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Raymond J. Broderick

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NOTRE DAME LAW SCHOOL — THE PAST

*Raymond J. Broderick**

I was assigned the topic "Notre Dame Law School of the Past." If you survive this Centennial Celebration, tomorrow you will hear Dean Lawless talk about the "Notre Dame Law School of the Future." Since Dean Lawless is a Democrat and I am a Republican, perhaps there are some here who think the assignments should have been reversed. In any event, when this Philadelphia lawyer of thirty years was invited to tell the past of the Notre Dame Law School, he cheerfully accepted. Perhaps they invited a Philadelphia lawyer because there are those who think "Philadelphia Lawyers" have a special license to exaggerate. However, I wish to assure you that the past of the Notre Dame Law School needs no exaggeration. It is a history of one hundred years of dedication and determination to become one of the world's great law schools.



Lt. Gov. Raymond Broderick

One hundred years is really a very short time in which to achieve greatness in the life of a law school. As Father Hesburgh once observed, "Age alone is no real guarantee of quality unless one is considering wine or cheese." Father, with your permission I'd like to add whisky. Ours is the oldest Catholic law school in the country. As a matter of fact, it was one hundred years ago last Saturday that it all began as a Department of Law under the direction of a professor by the name of Foote. Father Hope's history of Notre Dame¹ points out that all was not drudgery for lawyers under Foote. It is reported that in May of 1870 he accompanied his young lawyers to the Reading House in Niles, Michigan, where, after the fashion of the day, numerable toasts were consumed. But the account states that it was no riotous party because they all jogged back to Notre Dame where they retired at 7:30 that evening.² May I point out that little has changed in these past one hundred years except the time for retiring.

It was in 1882 that a man born in Kilkenny, Ireland, came to the United States at the age of seven, fought in the Civil War at the age of fifteen, and became the first Dean of the Notre Dame Law School. He was known as Colonel Hoynes. Colonel Hoynes extended the law program from two to three years during his command of thirty-seven years. One of the Colonel's lesser accomplishments was his insistence that a porch be built on Sorin Hall as a result of an episode involving a bucket of water which hit the Dean from the third floor window of Sorin Hall. Incidentally, the law school was in Sorin Hall from 1888 to 1919—thirty-one years.

It is also reported that a group of traveling players came one evening to

* Lieutenant Governor, Commonwealth of Pennsylvania.

¹ A. HOPE, NOTRE DAME ONE HUNDRED YEARS (1943).

² *Id.* at 152.

Washington Hall and while one of the young ladies in the cast was performing a dance in a costume considered by some to be too revealing, Colonel Hoynes got up and left the theatre. A silence fell upon the audience because of what they considered the Colonel's reaction to an overexposed dancer. However, the silence was soon ruptured by laughter as the Colonel was observed returning in about three minutes with his opera glasses.

Dean Hoynes was succeeded by Dean Vurpillat in 1919, the same year the Hoynes College of Law Building was dedicated. This is the building which presently houses the Psychology Department. It was under Dean Vurpillat that the *Notre Dame Law Reporter*, now the *Notre Dame Lawyer*, was established. In 1923 Dean Konop took over for his reign of nineteen years. It was under Dean Konop that the law school first received the sanction of the American Bar Association, membership in the American Association of Law Schools, and that the College of Law moved into the present Law School Building.

Dean Konop was succeeded by Clarence Manion. (Incidentally, Dean Manion was the administrator of the estate of old Colonel Hoynes, who taught Decedent's Estates but died without a will in 1933.) Dean Manion served the law school for eleven years from 1942 to 1952. His courage kept the law school doors open during World War II when attendance was drastically reduced, and he managed a peak enrollment of 339 students after the war. During his tenure, Dean Manion was instrumental in founding the Notre Dame Natural Law Institute, which has brought distinction to the law school for the past twenty-one years.

Dean Joseph O'Meara took over in 1953 and led the law school to the eve of this Centennial. Our friend, Joe O'Meara, brought to the law school his thirty-one years of experience as a practicing lawyer. During his sixteen years at the helm, he insisted that "excellence was the school's platform" and was content with nothing less. He built up the Notre Dame Law Association which provided scholarships for many of his students. He relentlessly raised the school's academic standards. He strengthened the faculty; and he insisted that the Notre Dame Law School be acknowledged for what it was, one of the finest law schools in the nation.

As a final tribute to ninety-nine years of dedication, determination, and achievement, Notre Dame men everywhere rejoiced and were proud that as Dean O'Meara's successor, Notre Dame selected Judge William B. Lawless, a Notre Dame Law School graduate, a Justice of the New York Supreme Court, a former Editor-in-Chief of the *Notre Dame Lawyer*, a former President of the Notre Dame Law Association, and a former member of the Law School's Advisory Council. Yes, Dean Lawless was Notre Dame's own legal giant. He will make a great law school . . . greater.

Over and over again you have heard it said: "Law is a jealous mistress." As a practicing attorney for over thirty years, I can assure you that she is that and more. She is beautiful and she is also exciting. She can and does stir in the hearts and minds of good lawyers a passion . . . *the passion for justice*. Father Hesburgh, in a great address before the Massachusetts Institute of Technology in 1962, told his audience that if they wanted to make human existence worthwhile and make their own lives more meaningful, then they must have "[a] *passion for justice* in

our times . . . not merely justice for yourself, or your family, or your profession, but . . . a passion for justice as regards those who have few friends and fewer champions.”³ He went on to state:

There are great and festering injustices in our country and in our world. You can side step them if you wish, you can close your eyes and say it is none of your business. Then remember that freedom and equality of opportunity in our times are quite indivisible. If one class, or nation, or race of men is not really free, then the freedom of all men is endangered. Injustice breeds more injustice, disorder begets more disorder. You do not need a suit of armor, or a white horse, or a sword, but just a sensitivity to justice wherever it is endangered, a quiet passion to be concerned for justice in our times, a compassion for all men who suffer injustice, or the fruits of injustice.⁴

Father, those words will live forever. The passion for justice in our times is the passion about which I speak tonight. Without this passion for justice, one can be a “lawyer” but not a “great lawyer.” It was Justice Holmes who said “the business of a law school is not sufficiently described when you merely say that it is to teach law, or to make lawyers. It is to teach law in the grand manner, and to make great lawyers.”⁵ The Notre Dame Law School is one of the finest law schools in this land because it is in the business of making great lawyers with a “passion for justice” . . . “a passion for justice in our times.”

3 Address by Rev. Theodore M. Hesburgh, C.S.C., Massachusetts Institute of Technology Commencement Exercises, June 8, 1962, in T. HESBURGH, THOUGHTS FOR OUR TIMES 10.

4 *Id.* at 10-11.

5 THE WIT AND WISDOM OF OLIVER WENDELL HOLMES, FATHER AND SON 63 (L. Denonn ed. 1953).