



6-1-1999

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Recommended Citation

Patrick F. McCartan, *Catholic Legal Education at Notre Dame: Professional Competence Inspired by Enduring Values*, 69 Notre Dame L. Rev. 1001 (1994).

Available at: <http://scholarship.law.nd.edu/ndlr/vol69/iss5/4>

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Catholic Legal Education at Notre Dame: Professional Competence Inspired by Enduring Values

*Patrick F. McCartan**

The invitation to reflect on legal education at Notre Dame elicited a complexity of emotions: nostalgic memories of what were three very intense years, appreciation of an extremely dedicated faculty, curiosity about some who shared the experience but who have been out of touch, and, perhaps more than anything else, pride in the accomplishments of the oldest Catholic law school in the United States. Although more than a quarter of a century has elapsed since I studied at Notre Dame, time has neither faded the memory nor diminished the value of that experience.

Those responsible for legal education at Notre Dame have always recognized that their students must first develop the discipline and competence required to enter a demanding profession. Not surprisingly, today the Law School is universally regarded as one that really prepares lawyers to practice law. Those of us who were privileged to study law at Notre Dame also realize that our legal education encompassed an additional dimension that was provided by the value system that permeated the place. Indeed, what distinguishes the Notre Dame Law School from many other fine law schools is the shared understanding that professional competence inspired by enduring values is a fundamental calculus that sustains lawyers throughout their professional lives and enables them to make truly significant contributions to a society governed by the rule of law.

Catholic legal education at Notre Dame should not be interpreted as instruction in religious doctrine that may govern either the acceptance or the application of legal principles. On the occasion of the Law School's centenary in 1969, Philip Moore borrowed from Dean Joseph O'Meara's final Bulletin of the Law School to address this issue, describing how the school "systematically endeavors to illuminate the great jurisprudential

* Managing Partner, Jones, Day, Reavis & Pogue. A.B., University of Notre Dame, 1956; LL.B., University of Notre Dame, 1959.

issues which . . . insistently press for answer; and to make clear the ethical principles and inculcate the ideals which should actuate a lawyer."¹ What is "Catholic" in this process is an individual sensitivity to such issues and Notre Dame's institutional insistence that principled judgment and conduct are as much a part of professional life as technical competence in a given discipline.

Many students are attracted to the law—and to the Notre Dame Law School—because they want to be prepared to function within a system that is structured to deal with overarching issues of their time; serious issues which, because they involve moral values and controversy, have often been left unattended and unresolved by other disciplines and institutions in our society. The Law School has, of course, prepared its lawyers well for public service. The principles which Dean O'Meara said "should actuate a lawyer," however, are not limited in their application to the formulation of public policy. Lawyers engaged in private practice also are required to make decisions and to provide advice on a daily basis which implicate the same basic values, a process which elevates their endeavors to the level of a profession. In the words of one distinguished judge:

It is because we have always known that in the last analysis what counts in the law are not technicalities, not mastery of routines, not mere craftsmanship but a sense of justice, that we call the law a profession. With the churchmen and with the schoolmen, we stand as one of the great professions, entrusted with the task of shaping and transmitting the values of civilization.²

The effectiveness of the system on which we depend to protect life, liberty, and property, and to advance the cause of justice in this society depends in large part upon the ethical advice and conduct of the practitioners of our profession. Reduced to a more pragmatic level, conflicts are resolved, equality is advanced, our markets are informed, competition is maintained, regulations are obeyed, defective products are recalled, perjury does not infect the system, and discovery of information needed to deal with these and other important issues is obtained because practicing lawyers and their well-advised clients have done what is "right," quite often

1 PHILLIP S. MOORE, *A CENTURY OF LAW AT NOTRE DAME* 111 (1970).

2 Charles E. Wyzanski, *The Age of Discretion, An Address to the Harvard Law School Association*, in *WHEREAS—A JUDGE'S PREMISES* 251 (Charles E. Wyzanski ed., 1964).

under circumstances where compliance with the law is voluntary and not subject to official scrutiny or enforcement.

Although some issues our judges and lawyers face require solutions that are as grand in scale as the questions presented, in the final analysis it always comes down to the individual: how each of us demonstrates an understanding of, and commitment to, the principles and values that govern our personal and professional lives. With that acknowledgment, I hope that this 125th Anniversary of the Law School conveys even greater meaning to those who are studying law at Notre Dame today. I urge that they find the time to pause from their studies for a moment and to slow the pace of their heading rush to meet the future, in order to appreciate the special advantages that accrue from being associated with an institution like the Notre Dame Law School. I hope that this occasion serves to enhance their understanding that legal education at Notre Dame is not merely a weigh station on the road to a brighter future, but rather, that the legal skills and—perhaps more importantly—the traditions and values fostered by the experience itself will follow them throughout life, as witnessed by those of us who went before and, I am certain, by the generations that preceded us.

