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ARTICLE

COMMEMORATION OF THE FIFTH
ANNIVERSARY OF THE DECISION TO OPEN
THE UNIVERSITY OF ST. THOMAS
SCHOOL OF LAW

PATRICK J. SCHILTZ*

After several years of study and debate, the University of St. Thomas announced in the summer of 1999 that it would open a new law school in the fall of 2001. The decision was controversial, both within the University and within Minnesota's broader legal and Catholic communities. Many members of those communities—including those who gathered at the University on September 26, 1999 to celebrate the annual Red Mass¹—asked: “Why does the world need another law school?”

Notre Dame Law School professor Patrick J. Schiltz—the speaker at the Red Mass—was well suited to answer that question. Prof. Schiltz was familiar with St. Thomas, having practiced law in Minnesota—and having represented, among other religious organizations, the Archdiocese of St. Paul and Minneapolis—before joining the Notre Dame faculty in 1995. During his brief academic career, Prof. Schiltz had already published two major articles on legal education and on the moral formation of novice attorneys.²

In his Red Mass reflections, Prof. Schiltz articulated a strong vision of a Catholic law school as a “community of faith”—one that would graduate lawyers who would integrate their religious and moral values into their professional identities and who would have a passion for using their legal training to serve God and their fellow human beings. Prof. Schiltz's remarks

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1. The “Red Mass” is celebrated in the fall by judges, lawyers, law professors, and public officials, who together pray that the Holy Spirit will guide the legal profession. The Red Mass traces its roots to thirteenth-century France. “Red” refers to the color of the vestments worn by the priest; red is worn because it recalls the fire that symbolizes the Holy Spirit.

2. See Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 Vand. L. Rev. 871 (1999); Patrick J. Schiltz, *Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney*, 82 Minn. L. Rev. 705 (1998) [hereinafter Schiltz, *Legal Ethics*].

turned out to be far more influential than either Prof. Schiltz or his audience anticipated at the time.

In April 2000, the University contacted Prof. Schiltz again—this time to invite him to assume primary responsibility for the day-to-day work of setting up the new law school. Prof. Schiltz accepted the invitation, and, in July 2000, joined St. Thomas as the founding Associate Dean of the School of Law.

Over the next year, Prof. Schiltz worked on the hundreds of tasks that must be accomplished before a new law school can open its doors. His primary responsibilities included shaping and expressing the school's mission; hiring the administrators, faculty, and staff; putting together long-term budget and staffing plans; designing the curriculum and initiating such programs as the mentor program and the public-service requirement; and working with the architects to design the new law school building. In all his work, Prof. Schiltz sought to bring to life the vision that he had described at the 1999 Red Mass.

To commemorate the fifth anniversary of the University's decision to open the School of Law, the *University of St. Thomas Law Journal* is publishing Prof. Schiltz's remarks—remarks that guided the formation of the law school and that influenced many of the law school's faculty and students to come to St. Thomas—along with a brief "afterward" in which Prof. Schiltz reflects on the progress that the law school has made in realizing his vision.

DOES THE WORLD NEED ANOTHER CATHOLIC LAW SCHOOL?

The officers of [the University of St. Thomas] recently have been challenged with two questions. I would like to reflect for a few moments on those questions.

First question: Does the world really need another law school? Answer: "No." That concludes my reflections on the first question.

Second question: Does the world really need another *Catholic* law school? That's a more difficult question.

I confess that I am tempted to answer the question by saying: "The world does not need *another* Catholic law school. The world needs *a* Catholic law school." That would be unfair, of course. My own law school [Notre Dame] is unquestionably Catholic, and, I'm proud to say, has become more so in recent years. But the temptation is still there. Consider the following:

In April, when John Garvey was appointed Dean of Boston College Law School, a spokesman for BC issued the following statement: "BC is convinced we got the very best possible candidate. That he's Catholic isn't

an issue to us.”³ Imagine a Catholic law school feeling compelled to give assurances that the faith of its new leader was simply irrelevant—no more relevant than, say, the football team for which he cheers on Sunday.

