

## ARTICLES

### MAKING HISTORY—LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW WELCOMES DEAN MARÍA PABÓN LÓPEZ

*Maria Isabel Medina,<sup>1</sup> Kathryn Venturatos Lorio,<sup>2</sup> the Rev.  
Lawrence W. Moore, S.J.,<sup>3</sup> & Natasha Lacoste<sup>4</sup>*

Loyola University New Orleans College of Law recently made history. The College elected, and the University concurred and hired, María Pabón López to take over the leadership of the almost 100-year-old institution.<sup>5</sup> In June 2011, Dean López became the first woman to be elected permanent dean of a law school in Louisiana, and one of a handful of Latinas to serve as a law school dean nation-wide.

Even before Dean López took over the reins at the law school, Loyola had elected its first woman to serve as an Interim Dean.<sup>6</sup> Loyola has admitted women almost from its start<sup>7</sup> and

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1. Ferris Family Distinguished Professor of Law, Loyola University New Orleans College of Law. The authors thank the Loyola Special Collection, Archives, in particular Elizabeth Kelly, and the Loyola University Library, Andrew Piacun, the notes of Margaret E. Carey in the Archives Collection, Marcel Garsaud, Thomas Sponsler, James Klebba, the Loyola College of Law Library, in particular Nona Beisenherz, the Louisiana Supreme Court Library, in particular Katherine Nachod and Tara Lombardi, Pamela Galindo, Brian Huddleston, Barbara Wilson, and Dean María López. Special thanks to Aisha Pujadas for research assistance.

2. Leon Sarpy Distinguished Professor of Law, Loyola University New Orleans College of Law. Professor Lorio also wrote a brief article for the *LOYOLA LAWYER* about Dean María López. That article provided the basis for the section on Dean López. Kathryn Venturatos Lorio, *LOYOLA LAWYER* 12-15 (Fall 2011).

3. Associate Dean for Academic Affairs and ex officio Philip and Eugenie Brooks Distinguished Professor of Law.

4. J.D. 2011, Loyola University New Orleans College of Law.

5. The College of Law will celebrate its 100th anniversary in 2014.

6. Kathryn Venturatos Lorio, one of the co-authors, served as Interim Dean in 2010–11.

7. Bettie Runnels was the first woman to graduate from Tulane University Law School in 1898. *Diversity at Tulane Law School*, TULANE U. L. SCH.,

hired the second woman law professor, Janet Mary Riley, in the state.<sup>8</sup> It was the first law school in New Orleans to admit African Americans.<sup>9</sup> Moreover, Loyola was at the forefront of ethics in legal education, clinical education, skills education, and public interest law.

Dean López's Latina heritage stems from her Puerto Rican roots, as she was born to parents from Puerto Rico, Luis A. Pabón and Naida Arroyo Pabón, grew up speaking Spanish as her first language, and spent many of her formative years in Puerto Rico. Puerto Rico enjoys unique status in the United States—Puerto Ricans are U.S. citizens but they have not yet opted to seek formal statehood.<sup>10</sup> From her earliest days, Dean López was

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<http://www.law.tulane.edu/tlsStudentLife/index.aspx?id=728>. Bettie Runnels was also the first woman admitted to practice law in Louisiana. Clift Martin was the first woman to enroll in LSU Law School in 1913, and she graduated in 1916. W. LEE HARGRAVE, *LSU LAW: THE LOUISIANA STATE UNIVERSITY LAW SCHOOL FROM 1906 TO 1977* (2004). See L. Marino, K. Tonnas, J. Coulter, *Legal History—State's First Woman Law Graduates*, LA. BAR JOURNAL, AUGUST–SEPTEMBER 2007.

8. Harriet Spiller Daggett was hired as a professor at LSU Law School in 1926. Herma Hill Kay, *UC's Women Law Faculty*, 36 U.C. DAVIS L. REV. 331, n.26 (2003). See Herma Hill Kay, *Symposium: The Voices of Women: A Symposium on Women in Legal Education: The Future of Women Law Professors*, 77 IOWA L. REV. 5, 8–9 (1991). Tulane University Law School hired Cynthia Ann Samuel, its first woman law professor, in 1975. *2007 Distinguished Awards, Distinguished Professor Cynthia Ann Samuel*, LA. BAR FOUND., <http://www.raisingthebar.org/AboutTheFoundation/DistinguishedAwardRecipients.asp?YR=2007&Type=Professor>. Southern University Law Center hired its first woman faculty, Cynthia Picou, in 1976.

9. The first law school to admit African Americans in Louisiana was Southern University Law School, established by the Louisiana State Board of Education in response to a lawsuit by an African-American resident seeking to attend law school at a state institution. The school officially opened in 1947. *History and Mission of SU Law Center*, S. U. L. CTR., <http://www.sulc.edu/about/history.htm>. LSU Law School first admitted an African American in 1950 in response to *Wilson v. Board of Supervisors of Louisiana State*, 92 F. Supp. 986 (E.D. La. 1950) (three judge panel with opinion by Judge Skelly Wright, joined by Chief Judge Herbert Christenberry and Fifth Circuit Judge Borah), but Mr. Wilson subsequently withdrew his application. The first African American to graduate from LSU Law was Ernest N. "Dutch" Morial, in 1954, later to become mayor of New Orleans. Louisiana State University African American Cultural Center, *Black History at LSU*, <http://uiswcmsweb.prod.lsu.edu/edco/aacc/History/LSUBlackHistoryInfo/item28174>.

10. See generally Margaret E. Montoya & Francisco Valdes, *Symposium: Latinos and Latinas at the Epicenter of Contemporary Legal Discourses: Latinos and Latinas in the Legal Academy: "Latinas/os" and the Politics of Knowledge Production: LatCrit Scholarship and Academic Activism as Social Justice Action*, 83 IND. L.J. 1197 (2008); Luis Fuentes-Rohwer, *Symposium: Latinos and Latinas at the Epicenter of Contemporary Legal Discourses: Latina Identity, Citizenship, and the State: The Land that Democracy Theory Forgot*, 83 IND. L.J. 1525 (2008).

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exposed to cultural diversity because Dean López was the child of a military man. U.S. Air Force Sergeant Luis A. Pabón was stationed in Japan at Okinawa at the time of Dean López's birth, so her earliest memories are of Japan and of the Japanese language.

