justice. Moreover, she was the principal speaker at Fordham's millennium celebration at Lincoln Center as it ushered in the twenty-first century, she taught a course in international law and relations as part of Fordham's summer program in Ireland, and she also participated in many of Fordham's annual alumni Supreme Court admission ceremonies since they began in 1986. Indeed, in 2007, I dedicated to her the law review article entitled *A Tribute to the Fordham Judiciary: A Century of Service* where I, *sua sponte*, bestowed upon her the unofficial honorary title of "First Lady of Fordham Law School." Katsoris, *supra* note 32, at 2303. More recently, on April 17, 2012, Justice O'Connor appeared with Judge Judith Kaye, the former chief judge of the New York Court of Appeals, at the Levine Lecture before an overflow crowd to discuss the manner in which we select judges to our courts. *See A Conversation with Justice Sandra Day O'Connor and Judge Judith S. Kaye*, 81 *FORDHAM L. REV.* 1149 (2012).

586. Katsoris, *supra* note 32, at 2308.

587. Sweeney, *supra* note 167, at 1149 n.27.

588. Katsoris, *supra* note 583, at 2173; Michael M. Martin, *Reflections on Dean Feerick's Leadership*, 70 *FORDHAM L. REV.* 2181, 2181 (2002).

force behind his career.<sup>589</sup> In his teenage years, he attended Bishop Dubois High School.<sup>590</sup> After graduating from Fordham University in 1958, he went on to Fordham Law School at 302 Broadway.<sup>591</sup> There, Dean Feerick excelled and was the editor-in-chief of the *Fordham Law Review*, writing one case note and two comments while on the journal.<sup>592</sup>

Upon graduation from Fordham Law in 1961, he joined Skadden, which at the time was comprised of only a handful of attorneys.<sup>593</sup> During his twenty years at Skadden, he was integral to the firm's transformation from a small, reputable institution to a world-renowned organization. John started out on various litigation cases, before taking a special interest in the labor and employment field—a field in which he eventually became nationally recognized.<sup>594</sup> As Dean Feerick explained, this was a field that suited his personality well because he felt most comfortable working with working class folks like his father, who had worked as a sandhog in the water tunnels.<sup>595</sup>

At the firm, John was known for his meticulous craftsmanship of legal documents, going over each word time and again, editing a document until it was precisely on point.<sup>596</sup> As an advocate, Feerick was willing to fully immerse himself in the intricacies of a particular problem and craft a creative solution.<sup>597</sup> John was known among colleagues, and even adversaries, as a “gentleman and an honorable advocate.”<sup>598</sup> William Frank, a fellow partner at Skadden, recalled John as a dogged worker at the firm, as he would come in on Saturdays with his children in tow.<sup>599</sup> Always concerned for the well-being of those around him, Feerick headed the first quality of life committee at Skadden.<sup>600</sup> During his years at the firm, John had many great mentors and, in turn, became a mentor to many, earning the nickname “John the Good.”<sup>601</sup>

Notwithstanding his distinguished career as a labor lawyer while practicing at Skadden, John never lost ties with Fordham. As Dean Feerick phrased it, “I never left the school and it never left me.”<sup>602</sup> On top of his

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589. See Interview by Megan Hannon with John Feerick, Norris Professor of Law, Fordham Univ. Sch. of Law, in New York, N.Y. (Nov. 1, 2011).

590. Interview by Megan Hannon with John Feerick, Norris Professor of Law, Fordham Univ. Sch. of Law, in New York, N.Y. (Oct. 19, 2011).

591. Katsoris, *supra* note 583, at 2173.

592. *Editors' Foreword*, 72 FORDHAM L. REV. 257 (2003); see Case Note, *Constitutional Law—First Amendment Not Violated by Inquiry of Committee on Un-American Activities*, 28 FORDHAM L. REV. 522 (1959); Comment, *The Grand Jury: Its Present Day Function and Correlative Powers*, 29 FORDHAM L. REV. 152 (1960); Comment, *Title VII of the Labor-Management Reporting and Disclosure Act of 1959*, 28 FORDHAM L. REV. 737 (1960).

593. Katsoris, *supra* note 583, at 2173.

594. William P. Frank, *John the Good Indeed*, 70 FORDHAM L. REV. 2161, 2161 (2002).

595. Interview with John Feerick, *supra* note 590.

596. Frank, *supra* note 594, at 2161.

597. *Id.* at 2162.

598. Katsoris, *supra* note 583, at 2173.

599. Frank, *supra* note 594, at 2161.

600. *Id.* at 2162.

601. *Id.*

602. Interview with John Feerick, *supra* note 590.

already heavy workload, he served as the president of the Fordham Law Alumni Association.<sup>603</sup> Eventually, after working at Skadden for twenty years, Feerick agreed to accept the deanship of Fordham Law School after Dean McLaughlin was appointed as a federal judge to the Eastern District of New York.<sup>604</sup> Dean Feerick later confided in University President Joseph O'Hare, S.J., that one of the primary reasons he took the position was a calling to contribute to the Jesuit work of Fordham.<sup>605</sup> Fortunately for the Fordham Law School community, Dean Feerick took this leap of faith.

As the dean of Fordham Law School from 1982 until 2002, John oversaw the physical, intellectual, and spiritual growth of the law school. Thanks to his adept fundraising skills, Dean Feerick garnered the support of Fordham alumni so that the law school could expand. Dean Feerick also attracted scholars from across the country to join the faculty, while improving the quality of the student body, thereby raising the academic bar of the law school.<sup>606</sup> Dean Feerick also made it a point to utilize his positions with city bar, state bar, and ABA committees to enhance Fordham Law School's name and reputation.<sup>607</sup> His contagious spirit of morality and integrity spread throughout Fordham Law. During his tenure, Fordham solidified its reputation as a place where the students wanted to excel, not just in their coursework, but in putting the law into action for the good of others.

During Dean Feerick's time at Fordham Law, numerous organizations that are now integral to the Fordham Law experience blossomed. The Public Interest Resource Center (PIRC) began under the watch of Dean Feerick.<sup>608</sup> The Louis Stein Center for Law and Ethics grew to maturity.<sup>609</sup> The unique Institute on Law, Religion & Lawyer's Work was established,<sup>610</sup> as was the Crowley Program in International Human Rights.<sup>611</sup>

The Brendan Moore Trial Advocacy Center was also created under Feerick's watch.<sup>612</sup> This program trains specially selected Fordham students to become skilled trial lawyers by working with them to develop expertise in trial preparation and tactics, issue spotting, ethics, examination and cross examination of witnesses, rules of evidence and procedure, and appropriate speaking skills and demeanor. Each year the Moore Advocates compete in approximately fifteen competitions organized by the ABA,

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603. Katsoris, *supra* note 583, at 2173.

604. *Id.* at 2174.

605. Joseph O'Hare, *A Dean for All Seasons*, 70 FORDHAM L. REV. 2185, 2186 (2002).

606. *Id.* at 2185.

607. Interview with John Feerick, *supra* note 595.

608. Georgene Vairo, *Thank You, John*, 70 FORDHAM L. REV. 2191, 2194 (2002).

609. Benjamin C. Zipursky, *John Feerick, A Lawyer's Compass*, 70 FORDHAM L. REV. 2203, 2203 (2002).

610. *Id.*

611. *Id.*

612. *History of the Moores*, BRENDAN MOORE TRIAL ADVOC. CENTER, <http://www.mooreadvocates.com/about-the-moores/history-of-the-moores/> (last visited Feb. 24, 2014). Through the generous contribution of Thomas A. Moore, an alumnus of the class of 1972, the center was created and dedicated in memory of his brother, Brendan Moore. *Id.*

various trial lawyers groups, and law schools throughout the country at both the national and regional level.

While dean, Feerick also expanded the student body. As many of his colleagues attest, he recognized the importance of diversity in the legal education system. He endeavored to increase the number of women and minorities at Fordham Law on both sides of the classroom. By the time he stepped down as dean, four of the eleven assistant deans were women. While women comprised only 10 percent of Fordham Law's faculty when Feerick began, they made up 26 percent of the faculty when he stepped down.<sup>613</sup> Similarly, when Feerick became dean, minorities comprised approximately 5 percent of the student body. When he left in 2002, minorities made up close to 24 percent of the student body.<sup>614</sup> But increasing the sheer number of minorities at Fordham was not Dean Feerick's only goal, for he also wanted to ensure that minorities' experience in law school was fulfilling. To that end, he increased scholarship availability and created the Minority Enrichment Program, now the Academic Enrichment Program, which is a two-week program designed to enhance the law school experience.<sup>615</sup>

Dean Feerick also responded to criticism that law students were not being sufficiently trained in the skills required of a practicing attorney. John expanded the clinical program to bridge the gap between the knowledge gained in law school and the practice of law once outside the classroom.<sup>616</sup> Today, Fordham's clinical program is one of the largest and most well respected in the country.<sup>617</sup> Additionally, while at Fordham, Dean Feerick established an LL.M. program, which presently includes students from over thirty countries and focuses on six areas: international business and trade law; banking, corporate and finance law; intellectual property and information technology law; international law and justice; U.S. and comparative Law; and compliance.<sup>618</sup> As Professor Benjamin C. Zipursky

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613. Gail D. Hollister, *John D. Feerick: A Man Committed to Advancing Diversity*, 70 FORDHAM L. REV. 2169, 2169 (2002).

614. *Id.*

615. *Id.* at 2170.

616. See Zipursky, *supra* note 609, at 2203.

617. *Id.* For more on the clinical program, see *infra* notes 848–58 and accompanying text.

618. In addition, since 1993, Fordham Law School's annual Intellectual Property Law and Policy Conference, under the direction of Professor Hugh Hansen, brings together the leading officials, judges, scholars, and lawyers from throughout the world to discuss intellectual property issues. Since its inception, the conference has expanded to include nearly 400 participants from twenty-six countries on six continents, and lasts over three days, including one day devoted to Asian intellectual property issues. Moreover, Fordham Law School was recently ranked one of the top ten entertainment law schools. Matthew Beliom & Austin Sigemund-Broha, *America's Top 10 Entertainment Law Schools*, HOLLYWOOD REP., July 27, 2012, at 96.

Fordham's media and entertainment program offers diverse courses on music and sports law as well as mass media and digital issues. The school's annual IP conference has drawn a crowd for 20 years running, and its Fashion Law Institute is the first of its kind in the nation. Also strong is its student-run IP and

put it, thanks to Dean Feerick, Fordham Law has “stayed on the ever sharper cutting edge of globalism.”<sup>619</sup>

In addition to the multitude of programs that Dean Feerick instituted and oversaw, he instilled a distinctive atmosphere at Fordham Law. According to Assistant Dean Robert J. Reilly, John Feerick’s tenure as dean was characterized as a time when “[t]he respect for the individual was made the highest value, while working for the good of the entire community was the highest goal.”<sup>620</sup> As dean, Feerick had a quiet and constant way of inspiring generations of students. Coincidentally, he cites the students as the most enjoyable part of his entire legal career, beaming that they are what sustained him throughout the years.<sup>621</sup> To this day, he still has a unique “ability to lead people to accomplish beyond any objective he might set and even beyond anything of which they think themselves capable.”<sup>622</sup>

Throughout his professional career, Feerick still managed to spend copious amounts of time dedicating himself to a life of public service. As former Chief Judge of the New York Court of Appeals Judith Kaye stated, “[T]here just can’t be a single good government group, or reform-oriented task force, working group, committee or commission that he hasn’t chaired or assisted. He is Public Citizen Number One. He is One of a Kind.”<sup>623</sup> With respect to the court system, Dean Feerick has served on numerous committees in an effort to bring about improvement, including the Committee to Promote Public Trust and Confidence in the Courts, the Committee to Review Audiovisual Coverage of Court Proceedings, the Continuing Legal Education Committee, and the Judicial Salary Commission.<sup>624</sup> Within the broader legal context, Dean Feerick served as Chair of the Professional Committee of the American Bar Association Section on Legal Education and Admission to the Bar.<sup>625</sup>

Throughout the years, Dean Feerick has done a great deal to serve the city and state of New York. One of Feerick’s greatest roles included serving as the president of the Association for the Bar of the City of New York from 1992 until 1994.<sup>626</sup> Additionally, he served as the arbitrator in the contentious New York City Transit negotiations of 1994.<sup>627</sup> Later in his

entertainment law journal. Alums[:] Fox co-chairman Jim Gianopulos, ABC News anchor Chris Cuomo, former Disney Studios chairman Rich Ross[.]  
*Id.* (emphasis omitted).

