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In Memoriam: Dean Mary C. Daly

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**IN MEMORIAM:
DEAN MARY C. DALY**



(1947-2008)

*The editors of the St. John's Law Review
respectfully dedicate this issue to Dean Mary C. Daly.*

MEMORIAL TRIBUTE TO MARY C. DALY
DEAN AND JOHN V. BRENNAN PROFESSOR OF LAW AND ETHICS

REV. DONALD J. HARRINGTON, C.M.[†]

On Wednesday, November 19, 2008, our university community was terribly saddened by the death of Mary C. Daly, Dean of the School of Law and John V. Brennan Professor of Law and Ethics. Since coming to St. John's in 2004 from Fordham, where she served as James H. Quinn Professor of Law, Director of the Graduate Program, and co-Director of the Louis Stein Center for Law and Ethics, she was an energetic, scholarly, and effective leader. We miss her presence among us and will be forever grateful for all that she has been and done for us.

Her impact on the School of Law was nothing short of transformative. She established a global focus within the School through the creation of new academic programs and initiatives. Among these was the LL.M. program in U.S. Legal Studies for Foreign Law School Graduates, which launched in the fall of 2008, that provides opportunities for lawyers from other nations to achieve grounding in the United States legal system. Another is a program that permits St. John's Law School students and students from other U.S. law schools to spend a summer studying at the St. John's campus in Rome. She also increased the number of law clinics, which provide students with invaluable opportunities for both practical experience and service to underserved individuals within the community.

Dean Daly infused within the faculty a desire to enhance their scholarly and professional development activities. And she did so by example. An accomplished and prolific scholar with a national and international reputation, she published widely in law journals and also authored several books. In addition, she broke ground through her expertise in the emerging discipline of transnational ethics, a field that has assumed increasing prominence with mergers among Asian, American, and European law firms to form a truly global legal community.

Her outreach to alumni was extraordinarily effective. She traveled throughout the country, hosting receptions and other meetings designed to keep graduates abreast of activities at their

[†] President, St. John's University.

alma mater. She increased gifts to the School of Law substantially during her tenure as dean.

And she demonstrated to us, even today—some time after her death—the high esteem in which she has been held by her professional colleagues. In May 2009, the American Bar Association Center for Professional Responsibility awarded Dean Daly, posthumously, the Michael Franck Professional Responsibility Award for the impact her career has had on the subject of law and ethics. According to the Award Selection Committee, “Mary was a warm, self-effacing and down-to-earth person, diminutive in size but considerable in judgment and intellect. The award is well-deserved and an excellent selection.”

As President of St. John’s University, I could not agree more. I know I speak for the entire university community in extending our deepest sympathy to her family as well as our appreciation to them for sharing her with us. St. John’s is a stronger and better university because she was a part of it.

DR. JULIA UPTON, R.S.M.[†]

Mary Daly was an amazing woman and an exceptional dean, and although I deeply regret that we did not have her longer, she packed more energy into her years than many people who live much longer. I loved working with her, and even though I was the boss, I learned a lot from Mary’s focus and dedication.

Two stories capture her personality and approach to life perfectly for me.

In November 2007, when all the university deans went on a reconnaissance trip to Paris and Rome, Mary arrived safely in Paris, but her luggage did not. Was she angry or frustrated? If so, we never saw it. Instead, she brightly said, “If it doesn’t show up by tomorrow, I can go shopping!” And when the luggage had not shown up after twenty-four hours, that is exactly what Mary did. Later that evening she appeared in a stunning new pants suit. Now that is a life lesson! I am still not sure how she managed to get it tailored in an afternoon, though. Obviously, she had magical powers.

[†] Professor of Theology and Religious Studies, University Provost, St. John’s University.

When I learned of Mary's death, I went back to the notes I took when she applied for the deanship at St. John's. Each of the finalists was asked to give a presentation on what he or she would do as dean. In her four years as dean, Mary accomplished all of the things she set out to do. That is the miracle buried within this tragedy. Mary was amazing! We were so blessed to have had her with us.

St. Benedict urged his community to run while they had the light of life. Mary ran—both literally and figuratively—while she had the light of life. Educator, dean par excellence, attorney, author, advocate for justice, negotiator, world traveler—she did it all (often in considerable discomfort) but always with joy and abandon. Let us pray that a generous portion of her incredible spirit remains with each of us and with our School of Law.

A WOMAN FOR ALL SEASONS

ANDREW J. SIMONS[†]

Mary C. Daly, Dean and John V. Brennan Professor of Law and Ethics at St. John's University School of Law from August 1, 2004 until she died on November 19, 2008, passed away far too young and far too soon. But she was truly a woman for all seasons and accomplished so much in her life as well as in her short four plus years at St. John's. Her success here was foreshadowed by her previous successes as a commercial litigator with a prominent law firm, an Assistant United States Attorney for the Southern District of New York (Chief of the Civil Division for several years), and as a Professor of Law at Fordham Law School, where she also served as the James H. Quinn Professor of Ethics and as the Director of the Louis Stein Center for Law and Ethics.

I knew of Mary, but had not actually met her until she interviewed for the position of dean in the early spring of 2004. And I was immediately impressed, not just by her obvious intelligence, affable manner, and broad vision, but more so by her intellectual curiosity and the thoroughness of the due diligence she conducted in determining whether St. John's was where she wanted to don the dean's (hard) hat. At our first meeting, she

[†] Acting Dean, St. John's University School of Law.

took a notepad out of her attaché case and proceeded to grill me with questions that she had written down about all aspects of the law school operation—curriculum, clinics, facilities, budget, faculty, students, and on and on. Never shy about coming to a point directly, she sought to satisfy herself (apparently successfully) that St. John's would be a place where she would be welcomed, comfortable, and able to make her next meaningful contribution to legal education.

And contribute she did!

As Father Harrington so eloquently stated, “Her impact on the School of Law has been nothing short of transformative.”

When Mary was appointed dean that spring not so long ago, I was unsure if it would be her desire or even advisable for me to continue as Associate Academic Dean, a position I had held for the four years that former Judge Joseph W. Bellacosa was dean. Mary may have had her own candidate for academic dean, so I traveled to her office at Fordham Law School in Lincoln Center to discuss the deanship with her. As an alum of St. John's, I advised her that my only goal was to make St. John's Law School the best it could be and that I would be pleased to continue as Associate Academic Dean and to work together with her toward achieving this goal if that was what she wanted.

She did, and thus began a close personal friendship that was as strong as it was short. My affection for Mary was constrained only by her wonderful marriage to Tony and mine to Eileen. We spent an enormous amount of time together conspiring to elevate the scholarly atmosphere at our law school; to spread the good news about St. John's to the legal community and to the world; to accommodate reasonable requests from students; to foster our Vincentian Mission by the addition of domestic clinics, foreign students, and international programs. I lost track of how many trips she took to China, Rome, and other international sites proclaiming the attributes of “her” law school—St. John's, not Fordham!

And while she loved and was beloved by Fordham, where she did her undergraduate and law study and taught for eighteen years, she took especial delight in our surpassing Fordham on the New York State Bar Examination. (Full disclosure: Fordham edged ahead of St. John's this past year, but the results were not published until after Mary's death. Not a coincidence, I am sure.)

In a beautiful demonstration of the mutual respect shared by St. John's and Fordham, Fr. Harrington invited John D. Feerick, former Dean of Fordham Law School and longtime mentor and friend of Mary, to deliver some remarks at the funeral mass celebrating her life, which was offered on December 4, 2008. In a beautiful tribute to his longtime colleague and friend, Dean Feerick noted that:

When Mary 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, and the present moment. She lived to see racial barriers fall all across America.

Dean Feerick also quoted from a parody of the title song from the Broadway musical hit *Mame*, which we had written in Mary's "honor," entitled *Mary Daly*. It went like this:

I.

You took the St. John's Law School by storm, Mary.
You made us all feel fuzzy and warm, Mary.

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.
Our reputation's sure on the rise, Mary.
And that is surely not a surprise, Mary.

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.

Mary, we love that you're our new dean.

II.

We know that you were born in the Bronx, Daly,
But now it's Brooklyn where you hear the honks, Daly.
And on to Queens where the Kelly cars

Pick you up and drive you all around,
Seeking alumni or others where
Pockets full of riches can be found.
You have created clinics galore, Daly.
And now our students all expect more, Daly.

Our law school sure will be the best
Now that you are standing at the helm;

You've met each challenge and survived
Despite your being height deprived.

Mary, we love that you're our new dean.

