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In Memoriam of Hon. Joseph M. McLaughlin

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IN MEMORIAM OF HON. JOSEPH M. McLAUGHLIN

*John D. Feerick**

Father McShane, Dean Martin, Fran McLaughlin, Mary Jo, Joe, Matt, Andrew, Kate, Patrick, Emmett, Paul, and Jo, other family members and close friends who are present, members of the federal and state judiciaries, faculty, graduates, deans, and guests:

Thank you, Fran, for inviting me to speak in memory of Joe. I had planned to speak formally only once, in the Second Circuit, as part of the program of tributes given there on December 11, 2013.¹ I did not believe there was more I could say or should say. To be asked again, as Joe himself stated under similar circumstances, “is a classic application of the law of diminishing returns,”² but he was quick to add that his time on that occasion had been reduced by half. That occasion for Joe was an invitation to deliver the law school’s commencement address in 1971, shortly before he became Dean.³ The challenge was that he had been the commencement speaker the year before. This is how he dealt with the double request, and I quote his words:

This return engagement recalls an incident that occurred in a church one Sunday. During an impassioned sermon, the preacher, with more color than accuracy, declaimed that the Master, on one occasion after finishing a sermon on the Shores of Galilee, fed ten men with 20,000 loaves and 5000 fishes. Upon hearing this, a drunk in the first pew mumbled: “Hell, father, I could do that myself.”

Later that week when it was explained to the good priest that he had become entangled in his rhetoric and that the Lord had actually fed the great multitude with ten loaves and five fishes, the priest decided to repeat the sermon the following Sunday. As luck would have it, the same

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1. The Memorial to the Honorable Joseph McLaughlin was held on December 11, 2013, at the Thurgood Marshall U.S. Courthouse in New York. The full text of the remarks, including remarks by Feerick, are published at 757 F.3d xxvii (2014).

2. Joseph M. McLaughlin, Commencement Address to the 1971 Graduating Class of Fordham Law School (June 5, 1971).

3. Joseph McLaughlin served as Dean of Fordham Law School from 1971 to 1981. ROBERT J. KACZOROWSKI, FORDHAM UNIVERSITY SCHOOL OF LAW: A HISTORY 263, 317 (2012).

bibulous parishioner was in the church. Deep into his sermon, the preacher stated that the Lord had fed 20,000 people with ten loaves and five fishes.

The irrepressible drunk groused: "Well, I could do that." At his patience's end, the preacher made the fatal mistake of all cross-examiners. "How, may I ask, would you do that?" roared the preacher. And the response was devastating: "I'd do that with what we had left over from last Sunday."

"Like the preacher," said Joe, "I too have some things left over which I shall be pleased to pass on."⁴

Joe then focused his remarks on his predecessors as Dean. Of Dean Mulligan, in a few weeks to be his immediate predecessor, Joe said that he could not sit down without "acknowledging this giant among educators."⁵ And this is what he said about William Hughes Mulligan, who had invited him to join the faculty in 1962: "Professor Manning, his law school classmate, tells us that young Mr. Mulligan came to this school in 1939 as just plain Bill, and only later adopted the clerical middle name ("Hughes") when he learned that he was a collateral descendant of Archbishop Hughes."⁶

In those days, Joe said, "the clergy were not allowed direct descendants."⁷

But then he said what was in his heart about his predecessor. I quote:

For the past fifteen years his constancy has demonstrated to student and faculty alike that "dean" is not just another four-letter word. Of his many attributes and virtues, it is difficult to single out one for particular mention, but if I had to, I would settle upon his incredibly acute sense of humor. It is said that behind every humorist there is a sad man. Here that man must be the President of Fordham University. Father Walsh is losing his greatest Dean and for better or worse I have been named his successor.