619. Zipursky, *supra* note 609, at 2204. For more on globalism and the legal profession, see Colloquium, *Globalization and the Legal Profession*, 80 FORDHAM L. REV. 2305 (2012).

620. Robert J. Reilly, *John D. Feerick: Setting the Course*, 70 FORDHAM L. REV. 2189, 2190 (2002).

621. Interview with John Feerick, *supra* note 589.

622. Martin, *supra* note 588, at 2182.

623. Judith S. Kaye, *A Tribute to John D. Feerick*, 70 FORDHAM L. REV. 2177, 2177 (2002).

624. *Id.* at 2178. Judge Kaye would discuss more about Dean Feerick’s role on a committee investigating judicial elections in *A Conversation with Justice Sandra Day O’Connor and Judge Judith S. Kaye*, *supra* note 585, at 1153–55.

625. William Michael Treanor, *Introduction*, 72 FORDHAM L. REV. 251, 252 (2003).

626. Sweeney, *supra* note 167, at 1149 n.27.

627. Timothy J. Brosnan, *John D. Feerick: Attorney at Law*, 70 FORDHAM L. REV. 2149, 2150 (2002).

career, the city and the Legal Aid Society appointed him to a three-member panel that was given the overwhelming task of dealing with the homelessness crisis in New York.<sup>628</sup> Dean Feerick notes that this was one of the appointments that he held closest to his heart.<sup>629</sup>

In a broader arena, John Feerick has also acted as a public servant to the state of New York. In 1987, Governor Mario Cuomo appointed him chairman of the New York State Commission on Government Integrity.<sup>630</sup> Dean Feerick held this sensitive position for three years while manning his post as the dean of Fordham Law School.<sup>631</sup> Dean Feerick also served the federal legal system, as he is one of the primary drafters of the Twenty-Fifth Amendment to the U.S. Constitution, which addresses presidential succession.<sup>632</sup> As a constitutional scholar, this drafting was more pleasure than work for Feerick. Very early on in his legal career, John began writing on the issue of presidential succession and subsequently wrote a letter to the *New York Times* prophetically pointing out the flawed presidential succession system that was in place in 1963, prior to the passage of the Twenty-Fifth Amendment.<sup>633</sup>

Dean Feerick worked tirelessly as part of the ABA committee to draft the Amendment, which was successfully ratified in February 1967.<sup>634</sup> Dean Feerick has also written two books regarding this topic: *The Twenty Fifth Amendment: Its Complete History and Application*, which was Pulitzer Prize nominated,<sup>635</sup> and *From Failing Hands: The Story of Presidential Succession*.<sup>636</sup> Moreover, in November 2013, he published the third edition of *The Twenty Fifth Amendment*.<sup>637</sup> In addition to the constitutional issue of presidential succession, John Feerick has also worked on abolishing the electoral college system.<sup>638</sup> Feerick assisted with the drafting of the ABA document entitled *Electing the President*.<sup>639</sup> In 1970, the House of Representatives passed the legislative proposal to amend the presidential election so that it would depend on popular selection, but the Senate did not pass the proposal.<sup>640</sup> Nevertheless, Dean Feerick testified before Congress on this issue many times throughout his illustrious career.<sup>641</sup> As Dean

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628. Treanor, *supra* note 625, at 252.

629. Interview with John Feerick, *supra* note 589.

630. Brosnan, *supra* note 627, at 2150.

631. Interview with John Feerick, *supra* note 589.

632. Vairo, *supra* note 608, at 2191.

633. Interview with John Feerick, *supra* note 590. Within a week of John Feerick's letter being published, President John F. Kennedy was assassinated, drastically demonstrating the importance of the issue Dean Feerick raised.

634. *Id.*

635. See Treanor, *supra* note 625, at 251 & n.2.

636. Sweeney, *supra* note 167, at 1149 n.27.

637. See JOHN D. FEERICK, *THE TWENTY-FIFTH AMENDMENT: ITS COMPLETE HISTORY AND APPLICATION* (3d ed. 2013).

638. Interview with John Feerick, *supra* note 590.

639. *Id.*; see also *Electing the President*, 53 A.B.A. J. 219 (1967).

640. Interview with John Feerick, *supra* note 590.

641. *Id.* Dean Feerick remains influential in the field of presidential succession. In 2010, he hosted a *Fordham Law Review* symposium on the subject. See Symposium, *The Adequacy of the Presidential Succession System in the 21st Century: Filling the Gaps and*

William Treanor, Dean Feerick's successor, explained, "[W]hen John talks about the Constitution, his face lights up, he almost literally glows."<sup>642</sup>

In his "spare time," John also managed to arbitrate some of the most significant labor and employment disputes of the day, including the National Basketball Association dispute involving the voiding of Latrell Sprewell's contract in 1997 and the National Football League salary cap debate from 1993 to 1995.<sup>643</sup> In moments of pure conflict, John is able to keep all parties calm. According to Dean Treanor, "Again and again, when there is an intractable problem, people who fundamentally disagree agree about one thing: they agree that they can trust John Feerick."<sup>644</sup>

In recognition of his accomplishments, there is a laundry list of awards he has received from the community at large.<sup>645</sup> Fordham itself has time and again honored Dean Feerick for the enormous time, energy, and wisdom he has contributed to the university. He received an honorary degree from Fordham University in 2002 and was also the recipient of the Insignis Medal, which honors an individual who evokes the aspirations of St. Ignatius Loyola, the founder of the Society of Jesus. As a recipient of this award, Dean Feerick was recognized as someone who embodies "a commitment that goes beyond calculation, a restlessness that seeks always what is the greater glory of God, not satisfied with what is but imagining always what could be and should be, daring to dream of great deeds done for God's Kingdom."<sup>646</sup> Moreover, in 2010, Dean Feerick was inducted into the Fordham University Hall of Honor. Induction into the Hall of Honor is reserved for the most outstanding alumni in Fordham's history, and fellow inductees include prominent journalist and broadcaster Charles Osgood, the Archbishop of Washington, D.C., Cardinal Theodore McCarrick, and football legend Vince Lombardi.<sup>647</sup>

Today, John Feerick continues as a full-time professor at Fordham Law School and teaches classes on the language of the constitution and

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*Clarifying the Ambiguities in Constitutional and Extraconstitutional Arrangements*, 79 FORDHAM L. REV. 775 (2010). Stemming from that symposium, Dean Feerick cotaught a clinic on presidential succession, and the clinic published its report in the *Fordham Law Review*. *Ensuring the Stability of Presidential Succession in the Modern Era*, 81 FORDHAM L. REV. 1 (2012).

642. Treanor, *supra* note 625, at 254.

643. Brosnan, *supra* note 627, at 2150.

644. Treanor, *supra* note 625, at 252.

645. He is the recipient of, among others, the Lifetime Achievement Award from the *New York Law Journal*, the Building Bridges Award from the New York State Bar Association in recognition of promoting minority opportunities, the Ellis Island Medal of Achievement, the Gold Medal of the New York State Bar Association, the Whitney North Seymour Public Service Award of the Federal Bar Council, and the Law and Society Award of the New York Lawyers for the Public Interest. See Hollister, *supra* note 613, at 2171; Vairo, *supra* note 608, at 2194 n.9; *John D. Feerick To Receive Lifetime Achievement Award from the New York Law Journal*, FORDHAM U. SCH. L. (Sept. 16, 2013), <http://law.fordham.edu/30758.htm>.

646. O'Hare, *supra* note 605, at 2187.

647. *eNewsroom: Jubilee 2010 Marks Milestones, Memories, and Romance*, FORDHAM U. SCH. L. (June 2010), [http://www.fordham.edu/campus\\_resources/enewsroom/topstories\\_1880.asp](http://www.fordham.edu/campus_resources/enewsroom/topstories_1880.asp); *Founding Spirit*, FORDHAM U., [http://www.fordham.edu/images/whats\\_new/magazine/winter09/foundingspirit.pdf](http://www.fordham.edu/images/whats_new/magazine/winter09/foundingspirit.pdf) (last visited Feb. 24, 2014).



alternative dispute resolution (ADR). He teaches with the same gentle grace he has always possessed and is always there to lend an ear to an apprehensive student. In 2006, the Feerick Center for Social Justice was founded in John's honor.<sup>648</sup> The center's goal is "to frame concrete, achievable solutions to discrete problems of urban poverty."<sup>649</sup> While the center is primarily focused on poverty in New York City and dispute resolution nationwide, it was asked by the Giving to Ghana Foundation—in part because of the law school's strengths in the ADR field—if it could help in establishing a conflict resolution center in a private university in central Ghana. Thanks to the teaching ADR faculty of Fordham and St. John's law schools, as well as students and graduates of both schools, a conflicts center was opened at Catholic University in Sunyani, Ghana, in August 2011, at which John Feerick had the honor of cutting the ribbon with the chief justice of Ghana.<sup>650</sup> The Feerick Center is devoted to making this center a permanent institution with far-reaching positive effects for all of Ghana, and a leader in fostering democracy in that region of Africa.

Because John Feerick is a man of deep humility, an unsuspecting law student would never know of his remarkable career if not for his colleagues, who unanimously sing his praises. In fact, more than one friend of John's has described him as a "moral compass" for others.<sup>651</sup> Perhaps one of the reasons that John receives such glowing remarks from his contemporaries is his ability to see the best in everyone. As friend and colleague James Gill once wrote, "In all the years that I have known John, I have never heard him say anything ill of another person."<sup>652</sup>

For John, the focus is always one of morality. When trying to solve any problem, no matter how complicated, the question is: what is right?<sup>653</sup> His accomplishments clearly attest to the fact that John Feerick is a skillful attorney, brilliant teacher and scholar, and compassionate dean. Nevertheless, these accomplishments pale in comparison to his effect on the spirit of Fordham Law and the entire legal community that surrounds him. His embodiment of the *In the service of others* motto is something that he effortlessly passes on to those around him. Thankfully for the rest of us, he is still at Fordham Law rendering that service.

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648. Sweeney, *supra* note 167, at 1149 n.27.

649. Feerick Center, FORDHAM U. SCH. L., <http://law.fordham.edu/feerick-center/feerickcenter.htm> (last visited Feb. 24, 2014).

650. *Conflict Resolution in Practice: Mediation Training in Ghana*, ST. JOHN'S U., [http://www.stjohns.edu/academics/graduate/law/academics/centers/careycenter/HCC\\_programs/conflict\\_resolution\\_in\\_practice.stj](http://www.stjohns.edu/academics/graduate/law/academics/centers/careycenter/HCC_programs/conflict_resolution_in_practice.stj) (last visited Feb. 24, 2014).