As Father Harrington noted earlier in his tribute to Dean Daly, her peers in the American Bar Association's Center for Professional Responsibility have recognized her contributions to the legal profession by awarding her, posthumously, the 2009 Michael Franck Professional Responsibility Award, its most prestigious honor.

In his wonderful letter nominating Dean Daly for the award, her long-time colleague and friend from Fordham Law School, Bruce A. Green, the Louis Stein Professor of Law, recounted in detail Mary's career accomplishments and summarized her extraordinary impact as follows:

During a quarter century as an academic, Mary made exceptional contributions to legal ethics and professionalism as a teacher, scholar, administrator, mentor and participant in the work of the organized bar internationally, nationally, and locally. She was also an ethical exemplar for her students and academic and professional colleagues.

And he concluded:

Mary was a consensus-builder as a bar leader and law school administrator, and a community builder in all aspects of her academic and professional work. She was a friend and role model to junior colleagues and a supportive and inspirational peer. Her imprint upon them and the profession generally, and the people we serve, will be a lasting one.

What a beautiful tribute to a beautiful person. And how apt an award for such a deserving woman.

Mary C. Daly truly personified the traits attributed to the Patron Saint of Lawyers, Sir Thomas More, the name of the Fordham College that Mary attended and the name of our beautiful campus church where her memorial mass was celebrated: courage, wisdom, compassion, understanding, scholarliness, and grace. Especially grace. She was a cancer survivor, having undergone cancer surgery several years before becoming dean. During the past four years she was on a regular regimen of chemotherapy, losing her hair and donning a wig, but was never heard to complain about her physical pain or the debilitating sickness with which she was always coping. Never. Not once, not even when she was *in extremis* during the past fall. She was a role model par excellence.

And while we grieve at her untimely passing, we move forward, comforted by the understanding that our duty is to build on her legacy and solidify the great contributions she made to our institution. We cannot dwell in the past, but every once in a while, we can take a moment to reflect upon how nice it was to have Mary be such an integral part of the St. John's community these past four and a half years. We will miss her forever.

Ave atque Vale, Mary. Rest in Peace.

MARY DALY—A LIFE OF DEVOTED SERVICE

JOHN FEERICK[†]

Dean Mary Daly was a cherished colleague of mine at Fordham Law School from 1983 to 2004, when she became Dean of St. John's Law School. Her deanship, I believe, was the most enjoyable period of her professional life. She expressed that in so many ways whenever we met or spoke. She loved the students at St. John's, sharing with me their St. Patrick's Day immortalization of her in a student production played to the tune of *Mame*. She was immensely proud of her faculty colleagues and the contributions they were making to the rule of law. In the last conversation we had, a few weeks before she died, she told me how important President Donald Harrington was to her in the last year of her life as she struggled with a terminal illness. His kindness and compassion, as she described it to me, is something

[†] Professor of Law, Fordham University School of Law.

I will never forget. In a world where people are so busy and pressured and have to deal with many conflicting demands, it is inspiring when the leader of a great institution does what Father Harrington did to support a colleague faced with the challenge of cancer. I was privileged to be invited by him to deliver a eulogy at the funeral mass celebrating Dean Daly's life.¹ I am thankful now to the editors of the *St. John's Law Review* for the opportunity to add to my reflections on that occasion.

Dean Daly, commenting on the history of St. John's, said at her investiture as dean that a law degree has "traditionally performed an access function . . . enabling bright, energetic members of the working class to transcend economic and social obstacles to achieve upper mobility in American society." How much that described her life as she became the first female Dean of St. John's. The first of three sisters, born in the Bronx to a family with strong immigrant roots, she attended two elementary schools of the Archdiocese of New York (Pius V in the South Bronx and Holy Family in the Castle Hill section of the Bronx).² She then attended Cardinal Spellman High School,³ excelling in debate and public speaking, becoming president of the debating and public speaking clubs, and winning speaking honors both nationally and in New York State. She served on the student council and, in each of her four years, won first academic honors. She also found time to volunteer every year for the American Red Cross. In her senior year, she received the school's outstanding graduate award.

Fordham's Thomas More College⁴ was the beneficiary of Mary's talents and energy. She attended this school for women

¹ 77 FORDHAM L. REV. 1225 (2009).

² Saint Pius V Elementary School, named in memory of Pius V, who served as Pope from 1566 to 1572, closed in 2008. Holy Family Elementary School was started by the Sisters of St. Agnes in a church basement more than eighty years ago. It includes among its graduates recording artist and actress Jennifer Lopez, whose mother was a teacher at the school for many years.

³ Cardinal Spellman High School, another school of the Archdiocese of New York, opened in 1959, at the site in the Bronx of the former Biograph Motion Picture Studios of Thomas Edison, commonly known as "the site of the origin of the motion picture industry in America." Until the 1970s, it had separate academic departments for boys and girls. The girls department was staffed by laywomen and the Sisters of Charity of Mt. St. Vincent. The boys department was staffed by laymen, diocesan priests, and De La Salle brothers.

⁴ Thomas More College was established in 1964 and merged with Fordham College at Rose Hill in 1974. The college was named after Thomas More because he took great care for the education of his daughters. Students at Thomas More College

and excelled in every category, graduating with a B.A. in *Cursu Honorum*. At Fordham, she directed productions for the student-run radio, WFUV, while at the same time serving as the theatre director for a St. Augustine's Grammar School group. Academically, she won Dean's List honors and was chosen for the College's Honor Society, which made it possible to spend her junior year abroad at Strasbourg University in France. She described this as her seminal experience at Fordham: "The experience of living and studying on the continent for a year immensely broadened my perspective on the problems facing all governments which seek to be responsive to the will of the people." Her attending Fordham was made possible by scholarships and grants, jobs during the summers as a file clerk and secretary, and the devotion of her parents, Stephen and Rose Daly. Her father worked for the A&P grocery food chain while her mother was a homemaker.

By the time she graduated from college, Dean Daly's formative experiences in the Bronx had set a direction for her life's work. Her law school application to Fordham spoke of her commitment to urban studies and her desire, upon graduation, "to work with the Office of Economic Opportunity, which provides free legal service to the indigent." In a special handwritten letter to the school at the time she said that "the principal reason why I wish to undertake the study of law results from my firm belief that the law, if properly constructed and interpreted, represents this nation's greatest hope for racial justice." She added that Fordham was dedicated to the goals "she espoused." When she wrote these words she was twenty-one. When she died, on November 19, 2008, at age sixty-one, she was able to see that justice expressed in the election of the first African-American President of the United States.

At Fordham Law School, Dean Daly immediately became involved in its Urban Law Center, participating in a series of landlord/tenant seminars conducted by Professor Earl Phillips and volunteering with a community action group interested in landlord/tenant relationships. She excelled academically, earning a law review editorship and publishing two articles for

took the same classes as students at Fordham College but had their own separate dormitory in Spellman Hall on the Fordham College Rose Hill campus. *See generally* RAYMOND A. SCHROTH, *FORDHAM: A HISTORY AND MEMOIR* 247-62 (2002).

the *Fordham Law Review*.⁵ Upon graduation, she received a fellowship to study at the University of Paris. She would later earn a Masters degree with a comparative law emphasis at New York University. Upon her return from Paris in June 1973, on the death of her father, she threw herself into helping her mother and younger sisters. This involvement was movingly described in her sister Elizabeth's eulogy, at Dean Daly's funeral mass on December 4, 2008.

In 1973, Dean Daly joined the distinguished New York law firm of Rogers & Wells and remained there until November 1975, when she became an Assistant United States Attorney in the Southern District of New York. She served in the Civil Division of that office for eight years, rising to the level of Deputy Chief in 1980 and Chief of the Division in 1981. In these positions she managed the litigation of the office, supervised the day-to-day work of many Assistant United States Attorneys, tried cases in federal and state courts, and argued appeals before the Court of Appeals for the Second Circuit. Two of the cases she tried were ultimately decided by the United States Supreme Court. Her work as an Assistant United States Attorney was extolled by former colleagues in the Robert B. Fiske and John S. Martin Associations.⁶ In their beautiful tribute, they spoke admiringly of her as a colleague, and many of them paid homage to her at the mass celebrated by Father Harrington.

In 1983, Dean Daly left her career as a federal prosecutor to become a full-time professor at Fordham Law School, as I was serving my first year as dean. She accepted the school's request to teach courses in constitutional law and professional responsibility and continued to do so until she left to go to St. John's as its dean in 2004. Of her work at Fordham, Professor and Associate Dean Georgene Vairo wrote in 1990 that "she has almost single-handedly raised our Ethics and Professional Department to one of high regard. She has made a name for herself in this area outside of the law school as well." As a

⁵ Mary C. Daly, Case Note, *Home Visits as Structured by the New York City Department of Social Services Held Not Violative of Fourth Amendment*, 40 FORDHAM L. REV. 141, 150 (1971); Mary C. Daly, Case Note, *Family Court Jurisdiction over Intra-Family Violence Limited to Legally Recognized Marriages*, 39 FORDHAM L. REV. 515, 530 (1971).

