

1-15-2000

## A Brief Reflection at Twenty Years: Filling the Alumni Void

Jane Cooper-Hill

Follow this and additional works at: <https://ecommons.udayton.edu/udlr>



Part of the [Law Commons](#)

---

### Recommended Citation

Cooper-Hill, Jane (2000) "A Brief Reflection at Twenty Years: Filling the Alumni Void," *University of Dayton Law Review*. Vol. 25: No. 2, Article 2.

Available at: <https://ecommons.udayton.edu/udlr/vol25/iss2/2>

This Editorial is brought to you for free and open access by the School of Law at eCommons. It has been accepted for inclusion in University of Dayton Law Review by an authorized editor of eCommons. For more information, please contact [mschlangen1@udayton.edu](mailto:mschlangen1@udayton.edu), [ecommons@udayton.edu](mailto:ecommons@udayton.edu).

## 25TH ANNIVERSARY SPECIAL REFLECTION SECTION

### A BRIEF REFLECTION AT TWENTY YEARS: FILLING THE ALUMNI VOID

*Jane Cooper-Hill\**

Like most third-year law students, my mind was less focused on graduation, scheduled for May 18, 1980, than on the events about to unfold. In my case, that meant the moving van set to arrive at my home the day after graduation to take everything I owned in the world to Texas, far from family and friends. It meant leaving my children with neighbors for a few weeks to finish out the school year so that I could meet the movers in Houston, unpack in the new home, and be ready to start my clerkship with a federal district judge there on May 27, as he had requested. The Texas bar review began on May 28. At the time, graduation was just something on the calendar between packing the crystal and turning off the utilities.

To be sure, there was a certain elation that May, as when we turned in blue books for the last exam, which for me was Pat Searcy's *Wills & Trusts*. The thrill of winning the book prize was tempered by the cynical realization that a smart lawyer would not have waited until the last semester of law school to take that particular course. Once the exams and papers were finished, however, my attention turned to the move, the job, and the bar review, with no time to ponder the significance of a purely ceremonial event such as graduation. All practicing attorneys will recognize the pattern.

I don't mean to suggest that the law school experience was left behind, a fading memory in the rearview mirror. To the contrary, the impressions and experiences that propelled us past May 18, 1980 indelibly shaped our professional identities, sometimes in ways not fully appreciated until years later. From those first humiliating recitations in Chuck Telly's contracts class to Leon Jaworski's graduation message, what we took away from the University of Dayton School of Law ("UDSL") stayed with us. It helped us pass the bar, got us through our first trial as well as our most recent one, still shapes our due diligence efforts in transactions large and small, and informs our consultations with clients and our dealings with adversaries.

---

\* United States Magistrate Judge, United States District Court, Southern District of Texas. J.D., 1980, University of Dayton.

I was thirty-two years old when I started law school, older than many of my classmates but not alone. I was relieved to see that the school attracted a fair number of “mature” students, many of whom had worked in other careers or raised families until the lure of the fledgling law school in their hometown proved irresistible. This mix of ages and backgrounds strengthened the UDSL community immeasurably, encouraging diversity before that term was used to describe an educational goal and creating a broad network of support for the school that reached beyond the cubicals of first year associates and into the nooks and crannies of the community. While women were not a rarity, we did feel the sting of the occasional inquiry from one or two faculty members and a few resentful male colleagues into our bona fides – did we really intend to practice law or were we just going to law school for fun, thereby depriving a deserving man of a seat in class? For the most part, however, the faculty and students worked together without egregious gender-based rancor or discrimination. We learned lessons in tolerance that were carried into law firms and government agencies and courtrooms as we moved on with our careers.

When I received a letter of acceptance from Associate Dean Tom Fischer in the spring of 1977, the reopened law school was about to graduate its first class. Although certainly a sign of success, that milestone did not entirely allay our apprehension at being part of an experiment. The school was ABA accredited but did not have its AALS affiliation. We wondered if those first graduates would pass the bar. We worried whether they would get jobs, and whether they would perform well so that law firms would come to interview us. Unlike other law schools whose graduates had a predictable bar pass rate and employment history, we lacked the comfort of treading a well-worn path.

