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Cover Page Footnote

* This eulogy was delivered on December 4, 2008. Its text has since been very lightly edited. ** Norris Professor of Law, Fordham University School of Law; Dean, Fordham University School of Law, 1982–2002.

DEAN MARY DALY: A EULOGY*

*John D. Feerick***

I would like to express the esteem, respect, and admiration we all had for Mary and the depth of the sadness we feel at her death. She left us much too early. I feel lucky to have known her from about the time she graduated from law school over thirty-five years ago. When she applied to Fordham Law School, in March 1969, she said that the principal reason why she wanted to study law was the “belief that the law, if properly constructed and interpreted, represents the nation’s greatest hope for racial justice.” Consider what she said at age twenty-one, and the present moment. She lived to see racial barriers fall all across America.

I suspect each of us had something in common with Mary. Mary and I enjoyed much in common, starting with our Catholic faith and our love of our family. We were the products of Catholic grammar schools and high schools and both of us enjoyed an undergraduate and legal education at Fordham. Mary attended Fordham’s Thomas More College, from which she graduated with the highest of honors, as she did from Fordham Law School where she served as an editor of its law review. Mary also went on to receive a master of laws degree from New York University.

Throughout her school years, she devoted enormous amounts of time to volunteer activities involving poor children and the inner city. Not surprisingly, in her application to Fordham Law School, she said that upon graduation she wanted to work in areas of urban law and on behalf of the indigent.

Upon graduation, she practiced law with a distinguished firm, Rogers & Wells, and then served the public for almost ten years as an Assistant United States Attorney in the Southern District of New York. She managed and supervised the Civil Division of that office, tried cases in federal and state courts, argued appeals in the U.S. Court of Appeals for the Second Circuit, and won acclaim for her professionalism and skill as a federal prosecutor. In 1982, when I was appointed Dean of Fordham Law School, Mary became the first person to be recommended that school year to join the Fordham Law faculty at the beginning of the next school year. She was recommended by a committee of former teachers chaired by the late

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Professor Joseph Crowley of Fordham, who described her potential as a teacher as “excellent.” Another member of the committee, Professor Robert Byrn, said, “She impressed all of us with her scholarly interests and dynamic personality.” To be sure, her three personal interests as reflected in her résumé at the time added to her attraction: “promotion of French cultural affairs in New York City, short-wave radio broadcasting and restoration of brownstone housing in New York City.”

Little did any of us realize the impact this small woman would have on the school and the legal profession. The seventeenth-century French poet and composer Jean LaFontaine said, “People who make no noise are dangerous.” He also said, “By the work, one knows the workman.” Mary devoted boundless energy to building and promoting communities and institutions. Much of the recognition that she received for her accomplishments came simply in the form of more work and more challenging assignments. She never sought honors. She sought opportunities to serve others, as a leader in the law school, the organized bar, and legal academia. She lived Carol Gilligan’s ethic of care, not of individual rights but of relationships.

Father William Harrington said, in his moving statement announcing Mary’s death, that she had had a transformative impact on St. John’s Law School. So, too, at Fordham. As described by Fordham Dean William Michael Treanor, Mary, as director of the school’s Louis Stein Institute on Law and Ethics and later co-director of its Stein Center on Law and Ethics, helped turn into a national model the contextual teaching of ethics. She accomplished more than anyone else could ever have imagined, working with and through the little community of ethics professors that she had constructed, consisting of herself, Bruce Green, and Russell Pearce. Professor Green said that the “subject of ethics resonated with Mary because it was about values, such as integrity and fairness, that she held deeply, and because it was about the legal profession and law practice, which she loved.”

I recall attending one ABA program where I heard a speaker on ethics give a brilliant presentation. It was a large, crowded room and I was unable to see the speaker because of a pillar behind which I sat. Immediately after the talk, I asked someone near me who the speaker was, only to be told it was Mary Daly of Fordham. I frankly did not identify, and this is true, either the voice or the breadth of the vision expressed by Mary on that occasion. She was masterful in her description of what a legal ethics curriculum might look like. The vision she expressed on that occasion became a major legacy of hers to Fordham and the legal profession.

Both at St. John’s and Fordham, Mary was renowned for her legal scholarship and marvelous teaching. She was loved by students. At Fordham, she was selected as the Teacher of the Year. At St. John’s, she was immortalized in a student production on St. Patrick’s Day 2005, entitled “Mary Daly,” to the tune of “Mame.” In the stanzas of the tune, the students proclaimed, “You took the reins of the law school from Pat and

Rudy, Brian, Vince, and Joe. You are our first female dean, and that means that we are glad you run the show. . . . St. John's is happy you're here, even though you were at Fordham for so long. Since you first came upon the scene, we've been ecstatic and serene." The tune concluded: "Mary we love that you are our dean."

