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On the Occasion of the Dedication of the University of St. Thomas Law Building

Hon. Diana E. Murphy

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INTRODUCTORY ADDRESS

ON THE OCCASION OF THE DEDICATION OF THE UNIVERSITY OF ST. THOMAS LAW BUILDING

HON. DIANA E. MURPHY*

Archbishop Flynn, Father Dease, Monsignor Murphy, Dean Mengler, and honored guests.

I am happy and honored to be able to speak with you on the occasion of the dedication of this magnificent law building. Here we are in downtown Minneapolis in the Schulze Atrium, a gathering place for students and sure to be the site for many special events, adjacent to the Frey Moot Courtroom, where students will develop their skills to become zealous but principled advocates, and next to the four story Schoenecker Law Library, its glass front symbolizing the library's function as a window to intellectual discovery. Try also to take a few minutes this afternoon to look at some of the classrooms, the group study areas, and the computer laboratories, each loaded with state of the art technology. All of this has been made possible by the generosity of friends of the University of St. Thomas and its School of Law.

In fact—this law school was really founded on faith, hope, and charity. To be sure, these are said to be the great theological virtues, but they can also be virtues on a more worldly level. Here, there had to be faith at the outset. Faith that if you built it, they would come—the students, the teachers, the dean, the volunteer mentors, the necessary resources. There was also hope. Hope in a vision of values and service with impact for the common good, in a mission that could only be realized through charity—in generosity of spirit and in service to the unserved and underserved.

As Dean Mengler mentioned in his kind introduction, I was a member of the University of St. Thomas Board of Trustees when it resolved in May

* Judge, United States Court of Appeals for the Eighth Circuit. Judge Murphy delivered these remarks in her keynote address during the dedication ceremony for the University of St. Thomas School of Law's new building in Minneapolis, Minnesota. The ceremony, held on October 17, 2003, coincided with the *University of St. Thomas Law Journal's* founding symposium, "God, the Person, History, and the Law: Themes from the Work of Judge John T. Noonan, Jr."

1999 to reopen its school of law.¹ The trustees moved to establish a “national law school of the highest quality,”² one “grounded in the rich Catholic intellectual and moral tradition and (the) Judeo-Christian heritage.”³ We anticipated that the law school would not just form lawyers, but that it would also engage with other disciplines within the university and develop new academic synergies, that it would inspire and support students to represent the underserved of our society and to be leaders in their communities.

These were high aspirations, but the trustees were prepared to be patient. They understood that great institutions, those that strive to have lasting impact in society, must be developed over a period of many years. It takes time to assemble a strong group of core personnel and to develop and implement a successful plan. Institutions also require sustained attention and nourishment for a collegial culture to become deeply embedded.

Yet, so much has already been accomplished! Just a little over four years after the trustees resolved to go forward with a law school, we are dedicating this superb facility. We have a proven leader at the helm in Dean Mengler, a top dean sought by many, but drawn to St. Thomas by its articulated mission. We have an accomplished staff; excellent faculty with experience at fine law schools such as Duke, Notre Dame, the University of Illinois, Missouri, Emory, and William Mitchell; and talented students who want to make a difference in the legal profession.

Nevertheless, we cannot afford to be complacent because of this progress. We must look beyond it to the future and accept some big challenges. When the trustees committed to found a new law school, they set a nationally ranked program as a principal goal. The first part of their enabling resolution was “to establish a national law school.”⁴ But they also had much more in mind.

Let me mention three aspirations in particular. First, the trustees resolved to establish a law school where faith, values, and professionalism would be critical ingredients throughout the curriculum. They imagined a law school in which students would grow as individuals while developing the essential skills necessary to practice law successfully. Second, they resolved to establish a law school that would not be narrowly doctrinal, but one that was inclusive—open to ideas and committed to preparing leaders for an increasingly global community. They understood that today students need exposure to widely diverse people, cultures, and viewpoints. And third, the trustees envisioned a law school where students would graduate with a strongly ingrained ethic of service. We hoped that many would

1. U. St. Thomas Bd. of Trustees, *Resolution to Reopen School of Law* (May 1999) (on file in Journal office).

2. *Id.*

3. *Id.*

4. *Id.*

choose to utilize their legal talents in careers advancing the interests of social justice, especially by assisting the poor. We hoped that all graduates would volunteer some part of their professional lives to serving justice and community.

