

2020

Celebrating a Lasting Legacy: Foreword

Matthew Diller

Dean and Paul Fuller Professor of Law, Fordham University School of Law, eoe@law.fordham.edu

Follow this and additional works at: <https://ir.lawnet.fordham.edu/flo>



Part of the [Law Commons](#)

Recommended Citation

Diller, Matthew (2020) "Celebrating a Lasting Legacy: Foreword," *Fordham Law Review Online*: Vol. 89 , Article 1.

Available at: <https://ir.lawnet.fordham.edu/flo/vol89/iss1/1>

This Prefatory Material is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Fordham Law Review Online by an authorized editor of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

CELEBRATING A LASTING LEGACY

FOREWORD

*Matthew Diller**

What makes Fordham Law special is ultimately the people who make up our community: the dedicated faculty and staff who are devoted to teaching students the craft of law, advancing legal scholarship, and fostering robust intellectual debate. They are also central to another of our key missions: instilling in our students the conviction that they can make a difference in the world, in their communities, and in the lives of their clients. The strength of our community in working to equip students with those skills is critical to who we are as an institution and how we educate aspiring legal professionals.

In the past two years, we have lost twelve key members of our community—some are retiring after many years with us, others are leaving to embark on a new phase of their careers, and, sadly, four more have passed away. Though they will no longer be with us, each in their own way has left a profound mark on Fordham Law. On a personal level, I have found each of them to be incredibly inspiring to me, and I owe a great debt of gratitude for their exemplary work in their fields, for their support as colleagues, and, of course, for their friendship. I will miss them deeply.

In a quiet, understated way, Professor and Dean Emeritus Michael M. Martin has been a pillar of the Fordham Law faculty for nearly a half-century. When I first arrived at the Law School in 1993 as a junior faculty member, he was just down the hall. Professor Martin was a seasoned civil procedure teacher and, as it turned out, civil procedure was the first course I taught here as well.

So, as many young faculty members do, I spent many hours down the hall sitting in Professor Martin's office. I sought his advice on how to approach teaching, and those talks shaped me as an educator. A year after I started, Professor Martin became Associate Dean Martin. It was in that role that I came to admire his style which had three basic tenets: (1) remain cool under fire; (2) always be the adult in the room; and (3) focus on students first. These qualities stood Dean Martin in great stead as he served as interim dean and

* Dean and Paul Fuller Professor of Law, Fordham University School of Law. The text of this Foreword has been lightly edited and footnoted.

then dean during the recession following the 2008 financial crisis, which was an extraordinarily difficult moment for all law schools. Dean Martin navigated Fordham Law through those treacherous waters with poise and skill. Dean Martin's great legacy as dean, however, was spending two decades envisioning and working toward making Fordham Law's new building a reality. When our magnificent and modern new home opened in 2014, he was there every step of the way, ushering in a sense of excitement and promise for the future.

Professor Frank Chiang was appointed as Fordham Law's first Asian full-time faculty member in 1972. While he was an anchor in teaching commercial law at Fordham Law for more than forty years, his true passion involved legal issues concerning the sovereignty of Taiwan. He published *The One-China Policy: State, Sovereignty, and Taiwan's International Legal Status*¹ in 2018, which was the culmination of years of study and thought. Professor Chiang was an extraordinarily dedicated member of the faculty who was a fixture at nearly every faculty talk and event and could always be found working in his office.

I had the pleasure of getting to know Professor Marcella Silverman before either of us joined the Fordham Law faculty. We worked together at The Legal Aid Society in the 1980s where we were both staff attorneys. I came to know her then as a brilliant lawyer who had an intense passion for protecting vulnerable clients—she would always go the extra distance for a client. When Professor Silverman came to Fordham Law, she taught a generation of students not only the concrete skills of lawyering, but the ethos of fearless creative advocacy in the service of those in need. Professor Silverman reinvented herself as a teacher numerous times—transitioning from subject to subject in a way that is all too rare in the academy.

Professor Richard Scott Carnell arrived at Fordham Law after an incredibly distinguished career in government as one of the country's leading experts in banking law. Having worked on the U.S. Senate Committee on Banking, Housing, and Urban Affairs and as an assistant secretary for financial institutions in the Department of Treasury, he brought tremendous expertise to teaching our students. As an academic, he made his mark as one of the principal authors of the leading textbook in the field of banking law.² Professor Carnell was a dedicated classroom teacher who strove to ensure that his students walked away with a depth of understanding of the complex field of financial regulation.

I remember interviewing Professor Robin Lenhardt sixteen years ago when she was a candidate for a position on our faculty and her brilliance blew me away. She is a superb scholar and advocate with a unique ability to stick by her strong beliefs, while seeing the other side of an argument as well. It is difficult to be both a forceful advocate and a bridge builder, yet Professor

1. *See generally* FRANK CHIANG, *THE ONE-CHINA POLICY: STATE, SOVEREIGNTY, AND TAIWAN'S INTERNATIONAL LEGAL STATUS* (2018).

2. *See generally* RICHARD SCOTT CARNELL, JONATHAN R. MACEY, & GEOFFREY P. MILLER, *THE LAW OF FINANCIAL INSTITUTIONS* (6th ed. 2017).

Lenhardt is both. It was a pleasure to work with her to establish the Center for Race, Law and Justice, which is such an important program for our school.