While Dean López's accomplishments as a woman and as a Latina made her stand out in the list of candidates the College considered for the position of Dean, it was the wealth of accomplishments as an individual that made it clear to all that she was the person to take on the leadership of the law school. Her educational achievements are stellar: a bachelor of arts in religion from Princeton University and a juris doctor degree from the University of Pennsylvania. At Penn, Dean López was an associate editor of the institution's prestigious law review. Upon graduation, she went into private practice for several years before turning to public service and becoming Special Assistant to the Attorney General of Puerto Rico. She later joined the United States Department of Justice for the United States Attorney for the District of Puerto Rico where she handled criminal prosecutions. Her last practice experience took place in Austin, Texas, where she was the attorney in charge of the family law team at Legal Aid of Central Texas. In 1999 she joined the faculty at the University of Missouri School of Law in Columbia, and in 2002 she joined the faculty at Indiana University Robert H. McKinney School of Law in Indianapolis where she was promoted to Professor of Law in 2008.

Throughout her professional career Dean López exhibited a commitment to public service, an attribute that made her an excellent leader for Loyola, a law school whose mission is centered on social justice and serving the public interest. Similarly, her academic interest in religion and her personal commitment to the Roman Catholic faith, coupled with her diverse background and experiences, gave her a unique perspective with which to lead an institution that serves a student population that is diverse in religion, race, ethnicity, geography, gender, education, and economics.

When she joined the legal academy, Dean López devoted her scholarship to exploring issues faced by one of the groups most powerless and most in need in United States society today—the undocumented. Dean López explored the needs and challenges facing undocumented noncitizens. In particular, and perhaps

reflecting her own individual experience, she paired her interest in the undocumented with an interest in the dynamics of race in U.S. society. Her writing reflected, to some extent, LatCrit theory—a derivative of critical race theory that explores law and legal institutions and their interaction with race from a perspective beyond that of the black–white paradigm and, specifically, from the perspective of Latinos.<sup>11</sup>

With Gerardo R. López, her spouse and a professor of education and political science, Dean López co-authored a book about education and undocumented Latino children.<sup>12</sup> Joined in New Orleans by Professor López and her two daughters, Marina, fifteen, and Cora Lucía, eleven, Dean López was attracted to Loyola by a number of factors, including the international character of the city, its mix of cultures, the link to the civil law, shared by her beloved Puerto Rico, and even the semi-tropical climate. In particular, Dean López was drawn to the Jesuit tradition of academic rigor, secular engagement, and an education that is “real-world practical” yet committed to improving the quality of life for the less fortunate.

Dean López is an elected member of the American Law Institute and has been a member of the Editorial Board of the National Conference of Bar Examiners. As a strong spokesperson for the Latino community, Dean López says she identifies with those who are not in the majority. “I have often walked into a meeting and immediately am aware that I am the only one like me in the room—be it being a woman or a Latina or whatever. Yet, I know that we can all communicate. We find the common goals. Being from a different background should not be an obstacle.”<sup>13</sup>

### *Reflections on the Past—Breaking Ground*

Loyola established the College of Law as an undergraduate program in 1914, with its first entering class beginning classes in

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11. See, e.g., Keith Aoki & Kevin R. Johnson, *Symposium: Latinos and Latinas at the Epicenter of Contemporary Legal Discourses: Latinos and Latinas in the Legal Academy: An Assessment of LatCrit Theory Ten Years After*, 83 IND. L.J. 1151 (2008); George Martinez, *Latinos, Assimilation and the Law: A Philosophical Perspective*, 20 CHICANO-LATINO L.REV. 1 (1999).

12. MARÍA PABÓN LÓPEZ & GERARDO LÓPEZ, *PERSISTENT INEQUALITY: CONTEMPORARY REALITIES IN THE EDUCATION OF UNDOCUMENTED LATINA/O STUDENTS* (ROUTLEDGE PRESS 2010).

13. Kathryn Venturatos Lorio, *LOYOLA LAWYER* 14 (Fall 2011).

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October 1914. At the time Louisiana had two other law schools: Tulane University Law School, established in 1847,<sup>14</sup> and Louisiana State University Law School, founded in 1906.<sup>15</sup>

Many Catholic law schools in the United States were associated with Jesuit universities,<sup>16</sup> usually situated in large cities with substantial Catholic populations.<sup>17</sup> At the time of the law school's founding New Orleans was such a city. Numerous colleges established law schools in the late nineteenth and early twentieth century, and Catholic and Jesuit institutions were inclined to follow the general trend.<sup>18</sup>

Catholic law schools were created for practical reasons, not to promote “a particular philosophy of law.”<sup>19</sup> Notwithstanding, Catholic colleges establishing law schools sought to “make important contributions to the law,” particularly in the area of government.<sup>20</sup> In part, law schools were established because they were fairly inexpensive to form and they added prestige to the university.<sup>21</sup> This may be one of the reasons that Catholic colleges had a preference for founding law schools over medical schools.<sup>22</sup> It was not expensive to procure books and teachers for legal education; however, laboratories and costly equipment were necessary components of medical education.<sup>23</sup>

Another driving factor behind the establishment of law

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14. *About Tulane Law School*, TULANE U. L. SCH., <http://www.law.tulane.edu/tlsabout/index.aspx>.

15. *History of LSU*, LSU, <http://www.lsu.edu/visitors/history.shtml>.

16. Leonard J. Nelson, *God and Man in the Catholic Law School*, 26 CATH. LAW. 127, 129 (1980); EDWARD J. POWER, A HISTORY OF CATHOLIC HIGHER EDUCATION IN THE UNITED STATES 55 (1958).

17. PHILIP GLEASON, *CONTENDING WITH MODERNITY: CATHOLIC HIGHER EDUCATION IN THE TWENTIETH CENTURY* 95 (1995).

18. Nelson, *supra* note 16, at 129; POWER, *supra* note 16, at 248.

19. John M. Breen & Lee J. Strang, *The Road Not Taken: Catholic Legal Education at the Middle of the Twentieth Century*, 51 AM. J. LEGAL HIST. 553, 584 (2011). One exception may be Catholic University of America School of Law, which placed a strong emphasis on “the philosophical examination of law along neo-scholastic lines.” *Id.* at 569; *see also* C. Joseph Nuesse, *The Thrust of Legal Education at the Catholic University of America, 1895–1954*, 35 CATH. U. L. REV. 33, 74–76 (1985).

20. Nelson, *supra* note 16, at 128; *see also* POWER, *supra* note 16, at 248–49.

21. Nelson, *supra* note 16, at 128; Breen & Strang, *supra* note 19, at 557, 580–81; *see also* POWER, *supra* note 16, at 249.