⁶ *Paid Notice: Deaths Daly, Mary C.*, N.Y. TIMES, Nov. 22, 2008, at B10, available at <http://query.nytimes.com/gst/fullpage.html?res=9B02E6D6103AF931A15752C1A96E9C8B63&sec=&spon=&pagewanted=print>.

teacher, then-Professor Daly was enormously popular with students, receiving Teacher of the Year honors. She also excelled in her scholarship and public service contributions. The range of her writings and activities would fill a volume, but only examples can be given here.

Her scholarship was notable for the emphasis she gave to subjects of racial justice and professional responsibility. Her scholarship ran the gamut, including articles on affirmative action,⁷ international legal practice,⁸ ethics,⁹ professional responsibility and professional conduct,¹⁰ legal education,¹¹ and the ramifications of the increasing globalization of the law.¹² She wrote with a deep commitment to important values, but always with sensitivity and balance. In a seminal article in support of affirmative action, she also expressed concern for those who might be negatively impacted by the implementation of such action:

⁷ See, e.g., Mary C. Daly, *Rebuilding the City of Richmond: Congress's Power To Authorize the States To Implement Race-Conscious Affirmative Action Plans*, 33 B.C. L. REV. 903 (1992); Mary C. Daly, *Affirmative Action, Equal Access and the Supreme Court's 1988 Term: The Rehnquist Court Takes a Sharp Turn to the Right*, 18 HOFSTRA L. REV. 1057 (1990); Mary C. Daly, *Some Runs, Some Hits, Some Errors—Keeping Score in the Affirmative Action Ballpark from Weber to Johnson*, 30 B.C. L. REV. 1 (1988).

⁸ See, e.g., Mary C. Daly, *Tourist or Resident?: Educating Students for Transnational Legal Practice*, 23 PENN ST. INT'L L. REV. 785 (2005); Mary C. Daly, *Thinking Globally: Will National Borders Matter to Lawyers a Century from Now?*, 1 J. INST. FOR STUDY LEG. ETHICS 297 (1996).

⁹ See, e.g., Mary C. Daly & Carole Silver, *Flattening the World of Legal Services? The Ethical and Liability Minefields of Offshoring Legal and Law-Related Services*, 38 GEO. J. INT'L L. 401 (2007).

¹⁰ See, e.g., THE NEW YORK CODE OF PROFESSIONAL RESPONSIBILITY: OPINIONS, COMMENTARY AND CASELAW (Mary C. Daly ed., 1997 & Supp. 2003).

¹¹ See, e.g., Mary C. Daly, *Teaching Integrity in the Professional Responsibility Curriculum: A Modest Proposal for Change*, 72 FORDHAM L. REV. 261 (2003); Mary C. Daly, *The Structure of Legal Education and the Legal Profession, Multidisciplinary Practice, Competition, and Globalization*, 52 J. LEGAL EDUC. 480 (2002); Mary C. Daly, *What the MDP Debate Can Teach Us About Law Practice in the New Millennium and the Need for Curricular Reform*, 50 J. LEGAL EDUC. 521 (2000).

¹² See, e.g., LIABILITY, AND ETHICS IN INTERNATIONAL LEGAL PRACTICE (Mary C. Daly & Roger J. Goebel eds., 2d ed. 2004); Mary C. Daly, *The Ethical Implications of the Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century*, 21 FORDHAM INT'L L.J. 1239 (1998); Mary C. Daly, *The Cultural, Ethical, and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel*, 46 EMORY L.J. 1057 (1997); *Thinking Globally: Will National Borders Matter to Lawyers a Century from Now?*, 1 J. INST. FOR STUDY LEG. ETHICS 297 (1996).

Overlooking the interests of the latter group [that is, non-minority males] would be a serious mistake. In general, non-minority and male workers and entrepreneurs bear no direct responsibility for the debilitating political and social conditions which led to labor-force apartheid in major segments of the American economy. While it is true that “innocent” non-minorities have in the abstract benefitted from the absence of competition by qualified minority workers and entrepreneurs, that response is most unlikely to get a sympathetic reception from non-minorities foreclosed from a job, a promotion, or a public works contract. Abstract truth is cold consolation for dollar deprivation.¹³

A review of her earliest and latest writings led two recent graduates of Fordham Law School to comment that

Read together, the articles form a compelling story about the growth and maturity of a scholar dedicated to the pursuit of justice and how her focus expanded from individual justice and advocacy to institutional ethics reform, while preparing young lawyers for the ever changing demands of twenty-first century practice. Her conceptions of justice widened, as she confronted the ethical implications of dramatic changes within the legal profession.¹⁴

Dean Daly’s service contributions to Fordham were incredible. She directed the law school’s Louis Stein Institute on Law and Ethics and later became co-director of its Stein Center on Law and Ethics. Her leadership at Fordham in focusing on the contextual teaching of ethics became transformative at the school and became a national model for others to follow, and many did. She also directed the school’s LL.M programs, chaired the clinical committee and the curriculum revision committee, and coordinated the school’s advocacy program. But this was only at the surface when one examines all of the committees she served on at the school over a period of twenty years. There were scores, including the clinical committee, the committee on women and the law school, the committee on the status of adjuncts, the

¹³ Mary C. Daly, *Affirmative Action, Equal Access and the Supreme Court’s 1988 Term: The Rehnquist Court Takes a Sharp Turn to the Right*, 18 HOFSTRA L. REV. 1057 (1990).

¹⁴ Emilio Justiniano and Michel E. Higgins, graduates of Fordham Law School, May 2008.

committee on summer studies, graduate work and summer fellowships, and the Dean's Search Committee.

Outside the school, Dean Daly served both the academic bar and the practicing bar. There have been programs (I chaired one of the first for the ABA) looking at ways to bridge the gap between the two parts of the legal profession. Dean Daly did so in her daily work in extraordinary ways. She appeared frequently as a speaker on programs of the major bar associations. These include the American Bar Association, the New York State Bar Association, the New York City Bar (formerly, the Association of the Bar of the City of New York), the Metropolitan Black Bar Association, the New York State Women's Bar Association, and the New York County Lawyers' Association. She spoke on programs of the Association of American Law Schools, various law schools, and at judicial conferences. She also was a regular faculty member in the National Institute of Trial Advocacy held at Hofstra Law School and the Practicing Law Institute and the Institute of Paralegal Studies at New York University.

She spoke often on ethics in the legal profession. She was at the forefront of recognizing the globalization of the law, giving speeches entitled *Thinking Globally: Will National Borders Matter to Lawyers a Century from Now?* at Hofstra in 1996 and *The Ethical Implications of the Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility and International Business Law* at the Association of American Law Schools in 1997, respectively three and two years before Thomas Friedman's groundbreaking work, *The Lexus and the Olive Tree*, was published.

Throughout the 90s, she appeared on numerous panels discussing professional responsibility and ethics in the corporate context. Her speaking engagements at the turn of the century covered ethics over a variety of topics, including Patent Law Practice, Tax Practice, Privilege Issues under ERISA, Corporate Transactions, Litigations, International IP Practitioners, Negotiations, Insurance M&A, and others. However, Ethics in International Practice remained at the forefront of her interests.

It is hard to believe, given the enormity of the above, that Dean Daly also gave service to the profession in other ways: As vice-president of the City Bar Association, she served as chair of its Committee on Professional and Judicial Ethics and as a

member, among others, of its Nominating Committee, Federal Courts Committee, Committee on the Judiciary, Federal Legislation Committee, and Lectures and Continuing Education Committee. She also served as a trustee of the Federal Bar Council Foundation and as reporter to the New York State Bar Association Task Force on the Profession. She served as a Commissioner of the New York State Ethics Commission of the Unified Court System and as a member of the New York City Hardship Appeals Panel of the Landmarks Preservation Commission. As a member of the American Bar Association, she chaired its Planning Committee of the 25th National Conference on Professional Responsibility and served as a member and chair of the Editorial Board of the ABA/BNA Lawyers' Manual on Professional Conduct. In addition, Dean Daly served as a member of the Out-of-the-Box Committee of the Section of Legal Education and Admissions to the Bar, the Standing Committee on Professional Discipline, the Planning Committee of the National Conference on Multi-jurisdictional Practice, and the Planning Committee for the 26th and 27th National Conferences on Professional Responsibility. But that was not all. She was the Reporter to the Commission on Multidisciplinary Practice and the Observer to the ABA Delegation to the Forum on Transnational Legal Practice.