651. See Brosnan, *supra* note 627, at 2149; Treanor, *supra* note 625, at 254; Zipursky, *supra* note 609, at 2205.

652. James F. Gill, *My Friend John*, 70 FORDHAM L. REV. 2163, 2163 (2002).

653. Treanor, *supra* note 625, at 254; see also Brosnan, *supra* note 627, at 2150.

*E. Dean William M. Treanor (2002–2010)*

William Michael Treanor succeeded Dean Feerick in 2002, as Fordham Law School approached its centennial year. Treanor, who had served on the faculty since 1991,<sup>654</sup> brought with him a deep commitment to public service.<sup>655</sup> Notably, his first contact with Dean Feerick occurred in the public service context: early in his career as a lawyer, Dean Treanor worked as a special assistant to Dean Feerick, who was then chairing the New York State Commission on Government Integrity.<sup>656</sup> In his *Annual Dean's Report to Alumni*, Dean Treanor made clear his priorities when he said of his predecessor, “[Dean Feerick] truly defines the phrase, ‘in the service of others.’”<sup>657</sup>

Treanor grew up in Morris Township, New Jersey, where his father, William J. Treanor, M.D., practiced as an internist.<sup>658</sup> From an early age, Treanor developed a fascination with the law as an adjunct to his interest in public service: “I was also—really from the start—very interested in the laws providing a basis for a career in public service.”<sup>659</sup> Indeed, Treanor first became involved in politics on a grassroots level: “I love government because I find the opportunity of public service and the opportunity to make a contribution very rewarding. When I was a kid, starting in the seventh grade, I worked on political campaigns for city council and the Assembly.”<sup>660</sup>

Treanor’s first legal experience had occurred earlier, when, after his freshman year at Yale College, he returned home for the summer and worked in the offices of the Morristown firm Porzio, Bromberg & Newman.<sup>661</sup> He graduated *summa cum laude* from Yale in 1979.<sup>662</sup> After college, Treanor immediately pursued public service, serving as a special assistant to the deputy commissioner of education, and then as a speechwriter for the secretary of education.<sup>663</sup> Thereafter, Treanor returned to school in the fall of 1980, entering Harvard Law School, and also pursuing graduate work in the history department.<sup>664</sup> He received an A.M. from Harvard in history in 1982.<sup>665</sup> He transferred to Yale Law School to complete his legal studies because he felt Yale focused more on public

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654. Karen W. Arenson, *From Justice Department to Fordham Dean*, N.Y. TIMES, July 10, 2002, at B8.

655. See Margot Slade, *The 500 Lawyer Limelight: William Treanor*, LAWDRAGON (Aug. 27, 2013), <http://www.lawdragon.com/lawyer-limelights/william-treanor/>.

656. Telephone Interview by Brett Clements with William Treanor, Dean, Georgetown Univ. Law Ctr. (Sept. 30, 2011).

657. KACZOROWSKI, *supra* note 32, at 367.

658. *Weddings, Allison Ames, William Treanor*, N.Y. TIMES, Oct. 16, 1994, at 54.

659. Interview with William Treanor, *supra* note 656; see also Kate Coscarelli, *Industry Insider: Business of Law: Burning Questions*, NEWARK STAR LEDGER, Oct. 4, 2002, at 31.

660. Coscarelli, *supra* note 659.

661. *Id.*

662. *Weddings, Allison Ames, William Treanor*, *supra* note 658.

663. Pranay Gupte, *Activist Dean Lifts Fordham Law's Profile*, N.Y. SUN, May 11, 2006, at 2.

664. Interview with William Treanor, *supra* note 656.

665. *Id.*

service.<sup>666</sup> After serving as articles and book review editor of the *Yale Law Journal*, he graduated with a J.D. in 1985.<sup>667</sup> While dean at Fordham Law School, he would later continue his studies at Harvard, receiving his Ph.D. in history in 2010.<sup>668</sup>

Upon his graduation from Yale Law School in 1985, Treanor clerked for Judge James L. Oakes of the Second Circuit during the 1985 to 1986 term.<sup>669</sup> Thereafter, he became a Samuel I. Golieb Fellow in Legal History at New York University and then special assistant to the chair of the New York State Commission on Government Integrity, where he met Dean Feerick.<sup>670</sup> He next worked as an associate counsel in the Office of the Iran/Contra Independent Counsel in 1987.<sup>671</sup> In one of several related cases, Treanor successfully argued before the Fourth Circuit to uphold the conviction for tax evasion of Thomas G. Clines, who sold arms to the Nicaraguan Contras.<sup>672</sup> Unlike his associates, Clines served time in prison for his involvement in the Iran-Contra affair.<sup>673</sup> Treanor also served as part of the government's legal team in its prosecution of Colonel Oliver North.<sup>674</sup>

After leaving the Office of the Independent Counsel, Treanor came to Fordham in 1991.<sup>675</sup> In addition to pursuing his scholarly interests in property rights and the Takings Clause of the Constitution, Treanor yearned to teach the next generation of legal minds. He later said in an interview, "For a lot of people, the attraction of going into law is that you can do something good . . . . Teaching is something that allows you to lay the groundwork for long-term social change, at a time in which short-term change appears unlikely."<sup>676</sup>

Treanor published perhaps his most significant piece of scholarship in 1995 with *The Original Understanding of the Takings Clause and the Political Process* in the *Columbia Law Review*.<sup>677</sup> Chief Justice William Rehnquist later cited the article in his dissenting opinion in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*.<sup>678</sup> Justice Rehnquist recognized Treanor's historical work that identified zoning laws

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666. Gupte, *supra* note 663.

667. Interview with William Treanor, *supra* note 656.

668. See William M. Treanor, GEO. U. L. CENTER, [http://www.law.georgetown.edu/faculty/facinfo/tab\\_faculty.cfm?Status=Faculty&ID=2779](http://www.law.georgetown.edu/faculty/facinfo/tab_faculty.cfm?Status=Faculty&ID=2779) (last visited Feb. 24, 2014).

669. Adam Liptak, *Obituary: James L. Oakes, 83, Nixon Choice for Federal Bench*, N.Y. TIMES, Oct. 16, 2007, at C13; Interview with William Treanor, *supra* note 656.

670. Interview with William Treanor, *supra* note 656.

671. *Id.*

672. *United States v. Clines*, 958 F.2d 578 (4th Cir. 1992).

673. Michael Wines, *Iran-Contra Aide Gets Prison Term*, N.Y. TIMES, Dec. 14, 1990, at A36.

674. *United States v. North*, 1989 U.S. Dist. LEXIS 4279 (D.D.C. Apr. 14, 1989); *United States v. North*, 1989 U.S. Dist. LEXIS 4799 (D.D.C. Apr. 4, 1989).

675. Interview with William Treanor, *supra* note 656.

676. *Id.*

677. William Michael Treanor, *The Original Understanding of the Takings Clause and the Political Process*, 95 COLUM. L. REV. 782 (1995).

678. 535 U.S. 302, 352 (2002) (Rehnquist, C.J., dissenting).

in the United States as far back as colonial Boston.<sup>679</sup> Treanor had first explored the Takings Clause during his days at Yale.<sup>680</sup> His student note on the issue had even been cited and directly quoted by the Supreme Court in Justice Blackmun's dissent in *Lucas v. South Carolina Coastal Council*.<sup>681</sup> In his student note, Treanor argued that the principle that the government had a constitutional obligation to provide compensation when it took private property was not established before the ratification of the Fifth Amendment's Takings Clause.<sup>682</sup>

During a sabbatical from Fordham, Treanor served as deputy assistant attorney general in the Office of Legal Counsel of the U.S. Department of Justice from 1998 to 2001.<sup>683</sup> Most significantly, following the impeachment of President William J. Clinton by the House of Representatives, Dean Treanor testified before the U.S. Senate regarding the applicability of the Privacy Act to the executive office of the president.<sup>684</sup> Following the tumultuous final years of the Clinton presidency, Treanor defended the longstanding position of the Department of Justice that the White House was exempt from disclosing certain information and documents that were required to be disclosed by other executive branch agencies.<sup>685</sup>

Treanor then returned to Fordham where he was appointed dean beginning August 1, 2002.<sup>686</sup> In that same year, Dean Treanor played an instrumental role in founding the Forum on Law, Culture & Society with Professor Thane Rosenbaum.<sup>687</sup> Dean Treanor recognized that "[t]he relationship between law and culture is an important issue."<sup>688</sup> He utilized Fordham's faculty and location in New York to position the school as a leader in that area of scholarship.<sup>689</sup> The forum expanded to include a film series in 2006, and has featured speakers as varied as Justice Sonia Sotomayor, former New York governor Mario Cuomo, and actor Alec Baldwin. For the 2011 festival, Justice Sotomayor spoke of how the film *Twelve Angry Men* convinced her that she was on the right path as she pursued a career in public service as a prosecutor.<sup>690</sup>

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679. *Id.*

680. See William Michael Treanor, Note, *The Origins and Original Significance of the Just Compensation Clause of the Fifth Amendment*, 94 YALE L.J. 694 (1985).

681. 505 U.S. 1003, 1056 (1992) (Blackmun, J., dissenting).

682. See generally Treanor, *supra* note 680.

683. Interview with William Treanor, *supra* note 656.

684. See *Privacy Act and the Presidency: Hearing on 5 U.S.C. § 552a Before the S. Comm. on Criminal Justice, Drug Policy & Human Res.*, 106th Cong. 18–20 (2000) (statement of William Treanor, Deputy Assistant Att'y Gen., Office of Legal Counsel).

685. *Id.* at 18–20.

686. *New Law Dean Named*, FORDHAM U. SCH. L. (2002), [http://www.fordham.edu/campus\\_resources/enewsroom/archives/archive\\_225.asp](http://www.fordham.edu/campus_resources/enewsroom/archives/archive_225.asp).

687. Wendy N. Davis, *The Event: Fordham's Unique Film Forum for Law and Culture Boasts a Cast of Stars—and Faces an Uncertain Future*, 97 A.B.A. J. 45, 46 (2011).

688. *Id.* at 47.

689. *Id.* at 46–47.

690. *Id.* at 48.

Dean Treanor also led unprecedented fundraising efforts, which were essential to competing within the legal community in the twenty-first century.<sup>691</sup> With these new resources, Fordham was able to expand PIRC, which became only the second law school-affiliated program to win the ABA's Pro Bono Award, something of which Dean Treanor was particularly proud.<sup>692</sup>

By 2006, Dean Treanor had expanded the number of faculty chairs from fifteen to twenty.<sup>693</sup> Along with the increase in endowed faculty positions, Dean Treanor led efforts to build a new law school building as the centerpiece of an ambitious \$100 million fundraising campaign.<sup>694</sup> The campaign was a resounding success and reached its goal three years early on May 15, 2010.<sup>695</sup> Treanor recognized that one of the most important benefits of the new building would be the ability to bring the clinical programs closer to the law school community.<sup>696</sup> These clinical programs are one of the most important ways that current Fordham students participate in public service on a daily basis.

Public service always remained a centerpiece of Dean Treanor's efforts at Fordham. In 2006, he created the Feerick Center for Social Justice to honor the former dean.<sup>697</sup> In addition, Dean Treanor set out to celebrate the school's centennial by rallying Fordham alumni to donate 100,000 hours to pro bono work.<sup>698</sup> Treanor noted that this would be an important facet of the celebration, as public service was one of the defining traits of Fordham Law.<sup>699</sup>

In 2010, following his tenure at Fordham, Treanor was appointed the executive vice president and dean of the Georgetown University Law Center, another Jesuit law school.<sup>700</sup> Treanor noted that all Jesuit schools are linked by a "dedication to giving back, to ethics, and to service."<sup>701</sup> He will long be remembered for the many innovative initiatives and programs he introduced as dean while at Fordham, not the least of which was the custom of furnishing free cupcakes and ice cream to students during exams to alleviate the intensity of finals,<sup>702</sup> a custom that graciously continues to this day.<sup>703</sup>

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691. *Turning Things Around*, CRAIN'S N.Y. BUS., Apr. 26, 2010, at 33.

692. Interview with William Treanor, *supra* note 656. For further discussion of PIRC, see *infra* notes 807-37 and accompanying text.