In May, a prominent member of the faculty at Georgetown University Law Center, responding to a question about his school’s Catholic character, said: “We have three full-time Jesuit lawyers. We say Mass at noon. What more can we do to make it Catholic?”⁴ That’s certainly an inspiring vision of Catholic legal education.

And just last week, the president of a prominent Catholic university said that his goal is not to have a “critical mass” of “practicing Catholics” among his faculty, but rather “a critical mass of people committed to the institution.”⁵ Presumably every institution, including, say, the local tanning salon, hopes to hire “a critical mass of people committed to the institution.”

In any event, public statements such as these are not the source of my temptation to wonder aloud about whether there are any Catholic law schools. Rather, I am concerned about something much more fundamental.

The question “what makes a law school Catholic?” is an extremely complicated one—a question upon which faithful Catholics disagree. But I think all of us can agree on two things: First, Catholic law schools should do *something* different from non-Catholic law schools; otherwise, they wouldn’t be Catholic. And second, whatever it is that Catholic law schools do differently should have some impact on their students; otherwise, it would hardly be worth doing. Thus, one test of whether a law school is Catholic is whether its graduates behave differently—make different choices—than the graduates of non-Catholic schools.

On this score, I think, Catholic law schools are failing. Our graduates are, by and large, indistinguishable from the graduates of secular law schools. As far as I can tell, they are no more interested in serving the public. They are no less inclined to chase the highest salary available. They are no more ethical. The lawyers they envy and emulate are not lawyers like Thurgood Marshall and Charles Hamilton Houston—lawyers who sacrificed much personal gain to do much public good—but rather the nameless, faceless lawyers who populate the giant law firms in New York and Washington and Chicago, grinding out thousands upon thousands of billable hours, often toward no end other than getting rich and determining whether one huge insurance company will have to write out a check to another huge insurance company.

3. Kate Zernike, *BC Picks Notre Dame Professor to Be Dean of Law School: Scholar Has Argued Many High-Profile Court Cases*, Boston Globe B2 (Apr. 8, 1999).

4. Justin Hyde, *Pizza Mogul’s School Hopes to Foster Moral Lawyering*, Chattanooga Times & Free Press I7 (Apr. 25, 1999).

5. Beth McMurtrie, *How Catholic Should Catholic Colleges Be?: Institutions Struggle to Define Themselves as a Potential Showdown with the Vatican Looms*, Chronicle of Higher Education ¶ 39 (Sept. 17, 1999).

We need a Catholic law school. We need a school that does more than claim to teach ethics and morals; all law schools today claim to teach ethics and morals. We need a school that does more than harken back to the "Catholic intellectual tradition"; all law schools have roots in the Catholic intellectual tradition, which, for centuries, has been inseparable from the Western intellectual tradition. If a law school is going to be truly Catholic—if it is going to make a real difference in the lives of its students—then it must be willing to do many things that other law schools either cannot or will not do. Most importantly, a Catholic law school must be a community of faith. There are two elements to that: community and faith.

To be a community, a law school must be made up of people who care about one another and who are committed to each other. Faculty must accept that their first responsibility—before writing law review articles, before attending conferences, before acting as consultants—is teaching and mentoring—shaping their students into skilled and ethical lawyers who will further the ministry of the Church. And faculty must strive to teach students not merely through their words, but through their example. Faculty must take seriously John Paul II's admonition that:

You . . . are solidly involved in a prophetic task of forming sensitive consciences capable of saying no to death, to hatred, to violence, to terror, . . . to evil, to degradation, but saying yes to the good, to the beautiful, to truth, to justice, to responsibility, to life, to peace, to love. You must take on your responsibility consciously.⁶

To be a community of faith—of *Catholic* faith—a law school must have a critical mass of Catholics. The notion that a law school can be Catholic without Catholics is preposterous. Notre Dame is the one elite school where it is safe to be Catholic—where, at the faculty lunch table or in the classroom, one can use expressions such as "natural law" without being viewed as a kook—where a professor can express opposition to abortion or euthanasia without risking her career. None of this would be true if Catholics did not make up the majority of the faculty and student body.

