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## Remarks Delivered on the Occasion of the Presentation of the Fordham-Stein Award to the Honorable William Hughes Mulligan

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**DEDICATION**  
**THE BOARD OF EDITORS**  
**OF THE**  
**FORDHAM LAW REVIEW**  
DEDICATES THIS ISSUE  
TO  
**THE HONORABLE WILLIAM HUGHES**  
**MULLIGAN**

RECIPIENT OF THE FORDHAM-STEIN AWARD

**REMARKS DELIVERED ON THE OCCASION OF**  
**THE PRESENTATION OF THE FORDHAM-**  
**STEIN AWARD TO THE HONORABLE**  
**WILLIAM HUGHES MULLIGAN\***

*JOHN D. FEERICK\*\**

Some sixteen years ago in the wake of the Watergate scandal and its Congressional hearings, the reputation of the legal profession fell to a very low ebb. The honor and integrity of "lawyering" became suspect in the popular imagination and among many in the profession as well.

It was at this point that Louis Stein proposed the institution of a national award to recognize those members of the profession whose careers exemplify outstanding standards of professional conduct, promote the advancement of justice and bring credit to the profession. It was his vision that the prize would emphasize in the public's mind the contributions of lawyers to our society and to our democratic system.

With this mandate, each year a distinguished selection committee has received nominations from jurists, law teachers and prominent lawyers

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\* A.B. 1939, Fordham University (cum laude); J.D. 1942, Fordham Law School (cum laude); Professor of Law 1946-1954, Fordham Law School; Assistant Dean 1954-1956, Fordham Law School; Dean and Wilkinson Professor of Law 1956-1971, Fordham Law School; Judge, U.S. Court of Appeals for the Second Circuit 1971-1981; Member, The Federal Judicial Center 1979-1981; Member, Committee on the Judicial Branch of the U.S. Judicial Conference 1981-present; Member, Committee on Rules and Operating Procedures of U.S. Court of Appeals 1982-present; Recipient, New York Bar Association Gold Medal 1982; Recipient, American Jewish Committee's Learned Hand Human Relations Award 1986; Member, New York City Board of Ethics 1986; Director, Catholic Charities Archdiocese of New York 1985-present; Trustee, St. Patrick's Cathedral 1981-present; Trustee, Fordham University 1982-present.

\*\* Dean, Fordham Law School. These remarks were delivered on October 25, 1990 on the occasion of the presentation of the Fordham-Stein Award to the Honorable William Hughes Mulligan.

from across the nation. Since its creation, the prize recipients have included three members of the United States Supreme Court; a former U.S. Attorney General; two highly revered federal judges for New York; a lawyer who played a major role in the release of our hostages in Iran; an outstanding defense attorney; a distinguished prosecutor; a law professor who served in important government positions; and a lawyer who has devoted her entire life to public service on behalf of the disadvantaged. These individuals represent many areas of the law, but they have two things in common: their commitment to the highest ethical and professional standards and the leadership that they have provided to our nation and society.

The recipient of this year's Fordham-Stein Prize, William Hughes Mulligan, follows in this great tradition. He has promoted the honor and dignity of the profession in all that he has done. A person of sterling integrity, we have seen his leadership as educator, judge and private practitioner.

Born in the Bronx, educated at Fordham College and Fordham Law School and seasoned by service in the United States Army, Judge Mulligan's career as an educator was instrumental in shaping and molding Fordham Law School into one of the great American legal institutions. Joining the law faculty in 1946, he taught practically every course in the curriculum, including criminal law, procedure, equity, trade regulation and insurance law. He also lectured extensively at the bar and wrote important articles for law reviews and other publications.

In 1956, he was named Dean and Wilkinson Professor of Law at Fordham Law School. In this position he moved his alma mater, both literally and academically, into the modern era. He planned and launched Fordham's move to a Lincoln Center campus. He recruited an outstanding faculty. He opened the doors of prestigious law firms to the students of the School, and led by example in public service activities, including service as counsel to the New York State Constitutional Convention as well as Chair of the State Commission on Reapportionment of the Legislature. He inspired a generation of lawyers and students with his wisdom, humanity and humor. I would like to share with you some comments that reflect the contributions our recipient has made to Fordham Law School.

