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In Memoriam of Hon. Joseph M. McLaughlin

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IN MEMORIAM OF HON. JOSEPH M. McLAUGHLIN

*Constantine Katsoris**

Tonight is a very sentimental night for me, and I won't be spending my few moments up here listing all of Joseph McLaughlin's professional accomplishments—otherwise we would be here all night. Moreover, many of you have already experienced or witnessed most of them firsthand, as they occurred.

Tonight I would like to focus on the personal side of Joe, as I knew him, and his great contributions to this school and the service he rendered to others over the years in so many ways. Like his mentor, Judge Mulligan, he was a great teacher, orator, author, administrator, and judge, and he used these skills for the common good. Most of all, however, he was devoted to his family, students, friends, and the school he loved so much.

Joe McLaughlin and I were both born in Brooklyn at a time when trolley cars filled its roadways. We both attended Jesuit high schools—he at Brooklyn Prep and I at Xavier. Thereafter, we both did our undergraduate work at Fordham—he as a Classics major and I as a business major. Finally, we both started at Fordham Law School in the 1950s downtown at 302 Broadway.

Yet, despite all these crossroads, I never really got to know Joe until we both ended up in the same room at Cahill Gordon, which we shared with two other associates—Gerhard Nagorny and John Tunney, son of Gene Tunney the former heavyweight boxing champion of the world. John Tunney later became a Congressman and a U.S. Senator from California. Two Irishmen, a German, and a Greek in one small room made it feel like a mini-U.N.—except we enjoyed each other's company immensely.

Because of the close quarters, our room was nicknamed the “bullpen,” and you couldn't help but overhear each other's private, personal telephone conversations. Despite the collegiality amongst us, one thing that

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particularly irked Joe was whenever Nagorny or I were discussing sensitive, personal matters on the phone, Nagorny would switch to German and I to Greek—neither of which Joe was conversant in. Of course Joe could have done the same; he could have switched to his second language, Latin, but then no one at the other end of the phone would know what he was talking about. Those two years in the bullpen with Joe were the beginning of a lifelong friendship.

Several years later, Joe's mentor—William Hughes Mulligan—called him and offered him a position in the then-exploding area of New York practice to teach the newly enacted New York Code of Civil Procedure. Joe could have been anything he wanted in life, but teaching law was his passion, and he accepted Mulligan's offer. His rapid rise in the ranks of academia was legendary.

A few years later I also received a call from my "mentor," the same William Hughes Mulligan, to come and interview for a newly vacated position in tax. Mulligan's announced goal for calling me was to diversify the faculty by including descendants of Aristotle and Socrates.

Hiring in those days differed from what it is today, where you have to sing and dance before faculty committees. In those days, there were two criteria to hiring. First, you had to possess the academic credentials, and second, you had to pass a stress test to measure your social skills. In this case, the stress test consisted of having lunch with Mulligan and McLaughlin at a restaurant (then called Carracalla's, just a few blocks away) on St. Patrick's Day, where the beverage of the day was martinis. When the waiter asked the rhetorical question: "Would you gentlemen like a drink?" Mulligan unhesitatingly responded in the affirmative: "Yes, a super dry Beefeaters martini, stand up and no garbage." McLaughlin, who apparently understood this language, quickly followed with: "I'll have the same only make mine with Tanqueray gin." Although I had never previously heard these phrases "stand up" or "no garbage" before, I decided to play along. But faced with a Hobson's choice of choosing between my two interviewers (Mulligan's preference for Beefeaters and McLaughlin's choice of Tanqueray), I did what any politically savvy applicant would do—I told the waiter to make mine with one-half Beefeaters and one-half Tanqueray. I don't know if that was the stress test, but I guess I passed it, and although neither asked me any tax questions that day, I was offered the job. Thank God the question of how much Vermouth to put in the martini never came up, or perhaps I never would have been hired.

Ever since I can remember, Fordham Law School has always associated itself with the motto "In the Service of Others." Indeed, this was also Joe McLaughlin's mantra. Claiming association with such a phrase is easy to do but a lot more difficult to prove. Next month, the *Fordham Law Review* will publish an article, *In the Service of Others: From Rose Hill to Lincoln Center*,¹ which traces the history of such service at Fordham by