693. See Gupte, *supra* note 663.

694. See *Fordham Law Reaches Historic \$100 Million Campaign Goal*, FORDHAM U. SCH. L. (May 15, 2010), <http://law.fordham.edu/18112.htm>; see also David W. Dunlap, *Cramped Fordham Plans Expansion at Lincoln Center, Mostly Skyward*, N.Y. TIMES, Feb. 23, 2005, at B1.

695. See *Fordham Law Reaches Historic \$100 Million Campaign Goal*, *supra* note 694.

696. Interview with William Treanor, *supra* note 656.

697. Gupte, *supra* note 663.

698. *Id.*

699. See *id.*

700. *William M. Treanor*, *supra* note 668.

701. Interview with William Treanor, *supra* note 656.

702. *Id.*

703. *Id.*

*F. Dean Michael M. Martin (2011–Present)*

After Dean Treanor's departure for Georgetown, Fordham initially appointed long-time professor Michael M. Martin to serve as interim dean.<sup>704</sup> Subsequently, on May 4, 2011, after an extensive search and interview process, Fordham University President Joseph M. McShane, S.J., announced Martin as the permanent dean of the law school.<sup>705</sup> In his announcement, Father McShane noted that "[Dean Michael Martin] is widely respected within the law school and university, and in the greater legal community. He has a stellar record of achievement as a scholar and author, and he has provided the law school with strong and steady leadership during a period of great transition."<sup>706</sup>

Martin had, for many years, led the planning committee for the new law school building.<sup>707</sup> Thus, he was uniquely suited to take the helm during the construction and move to the new facility.<sup>708</sup> Dean Martin also shared a philosophy with his predecessors regarding the importance of public service to a Fordham education. Martin has noted: "[Public service] is very much tied up in the school's identity so we don't think a legal education is complete simply by instruction in doctrine and in theory and in practice, but to be a lawyer in our society there is an expectation that you will be serving the public."<sup>709</sup>

Michael Martin was born and raised in Iowa, the son of two educators.<sup>710</sup> He attended the University of Iowa for both college and law school.<sup>711</sup> Dean Martin had always been inspired by his parents to teach, but not until he developed a love for the law during law school was he certain about his subject.<sup>712</sup> During his time at Iowa, Martin served as editor-in-chief of the *Iowa Law Review*.<sup>713</sup> The summer after he graduated from law school, Dean Martin worked as a summer associate at Simpson Thacher & Bartlett in New York before leaving for two years of study at Oxford on a Rhodes Scholarship.<sup>714</sup>

After obtaining an LL.B. from Oxford, Martin began his teaching career as a Bigelow Fellow at the University of Chicago Law School during the 1968 to 1969 school year.<sup>715</sup> He then returned to Simpson Thacher for the

704. *Fordham Law Appoints Professor Interim Dean*, N.Y. L.J., Aug. 18, 2010, at 1.

705. Karen Sloan, *Fordham's Interim Dean Gets the Permanent Position*, NAT'L L.J., May 4, 2011, available at <http://law.fordham.edu/22098.htm>.

706. *Id.*

707. *Id.*

708. E-mail from Joseph M. McShane, President, Fordham Univ., to the University Community (May 4, 2011) (on file with author).

709. Interview with Michael M. Martin, Dean, Fordham Univ. Sch. of Law, New York, N.Y. (Feb. 14, 2012).

710. *Id.*

711. *Michael M. Martin*, FORDHAM U. SCH. L., <http://law.fordham.edu/faculty/1121.htm> (last visited Feb. 24, 2014); Interview with Michael M. Martin, *supra* note 709.

712. Interview with Michael M. Martin, *supra* note 709.

713. *Fordham Names New Law Dean*, FORDHAM U. SCH. L. (May 4, 2011), <http://law.fordham.edu/21975.htm>.

714. Interview with Michael M. Martin, *supra* note 709.

715. *Id.*

summer of 1969 before beginning his first full-time teaching appointment as an assistant professor of law at the University of Washington, Seattle.<sup>716</sup>

While in Seattle, Martin met his future wife, Ellen.<sup>717</sup> They married in August 1971 and moved to Ellen's native New York following the 1971 to 1972 academic year.<sup>718</sup> After the move to New York, Professor Martin began his long career at Fordham Law, while his wife went on to graduate from the law school in 1977.<sup>719</sup> Martin began teaching evidence and civil procedure.<sup>720</sup> He soon began teaching torts, one of his scholarly interests, and then added conflict of laws to his teaching load in the late 1970s.<sup>721</sup> Throughout his career, Martin focused on these subjects and also taught advanced courses and seminars in evidence and civil procedure.<sup>722</sup>

During the 1979 to 1980 academic year, Dean Martin taught torts, conflict of laws, and evidence as a visiting professor at the University of Virginia.<sup>723</sup> In addition to his academic commitments, Professor Martin also served the courts in the late 1970s and early 1980s.<sup>724</sup> He conferenced cases for the Second Circuit and served as reporter for two committees in the New York federal courts.<sup>725</sup> He is also the co-author of the five volume *Federal Rules of Evidence Manual*, and of the *New York Evidence Handbook*. Moreover, Dean Martin wrote a column on evidence for the *New York Law Journal* for over twenty-five years.

Professor Martin served as faculty moderator for the *Fordham Law Review* from 1983 to 1995,<sup>726</sup> and continued to teach full time until 1995 when he assumed the position of associate dean.<sup>727</sup> During his six years as associate dean, Martin managed many of the internal workings of the law school.<sup>728</sup> He continued an aggressive period of faculty hiring that Professor Georgene Vairo, his predecessor as associate dean, began.<sup>729</sup> During this time, Fordham Law expanded the faculty by as many as four full-time professors per year.<sup>730</sup> In 2001, Martin stepped down in order to return to teaching full time.<sup>731</sup> After his tenure, the associate dean position was split into two positions.<sup>732</sup> Thereafter, Martin twice filled in as administrative associate dean during the 2004 to 2005 and 2007 to 2008 school years.<sup>733</sup>

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716. *Id.*

717. *Id.*

718. *Id.*

719. *Id.*

720. *Id.*

721. *Id.*

722. *Id.*

723. *Id.*

724. *Id.*

725. *Id.*

726. *Michael M. Martin, supra note 711.*

727. Interview with Michael M. Martin, *supra note 709.*

728. *Id.*

729. *Id.*

730. *Id.*

731. *Id.*

732. *Id.*

733. *Id.*

During his tenure as dean, Martin has had several goals for the school.<sup>734</sup> He has hoped to continue to expand the amount of financial aid that Fordham provides to students.<sup>735</sup> He has also noted the importance of expanding opportunities for public service, which was a significant consideration in the planning of the new law school building.<sup>736</sup> The clinical programs will move from a satellite location on 60th Street and occupy an entire floor in the new building.<sup>737</sup> Space will also increase for PIRC.<sup>738</sup> Most importantly, Martin continues to emphasize the compelling necessity of public service in a Fordham education. “There’s more to life—there’s more to being a lawyer than being a financial success. There’s a sense that you have an obligation to give and to give back.”<sup>739</sup>

#### IV. A CULTURE OF SERVICE

Having reflected on the dedication and service sown by the Fordham Law deans, it is appropriate to see what the Fordham Law community has reaped as demonstrated by its dedicated alumni, faculty, and students.

##### A. Alumni and Faculty

To describe all public and philanthropic service *individually* rendered by the thousands of Fordham Law graduates and its faculty is virtually impossible. Instead, at the risk of offending many who will of necessity remain unnamed, I would like to briefly highlight the careers of three of our alumni—Louis J. Lefkowitz, Frances Berko, and Lawrence W. Pierce—chosen because of their diverse backgrounds and as examples of the service and dedication rendered by so many of their peers.

Louis J. Lefkowitz attended the law school at night, working as a process server during the day.<sup>740</sup> After graduating in 1925,<sup>741</sup> he became a member of the New York State Assembly, then a Municipal Court judge<sup>742</sup> and, in 1957, he launched a twenty-two year career as the attorney general of New York State,<sup>743</sup> serving during the administrations of Governors William A. Harriman, Nelson A. Rockefeller, Malcolm Wilson, and Hugh L. Carey. As attorney general for over twenty years, he became the first attorney general from New York to take an active role in civil rights, environmental

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734. *Id.*

735. *Id.*

736. *Id.*

737. *Id.*

738. *Id.*

739. *Id.*

740. Louis J. Lefkowitz, *Evening Classes at Fordham Law School: 1922–1925*, 49 *FORDHAM L. REV.*, at xlii (1980); Interview by Robert H. Cooper, Jr., with Louis J. Lefkowitz, N.Y. Attorney General, New York, N.Y., at 1–3 (Mar. 3, 1989), available at [http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1003&context=alumni\\_biographical](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1003&context=alumni_biographical).

741. KACZOROWSKI, *supra* note 32, at 60.

742. Katsoris, *supra* note 32, at 2314.

743. Nick Ravo, *Louis J. Lefkowitz, 22-Year Attorney General, Dies at 91*, N.Y. TIMES, June 21, 1996, at A24.



protection, and the prevention of consumer fraud, earning a reputation as the “people’s lawyer.”<sup>744</sup> Moreover, in 1962, he became the first attorney general from New York to be appointed president of the National Association of Attorneys General.<sup>745</sup>

Frances Berko, who was afflicted with cerebral palsy,<sup>746</sup> attributed her acceptance into the law school (the year Pearl Harbor was bombed) to the sharp drop in applications because the war created more openings for women. Despite her disability, through hard work and determination, she became an associate editor of the *Fordham Law Review*.<sup>747</sup> While at school, she juggled schoolwork with an associate editor position on the *Law Review*, a part-time job, and physical therapy.<sup>748</sup> She also received two masters degrees—one in vocational rehabilitation from New York University in 1946, and the other in speech therapy from Wichita State University in 1956—and an honorary doctor of laws from Fordham Law School in 1994.<sup>749</sup>

After graduating from Fordham Law in 1944, she devoted herself to the handicapped. She taught and wrote extensively on the subject, helped start United Cerebral Palsy of New York,<sup>750</sup> drafted federal legislation, established a community center in Ithaca, New York, with its first infancy intervention program for parents of developmentally disabled children, and administered a program for profoundly multidisabled individuals who had been rejected for placement in educational programs.<sup>751</sup> In 1980, Governor Carey appointed her New York’s Advocate for the Disabled, a position she was later reappointed to by Governor Cuomo.<sup>752</sup> In 1991, she received the law school’s Alumni Medal of Achievement. The speaker on that occasion was Richard Thornburgh, the then attorney general of the United States, who had been instrumental in the passage of the Americans with Disabilities Act of 1990.<sup>753</sup> As Berko lifted herself from her wheelchair to take the microphone and say thank you, Thornburgh was overwhelmed, and proclaimed, “I am not sure why I am here today. She was the force behind it all!”<sup>754</sup>

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744. *Id.*

745. Katsoris, *supra* note 543, at 917 n.18.

746. HUTCHINSON, *supra* note 142, at 14.

747. Janet Reno, *Address Delivered at the Celebration of the Seventy-Fifth Anniversary of Women at Fordham Law School*, 63 FORDHAM L. REV. 5, 6 n.2 (1994). Janet Reno was the first female attorney general of the United States. *Id.* at 5 n.\*.

748. HUTCHINSON, *supra* note 142, at 14.

749. Reno, *supra* note 747, at 6 n.2.

750. *Id.*

751. HUTCHINSON, *supra* note 142, at 14.

752. *Id.*

753. Pub. L. No. 101-336, 104 Stat. 327 (codified as amended in scattered sections of 42 U.S.C.).

754. *Former Dean Addresses Graduates at 99th Law School Diploma Ceremony*, FORDHAM U. SCH. L. (May 23, 2006), <http://law.fordham.edu/newsroom/9566.htm>.