22. POWER, *supra* note 16, at 248.

23. *Id.* at 249.

schools was hostility towards Catholics throughout the United States. Although Catholics had been present in the United States since colonial times, not only in the Spanish and French North American settlements, but in what became known as the English colonies, the country as a whole, to some extent, viewed itself as predominantly Protestant. Substantial immigration in the late nineteenth and early twentieth century from southern European countries and Ireland prompted renewed hostility towards Catholicism. Prior to World War I, Catholics were likely to be under-educated because they tended to be poor and working class.<sup>24</sup> The Anglo-Saxon population continued to feel threatened by Catholic immigrants.<sup>25</sup>

In addition to community resistance to Catholics, their economic status placed them at a disadvantage. Catholic institutions provided Catholic immigrants a hospitable and safe place to pursue higher education and a path to professions that might not otherwise be open to them, through which they could improve their socioeconomic status.<sup>26</sup> Many Catholic law schools, like Loyola's, were initially offered to students on a part-time or evening basis, allowing students to work and attend school simultaneously.<sup>27</sup>

As an American city, New Orleans was unique because of its French and Spanish heritage that had infused it, from the earliest days of western or European influence, with a strong Catholic presence. In addition to its French and Spanish Catholic heritage, by the early twentieth century, New Orleans "was home to the largest concentration of Catholics in the region."<sup>28</sup> New Orleans was also the largest city in the South at the time, and the Catholic Church urged the Jesuits to transform Loyola College, founded in 1904, into Loyola University.<sup>29</sup> As in other cities, hostility toward Catholics prompted the development of Catholic education and Catholic legal education.<sup>30</sup>

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24. BERNARD COOK, *FOUNDED ON FAITH A HISTORY OF LOYOLA UNIVERSITY NEW ORLEANS* 57 (2012).

25. Nelson, *supra* note 16, at 129.

26. *Id.*; Breen & Strang, *supra* note 19, at 578–81; Nelson, *supra* note 16, at 128–29.

27. Nelson, *supra* note 16, at 129; POWER, *supra* note 16, at 249.

28. COOK, *supra* note 24, at 36.

29. COOK, *supra* note 24, at 36–40.

30. COOK, *supra* note 24, at 43.

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St. Ignatius of Loyola, the founder of the Jesuit Order, noted in his original Constitution for the Society of Jesus that the study of law, “being rather remote from our Institute, will not be taught in the universities of the Society, or at least the Society will not undertake this activity through its own members.”<sup>31</sup> However, St. Ignatius did believe “in training the entire man—mind, body and spirit—for Christ-like participation in society.”<sup>32</sup> Although there was some resistance at Loyola, perhaps reflecting Ignatius’s own thinking, to adding a professional program like law to the University’s programs,<sup>33</sup> within two years of its founding, Loyola established the School of Law.

Bernard Cook, in his history of Loyola University, quotes Father Patrick Ryan, Loyola University’s first vice president, on Loyola’s establishment of the law school:

[It] afforded a number of young men at the time in New Orleans who were the bread winners of the family to take this night course in Law, while holding a day job that was the support of the family. Some of these young men had left school at the end of the second year of High school due to the death of the bread winner of the family, commonly the father—but in many cases had been pursuing a line of work for eight or ten years that was a far better preparation for law than the two years of high school they had missed could have given them.<sup>34</sup>

Judge John St. Paul, chosen by Loyola’s founding President Father Albert Bieber to establish the School of Law, served as dean until 1918 and went on to become an Associate Justice of the Louisiana Supreme Court. In the law school’s early years, deans held their office on a part-time basis, as did faculty; thus, Dean St. Paul, who served as a judge on the court of appeal for Orleans Parish, continued in service even after becoming the dean. The entering class consisted of forty-two students who attended evening classes at the University’s first campus

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31. CONSTITUTIONS OF THE SOCIETY OF JESUS, pt. 4, ch. 12, *reprinted in* GEORGE GANSS, ST. IGNATIUS’ IDEA OF A JESUIT UNIVERSITY: A STUDY IN THE HISTORY OF CATHOLIC EDUCATION 332 (1954) [hereinafter SOCIETY OF JESUS].

32. Nelson, *supra* note 16, at 129; *see also* SOCIETY OF JESUS, *supra* note 31, at 76, 176.

33. COOK, *supra* note 24, at 50, 54.

34. COOK, *supra* note 24, at 57 (quoting Fr. Patrick Ryan’s manuscript journal, “The Beginnings of Loyola University, New Orleans,” at 18).

downtown, on Baronne and Common, at the Jesuit “Alumni Hall.” The faculty consisted of sixteen professors, in addition to Dean St. Paul; all were male, and all served without pay. The requirements for admission were minimal: applicants had to be at least eighteen years of age and had to have graduated from a “[h]igh School of recognized standing or have completed a course of study equivalent to a High School Course.”<sup>35</sup> Students paid twenty-five dollars in fees on a quarterly basis.

A graduate from the 1917 graduating class, the first class to graduate from the law school, noted, “At least 50 percent of the class would not have been able to study law if it had not been for the night school at Loyola.”<sup>36</sup> Twenty-six students made up this first graduating class.<sup>37</sup>

From the start, Loyola recognized the tension inherent in offering a course of law at a religious institution in a country that had adopted the principle of separation of church and state, and sought to identify the role of religion in a professional law degree. At the law school’s founding ceremony, Loyola’s then president, the Reverend Father Otis, S.J. addressed the role of religion in the context of legal education:

Since Loyola is under Catholic direction, is religion to play a part in its professional training? The professional courses must of necessity be non-sectarian in character, and Loyola’s full appreciation of this is shown by the fact that she numbers among her faculty many non-Catholics and has enrolled among her students those who differ greatly in their religious beliefs. However, God will not be debarred from our professional schools, and religion will be our guiding star, to the extent, at least, of preventing us from treading on the dangerous ground of skepticism and materialism and of coming into conflict with Divine revelation. God’s holy Commandments will be esteemed and revered, and our young men will be taught a code of ethics which will acknowledge God’s rights and supreme dominion over man.<sup>38</sup>

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35. LOYOLA UNIVERSITY BULLETIN, 1914–1915 at 45, *available at* <http://www.archive.org/stream/loyolaunivers191415loyo#page/42/mode/2>.