Dean Daly responded as well to the media, seeking comments on subjects of constitutional law and legal ethics. She appeared on television programs and made herself available to busy reporters trying to cover a fast-breaking story involving the law. She spoke to high school audiences, pre-law societies, and alumni groups on all kinds of subjects, including, for example, a critique of the Constitution from a woman's perspective and career opportunities for students and graduates. Everyone seemed to ask for her time, and she gave it generously and abundantly.

But of all her commitments none were as dear and important to her as her family, her husband Tony Distinti, and their children Anthony, Stephen, and Mary Margaret Rose. A close colleague at Fordham, Professor Bruce Green said:

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.

Fordham's Dean William Michael Treanor said of Mary:

Mary will be remembered . . . not just for her countless achievements, but for her remarkably warm and caring personality. She was deeply dedicated to the well-being of others . . . and was a wonderful colleague and friend for all. . . . She was brilliant, she was inspirational, and she had a great heart. She left us much too young.

At a very young age, Dean Daly developed a strong commitment to others—indeed, a compulsion to serve. She lived that life at a truly remarkable level. Her death is a tremendous loss for the American legal profession. Her legacy is enormous. Those who knew this gentle woman will never forget her.

ELIZABETH ROSE DALY[†]

I'm not really sure what to say, as I don't know what you knew about Mary aside from her professional life. In preparing these remarks, I assumed that you knew as much about her personal life as her family did about her legal career.

So let me start by saying that I'm grateful to Fordham, St. John's, and others for the notices they published about Mary's death, because while I always knew on some level that my sister did lots of important stuff, I never knew quite what until I read about it.

Mary never really talked about what she did and certainly not about any accolades she received. For example, the only reason I knew about the endowed chair she held at Fordham, was because one of her friends asked me if I were going to the party Fordham was holding for her. And she never told us that she was named Teacher of the Year. She did, however, tell us when she had accepted Fordham's offer to teach there and St. John's offer to be dean of their law school.

For the past fifty-three years I have been Mary Daly's little sister. We attended the same high school and college; Mary was very studious, very goal-oriented, and all her teachers

[†] The following remarks were delivered by Dean Daly's sister Elizabeth Rose Daly at her funeral mass on December 4, 2008, at St. Thomas More Church, St. John's University Queens Campus.

remembered her favorably, and for some odd reason, they expected me to be just like her. While I wouldn't go so far as to say I let them down, they soon learned to have other expectations. If you're getting the impression that I found it difficult to be Mary's little sister, you're right, as she inevitably set the bar very high. You had a lot to live up to if you were associated with Mary.

But, being my sister's sister did have its advantages. For example, before beginning first grade, I knew how to read, write, and count, and I could recite the entire Greek alphabet. It was also a help getting a job after school, as the night receptionist at Rogers & Wells during my college years, and in so many other ways too numerous to detail today.

Although we're eight years apart, I always knew Mary's friends when she was in high school and college, and later on, I met many of her professional colleagues. While growing up, I always had this image of Mary as a career woman, envisioning her jetting off to France or other exotic spots to deliver justice and defend truth or trailblazing in some other way.

Even when she wasn't working, she had her nose in a book or was off watching Shakespeare or engaged in some intellectual pursuit. So I have to say, I was very surprised when she married Tony—not because it was Tony she married—but because she got married at all. I never thought of Mary as being anything close to a homebody. So you can imagine my shock when she announced she was pregnant with Anthony, and later Stephen, and then Meg. Despite having three children, she still worked full time, which often meant getting on a plane to deliver a speech, or attend a conference, or meet alumni, but no matter how exotic the locale, she would head straight home to her family after the event was over, even if it was in Australia.

While I'm not sure that I would describe my sister as a domestic goddess, she was always helping her kids with their homework; or putting up holiday decorations; or hosting a celebration for a Communion, Confirmation, or graduation. And while many of you may have been in awe of Mary's legal briefs, that's only because you never had her roast beef, or her lamb, or turkey. Family holidays at Mary's were quite a production, but I'm glad that her children all seem to share her love of cooking.

Mary and I both did quite a bit of traveling over the years, and in 2005, we went to China together, which was one of the

most enjoyable experiences I've had, not only because Mary and I traveled together very well, but also because I could finally do things for her, as I knew people who were able to take her around and show her some of the sights. Although I have to admit, she was much better than me at catching taxicabs.

While preparing this speech, I've had a chance to reflect on the many ways that Mary influenced my life or set an example for me to follow.

It will come as no surprise that Mary had a real sense of duty. In 1973, Mary was about to take her exams in France for a masters of law degree when our father died. After the funeral, rather than return and finish her degree, she stayed in New York and began working full time as an attorney to support the rest of the family. She just did what needed to be done to help other people move along.

Mary wasn't afraid to take a chance. After all, she got her start in the law by answering an ad for a "male" summer intern. Needless to say, she got the job. And that, I think was typical of how she did things—she just did them, never made a fuss, never said she couldn't, wasn't afraid to challenge convention.

Mary also imparted to me her love of French, and like her, I studied my junior year abroad, which has probably been the single biggest determinate of my career path.

And it's obvious to see her influence on her children. Both of her sons have been teachers; one is now a lawyer. Her daughter has just completed a year with Americorps.

I've also been able to witness Mary's influence on my friends who are lawyers. They would often turn to her for advice, insight, or opinion.

While I will miss her in countless ways, I think that that is most of all what I will miss about my sister. We had this joke that her phone number was 1-800-My-Personal-Ethics-Lawyer, because whenever I was faced with a situation where I didn't know how to respond or act, I could always rely on Mary's common sense, analysis, or integrity to help me figure out how to handle things.

I think what's most difficult about a disease like cancer is that you get gob smacked by your own mortality. I really can't think of a time that I heard Mary complain about her disease or her treatments; they were just part of her reality, which might mean an adjustment to her schedule, but nothing she couldn't

cope with. The possibility of death didn't seem to rattle her either. This past September, when I called her after she had come home from the hospital to ask her how she was doing, she simply said that everything was fine, but if the chemo didn't work this time, she was prepared to meet her maker. No fuss, just the facts.

So I think probably the best tribute we can pay my sister is to realize our own mortality and to make sure we leave this earth better than we found it.

Before leaving, I would like, on behalf of all the family, to thank all of you for coming here today and for all your expressions of sympathy. Even though we may not have known the details of her professional life, it was always clear to us that Mary loved her jobs, the people she worked with, and the students she taught. It has been a source of comfort to all of us to know how much Mary was respected and loved by her peers, colleagues, students, and friends.

Thank you.

MARY DALY: DEAN AND MENTOR

MICHAEL SIMONS[†]

When Mary Daly was first introduced to the St. John's community as a candidate for dean over five years ago, her list of accomplishments was long and impressive. She had run the Civil Division of the United States Attorney's Office for the Southern District of New York. She had run the Graduate Program and the Louis Stein Center for Law & Ethics at Fordham Law School. She was a pioneering and prolific scholar in the field of transnational legal ethics, with more than a dozen articles and two books to her name. She was a leader in the bar, both nationally and here in New York City. And she was clearly ready to be a visionary leader in legal education.

Once she became our dean, Mary's successes soon became our successes. She established a global presence for St. John's by adding our summer Rome Program and our LL.M. program in

[†] Professor of Law, St. John's University School of Law; Senior Fellow, Vincentian Center for Church and Society. In 2005, Dean Daly asked me to take on the role of Associate Dean for Faculty Scholarship. I served in that position for three years under Dean Daly.

U.S. Legal Studies for Foreign Law School Graduates. She boosted our reputation and enhanced faculty productivity by supporting scholarship and research. She oversaw several significant renovations to our building, including the creation of a vibrant and vital space for our clinical programs. She improved student credentials, raised our bar passage rate, expanded the faculty through important hiring, and increased alumni donations.

These are the standard measures of a deanship, and by those measures, Mary Daly's four-year deanship was an undoubted success. But there are other ways to measure a deanship, other ways to measure a person's impact on an institution. When I think of Mary, I don't think just of her successes. I also think of her personal qualities: her strength, her grace, and her selflessness. These virtues, which defined her as a person, also defined her impact on St. John's.

Mary was strong. You could see her strength in the way she approached the demands of her job. You could see her strength, sadly but starkly, in the way she dealt with the cancer that was a constant presence in the last years of her life: with courage, determination, resoluteness, and poise. You could see her strength in her accomplishments, her vision, and her ambition for St. John's. You could see it in the steadfast way she devoted herself to building this institution.