As one long-time faculty member recalls, "Dean Mulligan's own vision for Fordham Law was both profound and realistic, and he worked at it very hard and very effectively. He encouraged the broadening of the curriculum and introduced twenty-one new courses during his time as dean." Another noted that "he introduced Wall Street to Fordham Law School, to the tremendous advantage of both."

In 1971, Dean Mulligan became Judge Mulligan with his appointment to the United States Court of Appeals for the Second Circuit. During the next decade, he achieved an enviable reputation for his even-handedness, legal craftsmanship and well-reasoned opinions. His excellence as a

judge was recognized at various times when he was mentioned as a candidate for the United States Supreme Court. A former colleague, Chief Judge Wilfred Feinberg, recalls that

right from the start my basic feeling about him was that beneath that jovial exterior lurked a fine scholar, who took the work of the court very seriously. In a very short time, I realized that he was an ideal colleague: a man of convictions, although easy to get along with, prepared, interested, highly intelligent and a fine writer. When he left the court in 1981 I knew I would miss him a lot, and I have.

Though Judge Mulligan's scholarship and the strength of his pen earned him the very highest accolades from colleagues and those who practiced before him, those in the profession know that a truly great judge must also be wise, and through this wisdom inspire others. Bill Mulligan is a person of remarkable wisdom, and he has imparted it to others in many different ways.

As one of his former law clerks notes:

Except for my parents, I have learned more about fulfilling the obligations of a man and citizen from Judge Mulligan than anyone else. The reason his lessons have been so indelible is because they were through example. He treated everyone with respect and dignity. No one who ever has had an opportunity to spend even a few minutes with him did not feel better about themselves after it. Judge Mulligan has always been a mortal enemy of pomposity and arrogance. He once told me that a trip on the subway was a sure cure for it. Everyone, even those who wore black robes for a living, had to stand on line for a token and no one recognized you as being any better than anyone else.

Above all, a judge must be fair. Without integrity, everything else fails. In his service on the Second Circuit Court of Appeals, Bill Mulligan exhibited the highest standards of personal integrity, bringing enormous credit to the judiciary and the profession at large. Another former law clerk reminisced that

the facts and the law dictated his decisions, not any personal predilections. No one worked harder or was fairer. For example, in *Gates v. Henderson*, the original panel reached a two-to-one result in a habeas corpus case. The court en banc reversed the case. Judge Mulligan, who was not on the original panel, wrote the opinion. There were no dissenters, including the majority members of the original panel.

After ten years on the federal bench, Judge Mulligan resigned to become a partner at the New York law firm of Skadden, Arps, Slate, Meagher & Flom. He joined the firm as a litigation partner, concentrating his practice on appellate litigation and arbitration and helping to mold that firm into one of the great legal institutions of this era. Among the highlights of his career in private practice was serving as a Special Master in the E.F. Hutton Bank Restitution Program, and successfully representing Anheuser-Busch through its appeal to the United States Supreme Court in a constitutional challenge to a Connecticut law.

Throughout his entire career, he has served the legal profession and community in countless ways—from important committees of the Judicial Conference to service as a Director of Catholic Charities for the Archdiocese of New York, and as a Trustee of both Fordham University and St. Patrick's Cathedral.

The impact of his work can be glimpsed in the many honors and awards he has received, including honorary degrees from seven universities. He received the New York Bar Association Gold Medal in 1982, the American Jewish Committee's Learned Hand Human Relations Award in 1986, and every honor Fordham University can confer on a graduate.

No portrait of William Hughes Mulligan—whether on or off the bench—would be complete without some examples of his legendary humor, which has earned him a place in the folklore of our profession. Like a fine craftsman, he uses humor to bring joy, to instruct, to illuminate, and (on certain occasions) to deflate the pompous.

