O'Meara's Link to the Present

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I am truly glad the movie "Rudy" was filmed. It made me feel at home because I can identify with Rudy, the overachieving plugger at Notre Dame. As a plugger myself, I am not the candidate to write ten pages, double spaced, on "The status of legal education in the mid-Twentieth Century at great Catholic universities located in the American Midwest." Perhaps, I was the Rudy of my law school class.

Having said that, I did not hesitate to accept the invitation to contribute my thoughts—not because I believed metamorphosis had occurred in the last twenty-five years to bring me to a new intellectual acumen, but rather because of the importance to me of my time at Notre Dame and the education I received there.

My effort will wallow in the warm fuzzy memories, those recollections which tend to make the good times much better than they ever were, and in the cynical reflections of an overworked, ever-tired law student. But if you are willing to read on, you will see that the result was one very avid "Domer" who loved the University, the Law School, the faculty, and his classmates, and who hated the work.

While we have all probably heard the graduates of other law schools tediously bemoan the drop in standards at their almae matres, I do not think that is a prevalent conclusion among graduates of Notre Dame. Most of us who have returned to campus to interview students for our firms wonder whether we would be admitted today.

On the other hand, we probably did work harder. And that leads to the first withdrawal from my memory bank. We worked harder certainly not because the academic program was, or need-
ed to be, any more rigorous. Quite the contrary, there is much more for today's students to contend with. Rather, there was a malevolent design to our legal education. And that design was the creation of Dean Joseph O'Meara.

Dean O'Meara made it unequivocally and painfully clear to us all that he was running a good law school that produced good lawyers. The curriculum was basic and structured. At the end of each semester, we were not told the course for which we were being tested as we sat to write each exam. And the most notorious aspect of his grand design was the comprehensive exam each semester which covered all past as well as current course work.

To survive this travail, we worked hard, and then harder. We survived and succeeded if we were very smart (not me!) or we worked ourselves beyond reasonable limits (Rudy!). We lost weight, lost sleep, and focused our dislike for this program on the Dean. The Dean made us hate this ordeal; and he relished it. He said we would be good lawyers, knowledgeable in the law and willing to work hard. Now, looking back over the years, his system, despised as it was, worked.

In retrospect, the curriculum had its beauty in its simplicity. It was the keystone of the O'Meara imperative. Course work covered the basic fields of practice. Electives were few as well as less than esoteric. No “Law of Outer Space-101” here. Ethics was an important course and its impact recurred in the comprehensive examinations. Legal Research and Writing was a critical part of the first year experience. We were provided with a list of 100 research problems designed to keep us in the library learning how to use each of the various services.

We had good faculty members who wanted to teach such willing gluttons for punishment. Law firms, corporations and government agencies wanted to hire us—these meat-eating, iron-pumping, over-achievers. We became the generation that built for those who were to follow. Whether in public or private practice, O'Meara's students established the reputation for preparedness, efficiency and intelligence upon which Notre Dame, now one of the nation's “top 20,” was built. The current generation is no doubt smarter. The Law School is now, without doubt, better. But Joe O'Meara built the foundation for that achievement, and at the time we hated him for it.

According to his design, there had to be an escape mechanism, someone or thing that permitted us to endure the O'Meara regimen. First we had the faculty, who coyly sympathized and
humored us as we suffered, but also carried out the directives from O'Meara's turreted office. They were the friendly torturers who assuaged us with expressions of disbelief at the Dean's machinations; and they did it so well. We were fooled.

Some of these faculty still teach at Notre Dame. Some have been recycled. Each has a niche in our memories which has become comic over the span of years. In the '60's, we started first year studies with Dean O'Meara’s concept of Property I—a course on conveyancing which was intended to give us a full understanding of everything medieval from a fee tail to the Provost of Beverly’s Case.\(^1\) And the humorless keeper of these secrets was G. Robert Blakey, before he was famous. But we learned it, and we hated it. Professor Blakey redeemed himself in second year with our study of his first love, Criminal Law. His passion came through to us—whether in the opening of the then new horizon presented by Miranda v. Arizona\(^2\) or the playing of wiretap tapes in his seminar on organized crime. He knew his subject, and we knew he knew it.

When not conspiring to make Professor Blakey smile, we were prompting "Dusty" Rodes to go off on a tangent, any tangent. We were to learn Business Associations. And that was a twisting, turning road. Almost anything we raised as a potential diversion which might permit us to avoid real thinking or note-taking became integrated into the subject matter. We were up against a formidable intellect. We rarely won our own game, and we did learn.

There was no faculty member more caring for his students than Conrad Kellenberg. Professor Kellenberg will always have a warm spot in my heart for he provided the only recognition for academic achievement I received while at Notre Dame. Unbelievably, I received the Am. Jur. 2d Volume on “Administrative Law” for excellence in his Administrative Law course. Of course, I know why—I held the class record for staying awake during each and every one of his classes. But he truly cared for all of us, and we knew it.