Mary was also filled with grace—in both senses of the word. Although she did not wear her Catholicism on her sleeve, her faith was a part of her and an important source of her dedication to St. John's. She was also gracious. Notwithstanding the power of her position and her strength as a person, she approached her role as dean with a gentleness and a kindness that was both affecting and effective. And she remained gracious and calm, even in the face of the inevitable frustrations that can be part of a dean's job.

Mary was also selfless. Although she joined us after a distinguished career as a teacher, a scholar, a public servant, and a practicing lawyer, Mary's deanship was characterized by a selflessness and a humility that was remarkable. Despite all her successes as dean, she had no ego, no need to seek credit for herself, no desire for recognition or acclaim. Rather, she reveled in giving others credit; she saw her role as putting others in a position where they could succeed. She believed that her job as

dean was to help others flourish—to build St. John’s not through the force of her personality, but rather through the achievements of the faculty, students, and staff that she led. In that, she was not only selfless, but wise.

This selflessness was a not virtue that Mary put on as dean; it is something that characterized her entire career. When Mary died, tributes poured into St. John’s from the four corners of the legal profession, and one constant theme that emerged from those tributes was Mary’s role as a mentor. She was a mentor to the young government lawyers that worked for her in the United States Attorney’s Office. She was a mentor to junior faculty at Fordham. She was a mentor to many young scholars in the legal academy, especially to those in the field of professional responsibility and especially to women. She was a mentor to me.

Mary’s death is an institutional loss for St. John’s. We have lost our dean, a valued member of our community, someone who devoted herself to making us better. For me, it is also a personal loss. I have lost a friend and a mentor. And I miss her.

ROSEMARY SALOMONE[†]

I first met Mary Daly in the summer of 2004. I was a member of the Search Committee appointed to recruit a new dean for the law school. She was the first candidate with whom a small group of committee members had a preliminary meeting as we began the screening process. We all were impressed with her reputation as a legal ethics scholar and the uniform praise from her colleagues at Fordham and beyond. As the search progressed, and we came to know her better, it became clear that she had the right skills, vision, and temperament to lead the law school in new ventures while remaining true to its core mission. She had a big picture of legal education and academia. I remember her stating the key reasons why she was seeking a deanship, that she was interested in “institution building” and harnessing the scholarly energies of others.

In her four short years as dean, Mary fulfilled her objectives and then some. She established the transnational initiative, including the summer program in Rome and the LL.M. program in U.S. Legal Studies for Foreign Law School Graduates while

[†] Professor of Law, St. John’s University School of Law.

forging a stronger relationship with the Kenneth Wang School of Law at Soochow University in China. She spearheaded curriculum reform and enhanced the school's clinical offerings. She raised the funds needed to make major improvements in the facility, including several state-of-the-art classrooms and the clinical suite of offices. An internationally recognized scholar in her own right, Mary encouraged faculty scholarship, leading by example, and was generous in her support for projects that would advance the reputation of the law school on both the domestic and global fronts. She also understood the importance of community and began a custom of weekly informal faculty lunches to help build a sense of camaraderie and common purpose. She was sensitive to student concerns and held town hall meetings to directly address them. Her door was always open, and she invariably greeted anyone who entered with a warm smile and willing ear. As the first woman dean of the law school, she was an inspiring model for students. Her energy was boundless despite the challenges she apparently faced.

Mary Daly was a modest and private individual. We heard very little of her own life. Yet there was a personal side to her that I came to know and appreciate. She and I shared similar backgrounds, interests, and concerns, from our having grown up in New York's outer boroughs, to our love of foreign cultures, to the joys and struggles of juggling career and family. And so I was privileged to see a side of her that perhaps few other faculty members saw. Discussions of law school business would at times turn to the stress of spending weekends writing a paper for an upcoming conference or meeting a publication deadline, or to angst of guiding our children into adulthood. She was a source of both professional and motherly wisdom, which I deeply miss. The last conversation I had with her was in early August at one of the small-group summer faculty lunches she annually organized. I remember her telling me how she was looking forward to her daughter returning to New York in November. Little did either of us realize what that November would bring. Her passing is a serious loss especially to her family but also to legal education, to the field of legal ethics, and to the law school.

REMEMBERING MARY C. DALY: A LEGAL ETHICIST
PAR EXCELLENCE

BRUCE A. GREEN[†]

One could go on at length about how much Mary Daly accomplished in her too-brief life. But I want to focus on just one area of Mary's accomplishments, namely, her work in the field of legal ethics. That is the field in which I had the pleasure and privilege of laboring with Mary for two decades. For sixteen years, we worked closely together as colleagues at Fordham Law School, where Mary was the James H. Quinn Professor of Legal Ethics. During that time, we worked together on faculty committees, co-authored an article and commented on each other's writing, collaborated on projects of Fordham's Stein Center for Law and Ethics, and taught together in CLE programs, and I served under Mary's leadership of the New York City Bar's ethics committee. We continued to serve together on professional programs after Mary left Fordham to become Dean and John V. Brennan Professor of Law and Ethics at St. John's University School of Law.

During a quarter century as an academic, Mary made exceptional contributions to legal ethics and professionalism as a teacher, scholar, administrator, mentor, and participant in the work of the organized bar internationally, nationally, and locally. She was also an ethical exemplar for her students and academic and professional colleagues. During this time, Mary excelled in both the academic and professional realms, while building bridges between them.

Mary's achievements as a legal ethics teacher and scholar were enviable. She began teaching Professional Responsibility as a young, untenured professor and very quickly became a leader in the field. When she joined the Fordham faculty in 1983, Professional Responsibility was a one-credit required course which, as at most other law schools at the time, received very little respect. Within a few years, Mary was the senior member of the law school's young professional responsibility faculty. Mary took the lead in transforming the Professional

[†] Louis Stein Professor of Law and Director of the Louis Stein Center for Law and Ethics, Fordham University School of Law.

Responsibility curriculum at Fordham and then used her work at Fordham to promote the development of the field in legal academia nationally. As discussed in a 1995 article,¹ she championed the expansion of Fordham's legal ethics course from one to three credits and the expansion of its legal ethics curriculum to include a host of specialized courses. She developed two specialized courses that built upon her special interests and expertise—first, a course on professional responsibility in corporate, business, and international transactions, and later, a course focusing on professional responsibility in tax and regulatory practice. On behalf of the law school, she successfully applied for a foundation grant to support the further expansion of the law school's curriculum.

Through her writings and participation in academic programs and conferences, Mary shared with others what she was accomplishing at Fordham, endeavoring to give the study of legal ethics the dignity it deserved in legal academia nationally. Her work encouraged comparable curricular reforms at other institutions. Throughout her academic career, Mary continued her early efforts to promote a national commitment to legal ethics as a serious academic subject.² These efforts played an important role in the development of what legal academics increasingly regard as a robust and vibrant area of academic study.

Mary contributed to the development of professional knowledge in the field through her scholarly and professional publications, which had a particular (but by no means exclusive) focus on corporate, comparative, and cross-border practice. Building on her love of foreign travel and cultures—she had undertaken graduate studies in Paris—Mary became a pioneering scholar in the area of transnational practice. She

¹ Mary C. Daly, Bruce A. Green & Russell G. Pearce, *Contextualizing Professional Responsibility: A New Curriculum for a New Century*, 58 LAW & CONTEMP. PROBS. 193 (1995).

² Mary's recent articles on legal ethics teaching included: Mary C. Daly, *Teaching Integrity in the Professional Responsibility Curriculum: A Modest Proposal for Change*, 72 FORDHAM L. REV. 261 (2003); Mary C. Daly, *The Structure of Legal Education and the Legal Profession, Multidisciplinary Practice, Competition, and Globalization*, 52 J. LEGAL EDUC. 480 (2002); and Mary C. Daly, *The Ethical Implications of the Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century*, 21 FORDHAM INT'L L.J. 1239 (1998).

called attention to the choice-of-law problems for lawyers practicing outside their home states in an early, and frequently cited, article.³ She explored the significance of global law practice,⁴ as well as the particular problems of in-house lawyers for global corporations.⁵ Mary's other scholarly publications on international, transnational, and comparative legal ethics include a forthcoming book,⁶ an article on multidisciplinary partnerships,⁷ and articles on comparative approaches to professional responsibility.⁸

Beginning in the early 1990s, Mary helped nurture and expand a small, young community of legal academics who had begun working in the field of legal ethics. This is one of the first endeavors toward which she dedicated resources of the law school's Stein Institute of Law and Ethics (later renamed the Stein Center for Law and Ethics), which she directed and later co-directed. She encouraged young legal ethics faculty from different law schools (me among them) to attend the ABA National Conference on Professional Responsibility and organized and hosted dinners for faculty in attendance until the group grew too large. As one of the senior faculty in the group, Mary served as a mentor and cheerleader. She gave young academics confidence in the value of their teaching and scholarship and helped to forge a cohesive, close-knit, egalitarian,

³ Mary C. Daly, *Resolving Ethical Conflicts in Multijurisdictional Practice—Is Model Rule 8.5 the Answer, an Answer, or No Answer at All?*, 36 S. TEX. L. REV. 715 (1995).