Lawrence W. Pierce was born on New Year's Eve in 1924 in Philadelphia.<sup>755</sup> Upon graduating from Fordham Law School in 1951, he embarked on a career devoted to public service. First, he worked as an attorney with the Legal Aid Society,<sup>756</sup> then as an assistant district attorney in Brooklyn, later as New York City deputy police commissioner in charge of the New York City Police Department's youth division.<sup>757</sup> Thereafter, he served as the director of the New York State Division for Youth, and, finally, as chairman of the State Narcotic Addiction Control Commission.<sup>758</sup> In 1971, he was appointed to serve as a judge on the U.S. District Court for the Southern District of New York,<sup>759</sup> and in 1979, he was appointed to the U.S. Foreign Intelligence Surveillance Court.<sup>760</sup> In 1981, he became a judge on the U.S. Court of Appeals for the Second Circuit, where he served with distinction, becoming the third African American to serve on the circuit following Thurgood Marshall and Amalya L. Kears. <sup>761</sup> He retired from the bench in 1995.<sup>762</sup>

Another broader and graphic example of the public service of our alumni is that since the first graduating class in 1908, approximately 700 Fordham Law alumni have served their communities as federal, state, and local court judges.<sup>763</sup> Moreover, Fordham's commitment to public service is further evidenced by the fact that as part of the law school's centennial celebration in 2005, the law school community pledged over 100,000 hours of public service.<sup>764</sup> As for the students themselves, they are encouraged to *voluntarily* render such service from the onset—largely with faculty supervision—by freely participating in the myriad of public service programs and clinics available to them. Many of these activities are hereinafter described.

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755. Arnold H. Lubasch, *Appeals Court Choice: Lawrence Warren Pierce*, N.Y. TIMES, Sept. 9, 1981, at B3.

756. *See id.*

757. *See id.*

758. FED. BAR COUNCIL, 1977 SECOND CIRCUIT REDBOOK 119 (Marc White ed., 1977).

759. *Id.*

760. FED. BAR COUNCIL, 1993–1994 SECOND CIRCUIT REDBOOK 66 (Vincent C. Alexander ed., 1993).

761. Lubasch, *supra* note 755.

762. *See* Katsoris, *supra* note 32, at 2324–25.

763. *Id.* at 2305.

764. *Id.* at 2304 n.2.



*Dean William Hughes Mulligan greets students on the first day of classes at the new Lincoln Center campus.*

### *B. Students*

Among the traits shared by Fordham Law students and alumni is a deeply rooted commitment to public service. During their years at Fordham, students engage in programs that benefit local, national, and international communities.<sup>765</sup> Fordham Law has well earned the reputation as a leader in the field of law school public service programs. This is largely due to its students' eagerness to adhere to the motto *In the service of others*. Indeed, in 2008, the ABA's Standing Committee on Pro Bono and Public Service selected Fordham's PIRC for a Pro Bono Publico Award.<sup>766</sup> In

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<sup>765</sup> Fordham's PIRC houses student pro bono, public service, and community service projects focused on such local issues as domestic violence and housing rights in New York City, and national issues through such groups as Fordham's Habitat for Humanity and Environmental Law Advocates. See *PIRC Student Groups*, FORDHAM U. SCH. L., <http://law.fordham.edu/public-interest-resource-center/7461.htm> (last visited Feb. 24, 2014). At the international level, Fordham students participate in international human rights work through the Leitner Center for International Law and Justice. See *Student Placement*, LEITNER CENTER INT'L L. & JUST., <http://leitnercenter.org/placement/> (last visited Feb. 24, 2014).

<sup>766</sup> See *ABA Pro Bono Publico Award—Past Recipients*, AM. B. ASS'N, [http://apps.americanbar.org/legal-services/probono/pbp\\_past\\_recipients.html](http://apps.americanbar.org/legal-services/probono/pbp_past_recipients.html) (last visited Feb. 24, 2014); see also *American Bar Association Honors Public Interest Resource Center at Fordham University School of Law with 2008 Pro Bono Publico Award*, FORDHAM U. SCH. L. (July 16, 2008), <http://law.fordham.edu/newsroom/8833.htm>.

commending PIRC, the ABA noted that Fordham's efforts are, "not only models for other law schools, they are models for us all."<sup>767</sup>

The pro bono efforts of Fordham students continue to significantly impact many. Between 1998 and 2008, Fordham students contributed 706,065 hours to public service.<sup>768</sup> The class of 2007 alone contributed more than 100,000 hours through internships, student advocacy groups, clinics, and community service projects.<sup>769</sup> Beyond these numbers, there are many noteworthy results. For example, in 2011, students in the Tax and Consumer Law Clinic won an important and far-reaching victory at the appellate level to preserve consumer rights.<sup>770</sup>

Additionally, through their own advocacy groups, Fordham students represent individuals at unemployment insurance hearings,<sup>771</sup> provide legal advocacy to victims of domestic abuse,<sup>772</sup> and help consumer defendants represent themselves in debt collection litigation.<sup>773</sup> Fordham students also developed community service projects, such as the popular Farm-to-Fordham group, which manages a rooftop vegetable garden on top of the neighboring Church of St. Paul the Apostle to bring organic produce to low-income families and soup kitchens.<sup>774</sup> While in no way an exhaustive list of student accomplishments, these examples represent a small selection of the larger tradition of student service at Fordham Law.

This tradition is the product of Fordham's comprehensive approach to service, which fuses student activism with law school support.<sup>775</sup> Under this model, students voluntarily initiate, organize, and participate in advocacy projects and community outreach groups.<sup>776</sup> To facilitate these

767. *ABA Pro Bono Publico Award*, *supra* note 766. The "Fordham Model" of public service has also garnered favorable attention as a useful method of encouraging student pro bono involvement. See Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 *FORDHAM L. REV.* 2415, 2443 (1999).

768. See *Personal Statement of Fordham Law School, ABA Pro Bono Publico Award—Past Recipients*, AM. B. ASS'N, [http://apps.americanbar.org/legalservices/probono/pbp\\_awards/fordham\\_statement.pdf](http://apps.americanbar.org/legalservices/probono/pbp_awards/fordham_statement.pdf) (last visited Feb. 24, 2014).

769. *ABA Pro Bono Publico Award*, *supra* note 766.

770. See *Tax and Consumer Clinic Wins Appellate Decision*, *FORDHAM U. SCH. L.* (Dec. 12, 2011), <http://law.fordham.edu/24698.htm>.

771. *Unemployment Action Center*, *FORDHAM U. SCH. L.*, <http://law.fordham.edu/public-interest-resource-center/11247.htm>.

772. *Domestic Violence Action Center*, *FORDHAM U. SCH. L.*, <http://law.fordham.edu/public-interest-resource-center/dvac.htm> (last visited Feb. 24, 2014).

773. *Consumer Law Advocates*, *FORDHAM U. SCH. L.*, <http://law.fordham.edu/public-interest-resource-center/11166.htm> (last visited Feb. 24, 2014).

774. *Farm to Fordham*, *FORDHAM U. SCH. L.*, <http://law.fordham.edu/public-interest-resource-center/17927.htm> (last visited Feb. 24, 2014); see also *Charity Is a Growth Business for Fordham Law Student*, *FORDHAM U. SCH. L.* (Sept. 2010), [http://www.fordham.edu/Campus\\_Resources/eNewsroom/topstories\\_1941.asp](http://www.fordham.edu/Campus_Resources/eNewsroom/topstories_1941.asp).

775. Thomas J. Schoenherr et al., *The Fordham Model: Student Initiated Projects for the Public Interest* (1998) (unpublished manuscript) (on file with *Fordham Law Review*) (noting that Fordham has adopted a "comprehensive approach to public service [that] includes scholarships and loan repayment assistance for students contemplating public service as a career objective, fellowships for summer employment in public service, a wide range of credit-bearing clinical and externship programs, and a variety of conferences, roundtable discussions and brown bag lunches offered throughout the academic year").

776. *Id.*; see also Rhode, *supra* note 767, at 2443.

endeavors, the law school provides students with the necessary space, resources, and guidance to run a project. The administration encourages student public service through PIRC,<sup>777</sup> the clinical program,<sup>778</sup> affiliated centers (such as the Feerick Center for Social Justice),<sup>779</sup> the Leitner Center for International Law and Justice,<sup>780</sup> and through numerous fellowships dedicated to public service.<sup>781</sup> Students also raise money through an annual goods and services auction that funds student internships at government organizations and nonprofits.<sup>782</sup> Thus, through a myriad of projects, groups, and clinics, Fordham students serve others while developing valuable professional skills and ideals in the process.<sup>783</sup>

For a period, however, the Fordham Law community debated whether the “Fordham Model,” which heavily relies on voluntary student involvement,<sup>784</sup> was the most effective way to encourage student pro bono work.<sup>785</sup> This debate over mandatory pro bono was not exclusive to Fordham. Rather, it was—and continues to be—part of a larger discussion on the bar’s responsibility to provide the poor with access to justice.<sup>786</sup> In 1988, Sol Wachtler, then chief judge of the New York Court of Appeals, established the Committee to Improve the Availability of Legal Services, commonly known as the “Marrero Committee,” to investigate the sufficiency of civil legal services for New York’s poor.<sup>787</sup> The Marrero

777. See *PIRC Student Groups*, *supra* note 765.

778. *Clinical Legal Education*, FORDHAM U. SCH. L., <http://law.fordham.edu/clinical-legal-education/clinics.htm> (last visited Feb. 24, 2014).

779. See *Feerick Center for Social Justice*, FORDHAM U. SCH. L., <http://law.fordham.edu/feerick-center/8366.htm> (last visited on Feb. 24, 2014) (noting that law students volunteer in Feerick Center social justice initiatives).

780. *Student Placement*, *supra* note 765.

781. Specific centers provide Fordham students with yearlong fellowships, *see, e.g., Women’s Bar Association Foundation Fellowship*, FORDHAM U. SCH. L., <http://law.fordham.edu/feerick-center/19288.htm> (last visited Feb. 24, 2014), or summer fellowships for public interest activities. *See, e.g., Donald J. Feerick Memorial Summer Fellowship: Social Justice Externship in Northern Ireland*, FORDHAM U. SCH. L., <http://law.fordham.edu/feerick-center/14195.htm> (last visited Feb. 24, 2014); *Rev. George J. McMahon, S.J. Summer Fellowship: U.S. Social Justice Research*, FORDHAM U. SCH. L., <http://law.fordham.edu/feerick-center/14188.htm> (last visited Feb. 24, 2014); *see also Student Placement*, *supra* note 765.

782. The Fordham Student Sponsored Fellowship provides students working in unpaid internships at governmental agencies and non-profit organizations with summer grants. *See FORDHAM STUDENT SPONSORED FELLOWSHIP*, <http://fssf.org> (last visited Feb. 24, 2014).

783. *See* CYNTHIA F. ADCOCK & ALISON M. KEEGAN, *THE AALS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 3* (2001), *available at* <http://www.aals.org/probono/probono.pdf> (noting that law school pro bono programs provide students with problem-solving, leadership, and lawyering skills while reinforcing the professional responsibility of serving those with limited means).

784. *See supra* note 767.

785. *See infra* notes 799–800.

786. *See* Debra D. Burke et al., *Mandatory Pro Bono: Cui Bono?*, 25 *STETSON L. REV.* 983 (1996); *see also* Roger C. Cramton, *Mandatory Pro Bono*, 19 *HOFSTRA L. REV.* 1113, 1114 (1991).

787. *See* Victor Marrero et al., *Committee To Improve the Availability of Legal Services Final Report to the Chief Judge of the State of New York April 1990*, 19 *HOFSTRA L. REV.* 755, 756 (1991). Judge Marrero recently spoke about this report at a Feerick Center event at the law school.