Assistant Dean Thomas Schoenherr joined Fordham Law in 1988 as a career services counselor, but his passion was pro bono and public service work. With that in mind, he wanted to find a way to execute and further carry out the Law School's Jesuit mission of service. Assistant Dean Schoenherr founded the Public Interest Resource Center in 1991 under Dean Emeritus John D. Feerick's leadership—which began with the innovative idea of creating a special office within the Law School dedicated to supporting student public service organizations and promoting volunteerism and pro bono work. With this initiative, he created a model of how a law school can support student leaders and inculcate an ethos of service as a fundamental part of what it means to be a legal professional. This model has been replicated across the country, and Assistant Dean Schoenherr has been appropriately celebrated as a pioneer.

As one of the nation's leading experts on civil rights law during the Reconstruction period, Professor Robert Kaczorowski brought the keen insight and methodology of a trained professional historian to Fordham Law. As our colleague Professor Martin Flaherty has so convincingly demonstrated, there is a tendency among lawyers to mine through history and cherry-pick details that support an argument. Professor Kaczorowski is passionate about the history for its own sake, while at the same time is fully cognizant of the ramifications that historical analysis and interpretation have in current legal debates. Of course, we are all indebted to Professor Kaczorowski for writing the definitive history of Fordham Law,³ which is a text that I find myself revisiting again and again. It's not just a recitation of our institution's history. It tells the story of American legal education through the lens of Fordham Law.

I will always be extraordinarily grateful to Assistant Dean of Student Affairs and Diversity Initiatives Nitza Escalera for her support as we worked together through many serious crises involving our students. She always had a calming sense about her and brought good judgment and wisdom to those situations, caring for the students first and then focusing on the broader picture. Assistant Dean Escalera played a particularly critical role in nurturing our students and alumni of color. Her ability to be a mentoring guide for so many students—particularly students who come to law school without traditional support—was critically important. Assistant Dean Escalera's booming laugh defused many a tense situation and reflected the joy that she found in working with students and colleagues.

Sadly, we have lost four members of our staff and faculty over the past two years. Their loss has been a blow to our community. As we mourn their passing, we celebrate their lives and all that they did for our institution and for our students.

3. *See generally* ROBERT J. KACZOROWSKI, *FORDHAM UNIVERSITY SCHOOL OF LAW: A HISTORY* (2012).

Professor Joseph Sweeney, who passed away in July, will be remembered not only for his expertise in maritime law, which grew out of his career in the Navy JAG Corps, but also his deep love for legal history and the law overall. He combined a sunny, upbeat personality with encyclopedic knowledge and analytical rigor. Professor Sweeney's wonderful sense of humor was also evident outside of the classroom. In 1972, when he was appointed to teach as a visiting professor at the U.S. Naval War College, he wrote to then Dean Joseph McLaughlin to share the news, noting, "I have finally received the appointment to the Naval War College for the next year . . . I have told them that I shall accept. In a way it makes an outrageous pun—I shall be the land professor of the sea, as the full title is Emory S. Land Professor of Maritime Affairs."⁴ In the same vein, many of the 15,000 students he taught over his forty-seven-year-long career at Fordham Law described him as "awe-inspiring," "a gem," and even "one cool cat."

Professor Joel Reidenberg, who passed away in April after a long battle with leukemia, was a groundbreaking pioneer who helped invent the field of information law. He was prescient, exploring ideas and issues concerning technology years before others would begin to see their potential and importance. I will never forget how his sixth sense signaled something major was about to happen and would completely transform our legal system. Professor Reidenberg was the apostle of information law, mentoring students and young scholars and taking delight in their achievements. He was also an institution builder—he served as president of the Fordham University Faculty Senate and the founder of the Center on Law and Information Policy—which continues to be a major resource in the Law School and a leader in its field.

Laurence ("Larry") Abraham, head of instructional services for the Maloney Library and adjunct professor of law, passed away in October 2019. He loved soaking in all kinds of information, and he never shied away from a good intellectual challenge, especially if that meant searching through pages and pages of books. Professor Abraham valued and built relationships within the law school community—he was the law school's "mayor"—a constant presence always available as a source of support, encouragement, and friendship. Professor Abraham had a vision of what it means to be a librarian and what a law library should be—that it was all about the students and their needs, not just about curating books. Making connections with students and faculty who sought his help was at the core of his being.

I am so grateful for the opportunity to know the late Judge Deborah Batts—who passed away in February—as a dear friend and colleague. Judge Batts was the first African American member of our faculty, and she served on the appointment committee that hired me in 1993. Not unlike my interactions with Dean Martin early on in my Fordham Law career, I often visited Judge Batts's office to seek her advice. As I look back, the irony of the situation was that I began to transition into teaching just as she was

4. Letter from Joseph C. Sweeney to Joseph McLaughlin, Dean, Fordham University School of Law ([date]) [(on file with Fordham Law School)].

transitioning out of teaching, going through the nomination and confirmation process to become a federal judge. During this process, she publicly came out as a lesbian and was thus the first openly LGBTQIA+ judge on the federal bench. She continued to teach at Fordham Law as an adjunct professor, imparting the knowledge and wisdom of a sitting judge to her trial advocacy classes over a twenty-five-year period. Judge Batts was a courageous fighter, but, in doing many serious things, she never took herself too seriously—she was exuberant, fun, and warm. She is deeply missed.

All of these extraordinary individuals leave a lasting legacy for their incredible devotion to students, scholarship that moved legal doctrine forward, and leadership of our institution. On the following pages are tributes to each of them penned by colleagues in the Fordham Law community.