⁴ E.g., Mary C. Daly, *The Ethical Implications of the Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century*, 21 FORDHAM INT'L L.J. 1239 (1998); Mary C. Daly, *Thinking Globally: Will National Borders Matter to Lawyers a Century from Now?*, 1 J. INST. FOR STUDY LEGAL ETHICS 297 (1996).

⁵ Mary C. Daly, *The Cultural, Ethical, and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel*, 46 EMORY L.J. 1057 (1997).

⁶ RIGHTS, LIABILITY, AND ETHICS IN INTERNATIONAL LEGAL PRACTICE (Mary C. Daly & Roger J. Goebel eds., 2d ed. 2004) (new edition forthcoming).

⁷ Mary C. Daly, *Choosing Wise Men Wisely: The Risks and Rewards of Purchasing Legal Services from Lawyers in a Multidisciplinary Partnership*, 13 GEO. J. LEGAL ETHICS 217 (2000).

⁸ E.g., Mary C. Daly, *Monopolist, Aristocrat, or Entrepreneur?: A Comparative Perspective on the Future of Multidisciplinary Partnerships in the United States, France, Germany, and the United Kingdom After the Disintegration of Andersen Legal*, 80 WASH. U. L.Q. 589 (2002); Mary C. Daly, *The Dichotomy Between Standards and Rules: A New Way of Understanding the Differences in Perceptions of Lawyer Codes of Conduct by U.S. and Foreign Lawyers*, 32 VAND. J. TRANSNAT'L L. 1117 (1999).

mutually supportive national community of legal ethics professors. To the best of my knowledge, clinicians are the only other group in legal academia to have developed a comparable community. In recognition of her contributions, Mary was elected early in her teaching career to chair the Professional Responsibility Section of the Association of American Law Schools. As chair, she set the groundwork for a two-day workshop on legal ethics designed to advance teaching and scholarship in the field.

While accomplishing so much as a teacher and scholar, Mary kept one foot planted firmly in the legal profession. She did so for several reasons: because she had great appreciation for law practice, having worked in private practice and then having worked her way up in the United States Attorney's Office, where she headed the Civil Division before coming to Fordham; because engagement with the profession enhanced her teaching and scholarly study of the legal profession, including its regulation, its history and tradition, and its norms of conduct; and most importantly, because she was dedicated to public and professional service, and as a legal ethics professor who understood the legal profession and studied its governing law, this was an obvious area in which she could serve.

Mary's professional activities ranged widely. She gave individual advice to scores of lawyers who faced thorny ethical dilemmas. More broadly, she helped shape practicing lawyers' understanding of their professional obligations by editing and authoring a treatise on New York's legal ethics rules.⁹ She also spoke frequently in CLE programs locally, nationally, and even internationally. For example, in 2002 and 2003, she joined three separate delegations of the Association of the Bar of the City of New York, visiting Chile, Rwanda, and Brazil to lecture on legal ethics and pro bono obligations. Mary's CLE course materials were of uniformly high quality. Unusual for such writings, her material on such topics as the prevention and resolution of professional problems in corporate law practice, were later cited in the academic literature. She was an outstanding teacher as well. The last CLE presentation in which we participated together was on the subject of outsourcing legal services to

⁹ THE NEW YORK CODE OF PROFESSIONAL RESPONSIBILITY: OPINIONS, COMMENTARY AND CASELAW (Mary C. Daly ed., 1997 & Supp. 2003).

foreign countries, a newly emerging practice. As always, Mary was masterful in bringing both an academic and practical perspective to the ethical issues raised, and she did so in a way that was engaging as well as illuminating.

Mary made some of her most impressive contributions to the profession through her work with bar association committees. Nationally, one of her most significant contributions was as the Reporter for the ABA Commission on Multidisciplinary Practice from 1998 to 2000. This commission addressed one of the most contentious ethics issues in recent memory—namely, whether lawyers should be allowed to establish professional services firms in which they would partner with accountants and other non-lawyer professionals to deliver a broad array of legal and non-legal services. As Reporter, Mary helped commission members seek common ground based on the existing knowledge and experience and in furtherance of the public good. The commission's report, which took Mary many hours to prepare and which reflected her sensitivity, objectivity, and scholarship, made an enormous contribution to reasoned discussion of the subject.

Mary was also busy on the state and local level. She was the Reporter to the New York State Bar Association Task Force on the Profession in the mid-1990s. She chaired the New York City Bar's ethics committee, which issued a series of opinions on cutting-edge issues. In that role, she set a tone of openness and civility that facilitated the committee's ability to achieve consensus on hard questions to which committee members brought very different perspectives. She also served as a member of the Departmental Disciplinary Committee for the Appellate Division, First Department from 1990 to 1996, participating both in the adjudication of disciplinary cases and in setting policy. She engaged in many other bar association projects as well.¹⁰

How appropriate it is that this year Mary will be the posthumous recipient of the ABA's Michael Franck Professional Responsibility Award, which, as the ABA describes, "brings deserved attention to individuals whose career commitments in

¹⁰ To name a few: Mary served as a Trustee of the Federal Bar Council Foundation, as a member of the Out-of-the-Box Committee of the American Bar Association Section of Legal Education and Admissions to the Bar, as a member of the Standing Committee on Professional Discipline, and as a member of the Editorial Board of the ABA/BNA Lawyers' Manual on Professional Conduct.

areas such as legal ethics, disciplinary enforcement and lawyer professionalism demonstrate the best accomplishments of lawyers.” And how especially appropriate that the award is scheduled to be given in May of this year at the upcoming ABA National Conference on Professional Responsibility, to which Mary was devoted, and that the award is to be given by the President of the ABA, which Mary served with such distinction.

At Fordham, Mary found in the Stein Center an ideal vehicle through which to bring together the two professional communities—the community of legal academics and the community of practicing lawyers—to which she was so dedicated. In around 1990, Mary first met with Lou Stein, who emphasized that he wanted Fordham to be a place that the legal profession identifies with ethics. Mary took that to heart. Beginning with a 1991 conference on ethics in international legal practice that Mary organized along with Professor Roger Goebel, the law school's ethics center brought together leading lawyers and academics from around the country, and sometimes from around the world, to share their experiences on the ethical practice of law, to discuss problems of mutual concern, and to offer their insights to the broader community. Mary was creative in the use of the institute's resources and generous in allowing others access to them. She was particularly enthusiastic about using the center to establish and oversee a program for students seeking careers in public interest law and public service. That program, the Stein Scholars Program, began with seventeen students in the fall of 1992, and since then has graduated close to 300 students who have received intensive preparation in ethics and public interest practice. Over the years, Mary helped to transform the Stein Center into a leading (we liked to think the leading) law school ethics center, accomplishing more than Lou Stein or anyone else could ever have first imagined.

I am immeasurably grateful to have had the opportunity to work with Mary as a friend and colleague and to learn from her both through observation and in collaboration. I often turned to her for advice because I could count on her to give wise and objective counsel not only on legal ethics but also on bar and academic politics. She was a joy to work with because she more than kept up her end of the bargain. She was a role model for me in many respects. She was always the hardest worker in the room. She was always positive. When others saw obstacles, she

saw opportunities. Whatever she did, she did with absolute integrity.

I learned a great deal from watching how Mary built communities and consensus. She was masterful in bringing together people with opposing ideas and finding common ground. I watched her do that at Fordham's ethics conferences, when she led small discussion groups of attorneys and professors to develop recommendations on questions about how to represent vulnerable clients, and again, when I had the privilege of serving on the City Bar's ethics committee under her leadership. In these and other contexts, the question was always what was in the best interest of others—students or clients or the general public. One never felt that Mary was pushing her own ideas. Somehow, no matter how much disagreement there was at the start, a consensus always emerged. The collective result was much greater than what any one person could have achieved.