A Catholic law school must care about something; it must believe in something; it must act as a witness, even when doing so—*especially* when doing so—will put it at odds with society. It must reject the moral relativism that is so pervasive today—so pervasive that it has infected even my parish priest, who told my wife and me on Monday that he—a priest—is "not in the business of making value judgments." The professors at a Catholic law school must have courage; they must be willing to engage the scholarly community when they believe it is wrong on issues that matter to

6. Cardinal Francis George, Address, *Universities that Are Truly Catholic and Truly Academic*, <http://www.nd.edu/~afreddos/papers/george2.htm> (Chicago, Ill., Sept. 22, 1998) (quoting Pope John Paul II).

the Church. The dominant culture of our society, a culture aptly characterized by John Paul II as a “Culture of Death,”⁷ is not only antithetical to Catholic teaching, but extraordinarily powerful—so powerful that even a newspaper as respected as the *Star Tribune* can start a breezy editorial with: “It’s a welcome development that Peter Singer will begin teaching bioethics at Princeton University this month, not because the noted Australian philosopher is right about everything (or anything) but because academia can always use a good shaking.”⁸ And, after describing Singer’s views, which include the view that killing human beings who suffer from Down Syndrome and other disabilities—human beings like my youngest son—*after* they are born is morally permissible, the editorial can chirpily conclude: “Makes us want to take a class at Princeton, and glad that Singer will be teaching there.”⁹

Try to imagine this editorial appearing in a newspaper 30 years ago, and referring not to Peter Singer, but to another prominent intellectual whose views Singer shares to a substantial extent: “It’s a welcome development that [Josef Mengele] will begin teaching bioethics at Princeton University this month, not because the noted [German physician] is right about everything (or anything) but because academia can always use a good shaking. . . . Makes us want to take a class at Princeton, and glad that [Mengele] will be teaching there.”¹⁰

The dominant culture of the legal profession—a culture of greed, a culture of materialism—is no less powerful. It pushes in on students from all sides. If students are to resist it—if they are to remain firm in their resolve to serve the destitute and the powerless—then they must have something inside of them pushing back. The faculty and student body of a Catholic law school can—in fact, should—disagree about a lot, but not about the nature of the ultimate question—“What does God want from us?”—and not about the source of the ultimate answer—the Good News of Jesus Christ and the faith that springs from it.

A Catholic law school should be a place where students can be integrated, where students can be whole. Like most Americans, law students are overwhelmingly people of faith; their primary source of moral and ethical guidance is their religious convictions. And yet, when students show up for the first day of class at most law schools, they are asked to check their religion at the door. In the words of my colleague Tom Shaffer, “the [legal] academy, more than any other, has systematically discouraged and disap-

7. Pope John Paul II, *Christifideles Laici*, No. 38 (Dec. 30, 1998) (available at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici_en.html).

8. *Professor Dangerous: Australian Philosopher Makes Waves*, *Star Trib.* 16A (Sept. 22, 1999).

9. *Id.*

10. *Id.*

proved of invoking . . . religious tradition as important or even as interesting.”¹¹

In most American law schools, students hear that no one should be discriminated against because of race or sex, that the rich should not exploit the poor, that lawyers should donate their time to serve the underprivileged, but students never hear a meaningful account of *why*. Why is it wrong to discriminate? Why should the rich not exploit the poor? Why do lawyers have obligations to the underprivileged? *Why?* Few law schools even try to answer these questions, and those who try cannot answer them in a way that has meaning for most students—that connects to the religious convictions found at the core of most students.

It is hardly surprising, then, that so many law school graduates seem to be profoundly alienated—alienated not only from their work, but, in a very real sense, from themselves. I have written about the tendency of lawyers to develop one set of ethics for the office and another for home—to act in ways at work that they would consider unthinkable outside of work.¹² In large part, lawyers behave this way because law schools have taught them to do so. John Paul II has warned of the danger of “separat[ing] faith from morality.”¹³ This is a danger that should be nonexistent at a Catholic law school.