36. COOK, *supra* note 24, at 55.

37. LOYOLA UNIVERSITY BULLETIN 1916–17.

38. Recorded remarks of Rev. Father Otis, S.J. in Archives on the founding of the law school.

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The law class for academic year 1916–1917 consisted of a total of sixty-two students who attended evening classes on the uptown University campus, in Marquette Hall. These students were completing a three-year undergraduate course of study for which they would receive a Bachelor of Laws.<sup>39</sup> According to Loyola’s Handbook, “[t]his degree entitles the recipient to practice before all State and Federal Courts in Louisiana.”<sup>40</sup>

College of Law students produced the first student publication at Loyola and the second law review in the state. Law students published the first issue of the Loyola Law Journal, now known as the Loyola Law Review, in 1920.<sup>41</sup> Tulane Law Review, the earliest law review to be published in the state, was first published in 1916. The Louisiana Law Review was first published in 1938. By 1921, faculty assisted students in production of the Journal, and they aimed “to give the Journal a text-book value and have so prescribed its use.”<sup>42</sup> The Journal was discontinued in 1932 and reintroduced in 1940 as the Loyola Law Review.

By 1920, and reflecting a national trend, the school had begun to suggest that a high school degree might not be enough for admission. The Bulletin provided as follows: “Collegiate training is always desirable, and College credits of at least one year may be demanded should lack of maturity or other deficiencies in the applicant so require.”<sup>43</sup> Also in 1920, alongside its bachelor of laws degree, Loyola instituted its first Master of Laws program (LL.M.), which ceased to be offered in the 1927–1928 academic year.

In 1921, the American Bar Association (ABA) declared that graduation from law school alone was not sufficient to admit students to the bar—every candidate should be subject to examination by public authority to determine fitness for the practice of law.<sup>44</sup> In 1924, the Louisiana legislature

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39. In 1906, the Association of American Law Schools adopted a requirement that law programs have a three-year curriculum.

40. LOYOLA UNIVERSITY BULLETIN 1916–1917 at 96, available at <http://www.archive.org/stream/loyolaunivers191516loyo#page/96/mode/2up>.

41. LOYOLA UNIVERSITY BULLETIN 1920–21 at 109.

42. LOYOLA UNIVERSITY BULLETIN 1921–22 at 109.

43. LOYOLA UNIVERSITY BULLETIN 1920–21 at 107 available at <http://www.archive.org/stream/loyolaunivers192021loyo#page/106/mode/2up>.

44. LOYOLA UNIVERSITY BULLETIN 1932–33 at 118–19. See Beverly Moran, *The*

accommodated this ABA requirement and passed a statute requiring students to pass an examination before being admitted to practice in the state.<sup>45</sup> The ABA began accrediting law schools in 1923 and Loyola began its efforts to attain accreditation.

To that end, in 1925, the school began offering a day division with a three-year curriculum.<sup>46</sup> The evening program was lengthened to a four-year curriculum. The 1928–1929 University Bulletin referenced ABA standards and the membership standards of the Association of American Law Schools (AALS)<sup>47</sup> for the first time and noted that students entering law “must have completed one-half of the work acceptable for a Bachelor’s degree granted on the basis of a four-year period of study by the State university or the principal colleges . . . in the State where the Law School is located.”<sup>48</sup> The school sought accreditation from the ABA, and in response to ABA concerns about the independence and autonomy of the law school, assured the ABA that control of the law school was with the dean and its faculty, not the Jesuit order and the president of the University. The ABA granted accreditation to the law school in 1931.

With a view to securing membership in the AALS, a prestigious association of American law schools that functions much like an accrediting body, the law faculty began recruiting

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*Wisconsin Diploma Privilege: Try It and You’ll Like It*, 2000 WIS. L.REV. 645, 647 (2000) (quoting Elihu Root, et al., *Report to the Special Committee to the Section of Legal Education and Admissions to the Bar of the American Bar Association*, 46 REP. ANN. MEETING ABA 679, 688 (1921)); James P. White, *Symposium: Legal Education in an Era of Change*, 1987 DUKE L.J. 292, 295.

45. La. Act No. 113 of 1924 § 1. The Act provided the following:

Be it enacted by the Legislature of Louisiana, That every applicant for admission to the Bar of this State, whether holding a diploma from a Law School or not, before being licensed to practice law shall be required to pass a satisfactory examination before the Committee of Bar Examiners of the Supreme Court, on such subjects and under such rules and regulations as are now, or may hereafter be, prescribed by the Supreme Court; provided, that applicants for admission to the bar who have not received a diploma from an approved law school be required to prove a course of study under the supervision of a reputable Louisiana lawyer for a period of not less than three years, providing further that the Court shall not prescribe a higher general Educational qualification than a High School Course or the equivalent thereof.

*Id.*

46. LOYOLA UNIVERSITY BULLETIN 1924–25 at 155; LOYOLA UNIVERSITY BULLETIN 1925–26 at 102–103.

47. The Association of American Law Schools was founded in 1900 with thirty-two charter members.

48. LOYOLA UNIVERSITY BULLETIN 1928–29 at 117 (quoting the HANDBOOK OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS, 1928, Art. 6, § 2).

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faculty from out of state in 1931, the same year the American Bar Association granted the law school accreditation.<sup>49</sup> The school's first full-time dean, Paul Macarius Hebert, began his tenure in 1932, a year after the school received ABA accreditation. One of Dean Hebert's tasks was to obtain membership for the law school in the AALS. To do so, he was authorized by Loyola to "hire a paid, full-time faculty; rehabilitate and expand the physical facilities of the school; and reconstruct the law school curriculum."<sup>50</sup>

With the support of the Institution, Dean Hebert succeeded in his task. The school moved into Bobet Hall; six full-time professors were hired (including Dean Hebert, they were James T. Connor, Antonio E. Papale, Arthur John Peters, Henry George McMahon, and Alfred U. Bonomo, already on the faculty); and the faculty reworked the curriculum to include the common law. The AALS granted membership to the law school in 1934.<sup>51</sup> Dean Hebert went on to become dean of LSU Law School, now named after him, the Paul M. Hebert Law Center, from 1936 until 1977.

Four years after its inception, in 1918, the law school admitted its first woman candidate, Alice Agnes Allen.<sup>52</sup> Ms. Allen joined a class of eleven young men.<sup>53</sup> Ms. Allen earned her LL.B. in 1921 and enjoys the honor of being the first woman to graduate from the law school, finishing fourth in her class.<sup>54</sup> Irene J. Barrios, Ella G. Hickman, Anna J. Veters, and Marie Washburn are listed as students, alongside Ms. Allen, in the 1920–1921 Bulletin.<sup>55</sup> Very few women enrolled or graduated during the first half of the twentieth century, but one of the law school's successes was Janet Riley, one of the law school's 1952 graduates, the school's librarian while attending law school, who went on to become its first tenured woman professor.