It was the boast of Caesar Augustus that he found Rome of brick and left it of marble. While I know that Dean Mulligan would not shrink from that comparison, I conclude by publicly acknowledging the eternal debt that Fordham Law School owes our great Dean, and by pledging upon this, his last appearance as Dean, that the traditions which he so carefully established during the past quarter of a century will be carefully cultivated in perpetuity.⁸

And they were by Dean McLaughlin from 1971 to 1981. He became a master builder of the school, respecting its traditions but paying attention to the need of the school to stay relevant as the law changed and new practice areas developed. He diversified the faculty, bringing to the school as full-time professors Lucille Buell, Sheila Birnbaum, Maria Marcus (later the first occupant of the Joseph McLaughlin Chair), Helen Hadjiyannakis

4. McLaughlin, *supra* note 2.

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

Bender, and Gail Hollister. Other stars of the faculty came during his tenure, including our great current Dean Michael Martin (he finished in the top 8000 in the marathon, Joe once boasted⁹), Gerald T. McLaughlin (later dean of Loyola Law School in Los Angeles), Frank Chiang, Donald Sharpe, Edward Yorio, Andrew Sims, Michael Madison, Hugh Hansen, and Abraham Abramovsky, great names all.

Joe evolved the elective curriculum of the school, introducing scores of elective courses and scores of adjunct professors to teach them—distinguished judges, for example, Peter McQuillan, Gerard Goettel, Roy Babbitt, and Richard Wallach; distinguished lawyers from the government and private bars, for example, Peter Calamari, Albert DeStefano, Carl Felsenfeld, Ronald Fischetti, William Lifland, Harry McCallion, William Meagher, Jack Parker, Charles Stillman, and Robert Zinman; and former full-time professors like Thomas Fitzpatrick and Henry Putzel III. Of Putzel, Joe commented that he wanted to be known as “Pete” in order to avoid being called Henry the Third.¹⁰

As the faculty grew in the 1970s, so too did the number of students, student journals, moot court programs and competitions, practical skills courses, seminars, student internships in government offices, and clerkships with judges.¹¹ Even sports teams and sports trophies appeared at the law school. An annual fund was launched,¹² as well as another present pillar of the school, the Corporate Law Institute that became the seed for our masters-in-law program that now proudly claims graduates in more than 100 countries of the world.¹³

Dean McLaughlin added greater resources to assist students in gaining employment through a Placement Office and career-related programs and panels. He established the Bacon-Kilkenny Visiting Professor’s Chair (unique, he said, in joining a New England Yankee with a New Jersey Irishman). The John Sonnett Lecture Series was created as were the Stein Prize Program, Dean Recognition Awards, and other fixtures of the school today.¹⁴ The number of law firms and government agencies interviewing at the school increased and Joe drew to the school record levels of support from alumni all over the United States.¹⁵

Joe’s Dean’s Reports were unique in American legal education. There, to use his words, he used “irreverent illustrations” and “impertinent

9. See ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1977–78, at 4 (on file with the Fordham Law Review).

10. See ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1973–74, at 5 (on file with the Fordham Law Review).

11. See ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1971–72, at 1–2 (on file with the Fordham Law Review) (describing improved outreach to alumni); see also Constantine N. Katsoris, Dedication, *In the Service of Others: From Rose Hill to Lincoln Center*, 82 FORDHAM L. REV. 1533, 1590–91 (2014).

12. KACZOROWSKI, *supra* note 3, at 267–69.

13. Jewel Galbraith, *A Quarter Century of Mastering the Law*, FORDHAM LAW., Fall 2013, at 32.

14. KACZOROWSKI, *supra* note 3, at 263, 270.

15. *Id.* at 271 (“McLaughlin increased the annual fund contributions tenfold, from \$31,000 in 1971–72 to \$300,000 in 1981–82.”).

footnotes” to reflect his great pride in (1) students and their academic accomplishments and law journal and moot court successes; (2) pride in his faculty colleagues, their teaching, writings, and service of others; and (3) gratitude to the alumni of the school for their generosity.¹⁶