Finally, a Catholic law school must strive not to burden its students with so much debt that they cannot be the people they want to be. A major research institution may need a library with 300,000 volumes, of which 299,000 rarely get used, but a Catholic teaching school does not. Loan forgiveness programs also are important. But, as David Luban and others have pointed out, loan forgiveness programs only result in permitting more students to compete for the few existing public interest positions; they do not result in one hour of additional legal services being provided to the poor.¹⁴ A Catholic law school can better serve the poor by creating new public interest positions in its own legal aid clinic, hiring its graduates to fill those positions, and then paying them with a combination of money and loan forgiveness. Such a law school would make a real difference in its community, and it would have a clinic second to none.

In conclusion, I urge you not to open yet another law school; I urge you instead to create a community of faith—a community of faith that happens to award JDs. And I urge you to include in that community not only

11. Thomas L. Shaffer & Mary M. Shaffer, *American Lawyers & Their Communities: Ethics in the Legal Profession* 214 (U. of Notre Dame Press 1991).

12. Schiltz, *Legal Ethics*, *supra* n. 2, at 729.

13. Pope John Paul II, *Veritas Splendor*, No. 88 (Aug. 6, 1993) (available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html).

14. Ian S. Weinstein, *Report of the Working Group on Representation within Law School Settings*, 67 *Fordham L. Rev.* 1861, 1866-67 (1999).

its immediate members—the faculty and student body—but also promising high school and college students who already sense a call to use law to serve others; to include the many extraordinary lawyers, judges, and legislators who will be only a skyway walk away; and to include all Minnesotans—Catholic and non-Catholic—who are passionately committed to using law not to seek wealth, but to seek justice.

AFTERWARD

If the Patrick Schiltz of 2004 could stand in the receiving line and speak to the Patrick Schiltz of 1999 about his Red Mass reflections, the first thing that the older Schiltz would say to the younger Schiltz is: “That’s easy for you to say.” What the older Schiltz realizes—and what the younger Schiltz did not—is just how difficult it is for a new law school to develop a distinctive and meaningful mission. To appreciate how much St. Thomas has accomplished, one must first understand how much St. Thomas has had to overcome.

I. BUILDING A LAW SCHOOL

The first thing that St. Thomas had to do was get a new law school up and running. This seems obvious in retrospect—I suppose it was obvious even in 1999—but I confess that I did not think much about it at the time. After all, I was teaching at one of the oldest and best law schools in the United States. Like most professors, I took for granted the dozens of people and hundreds of decisions and thousands of actions that are necessary to run a law school every year. I had the luxury of dreaming about how a law school could be special, precisely because I did not have to worry about how a law school could survive. I failed to appreciate just how much I owed to the many administrators and faculty members who had come before me.

I experienced a rude awakening when I arrived at St. Thomas in July 2000. Although the law school was scheduled to open in a little more than a year, almost nothing had been done. We had, for example, admitted no students. We had admitted no students because we had no process for admitting students. We had no process for admitting students because we had no applicants. We had no applicants because we had no application. We had no application because we had no admissions director. We had no admissions director because we had no one to hire an admissions director. And on and on it went, in area after area.

Developing a distinctive mission—a mission like that described in my Red Mass remarks—takes an enormous amount of time and effort. The problem for faculty and staff at a new law school is that time and effort are

in scarce supply. Imagine if a group of doctors had to build a research hospital from the ground up—while, at the same time, conducting research and treating patients. A similar challenge faced my colleagues and me. We had to teach. We had to research and write. We had to fulfill our obligations to our families and communities and churches. And we had to carry staggering administrative burdens—burdens far in excess of anything that a typical faculty member experiences at a typical law school.

We have done very well, I think. We recruited an outstanding dean in Thomas Mengler—a dean from a “top-25” school who passed up opportunities to serve as dean at other “top-25” schools in order to come to St. Thomas. We recruited a terrific faculty—one that should be envied by many long-established schools. Faculty members have not only taught well (student satisfaction has been very high), but they have produced a significant amount of scholarship¹⁵ notwithstanding the demands of setting up a new law school. We recruited a first class of 120 students (we hoped for 80 to 85) with academic credentials that put them solidly in the middle of first-year classes at long-established schools, and we continue to recruit progressively larger and better-credentialed classes. We have raised \$90 million to date—an astonishing amount of money for a school in its fourth year of existence—and, last summer, we moved into a stunning new \$36 million building in downtown Minneapolis. And we have done all of the things that most law schools do, such as launch a law journal and a moot-court competition and student organizations and an academic-support program and a career-services office and so on.