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49. LOYOLA UNIVERSITY BULLETIN 1932–33 at 118.

50. Loyola Archives.

51. LOYOLA UNIVERSITY BULLETIN 1934–35 at 122.

52. Loyola College of Law Records and LOYOLA UNIVERSITY BULLETIN 1918–1919 *available at* <http://www.archive.org/stream/loyolaunivers191819loyo#page/176/mode/2up>. Women were not admitted to the College of Arts and Sciences until the late 1950s. COOK, *supra* note 24, at 74.

53. COOK, *supra* note 24, at 74.

54. Loyola University College of Law Records. By 1953 Ms. Allen was Alice Allen Daviau and had taken up residence in Los Angeles, California.

55. LOYOLA UNIVERSITY BULLETIN 1920–21, *available at* <http://www.archive.org/stream/loyolaunivers192021loyo#page/106/mode/2up/>.

In academic year 1939–1940, the faculty announced that the Law School would resume publication of a law review, the Loyola Law Review, in the 1940–1941 academic year.<sup>56</sup> The 1940–1941 BULLETIN provided the following:

The faculty and students of the School of Law publish annually the Loyola Law Review. Through this medium all upperclassmen are afforded opportunities for legal research and writing. The officers of the student board are chosen from the high-ranking students of the senior class.<sup>57</sup>

The law school published the first issue of the Loyola Law Review, succeeding the Loyola Law Journal, in 1941.<sup>58</sup> The school became the first of the American Loyolas to publish a quarterly law review, and thus, secured the “Loyola Law Review” title.<sup>59</sup>

The law school’s early efforts at skills, or “experiential” learning, appear in academic year 1920–1921 through academic year 1924–25 through a course titled, “Practice Court.”<sup>60</sup> In academic year 1927–28, the law school offered a course in “Court Procedure,” in which students were required to draft petitions, answers, exceptions, and other pleadings to prepare them for actual practice.<sup>61</sup> A decade later, the law school offered “Problems in Practice,” described as a laboratory course in which students drafted pleadings and engaged in problem solving.<sup>62</sup> By 1930 some form of moot court was offered, but the moot court course in its earlier years was aimed at civil and criminal trial practice, rather than appellate practice.<sup>63</sup>

By the mid-twentieth century, the law school had grown substantially. It moved to better quarters at Thomas More Hall in 1942. The law school awarded fifty-seven diplomas to the all-male graduating class of 1951. The entering day class that year

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56. LOYOLA UNIVERSITY BULLETIN 1939–40 at 115.

57. LOYOLA UNIVERSITY BULLETIN 1940–41 at 117.

58. In 1939, the Law School took advantage of Loyola’s WWL radio station and broadcast “Law School on the Air.” COOK, *supra* note 24, at 135.

59. Loyola University Chicago began its student law review in 1970. It is called the LOYOLA UNIVERSITY OF CHICAGO LAW JOURNAL. The LOYOLA OF LOS ANGELES LAW REVIEW began publication in 1968.

60. LOYOLA UNIVERSITY BULLETIN 1920–21 at 109.

61. LOYOLA UNIVERSITY BULLETIN 1927–28 at 119.

62. LOYOLA UNIVERSITY BULLETIN 1936–37 at 146.

63. LOYOLA UNIVERSITY BULLETIN 1930–31, 1932–33, 1937–38 at 131.

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consisted of thirty-seven men, almost all of them from Louisiana; the entering evening class consisted of forty-three students, two of them women, only one of them from out-of-state. The school's total enrolment that year was 201 students. Antonio Edward Papale held the office of dean and shared governance of the law school with the regent, Rev. Louis J. Twomey, S.J., an office that was discontinued in 1956. It was under Dean Papale's leadership that the law school first admitted African Americans, but history suggests that it was largely due to Father Twomey's commitment to integration. Initial efforts in 1942 to integrate the law school were stymied by opposition from Loyola's board: "It would be the ruination of our University to admit colored students, as long as the laws and customs of the South are what they are."<sup>64</sup>

***Ending Segregation at the Law School and New Orleans***

Two Jesuits at Loyola continued to push for integration: Fr. Twomey, responsible for Loyola's Institute of Industrial Relations and regent of the law school; and Fr. Joseph H. Fichter, a sociologist. In 1949 Fr. Twomey supported the application of Harry Alexander, a World War II and Xavier University graduate, to the law school. Despite Fichter's and Twomey's efforts, the law school rejected Mr. Alexander's application; Fr. Twomey was more successful at Georgetown, who accepted Mr. Alexander to its law school.<sup>65</sup>

Fr. Twomey had help in pushing for integration. In 1950 the Association of American Law Schools passed a resolution to expel law schools that continued to discriminate on the basis of race.<sup>66</sup> The law school again rejected an application for admission from Richard Gumbel, Jr., an African American and Xavier graduate, in 1951.<sup>67</sup> Mr. Gumbel, instead, pursued his legal studies at Georgetown.

The law school finally admitted African Americans in 1952. Norman C. Francis and Benjamin J. Johnson joined fifteen other

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64. COOK, *supra* note 24, at 162.

65. COOK, *supra* note 24, at 165.

66. See Michael H. Cardozo, *Racial Discrimination in Legal Education, 1950 to 1963*, 43 J. LEGAL EDUC. 79, 79–80 (1993) (quoting *Report of the Special Committee on Discrimination in Law School Admissions, Association of American Law Schools*, 1951 PROC. 278, 278); COOK, *supra* note 24, at 178.

67. COOK, *supra* note 24, at 170.

young men and one young woman, Lillian Bisso, to form the entering day class of 1952, and Pierre S. Charles and Elliott Joseph Keyes, joined twenty-three other young men and one young woman, Amelie Himel, to form the entering night class.<sup>68</sup> Norman Francis was the first African American to receive a degree from the law school and from Loyola University. He went on to become the first African-American president of Xavier University of Louisiana.

Twenty-one faculty, all men, most of them holding their offices part-time, taught the students, including one of the school's most famous graduates, James Skelly Wright. The Honorable Skelly Wright, a 1934 graduate of the law school, taught Loyola students federal procedure from academic year 1952–53 through academic year 1961–1962, while fulfilling his duties as a federal district judge.