Committee Report, published in April 1990, found that the disparity between available free legal assistance and the poor's need for such services had reached "crisis proportions."<sup>788</sup>

To remedy this imbalance, the committee recommended that practicing attorneys contribute forty hours of pro bono work every two years.<sup>789</sup> Although the committee also found that law schools "could be a significant resource" for the poor, it decided against any measure requiring students or recent graduates to complete a quota of pro bono hours.<sup>790</sup> Chief Judge Wachtler deferred implementing the "controversial" mandatory pro bono recommendation, arguing instead that the appropriate resolution to the imbalance was to increase funding for legal services and assigned counsel programs.<sup>791</sup> Regarding mandatory pro bono, Judge Wachtler noted that the committee's proposal was "at best an inefficient way to deliver the very specialized kind of legal services that poor people need."<sup>792</sup> Recently, however, Chief Judge Jonathan Lippman, in response to the continuing dearth of legal services for the poor, announced that prospective lawyers must complete fifty hours of pro bono to receive admission to the New York State Bar.<sup>793</sup>

Whatever future benefits may flow from this new mandatory pro bono preadmission requirement, Fordham Law School—recognizing the importance of service to others—had long ago debated and concluded that student public service should not be mandated as part of its academic curriculum. In 1992, around the time that the law school's nascent public service programs began to gain traction, Fordham students, faculty, and administrators held a town meeting on whether student public service should be a mandatory requirement for graduation.<sup>794</sup> At the town meeting, Dean Feerick made introductory remarks before Professor Martin Flaherty

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788. *Id.* This conclusion was based on findings that only 14 percent of the poor's civil legal needs were being satisfied by existing pro bono programs. *See* 2 N.Y. ST. UNIFIED CT. SYSTEM'S PRO BONO CONVOCATIONS, THE FUTURE OF PRO BONO IN NEW YORK 3 n.9 (2004), available at [http://www.nycourts.gov/reports/probono/proBono\\_Vol2\\_report.pdf](http://www.nycourts.gov/reports/probono/proBono_Vol2_report.pdf).

789. Marrero et al., *supra* note 787, at 768.

790. *Id.* at 834. The committee chose instead to encourage law students to engage in law school clinics and law schools to implement loan forgiveness programs for students entering public service positions upon graduation. *Id.* at 835–36.

791. Sol Wachtler, *Introduction*, 19 HOFSTRA L. REV. 739, 740 (1991) ("Indeed, almost everyone who has joined the debate about mandatory pro bono, including the Marrero Committee, agrees that the best way to provide legal services to the poor is to increase funding for legal services and other social programs."); *see also* Joel Stashenko & Christine Simmons, *Lippman Unveils Rule Detailing Bar Admission Pro Bono Mandate*, N.Y. L.J., Sept. 20, 2012, at 1.

792. Wachtler, *supra* note 791, at 740.

793. *See* Joel Stashenko, *Lippman Announces Pro Bono Requirement for Bar Admission*, N.Y. L.J., May 2, 2012, at 1. Although Judge Lippman noted that pro bono is a core value of the lawyer's profession, he believes that the prospect of mandatory pro bono for existing members of the bar is untenable. *Id.*; *see also* Patricia Sears Doherty, *President Schraver Sends Letter to Chief Judge Opposing Mandatory Reporting of Pro Bono*, ST. B. NEWS, July/Aug. 2013, at 3.

794. *See* Mike Fries, *Mandatory Pro-Bono Debated at Fordham*, ADVOCATE, Mar. 1992, at 1, 5.

moderated a discussion panel of several experts.<sup>795</sup> One expert argued that forced pro bono was “unnecessarily extreme and possibly unconstitutional.”<sup>796</sup> Another argued that mandatory pro bono was desirable because it enabled law students to learn while serving the unmet legal needs of the poor.<sup>797</sup> Professors from both the University of Pennsylvania Law School and the University of Maryland Law School also discussed the mandatory pro bono programs at their schools.<sup>798</sup> In the end, those in favor of a voluntary model of public service carried the day, as the faculty and administration reserved decision on the mandatory question, while vowing to support the growth of voluntary programs and activities on campus.<sup>799</sup>

While each side of this debate has advantages, the voluntary model flourishes at Fordham. Indeed, Fordham students more than willingly participate in pro bono programs designed and implemented by others. In addition, they learn how to run a public service project.<sup>800</sup> Fordham students “own” their projects by developing “the fundraising, recruitment, and community-outreach skills necessary to sustain pro bono involvement.”<sup>801</sup> Students may choose among many projects and clinics based on interest. In this way, the community service and pro bono projects at Fordham maximize and reward “student initiative and altruistic commitment.”<sup>802</sup>

Perhaps the most pivotal period to the development of student public service at Fordham Law School was the late eighties to mid-nineties. Indeed, Dean Feerick described this period as “a time to build.”<sup>803</sup> During these years, the law school created many key programs and centers dedicated to promoting public service and ethics. In 1986, Fordham created an externship and clinical program that continued to develop and expand

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795. *Id.*

796. *Id.*

797. *Id.* at 10.

798. *Id.*

799. I participated in this debate and—although I clearly recognize the moral obligation of everyone to offer assistance to those in need and firmly support and encourage such activity—had some reservations of imposing such “mandatory” obligation on law students (as distinguished from requiring it as a condition to the privilege of practicing law). First, there is some doubt as to whether you can legislate morality. Moreover, such efforts are often short-lived, can become counterproductive, or can result in unintended consequences. In the case of law students who are piling up enormous amounts of student loans to obtain their education, see Josh Mitchell, *Student Debt Rises by 8% As College Tuitions Climb*, WALL ST. J., June 1, 2012, at A5, it does not seem just to unilaterally require such service when—in addition to their studies—these students may have to work to support their families or have other serious family or other collateral moral obligations. On the other hand, such service should be strongly encouraged and supported, as it is at *Fordham Law School*. Accordingly, I am enormously proud at how remarkably well meaningful public service activities by students have thrived at Fordham on a strictly voluntary basis.

800. Rhode, *supra* note 767, at 2443.

801. *Id.*

802. *Id.*

803. Interview with John Feerick, Norris Professor of Law, Fordham Univ. Sch. of Law, New York, N.Y. (July 16, 2012).

throughout the 1990s and 2000s.<sup>804</sup> In the 1980s, the Louis Stein Center for Law and Ethics, created in 1976, greatly expanded due to the important scholarship on legal ethics and professional responsibility of Professors Russell Pearce, Bruce Green, Matthew Diller, and Mary Daly.<sup>805</sup> Further, in the late 1980s and early 1990s, student initiative, faculty eagerness, and administrative and alumni support created PIRC.<sup>806</sup>

### C. PIRC

Since its 1992 inception, PIRC has proved a magnet for student pro bono and community service projects.<sup>807</sup> In contrast to Fordham's clinical programs,<sup>808</sup> which focus on the pedagogical value of experiential learning, PIRC allows students to create and manage their own projects, as well as contribute their time to legal and nonlegal projects alike.<sup>809</sup> Today, PIRC is home to twenty-five student-initiated and student-run pro bono, advocacy, and community service projects.<sup>810</sup> For many students, a PIRC group is their first extracurricular law school activity. For some years now, PIRC

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804. For information on Fordham's clinical program, see *infra* notes 848–58 and accompanying text.

805. Interview with John Feerick, *supra* note 803.

806. See *infra* notes 812–26 and accompanying text (discussing the history of PIRC).

807. PIRC's mission statement reads as follows:

The Law must serve society as a whole to effectively resolve controversy, to accommodate change, and to shape institutions. Lawyers are entrusted with the role of bridging the gap between all people and the laws that have been created to serve and protect them. The crisis we face as an American society, increasingly, is the lack of obtainable critical legal services that confronts the majority of our country's citizens. According to the American Bar Association, 80% of the legal needs of Americans go unmet because of a lack of knowledge about, or an inability to pay for these services. The majority of law students do not come from family units included in that 80% of our population. Law schools, as an integral part of their training, must provide students with opportunities to interface with people from this large majority of the population in order to effectively/experientially understand the broad perspective of the legal needs of the majority of the people in our country. The Public Interest Resource Center strives to educate law students about pro bono and volunteer opportunities through actual experiences working with people in need. The Public Interest Resource Center is based on the premise that students leading students increase opportunities for this experiential education.

See Schoenherr et al., *supra* note 775, at 1 n.4.

808. See *infra* notes 848–58 and accompanying text.

809. See *PIRC Student Groups*, *supra* note 765 (listing the various PIRC student groups, including legal advocacy groups and community service projects).

810. *Id.* PIRC was founded in 1992. *Fordham Law's PIRC Honored by American Bar Association*, FORDHAM U. SCH. L., [http://www.fordham.edu/Campus\\_Resources/eNewsroom/topstories\\_1272.asp](http://www.fordham.edu/Campus_Resources/eNewsroom/topstories_1272.asp) (last visited Feb. 24, 2014); see also Thomas M. Quinn, *Remarks Delivered on the Occasion of the Dedication of the Sidney C. Norris Chair of Law to Public Service*, 62 FORDHAM L. REV. 1 (1993). PIRC is staffed by Assistant Dean Tom Schoenherr, Director Andrew Chapin, Director Hillary Exter, and Office Manager Abby Hernandez-Brown. *Public Interest Resource Center: Staff*, FORDHAM U. SCH. L., <http://law.fordham.edu/public-interest-resource-center/2596.htm> (last visited Feb. 24, 2014).



has hosted a “public service day” for incoming students the Saturday before classes commence.<sup>811</sup>

Although PIRC is now well established, it is a fairly recent creation of the law school. Its existence is the result of both student eagerness for, and law school’s encouragement of, pro bono and community service programming. In the early 1990s, amid the mandatory pro bono debate,<sup>812</sup> Dean Feerick was committed to supporting student public service.<sup>813</sup> As such, Feerick, faculty members, and school administrators formed a committee to meet and discuss options.<sup>814</sup> Three thriving student public service groups greatly influenced the committee.<sup>815</sup> The first was the Fordham Pro Bono Project, founded by Peter Jakab of the class of 1987.<sup>816</sup> During his second summer of law school, Jakab worked for eight weeks as a summer associate at a large New York City law firm and for two weeks “on loan” from that firm at the Legal Aid Society.<sup>817</sup> Jakab was “so impressed” by the Legal Aid Society’s need for student interns that upon returning to Fordham for his final year, he collaborated with Dean Feerick and Fordham alumnus Archibald Murray, then executive director of the Legal Aid Society, to form a program for Fordham students to intern at Legal Aid during the school year.<sup>818</sup> These efforts resulted in the Fordham Pro Bono Project.<sup>819</sup> The second group was the Community Service Project, created by a group of students who regularly volunteered in the soup kitchen of the Church of St. Paul the Apostle, located across the street from Fordham’s Lincoln Center campus.<sup>820</sup> There, they prepared meals for the soup kitchen every night of the week.<sup>821</sup> The third group was the Fordham Student Sponsored Fellowship (FSSF).<sup>822</sup>

Due to the success of these groups, the public service committee desired to encourage similar projects.<sup>823</sup> Before creating a full-fledged public interest center, the committee decided to give Tom Schoenherr, the counselor for public interest careers in the placement office at the time, the additional responsibility of the public interest coordinator.<sup>824</sup> Eventually, however, as student activity continued to blossom, Schoenherr proposed the creation of a resource center with a full-time staff. Feerick agreed, and after some debate on whether the center should focus solely on law-related

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811. See Hillary Exter, *Starting the Year Off Right: Public Service Day*, NALP BULL., Apr. 2011, at 12, 12, available at [http://law.fordham.edu/assets/Newsroom/PS\\_Day.pdf](http://law.fordham.edu/assets/Newsroom/PS_Day.pdf).