Father Robert Lewers, C.S.C., introduced us in our first year to Torts, presenting material with a clarity and an intellectual toughness which was unequaled. But Father Lewers was also a priest—committed to bringing mankind, even law students, closer

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to God and to teaching as well as living the message of Christian social justice.

Professor Thomas Shaffer was the keeper of the first year research project. It started as a frightening challenge, evolved to a burden, and ultimately was a game. Tom Shaffer was the ever-smiling, teasing referee. He then taught us Trusts and Estates in our third year. He continued to smile and tease—a fact we didn’t often understand as we discussed people dying. But Professor Shaffer brought his subject to us. His wit made his classes pass quickly. There were mind games that in the playing produced learning.

There were others who no longer teach at Notre Dame: Professors Newman, Barrett, Ward, Thorton and more. Each in his own way was both torturer and teacher. Each counselled, each helped. But one faculty member, still very much a part of the Notre Dame Law School, added one other quality, for me and for many others. Professor Edward J. Murphy, besides being teacher and counsellor, was also confidant, father figure and friend.

As a teacher he was consummate—able to bring us to understand, use and even enjoy the Socratic method. In his classes on contracts as well as all our other classes, the process of legal reasoning came alive through his efforts. We learned how to use precedents and to distinguish dicta. It wasn’t abstract, and we had to do it on our feet.

But Ed Murphy became much more to us, and to me. When I bombed my practice exams first semester, he gave me more to do, working effortlessly with me to understand what I was doing as well as improve my grade. He also was forever encouraging and light-hearted so that the depression that hit us all as part of the O’Meara program did not seem quite so bleak. On a truly superb faculty, he was first among equals. He was Notre Dame’s “Mr. Chips.”

So we had a faculty who helped us comply with Dean O’Meara’s plans for us. But we needed more than that. We focused on diversions in the traditions and campus life of Notre Dame. We used to start classes in August, well before the University undergraduates, who in those days waited until after Labor Day. The campus was inhabited only by football players, band members and law students. The football players were a mystery. All we knew was that they were big and they practiced behind the curtains of Cartier Field. The band members, on the other hand, brought classes conducted by Professor Jack Broderick to life. As they
played the "Fight Song" passing the Law School on their way to their practice field, it was the signal for an in-class pep rally. "The Chief," mounting his podiumed desk in short shirt sleeves, would rail, cheer, sing and shout at a frenetic pitch which usually produced an explosion as we happily vented our frustration. During the week, the Chief's rallies were brief; on Friday's before games, they became all-consuming. The teaching and learning of Evidence or Labor Law were always quite secondary.

Thus we became introduced to, and became part of, the mystery of Notre Dame. We, sophisticated law students all, attended the campus pep rallies in the old field house and brought visiting family and friends. We heard Pat O'Brien give his last rendition of Rockne's Gipper speech. Game days were planned around the game itself which was a religious experience.

But oriented by that overture, we also attended basketball games and other aspects of undergraduate life. We lived in the dorms, played on the fields, ate at the Huddle, found the Grotto and became very much a part of the University, its life and mystique. Not unusual, you say. At Notre Dame certainly not. At any other university, it is unheard of if not impossible.

And finally, our strength in enduring the law school gospel according to Dean O'Meara was found in each other as students. We were first thrown together, but ultimately brought together to fight and overcome this regimen. We studied in rather well organized "cartels." There was a division of responsibility with note takers and note annotators. Specific courses were assigned to cartel members for coverage. We met to discuss and explain concepts and forecast exam questions. We studied and worried together. In numbers we had confidence to overcome the fretting done alone.

But having worked too hard, we also played hard. We released tension by drinking too much beer at low budget but boisterous parties. The wives of those of us who were married were protective of those of us who were not, providing home-cooked meals on weekends, cakes for birthdays, gatherings to watch away football games, and a civilizing influence.

The atmosphere at Notre Dame was one of community and mutual support. We worked, laughed, partied, cried and mourned together. We focused our inclination to compete against the system, Dean O'Meara's program, not against each other. I doubt we would have tolerated it otherwise. In retrospect I suspect Dean O'Meara and the faculty devised it just that way. The Dean fo-
cused the acrimony on himself—paying that price, I think, to assure we had a law school community.

And it has remained a community. We gather at game weekends. We have self-generated reunions. We come back to visit members of the faculty. We interview candidates for admission, and we help graduates locate job opportunities. We encourage our children to attend Notre Dame. Unusual for a law school, you say. Not at Notre Dame.

William Butler Yeats wrote, "Think where man's glory must begins and ends. And Say my glory was I had such friends."

Whether classmates or their spouses, faculty members, or the Dean, they were all in reality friends. That was our glory. That was, and is, the glory of Notre Dame.