In short, the school suffered from an alumni void. We needed a corridor hung with class photos, a gallery of alumni whose images would mutely attest to the wisdom and likely success of our endeavor. Understandably, we were not reassured by the example of those who had graduated decades earlier only to have the law school close behind them. Without a cadre of alumni to mark the way, our tenure was fraught with a degree of uncertainty. Faculty and students alike struggled to overcome a certain self-consciousness, even defensiveness, fearful that the legal community was watching carefully to see what we would make of ourselves, or worse, that they were ignoring us.

The faculty was an earnest and dedicated group. I had a unique perspective, having married a faculty member after I was accepted but before classes began in 1977. Cooley Howarth served as best man for my husband. Our wedding photographs bring to mind an amusing X-rated

wristwatch worn by none other than Dale Searcy, and show Dick and Libby Braun and Keith and Donna Hey with glasses raised. I heard the faculty's complaints about the students as well as vice versa. What impressed me always was the resolve, indeed the insistence, by the faculty members that they would provide a quality legal education, never mind that it was a new school with a somewhat non-traditional student body. No one would cut corners. This resolve was coupled with a confidence that the students could meet the challenge of rigorous standards and would be able to compete successfully in the legal world after graduation. The faculty's encouragement alleviated somewhat the effects of the alumni void; they were, after all, lawyers themselves, able to compare us to their own former classmates or to other students at other schools. We bravely credited their opinions on this touchy subject.

Of course, there were different views on how best to deliver the quality legal education to which the faculty was committed, and how to measure whether it had in fact been delivered. The debates raged. Socratic method or straight lecture? Legal theory or practical nuts and bolts? Law review or moot court? Academic course work or real world internships? Essay questions or multiple choice? I suspect these same issues still burn.

We were fortunate to have it all. Each professor brought techniques and ideas from his or her own law school experience or from a prior teaching experience, and the result was a smorgasbord of classes and styles surprisingly rich for such a small and new law school. Bob Hopperton's Property I and Keith Hey's Remedies were models of large class traditional Socratic style, and one had to admire the energetic presentation of Individual Income Taxation by Dale Searcy. Cooley Howarth's first-year Legal Research/Moot Court program rivaled any that I have since encountered, and serving as a case counsel my second year was the second most important decision I made in law school.

My only C in law school came in Rich Sapphire's first semester Constitutional Law class. Although the grade was entirely of my own doing, I petulantly signed up with Professor Sultan for the next semester. Others, I learned, had abandoned Sultan for Sapphire. I cannot account for such fickle conduct today; perhaps the constitutional issues inspired passions that, say, the course in commercial paper did not. I returned to Professor Sapphire for a gem of a civil rights seminar my last year.

Professor Dennis Turner had perhaps the greatest challenge. Teaching the rules of procedure in a classroom is somewhat akin to giving a lecture on bread making: While you must understand the process, the learning is mostly in the doing. The writing exercises were helpful, but it was my subsequent clinical externships, first with Magistrate Judge Robert

Steinberg, who also taught Evidence, and then with the U.S. Attorney's office, that gave life to what I had learned about Rule 12(b)(6) and were crucial transitions between theory and practice. Those internships also bolstered my confidence that UDSL students would be able to meet real world challenges.

The best decision I made while at UDSL was to compete for law review. With no understanding of how law review would improve my skills and my job prospects, I was not initially enthusiastic about it. Besides, rumor had it that Dean Richard Braun favored the moot court program and that the law review, as a result, would never flourish. Most importantly, a long-planned summer on the Brittany coast interfered with the case note deadline. I must admit I was nagged into it, but I have been grateful ever since. Today's Internet-dependent law student might not be able to imagine how my case note came about, but at the time I was thankful for the technology that made it possible: a copy machine and a portable typewriter. I spent a frantic month after classes were out researching and copying. The typewriter and the copied cases filled a sizeable suitcase. Every morning in France, while my family rode bicycles into town for fresh croissants, I sat at a small window table in our rented farmhouse and cranked out the case note. Upon my return I learned that the U.S. Supreme Court had granted certiorari on the Second Circuit case and that my note would be published.

While publication was a thrill, the real reward came the following spring, when some students and faculty decided the school needed Phi Delta Phi as well as Phi Alpha Delta, which had already been established. The faculty advisor, my husband, invited Justice William H. Rehnquist, a Phi Delta Phi member, to speak at the installation ceremony. He agreed to come, generously making himself available the day before and after our big event for speeches and receptions sponsored by various dignitaries and business groups. His visit was quite an occasion for UDSL, and was not without its critics. Some students, decidedly more liberal than the future Chief Justice, contemplated a boycott. Others rehearsed what they thought were powerful rejoinders to the opinions authored by Justice Rehnquist in one case or another. None were prepared for the gracious and genuine interest he demonstrated for the school and its students.