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

highlighting the activities of its Deans, starting from the time Fordham Law School opened its doors in 1905 to thirteen students on the Rose Hill campus. Despite these humble beginnings, the first graduating class of only six students included a federal judge, Vincent Leibell;² the commencement speaker at that first graduation of six was New York Governor Charles Evans Hughes, who would later serve as U.S. Secretary of State and Chief Justice of the U.S. Supreme Court;³ and as a follow-up, just three years later a small graduating class included two future Chief Justices of the New York Court of Appeals—John T. Loughran and Albert Conway—as well as the legendary Ignatius Wilkinson, the fourth Dean of Fordham Law.⁴ Not a bad crop of graduates for a small upstart school in the first decade of its existence. By the way, the tuition was \$100 per year.⁵ Fordham has had ten Deans in its history, and I have had the privilege of having served under the last five—Mulligan, McLaughlin, Feerick, Treanor, and Martin. The contributions of each of them are outlined in the article. I am delighted that three of them—Feerick, Treanor, and Martin—are with us here tonight to honor Joe McLaughlin. The rest are here in spirit. Needless to say, Joe McLaughlin is featured in the article for the leading role he played in earning for Fordham this reputation.

His outstanding accomplishments and service to others began long before he came to Fordham Law School. He was always involved at every stage of his life. As a young boy, he was an altar boy at St. Teresa of Avila Church in Brooklyn. As an undergraduate at Fordham, besides his studies and a long commute from Brooklyn to the Rose Hill campus, he was enrolled in the ROTC program, was a drum major in the University Band, and a host on the school radio station WFUV.

After completing his first year at Fordham Law School, his legal education was interrupted to serve in Korea with the U.S. Army Corps of Engineers. Upon his return he became Editor-in-Chief of the *Law Review*, was a member of the National Moot Court Team, and, oh yes, graduated at the top of his class. Sometimes I wonder what he did in his spare time.

His excellence as a teacher was nationally recognized, being invited to lecture at numerous universities. He was loved by his students, not only because he taught them well, but because they knew he cared. He wanted them to be the best they could be.

He was a prolific writer whose articles or opinions were focused, delivered a message, and were clear and to the point. He took responsibility for his actions. He practiced what Harry Truman preached: “The buck stops here.” Joe was a leader who led from the front, not one who let others

2. *Id.* at 1546 & n.115 (citing *Biographical Directory of Federal Judges: Leibell, Vincent L.*, FED. JUD. CTR., <http://www.fjc.gov/servlet/nGetInfo?jid=1372&cid=999&ctype=na&instat=na> (last visited Feb. 23, 2015)).

3. *Id.* at 1546 & n.114 (citing Robert Hanlon, Jr., *A History of Fordham Law School*, 49 FORDHAM L. REV. xvii, xx (1980); Peter G. Fish, *William Howard Taft and Charles Evans Hughes: Conservative Politicians As Chief Judicial Reformers*, 1975 SUP. CT. REV. 123, 124, 130).

4. *Id.* at 1547 & n.123 (citing Hanlon, *supra* note 3, at xx).

5. *Id.* at 1545.

do the blocking for him. Most of all, however, I will remember Joe for his warmth, frankness, loyalty, and infectious sense of humor. Although our professional relationship varied over the past five decades—from associates at Cahill, then as colleagues on the faculty, and finally as the Dean—he was always Joe to me. He was always someone I could call upon for advice and counseling, or just rap and laugh about anything or nothing at all.

Like Mulligan, he was a firm believer that scholarly academicians did not have to be stuffy or lack a sense of humor. His good-natured humor was reflected in everything he did. He was a great kidder. Indeed, the more he liked you, the more he needled you. To his credit, however, he could take it as well as dish it out. The only problem was there were not too many opportunities for the victim, such as myself, to retaliate. I will never forget, however, on one occasion I did get my opportunity. I was master of ceremonies at the Fordham Law Alumni Annual Lunch at the Waldorf before a sell-out crowd. For those of you unfamiliar with our Annual Alumni Lunch, it is an intimate reunion of about 1000 alumni and friends where we reflect upon the events of the past year and poke fun at each other—an occasion filled with laughter and good cheer. I had invited Governor Mario Cuomo as the guest speaker. That year the Governor had asked a select bipartisan committee to send him a list of names to fill a vacancy on the New York Court of Appeals. No woman had previously sat on that court, and the list forwarded to the Governor contained only men. In a highly publicized manner, Governor Cuomo rejected the list because it did not include the name of a woman. On the dais that day at the Waldorf were Joe McLaughlin (who was one of the names on the list), as well as former Governor Malcolm Wilson and U.S. Attorney Paul Curran (both Fordham Law School graduates and both members of the Governor's bipartisan selection committee), and of course, Governor Cuomo himself. The occasion had the markings of the perfect storm, and I decided to take it. In introducing Governor Cuomo, I mentioned and commended him for his highly publicized rejection of the list, then paused and glanced at the Governor and proceeded to say that I had heard a rumor—only a rumor mind you—that Joe McLaughlin, who was then sitting as a federal district court judge, would undergo a sex change and become the first woman ever to serve on the New York Court of Appeals. The audience in the Grand Ballroom exploded with laughter led by Joe himself, which took several minutes to subside. Even the waiters stopped serving and joined in the laughter. After the luncheon concluded, the Governor, who I had never previously met, came over, put his hand on my shoulder, and whispered in my ear: “Do you really think he would do that?”