This, then, was the first challenge we faced: Before we could create a law school with a distinctive mission, we first had to create a law school. We have done that, but it was far more difficult than I could have imagined in 1999.

II. CREATING A MISSION

Given the demands of creating a law school from scratch, finding time and energy to do *anything* else would be a challenge. But the task of developing a unique and meaningful mission faces special obstacles that I also failed to appreciate in 1999.

A new law school cannot apply for provisional accreditation until the end of its first year and cannot receive provisional accreditation until the end of its second year. Unless a law school receives provisional accreditation at the earliest opportunity, the students who graduate in its first class will graduate from an unaccredited law school. A student who graduates

15. For example, from 2002 to 2004, the nine tenured members of our faculty published or had accepted for publication 15 books, 38 scholarly articles or book chapters, and 41 shorter articles (of ten pages or less). The productivity was even more impressive than these numbers indicate, as the nine tenured faculty include the dean and the director of the law library, neither of whom was able to publish much because of their administrative duties.

from an unaccredited law school will not be able to practice law in most states (including Minnesota), making his or her legal education largely worthless. In seeking provisional accreditation, then, the stakes are enormous, and a new law school has no margin for error.

As a result, when the American Bar Association (“ABA”) comes to inspect, the new law school wants to do everything possible to make the ABA comfortable. Site-evaluation teams are made up of people who graduated from—and, in many cases, teach at—traditional law schools that use traditional means to achieve traditional ends. Like all human beings, those representing the ABA are most comfortable with what is most familiar to them. New law schools understand this, and that, in turn, makes them skittish about being too “different.” In short, the very law schools that are in the best position to innovate—the new schools—also have the most incentive *not* to innovate.

Even if accreditation was not a consideration, a new law school would feel pressure to shy away from a mission that was too distinctive. More than anything, a new law school needs experienced faculty and capable students. A mission that is distinctive enough to persuade a few prospective faculty and students to take a chance on a new school might also be distinctive enough to scare off many more prospective faculty and students. Bland is safer. Moreover, even faculty and students who are attracted by a distinctive mission are going to seek assurance that the law school will succeed by traditional measures. Law professors and budding lawyers are highly risk adverse; they will gamble only so much on a new school, no matter how attractive the school’s mission.

As a new school matures, developing a unique mission does not get any easier. The pressure to establish an *accredited* law school subsides, but the pressure to establish a *highly ranked* law school grows. We are in a rankings-obsessed profession, and a law school’s mission has less to do with its ranking than the LSAT scores of its students or the prestige of the journals in which its faculty publish. There is a strong temptation for schools to invest time and money in those areas that produce benefits that are tangible and short term—and especially those that produce upward movement in *U.S. News* rankings. Work on mission produces benefits that are real, but that are also intangible, long-term, and measured only indirectly by *U.S. News*.

Additional challenges arise as a school matures. When St. Thomas was new, all of its faculty and students had one thing in common: All of them could have been at a higher-ranked law school. After all, our ranking was zero. The faculty and students at St. Thomas were here because they wanted to be here—mostly because of the mission—and not because we were the best law school that would have them. As we have enjoyed increasing success, we have also enjoyed increasing interest from faculty candidates and prospective students who have no interest in what makes St.

Thomas unique, but who want to come to St. Thomas simply because it is a good law school, and they want to teach or study at a good law school.

For many reasons, then, I failed to recognize in 1999 how difficult it would be for a new law school to create *any* kind of distinctive and meaningful mission, much less the vision that I had articulated. The obstacles that any new law school faces are formidable, and the more distinctive the law school aspires to be, the more formidable the obstacles it will have to overcome.