812. See *supra* notes 784–93 and accompanying text.

813. Interview with Thomas Schoenherr, Assistant Dean, Fordham Univ. Sch. of Law, New York, N.Y. (Mar. 28, 2012).

814. *Id.*

815. *Id.*

816. See Schoenherr et al., *supra* note 775, at 5 n.13.

817. *Id.*

818. See *id.*

819. *Id.*

820. See *id.*

821. *Id.*

822. Interview with Thomas Schoenherr, *supra* note 813.

823. *Id.*

824. *Id.*

projects, the committee decided to adopt an inclusive structure that would support both law and community service projects.<sup>825</sup> In the summer of 1992, Schoenherr began working full time as the director of the new PIRC.<sup>826</sup> Over the years, PIRC grew in staff and projects.

Any history of PIRC's development would be incomplete without the mention of Professor Thomas M. Quinn, the first Sidney C. Norris Chair in Law of Public Service.<sup>827</sup> As the Norris Chair, Quinn, one of the first employees of the New York Legal Services Corporation (originally Community Action for Legal Services), was instrumental in providing PIRC with the necessary funding and guidance to develop into the dynamic community it is today.<sup>828</sup> Indeed, currently, nearly 500 Fordham law students participate in some form of pro bono or community service through PIRC every year.<sup>829</sup>

PIRC also houses the Stein Scholars Program, which is designed to provide mentoring and scholarly guidance to a select group of students interested in public interest law.<sup>830</sup> Through the Stein Program, selected law students work in public interest settings and complete a specialized

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825. *Id.*

826. *Id.*; *Fordham Law's PIRC Honored by American Bar Association*, *supra* note 810.

827. See Quinn, *supra* note 810, at 1; see also Interview with Thomas Schoenherr, *supra* note 813 ("Professor Quinn, in dedicating the Sidney C. Norris Chair to public service at Fordham Law, created the first such endowed chair dedicated to public service at any law school in the country.").

828. See Interview with Thomas Schoenherr, *supra* note 813; see also Quinn, *supra* note 810, at 1 n.\*.

829. See *Public Interest Resource Center*, FORDHAM U. SCH. L., <http://law.fordham.edu/pirc.htm> (last visited Feb. 24, 2014). Some highlights bear mentioning. In 2008, during her first semester of law school, Caroline Hsu, alumna of the class of 2009, founded—with PIRC's help—the Prisoners' Rights Advocates (PRA). *Equal Justice Works Names Fordham Law's Caroline Hsu 2008 Public Interest Law Leader*, FORDHAM U. SCH. L. (Sept. 30, 2008), <http://law.fordham.edu/newsroom/8791.htm>. Hsu had noticed that there was no criminal justice PIRC organization at the time. Tcastemp1, *Student Profile: Caroline Hsu*, YOUTUBE (June 15, 2009), <http://www.youtube.com/watch?v=J0lsyw0INE8>. Through the newly formed PRA, Hsu mobilized fifteen fellow students to draft and submit public comments to the city's board of corrections on the issues of overcrowding and prisoner safety. For these efforts, Hsu was awarded the prestigious Equal Justice Works Exemplary Public Service Award. See *Equal Justice Works Names Fordham Law's Caroline Hsu 2008 Public Interest Law Leader*, *supra*. Moreover, in 2011, PRA was awarded an ABA Good Works grant to create a series of videos addressing common legal issues that will be accessible in the law library at Rikers Island. *Prisoners' Rights Advocates: Winner in ABA Good Works Law Student Competition*, FORDHAM U. SCH. L. (July 1, 2011), <http://law.fordham.edu/newsroom/23006.htm>.

Additionally, the Fordham Law School Disaster Relief Network, which formed in the wake of Hurricane Katrina, has sponsored numerous trips to the Gulf Coast region to provide both legal and community assistance. This group also traveled to Haiti to help those recovering from the devastating earthquake. *Disaster Relief Network*, FORDHAM U. SCH. L., <http://law.fordham.edu/public-interest-resource-center/11243.htm> (last visited Feb. 24, 2014).

830. The Stein Scholars Program was named after Louis Stein, an alumnus of the class of 1926, the founder of the Stein Institute of Law and Ethics, and the founder of the Stein Center for Ethics and Public Interest Law. See *Dedication*, 64 FORDHAM L. REV. 1279, 1279 (1980).

course that focuses on legal ethics and public interest law.<sup>831</sup> Each year, twenty students are accepted into the program.<sup>832</sup> Throughout the school year, Stein Scholars host panel discussions, form pro bono outreach projects, and meet regularly to discuss public interest topics with professors and expert practitioners.<sup>833</sup> During the summer following their first year, Stein Scholars receive a modest stipend to fund internships at nonprofit organizations and government agencies.<sup>834</sup> In their remaining two years, Stein Scholars enroll in professional responsibility courses designed for public interest law and act as mentors to the new crop of scholars.<sup>835</sup> A significant advantage of the Stein Scholars Program is that upon receiving admission to the program, students enter a thriving community of like-minded law students and alumni.<sup>836</sup> Moreover, as law students, Stein Scholars build transferable organizing and advocacy skills by learning from one another.<sup>837</sup>

#### D. Fordham Student Sponsored Fellowship

One of the most notable public service activities at the law school is FSSF.<sup>838</sup> FSSF, founded in 1988 by Jay Sullivan of the class of 1989, provides summer funding to first- and second-year Fordham law students interning without pay at government agencies and nonprofit organizations.<sup>839</sup> Initially, FSSF existed in the form of the “day’s pay” program.<sup>840</sup> At the time, Fordham law students interning at public interest organizations noticed that fellow interns from other law schools defrayed the cost of their internship through school funding programs.<sup>841</sup> The “day’s pay” program sought to resolve this discrepancy by enlisting fellow Fordham students with paid summer positions to donate a day’s worth of wages to a fund that compensated fellow classmates with unpaid internships.<sup>842</sup> Dean Feerick, eager to support the program, promised that the law school would match the student pledges.<sup>843</sup>

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831. *Stein Scholars Coursework and Externship*, FORDHAM U. SCH. L., <http://law.fordham.edu/public-interest-resource-center/7187.htm> (last visited Feb. 24, 2014); see also Board of Editors, *supra* note 830, at 1279.

832. STEIN SCHOLARS PROGRAM IN PUB. INTEREST LAW & ETHICS, THE STEIN SCHOLARS PROGRAM 1 (2012), available at [http://law.fordham.edu/assets/PIRC/2012\\_Stein\\_Scholars\\_v6.pdf](http://law.fordham.edu/assets/PIRC/2012_Stein_Scholars_v6.pdf).

833. *Stein Scholars Coursework and Externship*, *supra* note 831.

834. *Id.*

835. *Id.*

836. Interview with Andrew Chapin, Dir. of Counseling and Pub. Interest Scholars, Fordham Univ. Sch. of Law, New York, N.Y. (Mar. 13, 2012).

837. *Id.*

838. FORDHAM STUDENT SPONSORED FELLOWSHIP, *supra* note 782.

839. See Schoenherr et al., *supra* note 775, at 17–18 & nn.43–45.

840. E-mail from Thomas J. Schoenherr, Assistant Dean, Fordham Univ. Sch. of Law, to Kimberly Channick, Articles and Notes Editor, Fordham Law Review (Jan. 24, 2014, 04:38 EST) (on file with *Fordham Law Review*).

841. Schoenherr et al., *supra* note 775, at 28–29.

842. E-mail from Thomas J. Schoenherr, *supra* note 840.

843. *Id.*

In 1992, the FSSF established an annual goods and services auction, thereby allowing the FSSF to grow.<sup>844</sup> The first auction was held in the McNally Amphitheatre on March 2, 1992.<sup>845</sup> It was a lively event, attended by hundreds of students, faculty, administrators, alumni, and parents.<sup>846</sup> The items up for bidding were diverse and ranged from lunches with Geraldine Ferraro (Fordham Law School class of 1960) and former secretary of state Cyrus R. Vance, to theatre and New York Knicks tickets, and included nights “on the town” with fellow classmates. The evening was a tremendous success. The auction has grown to become a yearly highlight in the Fordham community, garnering donations from alumni, students, faculty, and friends of Fordham. Obviously, concomitant with the auction’s success is the FSSF’s ability to fund an increasing number of student public interest internships. Since 1992, the FSSF has funded over 309,800 hours of student public service, and in recent years, the auction has helped fund roughly fifty student internships per year.<sup>847</sup>

#### E. Clinical Programs

Fordham also provides students with the opportunity to earn credit while representing real clients through its office of Clinical Legal Education.<sup>848</sup> The clinical program is designed to satisfy the twin aims of teaching: (1) developing students to become reflective and ethical practitioners through experiential learning; and (2) ensuring equal access to justice by serving clients who are unable to afford private counsel.<sup>849</sup> James A. Cohen, a former federal defender in the Southern District of New York, started Fordham’s clinical program in the late 1980s.<sup>850</sup> Since then, it has become a national leader.<sup>851</sup> Today, the program consists of seventeen clinics—available to both evening and day students—which include federal criminal felony defense, community economic development, securities litigation and arbitration, immigration law, and mediation.<sup>852</sup>

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844. *The Legend of Fuller the Golden Pig*, FORDHAM STUDENT SPONSORED FELLOWSHIP, <http://fssf.org/the-legend-of-fuller-the-golden-pig/> (last visited Feb. 24, 2014).

845. See William Bruno, *Over \$30,000 Raised at FSSF Auction*, *ADVOCATE*, Mar. 1992, at 1; see also *Auction!*, FORDHAM L. RAMBLINGS, Feb. 24–Mar. 9, 1992.

846. See Bruno, *supra* note 845.

847. See PUB. INTEREST RES. CTR., FORDHAM STUDENT SPONSORED FELLOWSHIP 21ST ANNUAL PUBLIC SERVICE AUCTION (2012), available at <http://fssf.org/wp-content/uploads/2012/10/FSSF2012Catalog.pdf>.

848. See *Clinical Legal Education*, *supra* note 778. The clinic’s slogan is “Real People. Real Issues. Real Outcomes.” See *Next Stop: Clinics!*, FORDHAM U. SCH. L., [law.fordham.edu/clinical-legal-education/11751.htm](http://law.fordham.edu/clinical-legal-education/11751.htm) (last visited Feb. 24, 2014).

849. See *Getting Real*, FORDHAM LAW. MAG., Spring 2012, at 26.

850. *Id.* at 24.

851. This is due, in part, to the school’s reputation for focusing on practical legal skills and its mission of serving others. In the most recent *U.S. News and World Report* law school rankings, Fordham’s clinical program was ranked sixteenth in the country. See *U.S. News Ranks Fordham Law #38 in the Nation, Evening Program #3*, FORDHAM U. SCH. L. (Mar. 2013), <http://law.fordham.edu/newsroom/29278.htm>.

852. *Clinical Legal Education*, *supra* note 778; see also Interview with Ian Weinstein, Assoc. Dean, Fordham Univ. Sch. of Law, New York, N.Y. (July 2, 2012).

Fordham's clinics are routinely successful in representing their clients. In 2011, students in the Securities Litigation and Arbitration Clinic successfully won punitive damages for their client in an action against a broker who executed unauthorized trades and "churned" the client's account to generate large commissions.<sup>853</sup> Also in 2011, students in the Immigrants Rights and Access to Justice Clinic secured asylum for an immigrant from Cameroon.<sup>854</sup> In the past three years, the Family Advocacy Clinic has not lost any case that it has brought on behalf of lower-income children with learning disabilities.<sup>855</sup> Moreover, outside recognition of the Clinical Program's value is abundant. For example, in April 2012, the New York City Council honored Fordham's Immigrant's Rights Clinic with a proclamation.<sup>856</sup> And in 2009, the news program *Dan Rather Reports* spotlighted the Securities Litigation and Arbitration Clinic's record of success in representing defrauded investors.<sup>857</sup> Thus, while clinics are now commonplace in law schools, few are as extensive in practice areas and as highly regarded as Fordham's.