Jack Vaughan was a particular favorite, of whom he spoke many times of his loyalty and dynamism and expressed his deep gratitude for his service as alumni president and his toiling on committees and going to conferences to express the glory of Fordham Law.¹⁷ Of Frances Blake, in alumni affairs, he said she is one of those indispensable people who knows everyone and who everyone knows and esteems.¹⁸ He singled out Louis Stein in another Dean’s Report for establishing an award of the highest rank, saying of him how grateful the school is that “he is who he is; and that he is one of us.”¹⁹

Joe’s own law school professors—John Calamari, Leonard Manning, Joseph Crowley, Martin Fogelman, and Robert Kessler—were particular favorites of his in the words, pictures, and caricatures of his Dean’s Reports, as were full-time faculty with whom he grew up with in the 1960s, such as Robert Byrn, Constantine Katsoris, Michael Lanzarone, Joseph Perillo, Earl Phillips, Thomas Quinn, Joseph Sweeney, Ludwik Teclaff (the pioneer of our library), and Fr. Charles Whelan, S.J. (the last Jesuit to serve on the full-time faculty). Barry Hawk was praised in these reports for his scholarly and service contributions and especially in the area of European community law. Robert Byrn was, by all accounts, Joe’s closest friend on the faculty, whom he described as like the “Hound of Baskervilles” in searching for materials in the library for his Dean’s Reports.²⁰

No reader of these reports can leave them without appreciating Joe’s love of long-serving adjunct faculty, such as George Brooks (“hale, hearty and loyal, who gets his marks in on time, although he hasn’t taught a course in 10 years”);²¹ John McAniff (“inestimable contributions to the School”);²² and William White (“the epitome of the loyal alumnus”).²³ Nor can any reader miss his great affection for his Assistant Deans, William Moore and Robert Hanlon. With Moore, Joe sang Irish songs each St. Patrick’s Day. Hanlon, he would tease, as in one Dean’s Report, noting that, when

16. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1971–72, *supra* note 11; Katsoris, *supra* note 11, at 1590 (“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.”).

17. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1977–78, *supra* note 9, at 8.

18. *See, e.g.*, ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1974–75, at 1 (on file with the Fordham Law Review).

19. *Id.* at 8.

20. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1978–79, at 1 (on file with the Fordham Law Review).

21. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1972–73, at 1 (on file with the Fordham Law Review).

22. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1971–72, *supra* note 11, at 5.

23. ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1972–73, *supra* note 21, at 1.

America celebrated its bicentennial, Hanlon did so by appearing on a program on the Irish Revolution!²⁴

By the time Joe's tenure ended, the law school enjoyed, as it does today, a wonderful reputation, regionally, nationally, and globally. We owe Joe an eternal debt of gratitude for his enormous contributions to the school's standing in the world.

I had the distinct honor of serving during his deanship as President of the *Fordham Law Review* and Fordham Law Alumni Associations and then as a Trustee of Fordham University. Joe and I enjoyed many conversations over an appropriate libation, sometimes joined by Jack Vaughan, talking about Fordham, our families, our common Irish heritage, and our dreams as the young men we then were. Joe wanted to be an appellate judge, and I was being shaped by him in an emotional kind of way, without realizing it, to be his successor as Dean, and Jack was being shaped by him to be my successor as president of the Alumni Association.

What a joy it was to listen to his stories and reflections on every subject under the sun. I remember with fondness his speculation that if his parents had not come to America, he probably would have spent his life working on an Irish farm, without a formal education, but with a large family of his own to raise and feed. Joe's father was one of sixteen, born in a 500-square-foot hovel in a barn in County Longford. Joe's love of Ireland and its people remained a constant in his life. Perhaps that explains his need to see each year the movie, "The Quiet Man," and his singing with friends and at home such Irish favorites as Danny Boy, Kevin Barry, the Wild Colonial Boy, and Bing Crosby's *Too-ra-loo-ra-loo-ral*, a song which would make Joe cry. For those not in the know, let me read the song's first stanza:

"Over in Killarney / Many years ago / Me Mother sang a song to me / In tones so sweet and low / Just a simple little ditty / In her good old Irish Way / And I'd give the world if she could sing that song to me this day."²⁵

As Joe dealt, courageously and spiritually, with the challenges of the last period of his life, the close relationship we had in his decanal years returned in full force during my visits with him in a health care facility in Queens. He was ever so cheerful and positive, happy to have a visitor, never losing his irrepressible wit and humor. When on one visit I asked his views on how to bring a long faculty meeting to a close, having rushed over to see him on that occasion from a long faculty meeting, he said that he followed Mulligan's rule—he walked out of any faculty meeting he chaired after an hour no matter what was going on, thereby ending the meeting. I remarked on how very sorry I was not to have known about Mulligan's rule when I served as Dean.

24. See ANNUAL REPORT OF THE DEAN TO THE ALUMNI, 1975–76, at 3 (on file with the Fordham Law Review).

25. BING CROSBY, *Too-Ra-Loo-Ra-Loo-Ral*, on DON'T FENCE ME IN (Overjazz Records 1950).

When I mentioned to Joe in one conversation that I was spending time trying to raise money for my Social Justice Center, he rose slightly in his bed and said, with his hands extended: “How can I help you? I have money stashed away. How much do you need?” he asked. Shocked as I was, not intending my comment as an appeal for support, I said take care of your children and grandchildren, to which he responded: “I have money for them, too!” I left that visit with tears in my eyes, his concern touching me very deeply.

In my final visit with Joe, three days before he died, prompted by a question I had received from Judge John Koeltl, who had taken Joe’s PLI Bar Review course, I asked Joe who Del Vermo was. He appeared surprised by my lack of knowledge, stating in a whisper: “Don’t you know? He’s a character I used to keep the students focused.”

Joe died with his incredible humor and wit intact. He gave us through his humor and stories the ability to look at ourselves and the world in a lighthearted way. His faithful assistant when he was Dean and a young judge, Kathy Keenan, spoke of Joe’s compassionate nature and his personal acts of kindness, which he often hid, she said. She mentioned as an example an important hospital visit by him to Lillian Sullivan who worked in the Registrar’s Office shortly before Lillian died. Kathy said that Lillian laughed throughout that visit, so pleased that the Dean of the law school took the time to see her, and that she took that laughter to the next world. Kathy also reflected that when “the girls who worked in the administrative offices of the school during the McLaughlin years get together, they talk of his stories and laugh repeatedly, making these gatherings very special to them.”²⁶

Well, how to sum up?

Dean William Michael Treanor of Georgetown Law School commented that we will not see the likes of Joe again.²⁷ I said in the Second Circuit that he was a “quintessentially decent man, with a mind, eloquence and wit that could have equipped him for engagement with the great scholars of antiquity through the philosophers and theologians of the medieval period and through the great poets and writers of the Renaissance.”²⁸ How fortunate we are to have had him as one of ours.

On the wall of London’s magnificent St. Paul’s Cathedral, there is a plaque honoring the great architect, Christopher Wren. The inscription says, “Reader, if you seek his memorial, look all around you.”²⁹ Joe McLaughlin built his own memorial—in everything he did and in every life he touched. To see it, we have only to look around. For me, he was the older brother I did not have.

26. Email from Kathy Keenan, Assistant to the Dean, Fordham University School of Law, to author (January 2014) (on file with author).

27. William Michael Treanor served as Dean of Fordham Law School from 2002 to 2010. *See* Katsoris, *supra* note 11, at 1605.

28. 757 F.3d xxvii, xxxviii (2014).

29. *Monument to Christopher Wren*, ST. PAUL’S CATHEDRAL, <http://spc.adlibhosting.com/detail.aspx?parentpreref=#> (last visited Feb. 23, 2015).