III. SUCCESS AT ST. THOMAS

To say that obstacles are formidable is not to say that they are insuperable. St. Thomas has done well in establishing a conventional law school, but it has also done well in progressing toward the ambitious goals that I described in my Red Mass reflections.

In those reflections, I argued that two elements would be critical to St. Thomas's success: faith and community. "Faith" represented the goal; "community" represented the means to that goal. I urged that the paramount purpose of the law school should be to help law students integrate their religious convictions and personal values into their professional identities. This, I contended, would lead those students to practice law more ethically and use their legal training not to get rich, but to serve God and the most needy among us. I also argued that St. Thomas could influence its students in this way only if the law school represented a meaningful community in those students' lives. This meant bringing together faculty and students who cared about each other and were willing to help each other with the hard work of discerning how to practice law in a way that honors one's faith and values. On both of these criteria—faith and community—St. Thomas has made great strides:¹⁶

A. *Faith.* The focus of St. Thomas's young existence has been integrating faith and values in all that we do, in the hope of inspiring our students to integrate faith and values in all that they do after they graduate.

St. Thomas is far from alone among law schools in emphasizing ethical or normative considerations, but St. Thomas is almost alone in not merely tolerating but emphasizing the most important source of ethics and norms for the majority of lawyers: religion. Religion is part of life at St. Thomas in a way that it is not at other law schools—even those with nomi-

16. I should also note that we have accomplished many of the specific ideas that were expressed or implied in my Red Mass remarks. For example, we require our students to do public service as a condition of graduation. We have awarded a significant amount of financial aid to our students, making it easier for them to pursue low-paying public-interest jobs after graduation. And we have devoted a major part of our loan-forgiveness funds to creating fellowships in our own clinic, meaning that there are now more lawyers serving the poor, rather than just more law-school graduates competing for existing public-interest jobs.

nal religious affiliations. Our faculty and students are overwhelmingly people of faith. They have a wide variety of religious beliefs, but they share a deep faith in God—or, at least, a deep respect for people of faith.

Religion is woven into the fabric of St. Thomas. Many classes start with prayer or reflection, as do all faculty meetings and public events. The speeches that mark the life of the school—the speeches dedicating new facilities or investing professors in new chairs or welcoming first-year students to law school or sending third-year students out into the world—invariably sound religious themes. And many faculty have integrated faith-based materials—ranging from papal encyclicals to excerpts from the Talmud to letters written by Mahatma Gandhi—into their courses. Helping faculty with this project is a major focus of our library staff.

Of course, St. Thomas is not merely a faith-based law school; it is a Catholic law school. A Catholic priest serves as our chaplain, and Mass is celebrated daily in our beautiful St. Thomas More Chapel. A large marble statue of St. Thomas (the patron saint of the legal profession) watches over us in the four-story glass atrium that is the center of our building. Half of our faculty—and roughly a third to a half of our student body—are Catholic, and all faculty (Catholic or not) are strongly committed to maintaining a meaningful Catholic identity. Our first research center, established last year, is the Terrence J. Murphy Institute for Catholic Thought, Law, and Public Policy. We offer courses in Canon Law and related topics, and our required Jurisprudence course gives students substantial exposure to the Catholic intellectual tradition. Numerous colloquia give faculty, staff, and students the chance to learn more about such topics as Catholic social teaching and its implications for law and lawyering. And several student and student-faculty groups (formal and informal) are dedicated to learning about or practicing the Catholic faith.

Most importantly, in all classes, faculty stress moral and ethical issues and push students to consider how they would deal with such issues consistently with their faith and values. Every year, one of our professors collects from his colleagues reports of how faith and ethics were integrated in their courses, and those reports are circulated to the entire St. Thomas community. Success in furthering the school's mission is explicitly made a condition of promotion and tenure. We try hard not just to talk the talk, but to walk the walk.

All of this strikes a chord in our students. Countless classroom discussions, office conversations, journal entries, and papers have made clear that, although our students are remarkably diverse, they are morally conscious men and women for whom faith and ethics are vitally important. Our students are struggling to discern what their beliefs will require of them in the strange new world of the law. At St. Thomas, they do not have to struggle alone.