Upon meeting the students who greeted him at the airport, he asked for a copy of the law review, which was hastily retrieved and delivered to his hotel. Next day, at a luncheon with Phi Delta Phi students, it seemed he had read the journal cover to cover. He spoke favorably about the quality of our publication, and commented on several case notes, mine included, when introduced to their authors, although I no longer recall the specifics

of anything Justice Rehnquist said, I knew then that the law review effort had been worthwhile. A few students were bold enough to broach those unpopular opinions; he treated them with respect and drew them into an intellectually engaging and thorough analysis of the constitutional issues involved. The Justice concluded his remarks by explaining how Supreme Court law clerks were selected, and encouraging UDSL students to apply for district and circuit court clerkships as an important step that could only enhance a career. Impressed and inspired, I began to worry a little less about being part of an experiment.

I spent that summer in Houston contemplating a move there after graduation. With some trepidation, I enrolled at the University of Houston Law Center for summer classes in Oil & Gas and Gift & Estate Taxation, bar courses in Texas and Ohio, respectively. In truth, I saw it as a test of UDSL. Happily, the only difference I saw between the two schools was that UDSL was somewhat more relaxed in terms of classroom decorum. Although my course grades that summer could not be transferred back to Dayton, my brief experience as a Texas law student confirmed that UDSL was holding its own. By the end of the summer, excited by the booming legal market in Texas, I sent my resume to all the federal district judges in Houston. I can't say that there wasn't some resistance to a law student from an unknown school in Ohio; it helped that I had taken courses at the University of Houston, that I had served as a legal research/moot court case counsel, and that I was on law review. Three judges interviewed me. An offer came in October while I was working as an intern on a social security appeal in Judge Steinberg's office. The real world was looming.

The two-year clerkship with the Honorable George E. Cire shaped my career in ways I had not predicted. While in school, I was not particularly attracted to litigation, and I saw the clerkship primarily as an opportunity to get an overview of the Houston legal community. Once there, however, I succumbed to the heady combination of extensive motion practice, which I found intellectually challenging, and trials on matters ranging from civil rights to securities fraud. I felt well prepared for the clerkship, often grateful to Dennis Turner for his emphasis on federal jurisdiction in the civil procedure course and thankful for the research skills imparted by Cooley Howarth. And, of course, the law review experience was crucial, not only for Blue Book citation style but for its focus on the twin editorial virtues of clarity and brevity. The judge insisted that bench briefs not exceed one page. He taught me a great deal about practicing law and about judging, and I was thankful to have had the honor of working for him. He died in 1985. I left the court in 1982 to practice commercial litigation for the next 15 years. Those were tumultuous years in Houston, with the

collapse of the oil economy followed closely by the savings and loan debacle. There was no shortage of work for litigators. My practice was primarily in federal court, and included securities, construction, banking, ERISA, and insurance coverage.

Throughout my years of practice in Houston, my husband and I had a vacation home in Rockport, a small community on the coast just north of Corpus Christi, we knew we would retire there. When a new United States Magistrate Judge position opened in Corpus Christi in 1996, I immediately applied, and was deeply honored to be selected from over 100 applicants. I was sworn in on my birthday, February 10, 1997. The commute from Rockport allows me to start each day with a spectacular view of Corpus Christi Bay. I miss clients and the many attorneys with whom I worked over the years, but am immensely proud and pleased to be able to serve the Southern District of Texas in this capacity.

Two years ago Professor Howarth gave me a tour of the remarkable Joseph E. Keller Hall. I was struck by the affinity I felt for the students and faculty there, even though only a few names and faces are familiar now and I had never experienced a lecture or moot court in this technologically and aesthetically impressive facility. The affinity, of course, is with the institution itself, with the daily life at the law school no matter where classes are held. It is the memory of cite checking that defines law review, not a hazy recollection of the pitiful quarters we occupied in Albert Emanuel Hall. Although today's library is grander, I am sure students gather there just as we did to puzzle over future interests and their own futures. On the tour, I recalled fondly the deans and faculty and students who persevered when our future was uncertain. Their combined efforts have helped create twenty-four years' worth of UDSL graduates. That goes a long way to fill the alumni void.