Mary's leaving Fordham to become dean of St. John's was very hard for us. Our hearts and tears went with her as she assumed a position that she had hoped would be part of her life. Ten years before, I recall circulating a memorandum to the women of the Fordham faculty asking if their names could be put on a list of women interested in someday becoming a law school dean. Mary's was the only name I received from the Fordham faculty at the time. How grateful I am to Father Harrington that she had that opportunity at a school with so glorious a tradition in the heart of New York City, a school anchored on the religious values that Mary so cherished.

What made Mary so special at St. John's was also her specialness at Fordham. She was much more than an outstanding scholar, amazing teacher, and superb administrator. Beyond these expressions of her talents was a concern for colleagues, students, and the institutions in which she participated. She chaired and served on committees and panels of academia and the bar so numerous in number that an entire program could be devoted to her service of others.

Mary's reach and interests were extraordinary. She was sought out by lawyers for assistance with ethical issues. She was sought out by the press for comments on important issues of the day and by the bar to speak on subjects of the Constitution and professional responsibility. She was equally available and called on to speak to high school audiences, prelaw societies, minority groups, and alumni gatherings.

Mary excelled in helping younger colleagues gain a foothold in the academic community. Dean Treanor said, "She was an extraordinary person, warm and caring and deeply dedicated to the well-being of others. She was a wonderful mentor to me from my first day at the law school, and I was only one of the countless number of people who benefited greatly from her wisdom and thoughtfulness." At Fordham and St. John's, Mary expressed the importance to a civil society of scholarship in the evolution of the rule of law. As President Harrington noted in his beautiful statement, "She infused within the faculty (at St. John's) a desire to enhance their scholarly and professional development activities. And she did so by example." Dean Treanor described her as a "true visionary in the field of legal ethics, a path-breaking leader in international ethics and the transnational practice of law."

Mary's reach went far beyond the walls of the schools she served. One colleague at Fordham, Jacqueline Nolan-Haley, said that young professors would seek Mary out at meetings of the Association of American Law Schools for her advice on writing articles and succeeding in the academic community. She was extraordinarily generous with her time and advice and

in building social cohesion among academics of different backgrounds and perspectives. She was instrumental in creating what is today a large and flourishing national community of professors who work in the field of legal ethics. Professor Haley said, “She was recognized as much for her kindness as her scholarship,” and Bruce Green added that “Mary set a tone of civility and openness to ideas. Always, the question was, what was in the best interests of others—students or clients or the general public? No matter how much disagreement there was at the start, a consensus always emerged. Mary brought people together to weave marvelous tapestries.”

More personally, I will forever appreciate the support Mary gave to my wife when she was dealing with breast cancer in 2003, encouraging her to persevere, as Mary herself had done. Others have told me of similar stories, involving not only themselves but friends of theirs whom Mary helped by her words and own example of courage.

Bruce Green of Fordham described Mary as his role model in so many respects. He said, “She was always the hardest worker in the room; she was always positive; when others saw obstacles, she saw opportunities. In an era when lawyers worry about how to maintain a reasonable work-life balance, Mary’s family always grounded her in her work. Whenever we spoke, whatever Mary was working on, Tony and the kids were central to our conversations. My office was down the hall. In the afternoons when Anthony, Stephen, and Meg were growing up, when I would stop by Mary’s office, she was often on the phone with them, reminding them to walk the dog or do their homework, or just telling them that she loved them.”

In examining all the tributes to Mary, certain words are repeated over and over again—generosity, kindness, wonderful, selfless, humble, moral, compassionate, ethical, counselor, mentor, and friend.

One of the most eloquent of the tributes to Mary was that of the Robert B. Fiske, Jr., and the John S. Martin Associations. They said, “Although Mary reached the pinnacle of her profession, she remained the self-effacing and down-to-earth person she was when she joined us in the U.S. Attorney’s Office, relying for her success on her unstinting work ethic, humanity, and integrity, and never forgetting what was most dear to her, namely, her family, her husband Tony Distinti and their children, Anthony, Stephen, and Mary Margaret.”

We share their pain this day as we bid farewell to Mary. In the words of Mary’s distinguished predecessor, Judge Joseph Bellacosa, “May this exemplary person rest in the eternal peace of a heavenly reward and may her family receive the comfort of God’s loving consolation.”