Finally, in an era when lawyers universally worry about the difficulty of maintaining a reasonable work-life balance, Mary kept the balance true. Whenever we spoke over the years, the very first agenda item, and her number one subject of concern, was family. Mary's greatest source of pride was that she and Tony raised three wonderful children—Anthony, Stephen and Meg—who grew to share their commitment to learning, to service, and to doing what was right.

It is impossible to paint the full picture of Mary Daly's contributions to legal ethics and professionalism, because much of what she contributed was a product not of what she accomplished but of who she was. Mary was a consensus-builder as a bar leader and law school administrator, and a community-builder in all aspects of her academic and professional work. She was a model of openness, self-sacrifice, hard work, intellect, and grace. She was a friend and role model to junior colleagues and a supportive and inspirational peer. In the end, a big part of what Mary's friends and colleagues considered so special about her was this: At the same time that she excelled in lawyers' ethics as an academic and professional subject, she also, and more importantly, excelled in ethics as a way of life.

MARY DALY: LIVING ETHICS SERIOUSLY

RUSSELL G. PEARCE[†]

One of the wonderful aspects of the legal profession is the high ethical aspiration that leaders of the bar and the academy articulate. In Roscoe Pound's classical expression of this ideal, the legal profession is "a common calling [pursued] in the spirit of public service."¹ As a distinguished lawyer, scholar, dean, and bar leader, Mary Daly translated those aspirations into practice. She was also my friend and mentor. For all these, I am extraordinarily grateful.

Mary was a visionary who placed legal ethics firmly in the mainstream of legal education. Much as she took seriously the obligation to educate law students to become ethical lawyers, she recognized that the bar's aspirations in this regard did not match the reality in law schools. Both faculty and students tended to view legal ethics as a "second-class" course.² Her innovations transformed that perspective. First, she remade Fordham's Stein Institute into an academic think-tank for ethics, with annual symposia, conferences, and programs on cutting edge issues. Today, numerous ethic institutes exist at law schools across the country. Second, she developed the idea of contextual ethics teaching. Faced with widespread student apathy—and in some cases antipathy—to the teaching of legal ethics, Mary pioneered the notion that students would find ethics more compelling if they studied it in the context of the area of law where they want to practice. The results at Fordham confirmed her hypothesis—students were far more enthusiastic about contextual courses.³ Since she introduced this idea, many law schools have provided at least one, if not more, opportunity to study ethics contextually, whether in the corporate, international, or tax or regulatory areas that Mary developed, or the criminal and public interest areas that Bruce Green and I added as her colleagues.

[†] Edward & Marilyn Bellet Chair in Legal Ethics, Morality, and Religion, Fordham University School of Law.

¹ ROSCOE POUND, *THE LAWYER FROM ANTIQUITY TO MODERN TIMES* 5 (1953).

² Mary C. Daly, Bruce A. Green & Russell G. Pearce, *Contextualizing Professional Responsibility: A New Curriculum for a New Century*, 58 *LAW & CONTEMP. PROBS.* 193, 195 (1995).

³ *Id.*

Mary was also instrumental in a third area—the treatment of legal ethics as equal to other areas in faculty hiring. Mary believed that taking ethics seriously required a law school to hire a group of scholars in the field, just as law schools seek to develop groups of scholars in other important fields, such as torts, corporate law, and criminal law. She was able to persuade Fordham to employ three faculty primarily focused on legal ethics, in addition to others who identified ethics as a significant scholarly or teaching ethics.⁴ I believe this innovation has enriched academic and student life at Fordham and those schools that have followed this path.

Mary was also an innovative leader in legal ethics scholarship. In particular, she was at the forefront of identifying and analyzing the issues raised by international practice and multidisciplinary practice. She was one of the first to offer both a scholarly and doctrinal perspective on the ethical implications of international legal work, in scholarly articles⁵ and in an important, and recently revised, book she co-authored with Roger Goebel.⁶ Her innovative exploration of multidisciplinary practice, the provision of legal services through a “collaborative enterprise with a nonlawyer for the purpose of delivering both legal and nonlegal services to a client,”⁷ arose from her role as Reporter to the American Bar’s Association on Multidisciplinary Practice.⁸ Not content to wrestle with almost insurmountable doctrinal and practical challenges, Mary integrated into her analysis a deep

⁴ I owe my career at Fordham to Mary. When I went on the market in 1989, I naively identified myself primarily as a legal ethics scholar, a classification as unlikely to result in getting a job today as it was then. Fordham added me as its third faculty member working primarily in the field of legal ethics.

⁵ Mary C. Daly, *The Dichotomy Between Standards and Rules: A New Way of Understanding the Differences in Perceptions of Lawyer Codes of Conduct by U.S. and Foreign Lawyers*, 32 VAND. J. TRANSNAT’L L. 1117 (1999); Mary C. Daly, *The Ethical Implications of the Globalization of the Legal Profession: A Challenge to the Teaching of Professional Responsibility in the Twenty-First Century*, 21 FORDHAM INT’L L.J. 1239 (1998); Mary C. Daly, *The Cultural, Ethical, and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel*, 46 EMORY L.J. 1057 (1997); Mary C. Daly, *Thinking Globally: Will National Borders Matter to Lawyers a Century from Now?*, 1 J. INST. FOR STUDY LEGAL ETHICS 297 (1996); Mary C. Daly, *Ethical and Liability Issues in International Law Practice*, 17 COMP. L. Y.B. INT’L BUS. 223 (1995).

⁶ RIGHTS, LIABILITY, AND ETHICS IN INTERNATIONAL LEGAL PRACTICE (Mary C. Daly & Roger J. Goebel eds., 2d ed. 2004) (new edition forthcoming).

⁷ Mary C. Daly, *What the MDP Debate Can Teach Us About Law Practice in the New Millennium and the Need for Curricular Reform*, 50 J. LEGAL EDUC. 521 (2000).

⁸ *Id.* at 521.

theoretical understanding of professional role and an invaluable expertise in international practice.⁹

Mary integrated ethics into all aspects of her life. As a distinguished government lawyer, as well as a dean, professor, and Bar leader, she lived a life of integrity. She was devoted to her husband and children. I remember marveling at how, when her children were younger, they would all check in with her after 3:00 p.m. and she would interrupt any meeting to take their call. In that regard, she became a role model for me. As a faculty member, she was generous and supportive to both colleagues and students. I would like to share my own story. I was a serious Jew joining a Jesuit law school. Mary was an observant Catholic who made me feel welcome from the start. When, as an untenured faculty member, I began to write on what it meant to be a Jewish lawyer, Mary encouraged me to persist even though a number of our senior colleagues had warned me this work would not be considered relevant for tenure and promotion.

With her combination of brilliance, vision, and kindness, Mary Daly was an extraordinary person who made an invaluable contribution to legal education and to the legal profession, and to her family, friends, and colleagues. *Zikhronah livrakha*. May her memory be for a blessing.

FOR MARY

CAROLE SILVER[†]

Mary's scholarship and her role at St. John's Law School and earlier at Fordham are ably covered by others in this collection of tributes. My goal is to offer something a bit different. I was one of Mary's many professional friends. We first met in 2003 through the Association of American Law Schools ("AALS") and shared an interest in graduate legal education. I had started writing about international LL.M. students, and Mary asked me

⁹ See *id.*; Mary C. Daly, *Monopolist, Aristocrat, or Entrepreneur?: A Comparative Perspective on the Future of Multidisciplinary Partnerships in the United States, France, Germany, and the United Kingdom After the Disintegration of Andersen Legal*, 80 WASH. U. L.Q. 589 (2002); Mary C. Daly, *Choosing Wise Men Wisely: The Risks and Rewards of Purchasing Legal Services from Lawyers in a Multidisciplinary Partnership*, 13 GEO. J. LEGAL ETHICS 217 (2000).

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to talk to the Section on Graduate Education for Foreign Lawyers. Our relationship really started as we discussed the topic for the AALS talk. We brainstormed about what we thought we knew about LL.M. programs for international law graduates, what we wanted to know, and how we might learn it. While the resulting project was not a formal collaboration with Mary, her encouragement and enthusiasm for my research was enormously important.¹

Even before we met, however, I had read Mary's work.² It was recommended to me by Bryant Garth, then director of the American Bar Foundation. Mary was one of a relatively small group of legal scholars writing about the legal profession in a way that reached across disciplinary boundaries and the research-practitioner divide. Her articles in the field are classics that I return to regularly.