President Harry Truman appointed James Skelly Wright to the Eastern District of Louisiana in 1949.<sup>69</sup> President Truman made this appointment without first consulting the Louisiana Senators.<sup>70</sup> At thirty-eight, Wright was the youngest judge on the federal bench.<sup>71</sup> He strongly supported desegregation and was largely responsible for the desegregation of New Orleans public schools.<sup>72</sup> President Truman also considered appointing another Loyola graduate to the United States Court of Appeals for the Fifth Circuit, then Chief Judge Herbert Christenberry of the Eastern District of Louisiana, but Judge Christenberry's support for desegregation stymied the appointment. Judge Christenberry, Loyola law class of 1924, served until his death on the United States District Court, Eastern District of Louisiana.

Judge Wright showed tremendous courage and fortitude in his quest for desegregation in the Deep South. During the "height of the [desegregation] crisis, a poll in New Orleans showed that more than 90 percent of the public recognized

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68. Loyola University College of Law Records. Mr. Charles and Mr. Keyes did not complete their law studies at Loyola.

69. JACK BASS, UNLIKELY HEROES 114 (1981).

70. *Id.*

71. *Id.*

72. See *Bush v. Orleans Parish Sch. Bd.*, 187 F. Supp. 42 (E.D. La. 1960); *Bush v. Orleans Parish Sch. Bd.*, 188 F. Supp. 916 (E.D. La. 1960); *Bush v. Orleans Parish Sch. Bd.*, 190 F. Supp. 861, 866–67 (E.D. La. 1960); *Bush v. Orleans Parish Sch. Bd.*, 191 F. Supp. 871, 875 (E.D. La. 1961). See also Elbert P. Tuttle, *Chief Judge Skelly Wright: Some Words of Appreciation*, 7 HASTINGS CONST. L.Q. 869, 869–70 (1980).

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Wright by name. He was the ‘integration judge.’ Only 70 percent could name the mayor of New Orleans, and fewer could name the governor of Louisiana.”<sup>73</sup> Apparently, Judge Wright “instructed the U.S. Marshals’ security detail watching his home not to even call him unless the crosses burning in his yard were too close to the house, putting the house itself at risk of fire.”<sup>74</sup>

United States Supreme Court Justice Ruth Bader Ginsburg also had a story to relate regarding Judge Wright. Delivering the 2002 Judge Robert A. Ainsworth, Jr., Memorial Lecture at the law school, she recounted a story told to her by his secretary:

In May 1960, Judge Wright issued the first order ever in Fifth Circuit territory setting a day certain for the beginning of grade school desegregation. His signature on that order and earlier rulings, all of them stridently opposed by strong forces in this State and City, put his personal safety at risk. Opposition to the Judge’s day-certain order, his secretary recalled, had reached fever pitch. One evening, when Judge Wright and his wife were out, a caller from the White Citizens Council rang. (Though the phone number was unlisted, it was found out.) The Wrights’ son, James, then age thirteen, answered. “Let me speak to that dirty nigger-loving Communist,” the voice demanded. Son James replied: “He’s not at home. May I take a message?” Sheltered by loving parents through all the vilification and ostracism the Wrights endured, their young son simply took it in stride, along with the cross burned on the lawn and the company of U. S. marshals around the clock.<sup>75</sup>

In 1962, President John F. Kennedy appointed Judge Wright to the United States Court of Appeals for the District of Columbia Circuit.<sup>76</sup> At the time there were two vacancies on the United

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73. BASS, *supra* note 69, at 115.

74. David Pimentel, *Reframing the Independence v. Accountability Debate: Defining Judicial Structure in Light of Judges’ Courage and Integrity*, 57 CLEV. ST. L. REV. 1, 22 (2009); Susan Estrich, University of Southern California Gould School of Law, Address at the Association of American Law Schools Annual Meeting: Judicial Independence and Political Accountability (Jan. 5, 2008).

75. Ruth Bader Ginsburg, Remarks at Judge Robert A. Ainsworth, Jr. Memorial Lecture at Loyola University New Orleans, School of Law: Four Louisiana Giants in the Law (Feb. 4, 2002), *available at* [http://www.supremecourt.gov/publicinfo/speeches/viewspeeches.aspx?Filename=sp\\_02-04-02.html](http://www.supremecourt.gov/publicinfo/speeches/viewspeeches.aspx?Filename=sp_02-04-02.html).

76. Bill Monroe, *In Memoriam: J. Skelly Wright*, 102 HARV. L. REV. 361, 372

States Court of Appeals for the Fifth Circuit, the circuit in which Louisiana sits, but an appointment to the Fifth Circuit was not feasible.<sup>77</sup> Judge Wright received a telephone call from Robert Kennedy, then Attorney General, who informed him, “I checked with the Senators, and it’s impossible for you to be appointed to the Fifth Circuit.”<sup>78</sup> Judge Wright responded, “I respect your judgment.”

Judge Wright left New Orleans to take up his appointment to the District of Columbia Circuit, disappointed at the New Orleans community for its failure to accept desegregation.<sup>79</sup> During his tenure on the D.C. Circuit, Judge Wright kept words from his 1956 opinion in the New Orleans desegregation case on his desk, encased in glass:<sup>80</sup>

The problem of changing a people’s mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity and forbearance from all of us, of whatever race. But the magnitude of the problem may not nullify the principle. And that principle is that we are, all of us, freeborn Americans, with a right to make our way, unfettered by sanctions imposed by man because of the work of God.<sup>81</sup>

Judge Skelly Wright ordered desegregation of the New Orleans public schools in 1956, but actual integration of the schools did not begin until 1960.<sup>82</sup> Chief Judge Herbert W.

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(1988).

77. Richard J. Lazarus, *Judging Environmental Law*, 18 TUL. ENVTL. L.J. 201, 204 (2004); BASS, *supra* note 69, at 156.

78. BASS, *supra* note 69, at 156.

79. See ARTHUR S. MILLER, A “CAPACITY FOR OUTRAGE”: THE JUDICIAL ODYSSEY OF J. SKELLY WRIGHT (GREENWOOD PRESS 1984).

80. BASS, *supra* note 69, at 119.

81. *Bush v. Orleans Parish Sch. Bd.* 138 F. Supp. 337, 342 (E.D. La. 1956).