The story, however, has a happy ending. Joe finally made it to the court of appeals—the U.S. Court of Appeals for the Second Circuit—home of Joe's mentor Bill Mulligan and Fordham predecessors Irving Kaufman and Larry Pierce, as well as Joe's student, Denny Chin. Joe served on that court with dignity and distinction for the rest of his life.

Several months before his death, I visited Joe at his home in Queens to show him a rough unfinished draft of my forthcoming Fordham article—*In*

*the Service of Others*⁶—for his comments and recollections. We spent a pleasant afternoon discussing the article. He was particularly pleased that the article was dedicated in memory of Judge Mulligan, our mentor. As I was about to leave, Joe squeezed my hand and thanked me, and whispered, “You have made my day.” To which I responded, “But you didn’t tell me whether you liked the article.” He looked at me, paused for a minute as though he were being asked to rule from the bench on a motion for summary judgment in a major antitrust case involving thousands of documents and contradictory testimony. Then, with Gaelic wit and a boyish smile, he responded, “Not bad, considering it was written by someone like yourself, where English is your second language.”

The first Dean of Fordham Law School was Paul Fuller—who, despite being orphaned and homeless at an early age, managed to climb his way to the very top of the legal profession. Besides being an extraordinarily gifted lawyer, he had an impeccable reputation for honesty, integrity, and ethics. In addressing an entering class of freshmen to the law school, he described to them what a Fordham lawyer should be: “If you are faithful to the standard which Fordham has held up to you, when anyone asks if you are fit to take charge of a given case, the answer will come: ‘A Fordham graduate! Fit for anything he undertakes.’”⁷ It is as though Fuller had Joe in mind. Indeed, Joe McLaughlin not only met that standard but far exceeded it during his entire life in every task he undertook.

As we are about to move into our new building next fall, I recall the words of Robert Kennedy uttered over fifty years ago at the dedication of this building when he reminded us that people mean more than mortar and masonry. He emphasized that walls of glass and granite need to be moved by qualities of intellect and spirit to give them meaning and purpose; and he concluded with the remark that “[w]e know Fordham ideals, traditions, and teachers will provide that inspiration.”⁸

Indeed, his brother John F. Kennedy, on an earlier occasion—when he was a Senator from Massachusetts and about to receive an Honorary Degree from Fordham at another of the Law School’s Annual Lunches at the Waldorf—boldly proclaimed that Fordham “never maintained its neutrality in moments of great moral crisis.”⁹ In short, these two statesmen from Massachusetts were referring to Fordham’s heart and soul.

Fordham has always been a school of opportunity and never cared who you are or where you came from. Its doors were open to all through its evening as well as its day division. It is a place where dreams are created and fulfilled. Fordham was never an affluent law school, but it was always

6. *Id.*

7. *Id.* at 1549 (quoting *Address of Dean Fuller*, FORDHAM MONTHLY, June 10, 1908, at 416).

8. *Id.* at 1536 (quoting *Address by Attorney General Robert F. Kennedy*, 30 FORDHAM L. REV. 437, 437 (1962)).

9. *Id.* (quoting *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)).

rich in talent, resolve, and purpose. Joe McLaughlin was a product of that culture and a shining example of what a determined young kid from Brooklyn can achieve and the enormous effect he had on the lives of so many. Except for his first two years in private practice, Joe spent his entire professional career in the service of others—twenty years as an educator and Dean and thirty-two years as a trial and appellate judge in the federal courts.

There is a hymn in the Greek Church AIONIA I MNIMI, which means “May his memory be eternal”—and so it shall be with Joe. His Spirit will roam the halls of this law school forever as an example of what a Fordham lawyer should be—fit for anything he undertakes.

In concluding, I would like to thank Joe’s lovely wife Fran and her four wonderful children—two of whom were my students—for sharing Joe with us all these years. He has touched us all and made a great difference in all our lives. He will never be forgotten. God bless Joe McLaughlin and God bless this law school. Thank you.