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Introduction: Integrity in the Law: In Honor of John D. Feerick Symposium

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SYMPOSIUM

INTEGRITY IN THE LAW: IN HONOR OF JOHN D. FEERICK

INTRODUCTION

*William Michael Treanor**

Good morning. It is my privilege, and it truly is a privilege, to welcome you to Fordham Law School's Integrity in the Law Conference, which honors John Feerick on the occasion of his retirement from the deanship after twenty years of remarkable service to the School, to the University, to the legal profession, and to the law.

Dean Feerick's career has been one of extraordinary accomplishment. In fact, as I was preparing my comments and looking at the list of positions he holds and has held, I was amazed, as I have been amazed in the past, that one person could achieve so much.

He graduated from Fordham College and from Fordham Law School, where he was Editor-in-Chief of the Law Review. He was one of the first associates hired by Skadden Arps; he became a partner there and a leader in the field of labor law. He is a co-drafter of the Twenty-fifth Amendment.¹ He is the author of a Pulitzer Prize-nominated book about presidential succession.²

* Dean, Fordham University School of Law. This introduction is an edited version of the welcoming comments that Dean Treanor gave at the start of the "Integrity in the Law" Conference held at Fordham University School of Law on February 7, 2003. This book of the Fordham Law Review presents in expanded form the papers presented at that conference.

1. The Twenty-fifth Amendment provides:

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the

He has been Chair of the New York State Commission on Government Integrity, where he worked tirelessly in the wake of the corruption scandals of the mid-1980s to make government worthy of the people's trust, to make it worthy of our trust. He has been President of the Association of the Bar of the City of New York. He has been Chair of the Professionalism Committee of the ABA Section on Legal Education and Admission to the Bar. He has resolved countless labor disputes. Within the past month, he was named by Chief Judge Judith Kaye of the New York Court of Appeals to head a commission studying the judicial selection process.³ And then, a few days later, he was named by the City of New York and the Legal Aid Society to a three-member panel charged with working to resolve the crisis of homelessness in the City, a panel that would not have existed but for his work to broker the agreement.⁴

Again and again, when there is an intractable problem, people who fundamentally disagree agree about one thing: they agree that they can trust John Feerick.

That's a roster of achievement that would be enough for several lives. Far more important for John, it is a body of good works that would be enough for several lives.

For twenty years, the core of John's professional life has been here,

principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

U.S. Const. amend. XXV.

2. John David Feerick, *The Twenty-fifth Amendment: Its Complete History and Earliest Applications* (1976).

3. See James C. McKinley, Jr., *State Can't Afford to Let Court System Remain Inefficient, New York Chief Judge Says*, N.Y. Times, Jan. 14, 2003, at B4.

4. See Leslie Kaufman, *New York Reaches Deal to End 20-Year Legal Fight on Homeless*, N.Y. Times, Jan. 18, 2003, at A1.

Fordham Law School. He has worked tirelessly for us—and I have to say the word “tirelessly” is not a hyperbole; I mean it very literally. The one morning I was in at 6:30 a.m., Fred Farnum, who is the morning custodian at the law school, came in, and he said, “It seems like old times.” And I know from John’s wonderful assistant Marilyn Force and from countless train commuters that John’s days regularly went until ten o’clock or eleven o’clock at night.

The leadership that he has shown has made him a giant in legal education. During his tenure of twenty years, Fordham Law School continued its greatest traditions. He successfully worked to maintain its remarkable commitment to teaching—as I often say, I don’t know of a school that does a better job preparing students for the practice of law. He successfully worked, as well, to maintain and strengthen the Law School’s profound commitment to its students’ well-being, and to prepare Fordham students, not just for the practice of law, but for the richness of life in all its complexity. Indeed, John not only fostered the School’s commitment as an institution to the welfare of its students and graduates, he led by example. I can’t tell you how many graduates in the past few months have told me how John’s personal commitment to them transformed their lives, how he worked to help them succeed in school, how he helped them find a job, how he helped them deal with tough times and tragedies in their lives.