82. See *Bush v. Orleans Parish Sch. Bd.*, 138 F. Supp. 336, 337 (E.D. La. 1956). See Joel W. Friedman, *Desegregating the South: John Minor Wisdom’s Role in Enforcing Brown’s Mandate*, 78 TUL. L. REV. 2207, 2215 (2004); Danielle Holley-Walker, *The Accountability Cycle: The Recovery School District Act and New Orleans’ Charter Schools*, 40 CONN. L. REV. 125, 133–135 (2007). See also *Louisiana State Bd. of Educ. v. Allen*, 287 F.2d 32 (5th Cir. 1961) (affirming ruling by Judge Wright granting summary judgment to plaintiffs against defendants for refusing to admit African-American students to trade schools); *Louisiana State Bd. of Educ. v. Angel*, 287 F.2d 33 (5th Cir. 1961) (affirming injunction granted by Judge Wright against the Board prohibiting exclusion of African Americans from trade schools).

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Christenberry (class of 1924) had joined Judge Wright as a member of the three-judge panel convened to decide desegregation cases.<sup>83</sup> Other Loyola graduates, including Jack Nelson (class of 1950), Lolis Elie (class of 1959) and Janet Riley (class of 1952), participated in the fight against segregation. Lolis Elie, alongside other New Orleans attorneys, including Ernest “Dutch” Morial, provided free legal counsel for the Consumers’ League of Greater New Orleans, an all black organization dedicated to eliminating employment discrimination by New Orleans commercial establishments. Elie continued to provide legal counsel to students protesting for racial equality and sought the help of Jack Nelson when four college students were arrested for sitting down at a segregated lunch counter and charged with criminal mischief, a charge that carried a potential ten-year sentence. *Lombard v. Louisiana* involved the defense of four college students, Rudolph Joseph Lombard a student at Xavier University, Cecil Winston Carter, a student at Dillard University, Oretha Maureen Castle, a student at Southern University and Sidney Langston Goldfinch, Jr. a student at Tulane University, who sat down and asked for service at a whites-only lunch counter in a McCrory Five and Ten Cent Store in New Orleans. Jack Nelson, a fellow Loyola graduate, and soon to be Director of the Loyola Law School Clinic, agreed to take the

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83. See *Wilson v. Bd. of Supervisors of Louisiana State Univ. & Agric. & Mech. Coll.*, 92 F. Supp. 986 (E.D. La. 1950) (African-American student sued seeking an injunction to restrain state officials from enforcing an order that denied him admission to law school due to his race or color; court declared the order unconstitutional). The presiding judges were: Chief Judge for Eastern District Christenberry, Judge Wright, and Judge Borah, Fifth Circuit. *Ludley v. Bd. of Supervisors of L.S.U.*, 150 F. Supp. 900 (E.D. La. 1957) (holding that statutes that required principals and superintendents to sign certificates of good moral standing for African-American students as a prerequisite to attend state institutions of higher learning were unconstitutional because those individuals would lose their jobs if they signed such certificates). The presiding judges were Christenberry (Chief Judge) and Wright (district judge). *Gremillion v. NAACP*, 181 F. Supp. 37 (E.D. La. 1960) (a statute requiring principle officers of organizations operating in the state to file a list of names and addresses of its members annually was unconstitutional). The presiding judges were Wisdom (circuit judge), Christenberry, and Wright (district court judges). *Hall v. St. Helena Parish Sch. Bd.*, 197 F. Supp. 649 (E.D. La. 1961) (the court invalidated statutes that allowed public schools to close and reopen as private schools in order to circumvent desegregation). The presiding judges were Wisdom (circuit judge), Christenberry, and Wright (district court judges); *Dorsey v. State Athletic Comm’n*, 168 F. Supp. 149 (E.D. La. 1958) (held a statute that prohibited boxing matches between colored and white persons unconstitutional). The presiding judges Wisdom (circuit judge), Christenberry, and Wright (district court judges).

case and went on to argue it before the United States Supreme Court.<sup>84</sup> Professor Nelson is recognized as the first white attorney, not affiliated with a civil rights organization, to represent African Americans in the South.<sup>85</sup> As the Court described it:

The restaurant manager, believing that the “unusual circumstance” of Negroes sitting at the counter created an “emergency,” asked petitioners to leave and, when they did not do so, ordered that the counter be closed. The restaurant manager then contacted the store manager and called the police. He frankly testified that the petitioners did not cause any disturbance, that they were orderly, and that he asked them to leave because they were Negroes. Presumably he asked the white petitioner to leave because he was in the company of Negroes.

A number of police officers, including a captain and major of police, arrived at the store shortly after they were called. Three of the officers had a conference with the store manager. The store manager then went behind the counter, faced petitioners, and in a loud voice asked them to leave. He also testified that the petitioners were merely sitting quietly at the counter throughout these happenings. When petitioners remained seated, the police major spoke to petitioner Goldfinch, and asked him what they were doing there. Mr. Goldfinch replied that petitioners “were going to sit there until they were going to be served.” When petitioners still declined to leave, they were arrested by the police, led out of the store, and taken away in a patrol wagon. They were later tried and convicted for violation of the Louisiana criminal mischief statute. This statute, in its application to this case, has all the elements of the usual trespass statute. Each petitioner was sentenced to serve 60 days in the Parish Prison and to pay a fine of \$350. In default of payment of the fine, each was to serve 60 additional days in prison. On appeal to the Supreme Court of Louisiana the judgments of conviction were affirmed.<sup>86</sup>

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84. COOK, *supra* note 24, at 207.

85. The Amistad Research Center, Tulane University, John P. Nelson papers, 1957–1977, <http://www.amistadresearchcenter.org/archon/?p=collections/findingaid&id=64&q=&rootcontentid=38971#id38971>.

86. *Lombard v. Louisiana*, 373 U.S. 267, 268–69 (1963).