We met again through the issue of outsourcing legal services, as we each tried to get our hands (and heads) around a new twist on old issues. Mary attended a small panel in which I participated on the topic of legal process outsourcing at the international law weekend organized by the Association of the Bar of the City of New York, and afterwards, we talked for a few minutes and decided to write a paper together on outsourcing, its role in changing the practice environment, and the ethical issues it raises. It was that simple—five minutes to talk, a paper in the works.³

That decisiveness and interest in collaborating epitomized Mary, and it was part of her professionalism that I grew to know and admire over the next couple of years as we wrote, revised, and talked about the outsourcing project, and then of course also about a whole series of other issues, both professional and personal. Mary had that rather rare combination of curiosity,

¹ The research is set out in *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 CARDOZO J. INT'L & COMP. L. 143 (2006).

² Two of her early articles that I read before we met are *Thinking Globally: Will National Borders Matter to Lawyers a Century from Now?*, 1 J. INST. FOR STUDY LEGAL ETHICS 297 (1996), and *The Cultural, Ethical, and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel*, 46 EMORY L.J. 1057 (1997).

³ Our collaboration was deemed a success by both of us and resulted in *Flattening the World of Legal Services? The Ethical and Liability Minefields of Offshoring Legal and Law-Related Services*, 38 GEO. J. INT'L L. 401 (2007).

smarts, and independence. To be honest, most lawyers and academics I meet have the first two qualities. It is the independence that sometimes is missing, and this was sturdily present in Mary. Whether in thinking through an academic problem or offering career advice, she was not swayed by groupthink or by what she guessed I wanted to hear. Instead, she offered her clear-headed, thoughtful analysis of a problem or issue and created enormous value in the process. To me, her independent-mindedness seemed second nature to her and it quickly made Mary someone to be relied upon for a candid answer and reaction, whether to writing or more personal issues.

But candor can be harsh, and Mary was not that. She had great warmth and empathy and was able to combine these with her independent-mindedness. This was a potent mix. It made her that rare friend and colleague who could deliver news I did not want to hear, in a way that allowed me to hear it anyway. At the same time, she was sufficiently interested and connected to those around her to take the time to listen, read, think, and respond, regardless of the topic. As a result, she was my trusted advisor, my dear friend, and the best sort of colleague.

LAUREL TERRY[†]

It is with bittersweet emotions that I write this tribute to Mary C. Daly. I am honored to have the opportunity to publicly share my immense respect, admiration, and affection for Mary, but I only wish it could have been under different circumstances and that she was around to read these remarks.

I know Mary because of our shared interests and work in the field of legal ethics. Mary's contributions to this field were immense and long-standing. She was a pioneer who helped create the field of comparative lawyering and cross-border legal practice. I first came across Mary when I heard about the fall 1991 Fordham conference that she and Roger Goebel organized. This was one of the first conferences to bring together important legal profession commentators and policymakers from the United States and Europe. This conference helped foster a dialogue that

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continues today.¹ Mary, however, was not one to rest on her laurels. Mary published regularly and virtually all of her publications are still regularly cited. She had the knack of being academic, yet practical, and the knack of being able to articulate extremely well something that others may have thought about in some fashion, but had not yet put into words, let alone so succinctly. When I first read her article entitled *The Dichotomy Between Standards and Rules: A New Way of Understanding the Differences in Perceptions of Lawyer Codes of Conduct by U.S. and Foreign Lawyers*,² I remember thinking to myself, "I wish I had written that." I also had the reaction that I had had some of the same thoughts, but had never articulated them (to myself, let alone others) quite so well. Another example is her article entitled *The Cultural, Ethical, and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel*, which remains the leading article on this issue.³ The article is still regularly cited, and numerous corporate counsel have told me that the article is so "on point." The last time I saw Mary in person was in May 2008 when she spoke about the hot topic of legal outsourcing at the 5th International Conference of the Association of Professional Responsibility Lawyers in Amsterdam. Naturally, Mary had prepared excellent written materials for the program (rather than simply relying on her cutting edge law review article),⁴ but Mary's remarks did not simply repeat her outline. Instead, she pulled a coin out of her pocket and talked about how there are two sides of the coin when talking about outsourcing. As many times as I have heard Mary speak, I was struck again by what a clever, memorable, and insightful speaker she was.

In addition to being articulate and insightful, Mary was a hard worker who would roll up her sleeves and do everything she

¹ The conference was the basis for Mary and Roger's book: *RIGHTS, LIABILITY, AND ETHICS IN INTERNATIONAL LEGAL PRACTICE* (Mary C. Daly & Roger J. Goebel eds., 2d ed. 2004) (new edition forthcoming).

² Mary C. Daly, *The Dichotomy Between Standards and Rules: A New Way of Understanding the Differences in Perceptions of Lawyer Codes of Conduct by U.S. and Foreign Lawyers*, 32 *VAND. J. TRANSNAT'L L.* 1117 (1999).

³ Mary C. Daly, *The Cultural, Ethical, and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel*, 46 *EMORY L.J.* 1057 (1997).

⁴ Mary C. Daly & Carole Silver, *Flattening the World of Legal Services? The Ethical and Liability Minefields of Offshoring Legal and Law-Related Services*, 38 *GEO. J. INT'L L.* 401 (2007).

thought was necessary—and more. If you asked Mary to take on a task, you could rely on the fact that it would get done in a way that would exceed your expectations. It was always a pleasure to serve on a conference panel with Mary, especially if she was in charge, because I knew that we would have a plan of action, we would have written materials, and we would be well prepared. Mary brought these same traits to her work as reporter for the ABA Commission on Multidisciplinary Practice. I am convinced that the ABA Multidisciplinary Commission would not have received the same quality and quantity of comments if Mary had not written her January 1999 *Background Paper on Multidisciplinary Practice: Issues and Developments*,⁵ March 1999 *Hypotheticals and Models*,⁶ and December 1999 *Updated Background and Informational Report and Request for Comments*.⁷ The multidisciplinary law review articles she wrote following her service as a reporter were similarly excellent.⁸ The lawyer regulators in England and Wales have issued new multidisciplinary regulations that are currently scheduled to take effect on March 31, 2009.⁹ As a result, there are many U.S. lawyers, law firms, and regulators that will be revisiting the issue of MDPs. I have no hesitation in predicting that Mary's MDP contributions are going to be cited frequently and relied upon in the coming years.

Mary was also dedicated to lawyers, the legal profession, and students. If you look at her curriculum vitae you will see that she regularly wrote about legal education, the legal profession, and the future.¹⁰ She truly cared, and it showed in her

⁵ *Background Paper on Multidisciplinary Practice: Issues and Developments*, Jan. 1999, <http://www.abanet.org/cpr/mdp/multicomreport0199.html>.

⁶ *Hypotheticals and Models*, Mar. 1999, <http://www.abanet.org/cpr/mdp/multi-comhypos.html>.

⁷ *Updated Background and Informational Report and Requests for Comments*, Dec. 1999, <http://www.abanet.org/cpr/mdp/febmbp.html>.

⁸ See, e.g., Mary C. Daly, *Choosing Wise Men Wisely: The Risks and Rewards of Purchasing Legal Services from Lawyers in a Multidisciplinary Partnership*, 13 GEO. J. LEGAL ETHICS 217 (2000); Mary C. Daly, *Monopolist, Aristocrat, or Entrepreneur?: A Comparative Perspective on the Future of Multidisciplinary Partnerships in the United States, France, Germany, and the United Kingdom After the Disintegration of Andersen Legal*, 80 WASH. U. L.Q. 589 (2002).

⁹ See Solicitors Regulation Auth., *Legal Services Act: New Forms of Practice and Regulation*, <http://www.sra.org.uk/sra/legal-services-act.page> (last visited Feb. 19, 2009).

¹⁰ See, e.g., Mary C. Daly, *Teaching Integrity in the Professional Responsibility Curriculum: A Modest Proposal for Change*, 72 FORDHAM L. REV. 261 (2003); Mary

scholarship, her desire to serve as a dean, her work with the International Association of Law Schools, and the interest she took in her students and colleagues.

When you put all of these together, what you have is a scholar who was a pioneer and a giant in the field and whose work—published and unpublished—will be relied upon long beyond her untimely death.¹¹ But even more than that, you have a remarkable person. In addition to her stellar academic accomplishments, Mary was a warm, caring, generous person, who reached out to new friends and old, particularly in the legal ethics community, and who had one of the most infectious laughs (almost a giggle) I have ever heard. Mary exemplified legal professionalism, dedication to the highest level of ethical conduct, and a vision of constant improvement of lawyer regulation in the public interest. I will miss her deeply.

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¹¹ Mary and I had been working for a number of years on materials for a cross-border legal practice book. I wish we had published these materials before her death, but they too are part of Mary's legacy because she generously shared them with colleagues around the world.

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