Nevertheless, beyond the many victories Fordham students have won in various clinics, a more fitting measure of the clinical program's success involves the amount of otherwise unrepresented clients Fordham students serve each semester under the direction of a dedicated and expert group of faculty-practitioners. As Dean Ian Weinstein notes, "Representing clients with real problems helps students develop their moral and emotional habits. Clinic work is not just about winning a case, or doing well in a class; it is about responsibility to and for another human being."<sup>858</sup> Students also gain valuable experience—in the past two years, three students in the federal litigation clinic have argued cases before the Second Circuit.

#### F. *The Leitner Center for International Law and Justice*

Fordham students also contribute significantly to furthering international human rights through the Leitner Center for International Law and Justice.<sup>859</sup> The Leitner Center's mission is to "contribute to the promotion of social justice around the world" by encouraging adherence to the

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853. See *Securities Litigation & Arbitration Clinic Wins Punitive Damages Against Predatory Broker*, FORDHAM U. SCH. L. (Aug. 3, 2011), <http://law.fordham.edu/23197.htm>; see also Constantine N. Katsoris, *Securities Arbitration: A Clinical Experience*, 25 FORDHAM URB. L.J. 193 (1998).

854. *Immigrant Rights and Access to Justice Clinic Scores Two Victories*, FORDHAM U. SCH. L. (Nov. 18, 2011), <http://law.fordham.edu/24450.htm>.

855. E-mail from Leah Hill, Assoc. Clinical Professor, Fordham Univ. Sch. of Law, to Todd G.E. Melnick, Assoc. Librarian for Pub. Serv., Fordham Univ. Sch. of Law (Dec. 21, 2013, 9:57 EST) (on file with *Fordham Law Review*).

856. See *Immigrant Rights Clinic Honored by City Council*, FORDHAM U. SCH. L. (April 24, 2012), <http://law.fordham.edu/26251.htm>.

857. See *Securities Arbitration Clinic on Dan Rather Reports*, FORDHAM U. SCH. L. (Dec. 16, 2009), <http://law.fordham.edu/16198.htm>.

858. See Ian Weinstein, *Teaching Reflective Lawyering in a Small Case Litigation Clinic: A Love Letter to My Clinic*, 13 CLINICAL L. REV. 573, 576 (2006).

859. See *supra* note 765.

standards of international law and international human rights.<sup>860</sup> To further this goal, the center engages in both scholarly research and advocacy.<sup>861</sup> Students play a central role in this mission. Each summer, the center provides a stipend to between fifteen and twenty-five Fordham Law students to work at international human rights organizations.<sup>862</sup> These stipends have allowed students to intern at various nongovernmental organizations (NGOs) in Europe, the Middle East, Africa, South America, and Asia.<sup>863</sup>

The Leitner Center is also home to the Crowley Program in International Human Rights.<sup>864</sup> Crowley Scholars are selected by the center based on a demonstrated interest in, and commitment to, international human rights. During their second year, these scholars complete an intensive program consisting of coursework in human rights theory, practice, and advocacy.<sup>865</sup> After completing their second year, Crowley Scholars complete a fact-finding mission on a human rights issue and publish a scholarly report of their findings<sup>866</sup> in the *Fordham International Law Journal*. Past reports have studied mental health and human rights in Cambodia,<sup>867</sup> land access and land rights in Nepal,<sup>868</sup> and corporate social responsibility in Bolivia.<sup>869</sup> In 2001, the Crowley mission and report on women's property rights in Ghana was the subject of a PBS documentary.<sup>870</sup>

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860. *About Leitner Center*, LEITNER CENTER INT'L L. & JUST., <http://leitnercenter.org/about/> (last visited Feb. 24, 2014). The Leitner Center mission reads as follows:

The mission of the Leitner Center is to contribute to the promotion of social justice around the world by encouraging knowledge of and respect for international law and international human rights standards in particular. The Center furthers this goal by sponsoring education, scholarship, and human rights advocacy, and facilitating collaboration among law students, scholars, and human rights defenders in the United States and abroad.

*Id.*

861. *Id.*

862. *See Student Placement*, *supra* note 765.

863. *See id.*

864. *See Crowley Program in International Human Rights*, LEITNER CENTER INT'L L. & JUST., <http://leitnercenter.org/programs/CIHR/> (last visited Feb. 24, 2014).

865. *See id.*

866. *Id.*

867. *2011 Cambodia*, LEITNER CENTER INT'L L. & JUST., <http://leitnercenter.org/programs/2011camb/> (last visited Feb. 24, 2014).

868. *See* Elisabeth Wickeri, "Land Is Life, Land Is Power": Landlessness, Exclusion, and Deprivation in Nepal, 34 *FORDHAM INT'L L.J.* 930 (2011).

869. *See* Maria McFarland Sanchez-Moreno & Tracy Higgins, *No Recourse: Transnational Corporations and the Protection of Economic, Social, and Cultural Rights in Bolivia*, 27 *FORDHAM INT'L L.J.* 1663 (2004).

870. *See* Jeanmarie Fenrich & Tracy E. Higgins, *Promise Unfulfilled: Law, Culture, and Women's Inheritance Rights in Ghana*, 25 *FORDHAM INT'L L.J.* 259 (2001); *2001 Ghana*, LEITNER CENTER INT'L L. & JUST., <http://leitnercenter.org/programs/2001ghana/> (last visited Feb. 24, 2014) (noting that the mission was documented by PBS).

### G. The Feerick Center for Social Justice

Today, the Feerick Center for Social Justice builds on Dean Feerick's extensive legacy of public service. The Feerick Center's mission is to fight poverty by connecting low-income New Yorkers with legal resources.<sup>871</sup> Fordham law students contribute to this mission in a variety of ways. As volunteers, they assist in the planning and administration of the Civil Legal Advice and Resource Office (CLARO), a weekly walk-in clinic housed in Manhattan and Bronx courthouses that provides legal advice to low-income consumer debtors who are sued by creditors or collection agencies.<sup>872</sup> In addition to the CLARO program, the Feerick Center also runs a social justice clinic,<sup>873</sup> provides students with fellowships to address issues of domestic violence,<sup>874</sup> and conducts social justice research in both the United States<sup>875</sup> and Northern Ireland.<sup>876</sup>

Dean Feerick, in discussing what continues to motivate him to serve the most needy among us, stated, "You can't let something that's overwhelming overwhelm you."<sup>877</sup> As the preceding discussion indicates, many Fordham Law students followed this sage advice. Indeed, what the many divergent pro bono, advocacy, and community service projects at Fordham Law School share in common is that they all focus on solving problems for persons and communities in need of assistance. Fordham Law students, whether it is through a PIRC group, a clinic, an internship, or a scholarly research pursuit, prove, time and again, capable at solving challenging and immediate problems *in the service of others*.

### V. A TWENTY-FIRST CENTURY HOME FOR SERVICE

By its centennial anniversary in 2005, the law school once again had outgrown its facilities at Lincoln Center. To relieve this congestion, construction began in 2011 on a new law school building only a few yards to the west of the present one.<sup>878</sup> This building will more than double instructional space to over 36,000 square feet and include a library of over 60,000 square feet. Moreover, the exterior facade will complement the

871. See *Feerick Center*, *supra* note 649.

872. See *id.* Thus far, CLARO has helped over 2,500 consumer debtors defend themselves in court. *Feerick Center Releases CLARO Impact Report*, FORDHAM U. SCH. L. (Mar. 9, 2012), <http://law.fordham.edu/newsroom/25535.htm>.

873. See *id.*

874. *Women's Bar Association Foundation Fellowship*, *supra* note 781.

875. *Rev. George J. McMahon, S.J. Summer Fellowship*, *supra* note 781.

876. *Donald J. Feerick Memorial Summer Fellowship*, *supra* note 781.

877. *Poor and Disadvantaged Find Zealous Advocate in Former Law School Dean*, INSIDER FORDHAM ONLINE MAG. (Apr. 6, 2010), [http://www.fordham.edu/campus\\_resources/enewsroom/inside\\_fordham/april\\_6\\_2010/in\\_focus\\_faculty\\_and/poor\\_and\\_disadvantag\\_749\\_96.asp](http://www.fordham.edu/campus_resources/enewsroom/inside_fordham/april_6_2010/in_focus_faculty_and/poor_and_disadvantag_749_96.asp) ("With so many areas of need on which to focus, Feerick acknowledges that the center will never be without work. It helps that it has a finely tuned process to decide where to direct its efforts. 'It's clearly overwhelming in one sense. But it's not unlike life itself. You have to make choices. You can't let something that's overwhelming overwhelm you, so as to immobilize you from living,' [Feerick] said.")

878. See *Fordham Toasts Future at Groundbreaking*, *supra* note 410.

majestic performance facilities of neighboring Lincoln Center.<sup>879</sup> As beautiful and impressive as these facilities are—and as we enter a new chapter in our history—we must not forget Robert Kennedy’s enduring words that Fordham is defined by the heart and soul of its people and not by its buildings.<sup>880</sup>

In over a century of operation, Fordham Law School has continued to outgrow its brick and mortar facilities, as well as the size and scope of its mission. It progressed from a small regional law school to a large international legal institution with its J.D. and LL.M. programs exceeding 1,600 students from over forty countries, and including summer programs in Ireland, Korea, and Ghana. Despite these enormous strides and changes, there has always been one common underlying theme to its existence. Since its humble beginnings in 1905 to the present day, the theme and phrase consistently associated with Fordham Law School, its faculty, administrators, alumni, and students has been: “In the service of others.” This recognition was *earned* by members of the Fordham community through both their excellent and ethical daily work and their selfless contributions to the legal profession and community at large.<sup>881</sup>

Dr. Martin Luther King Jr. once counseled: “Everyone can be great. Because anyone can serve. You don’t have to have a college degree to serve. . . . You only need a heart full of grace.”<sup>882</sup> To a large extent, the motivation to help others comes from within. Having said that, however, instincts can be nurtured by good examples, and it has been so at Fordham Law School from the very beginning. Over the years, opinions have differed in academia as to whether such participation by law students should be voluntary or made a mandatory condition for graduation. Although reasonable people can differ, it is my firm conviction that it remain a voluntary part of the curriculum; otherwise, whatever good is sought to be achieved by coerced conscription is fleeting and often counterproductive in the long run.

At Fordham Law School, this participation has been voluntary, making its students’ and alumni’s outstanding record of service that much more extraordinary. Thus, I am especially proud of our students and alumni for their overwhelming participation in the service to others. However, I would like to thank the deans described in this Article (and the faculty as well) who have nurtured this spirit of volunteerism not only with rhetoric but also by example.

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879. Noeleen G. Walder, *New Building To Double Space at Fordham Law School*, N.Y. L.J., Jan. 24, 2011, at 1. Undergraduate dormitories will also be added above the new law school structure. *See id.*

880. *See supra* note 2 and accompanying text.

881. In 2008, PIRC received the ABA’s Pro Bono Publico Award, marking the second time it has been issued to a law school. *ABA Pro Bono Publico Award*, *supra* note 766.

882. MARTIN LUTHER KING, JR., *THE WORDS OF MARTIN LUTHER KING, JR.* 17 (Coretta Scott King ed., 2008).



It was Mahatma Ghandi who concluded: “The best way to find yourself is to lose yourself in the service of others.”<sup>883</sup> These words eloquently describe why such service is so self fulfilling and rewarding and why I look to the future with great confidence that Fordham Law School will remain true to its past and never abandon its long tradition of service to others. Indeed, “[t]he past is but the beginning of a beginning, and all that is and has been is but the twilight of the dawn.”<sup>884</sup>

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883. RICHARD J. LEIDER, *THE POWER OF PURPOSE: FIND MEANING, LIVE LONGER, BETTER* 35 (2d ed. 2010) (emphasis omitted).

884. H. G. WELLS, *THE DISCOVERY OF THE FUTURE* 60 (1913).