John not only continued the School’s great traditions, he built on them. He deepened the School’s commitment to scholarship and worked to propel Fordham to the top tier in academic reputation. He built on the School’s traditional commitment to students denied access to other institutions of higher learning by aggressively promoting diversity at the Law School. And he brought to everything he did his deep personal belief and his tremendous dedication to the use of law to further the public good.

The Louis Stein Center for Law and Ethics, which is our sponsor today, grows out of John’s and Lou Stein’s conviction in the aftermath of Watergate that Fordham Law School could play a critical role in restoring faith in the legal profession, and it has become a national leader. John’s tenure not only saw the birth of the Stein ethics program, but the birth of Fordham’s Crowley Program on International Human Rights, Public Interest Resource Center, student-funded fellowships, Institute on Law, Religion, and Lawyer’s Work, loan forgiveness and loan repayment assistance programs, and it saw the flourishing of our clinical legal education program where students learn the art of lawyering by assisting those who otherwise would be unable to obtain legal services. Fittingly, the Law School’s motto, “In the Service of Others,” was adopted during John’s tenure.

When I sat down last year with Bruce Green, Abner Greene and Jim Fleming, who have done such a remarkable job in organizing this fabulous conference, we decided to put together a conference that

would honor John. We began with the question of what theme could tie his career together. We talked about it for a little while, but the answer soon became obvious: integrity.

One of John's great heroes, as I assume many of you know, is James Madison. It is fitting that when Jefferson, near the end of his life, tried to sum up his great friend James Madison and why he revered him, what he said was, "I can say conscientiously that I do not know a man in the world of purer integrity."⁵ And, when I see that line, I always think of John Feerick.

As I am sure our distinguished panelists will explore today, integrity can have many different meanings, but John's life and John's career link them in a way that few others can rival. As a legal educator and as a public servant, he has worked for the integrity of the legal process. He has a deep faith in the law.

I was talking to Dean Ben Zipursky about this recently, and he said, and it's absolutely true, that when John talks about the Constitution, his face lights up, he almost literally glows, and this faith in and love of the law has motivated his endless labors to foster a legal system that others will regard with such faith and enthusiasm.

And John Feerick certainly embodies the concept of integrity as well in his personal life. I first met John in 1987, before I started teaching, when I worked at the Commission on Government Integrity, of which he was the Chair. I will never forget—I have had many jobs in government service—that the meetings with John were memorable because there was always just one question: What's right? What's right?

And that is the hallmark of his deanship. He has been an extraordinary help to me during my tenure as Dean in the past six months. I talk to him all the time. I have begun to get a sense of what his tireless hours are, partly because he is able to meet with me at any hour of the day or night. The theme of every conversation with him is "what's right?" When offering advice, what he comes back to again and again is "this is the right thing to do."

John for me, John for all of us, is our moral compass. John Feerick is true north.

And so it is fitting that we gather here today to honor John Feerick, to honor his tenure as Dean, by talking about integrity. We have an extraordinary group of panelists from literally across the country, and their presence here bears witness to how fundamental a change John has made in legal education, to how important his contribution is, not just in this community but throughout our country.

But, above all, today is a celebration by the Fordham community of John Feerick's tenure. For twenty years he led us. He made us a

5. 1 *The Republic of Letters: The Correspondence Between Thomas Jefferson and James Madison, 1776-1826*, at 38 (James Morton Smith ed., 1995).

stronger community and he made us better people. He stepped down as Dean last summer. Fortunately, he is remaining in the community as a mentor, as a friend, as a teacher. As he steps down as Dean, he leaves all of us who have been in the Fordham community for the past twenty years with an extraordinary privilege. For the rest of our lives, we will be able to say—for the rest of my life I will be able to say—with pride, “John Feerick was my Dean.”

Notes & Observations