For example, one of Bill's former clerks recalls the following oral argument:

Appellant's lawyer was unprepared, rambling and had exceeded his allotted time. He concluded his argument by loudly and dramatically demanding that the Court follow the immortal words inscribed over the doors of the Supreme Court and "give my client 'Equal Justice under the Law.' That, your honor, is what I demand of this court." Judge Mulligan then responded, "Well, what the court demands of you, sir, is to follow the immortal word above the door at the Loew's Paradise — 'EXIT.'"

Many have commented that they never wished to follow Mulligan at the podium for he was always the most gifted in that venue, whether speaking from a prepared text or extemporaneously. A former chief judge of the United States Court of Appeals for the Second Circuit wrote to me that he was very pleased on one occasion to have an opportunity to introduce Judge Mulligan as his brother on the bench. Mulligan rose to the microphone and announced that his mother "would have been surprised and delighted to find out that I had a brother named Feinberg."

On another occasion, Judge Mulligan described the beginnings of his teaching career:

I wanted to teach law and I applied for a full time job as a professor at Fordham—Ignatius Wilkinson was the Dean and asked me what my qualifications were—I told him that I had high marks, made the *Law Review* and had spent three years as an agent in the United States Army's Counter Intelligence Corps. Wilkinson, who resembled Franklin Roosevelt, said to me "Mulligan, I am running a law school, not a detective agency."

Recounting his days as an assistant dean at Fordham Law School, Bill related:

The Dean took me aside on my first day as assistant dean. He said, "Bill, you and I are going to attend a lot of banquets and lunches together. It is important that we display to outsiders that the administration here at Fordham is working as a team. So when we are at these meals, I'm going to grab a roll and toss it to you. You will catch it and toss it back. This will be symbolic of our teamwork."

I understand that in his first year as Assistant Dean, Judge Mulligan never ate a meal in the Dean's presence. He was terrified that at any moment a roll or a slice of bread would land in his soup or gravy.

In dissenting opinions, Judge Mulligan has used the term "Serbian Bog," a reference to the works of the poet John Milton. When asked by a colleague why he used such an obscure term, he replied that "[nobody knows] what it means, but they know it's not good, [and a] primary purpose of a dissent is, of course, to annoy the majority." It is no wonder that Bob Hope once commented after following Bill at an Alfred Smith dinner, "I never again want to follow that guy on a platform." And it is not surprising that William Butler Yeats, in his "Fiddler of Dooney" said that "the truly good people of this earth are those who are merry" because they bring heaven to this world.

No review of the career of our recipient would be complete without mentioning his "co-pilot" Roseanne, his beloved wife of forty-five years, his children, Anne, Steve, Bill and Bill's wife Mary Liz, and his six grandchildren. Bill has had many titles—judge, professor, dean, Mr. and your worship—but I know that the one that means the most to him is "Grandpa."

On a personal level, I wish to express again my own special gratitude to my Dean, Bill Mulligan, for serving as an important intermediary on the day I first met my wife at a moot court program at Fordham Law School when I was a student in March 1960. Beyond this personal remembrance, let me say that for my generation of Fordham students there is no way to express how important Dean Mulligan was in our lives. Most of us were the children of immigrant parents and Bill represented all that was good and possible as a human being—he was our hero—and he remains so to this day. He has brought joy to everyone through the magic of his humor, lifting spirits, lessening the burdens of everyday life, teaching and healing—never hurting anyone. Our recipient has moved us with his philosophy, challenged us with his wit, and guided student and colleague alike with his sure and steady hand. He has embodied every high quality that the legal profession could hope to instill in its practitioners. He has held high the banner of our profession and imbued it with an honor and dignity that has earned it respect in the eyes of our fellow citizens and brought him universal admiration.

It is a great honor for me to present the 1990 Fordham-Stein Award to William Hughes Mulligan.