These three aspirations are each very challenging, and in combination even more so. To meet this challenge the law school will draw on its Catholic tradition to focus on formation and on the integration of faith and ethics throughout the academic program, to maintain an inclusive and diverse environment of people and perspective, and to build a community of service and leadership. Ethics and professional ideals are being emphasized in all its classes, in its clinics, and in its mentor program.

One of the great contributions of Catholic higher education at the undergraduate level is its focus on the formative aspects of education—that lifelong process of maturing into a fully integrated, contributing, and caring member of society. Moral development and formation do not, of course, end at the undergraduate level. Indeed, the next formative period of an individual's life—maturing into a fully integrated professional who acts with integrity and honesty—is perhaps the most demanding. If the law school can succeed in helping students become lawyers who live their faith and values in their daily activities, it will have significant impact.

The highest ideals of a university are served by a law school community where men and women of different faiths, of different racial and ethnic backgrounds, and of different social and political perspectives can study and grow into professionals together. In the words of *Ex Corde Ecclesiae*, the apostolic constitution on higher education which Pope John Paul II issued in 1990, "It is the honor and responsibility of a Catholic university to consecrate itself without reserve to the cause of truth. . . . It does this without fear but rather with enthusiasm, dedicating itself to every path of knowledge."⁵

St. Thomas law students must prepare themselves to work in an increasingly varied workforce and society—whether as lawyers in cities or in rural areas, in legal aid or in government, in small or in large law firms, in the judiciary or in solo practice, or in a public defender's office or within the business world itself. As the United States Supreme Court recognized last term in its Michigan law school affirmative action case, the benefits of an inclusive law school environment are "not theoretical but real. . . . [T]he skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints."⁶

5. Pope John Paul II, *Ex Corde Ecclesiae*, No. 4 (August 15, 1990) (available at http://www.vatican.va/holy_father/john_paul_ii/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae_en.html).

6. *Grutter v. Bollinger*, ___ U.S. ___, 123 S. Ct. 2325, 2340 (2003).

The United States is a society dedicated to the rule of law, but most of its poor do not have access to the justice system. A 1995 report estimated that at best, current legal aid programs could only meet 30 percent of the needs of low income Minnesotans.⁷ While there are 43 million Americans eligible for legal services, the Legal Service Corporation estimates that as many as 80 percent of them do not have access to justice.⁸ This reality is one of the reasons why St. Thomas wants to foster a law school community in which faculty, staff, and students, in addition to learning together, will reach out to those in need of help, and students will leave with a strong sense of obligation to serve the community.

In seeking to engender a powerful service ethic, the school of law will be following the path set out so long ago by the university's patron—that great scholar and Doctor of the Church, St. Thomas Aquinas. For Thomas taught that “the end of law is the common good,”⁹ and “justice stands foremost among all the moral virtues.”¹⁰ Although “man has a natural aptitude for virtue,”¹¹ he counseled that it must be developed by training, and laws should be made not for private benefit, but for the good of all the citizens. As Thomas explained, “Justice is the most resplendent of virtues. It is more glorious than the evening or morning star.”¹² And it is for that this building is dedicated.

7. See Minn. Jt. Leg. Services and Access Comm., *Report of the Joint Legal Services and Access Committee* (Dec. 31, 1995).

8. See Roy W. Reese & Carolyn A. Eldred, *Legal Needs of the Low-Income and Moderate-Income Households: Summary of Findings from the Comprehensive Legal Needs Study* (ABA 1994).

9. Thomas Aquinas, *Summa Theologiae*, Question 96, art. 1.

10. *Id.* at Question 58, art. 12.

11. *Id.* at Question 95, art. 1.

12. *Id.* at Question 58, art. 12.