B. Community. Faith was one part of the vision that I articulated in my Red Mass remarks. Community was the other. On this score, too, St. Thomas has done well. We have remained small, despite the inevitable pressure to grow larger (and produce more revenue). We have sought in numerous ways—from the design of our new building to the scheduling of our classes to our remarkable mentor program—to foster a strong sense of community among our faculty, staff, and students, and between them and the local bar.

Like most law schools, we value diversity. Indeed, St. Thomas—precisely because of its openness to the faithful—is *more* inclusive than the typical secular law school. We welcome every student who would be comfortable at a secular law school, but we also welcome those who would feel alienated at a law school that required them to check their faith at the door. The result has been an intellectual diversity and vitality that has paid dividends in classroom discussions and faculty scholarship.

As befits a strong community, people seem to treat each other well at St. Thomas. Faculty who come here from other law schools, adjunct faculty who attended other law schools, and students who compare notes with friends at other law schools routinely comment about the relative lack of arrogance, competition, isolation, incivility, and dysfunction at St. Thomas. It is hard to measure this, except anecdotally, but the anecdotal evidence is encouraging. For example, during our first commencement exercise, two employees of the University—one a food-service worker, the other a custodian—separately pulled me aside to tell me of the tremendous kindness and respect our graduating students had shown them during the preceding three years. Both employees told me—one with tears in his eyes—that, in many years of work among undergraduate and graduate students, they had never experienced the kindness that had been shown by our students.

This is not to say that St. Thomas—or anyone who works or studies at St. Thomas—is perfect. It is merely to say that we value our sense of community, and we work hard to maintain it. We are united more in the questions we ask than in the answers we give, and thus disagreements—sometimes sharp disagreements—are not only inevitable but healthy. At the same time, our sense of common purpose has helped to prevent disagreements from permanently rending the fabric of the community.

IV. THE ROAD AHEAD

We have many challenges ahead of us. As we grow larger, we will have to work harder to maintain a strong sense of community, and, as we grow more diverse, we will have to work harder to maintain unity in our commitment to a larger purpose. We will struggle to maintain an identity that is both meaningfully Catholic and yet inclusive of those who do not

share the Catholic faith. We will be tested when we have the chance to hire faculty or admit students with sparkling academic credentials but little commitment to our mission—or commitment to only one narrow aspect of our mission. And as the surrounding society continues to become more polarized, we will feel pressure from those on both the political right and political left who identify our mission with their political agenda and who are quick to accuse us of “betraying” our mission when we make a decision they do not like.

Mostly, though, we will be challenged by our desire to be both true to our mission and highly ranked. We very much want to be an excellent national law school and have that excellence recognized by our peers across the nation. Being true to our mission will do us little good if our students cannot get good jobs and if our faculty cannot engage the profession at the highest levels.

At the same time, staying true to our mission requires that we sometimes make unconventional choices—such as admitting students with low LSAT scores but strong commitment to our mission. It also requires that we devote a great deal of time and effort to tasks that our secular counterparts can ignore. Those aspects of our mission that make us unique—a strong commitment to integrating faith and ethics, to teaching and mentoring, to serving the public, to balancing work with devotion to God, family, and community—all take time, and the time has to come from somewhere. An hour that a faculty member spends mentoring a student is an hour that he or she cannot spend writing a law review article. No matter how dedicated we are to our mission, our days still have only 24 hours. We have to make choices. In the past, we have avoided making some of those choices by assuming burdens that are not sustainable over the long run. That cannot continue.

In the end, we may never know whether we have “succeeded” in accomplishing our mission. As I said in my Red Mass remarks, the best test of our success will be whether our “graduates behave differently—make different choices—than the graduates of non-Catholic schools.” The choices to which I referred were not just the choices graduates make in their first few months in practice, but the choices they make over a lifetime. It will be many years before we know whether, at least on this score, we have been successful. In the meantime, we continue together on this remarkable journey, trusting that, although there will be many stumbles, the Spirit will guide us to where God wants us to be.