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Nelson challenged the convictions on the grounds that they violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution because they constituted discrimination on the basis of race. The Louisiana Supreme Court affirmed the convictions, reasoning that the constitutional protections did not apply to private actions, and since the statute being enforced, the criminal mischief statute, contained no reference to race, whatever racially discriminatory motive existed, existed only for private action.<sup>87</sup>

To help develop the argument that the police's arrest and the city's prosecution sufficed to establish state action, and thus, a violation of the Equal Protection clause of the Fourteenth Amendment, Jack Nelson sought the assistance of Professor Janet Riley, a leader in the fight for gender parity in Louisiana. She wrote the brief in *Lombard v. Louisiana*.<sup>88</sup> Professor Riley initially thought that the argument was not strong but as she acknowledged, "we won the case."<sup>89</sup> The United States Supreme Court, without dissent, reversed the convictions:

A State, or a city, may act as authoritatively through its executive as through its legislative body. See *Ex parte Virginia*, 100 U.S. 339, 347. As we interpret the New Orleans city officials' statements, they here determined that the city would not permit Negroes to seek desegregated service in restaurants. Consequently, the city must be treated exactly as if it had an ordinance prohibiting such conduct. We have just held in *Peterson v. City of Greenville*, ante, p. 244, that where an ordinance makes it unlawful for owners or managers of restaurants to seat whites and Negroes together, a conviction under the State's criminal processes employed in a way which enforces the discrimination mandated by that ordinance cannot stand. Equally the State cannot achieve the same result by an official command which has at least as much coercive effect as an ordinance. The official command here was to direct

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87. *State v. Goldfinch*, 241 La. 958, 132 So. 2d 860 (1961), *rev'd*, 373 U.S. 267 (1963).

88. 373 U.S. 267 (1963). See Rebecca Fenton, *Loyola University New Orleans School of Law Commemorates the Fortieth Anniversary of the Landmark Decision in Lombard v. Louisiana*, 5 LOY. J. PUB. INT. L 63 (2004).

89. Fenton, *supra* note 88, at 67.

continuance of segregated service in restaurants, and to prohibit any conduct directed toward its discontinuance; it was not restricted solely to preserve the public peace in a nondiscriminatory fashion in a situation where violence was present or imminent by reason of public demonstrations. Therefore here, as in *Peterson*, these convictions, commanded as they were by the voice of the State directing segregated service at the restaurant, cannot stand.<sup>90</sup>

Like Judge Skelly Wright, Jack Nelson was ostracized by the New Orleans community in retaliation for his role in integrating New Orleans institutions, in particular, Tulane University.<sup>91</sup> He, too, considered leaving New Orleans but decided to stay.<sup>92</sup> He served as Director of Loyola's Law Clinic until his retirement in 1992. He died in 2006. Stuart H. Smith, a Loyola graduate (class of 1986) honored Professor Nelson's memory by donating funds to establish the Jack Nelson Distinguished Professor of Law, currently held by Luz Molina.

### *The Law School Continues to Grow*

By 1952, the standards for admissions had changed. Applicants had to have completed two years of undergraduate work before applying to law school. In 1953 the length of time of undergraduate work required for admission increased to three years.

In 1954 the law school sent the first moot court team to participate in the National Moot Court Competition. The Moot Court Board was established in 1973, and in 1974 Loyola's team won the national championship in the National Moot Court Competition. Another Loyola team won the regional championship of the Philip C. Jessup Memorial Competition sponsored by the American Society of International Law. Ten years later, Loyola students won the Best Brief award in the 1984 National Frederick Douglas Moot Court Competition.

In 1956 the law school hired its first woman law professor, Janet Mary Riley, a Loyola law school graduate.<sup>93</sup> Also in 1956,

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90. *Lombard*, 373 U.S. at 273–74.

91. COOK, *supra* note 24, at 223.

92. COOK, *supra* note 24, at 223.

93. Professor Riley was first hired as an "Instructor in Law" in 1953. Prior to that she had served as the law school's librarian.

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the school established a formal dual common law and civil law curriculum. The introduction of the Law School Admission Test (LSAT) changed how law schools admitted students dramatically; Loyola began to require the LSAT in academic year 1959–60.<sup>94</sup> Prior to the LSAT, admission was based on an applicant's undergraduate performance and individual interviews of the applicant. The LSAT made it easy for schools to evaluate individual students without individual interviews and paved the way for schools like Loyola to attract and recruit students from all over the United States.

In response to a national trend, in 1968, the law school began to award its graduates juris doctor degrees, rather than bachelor of laws degrees.

In 1969, students established the A.P. Tureaud Chapter of the Black Law Student Association, now known as the Black Law Student Association.

Dean Papale served as dean of the law school for almost twenty years, until 1970, when Marcel Garsaud, the first Loyola alumnus to serve as dean, took over leadership of the school. Dean Garsaud led a faculty composed of twenty-four professors, two of them women, Janet Riley and Caroline Heriot, and an entering day class of 135 students, six of them women, including Kathryn G. Venturatos and an entering night class of 83 students, including eight women. The school's student population had significantly grown; total enrollment for 1970–1971 was 562.

Under Dean Garsaud, the school expanded substantially: it began a clinic, started a student newspaper, and began to hold its own graduation ceremonies, independent from the University. It also hired its first African-American law professor.

The school moved into Branch-Knox-Miller Memorial Hall, a new building, in 1974. The speaker for the dedication ceremony for the new building was United States Supreme Court Retired Chief Justice Earl Warren. Dean Garsaud and the Honorable Robert A. Ainsworth, another Loyola law graduate and the first Loyola graduate appointed to the United States Court of Appeals for the Fifth Circuit, invited Chief Justice Warren to receive an honorary doctorate of law.<sup>95</sup> Chief Justice Warren held Judge

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94. LAW BULLETIN 1959–60.

95. COOK, *supra* note 24, at 221.

Ainsworth in high regard, as did his successor, Chief Justice Warren Burger.

Loyola faculty member Thomas H. Sponsler succeeded Marcel Garsaud as dean in 1983.<sup>96</sup> In 1986, the law school moved to its current location on the Broadway campus, formerly the campus of St. Mary's Dominican College. Loyola purchased the campus when Dominican closed its doors. The campus had two buildings, St. Mary's Library and a Science Building. The two buildings were joined into a "core" building. The levels of the floors of the two buildings were different and there is still a slope at the point where the core building was built. The planetarium in the science building became a trial courtroom on the first floor.

Under Dean Sponsler, the law school strengthened its curriculum and its commitment to public interest law and social justice. At the suggestion of then-Chief Justice William H. Rehnquist, the law school initiated Death Penalty Resource Centers. The centers were designed to train, support, and assist attorneys defending defendants in capital cases. Loyola's academic vice president at the time, Father Lundy, was very supportive of the project. The school sought federal funding for the project, received it, and started the program. The Loyola Death Penalty Resource Center closed in 2000 due to lack of funds.

The law school also established the Honorable Robert Ainsworth Memorial Lecture Series, at the suggestion of Chief Justice Warren Burger of the United States Supreme Court. Chief Justice Burger was a good friend of Judge Ainsworth, who served on the United States Court of Appeals for the Fifth Circuit. Chief Justice Burger offered to be the first speaker for the series in an effort to heighten publicity for the series. Chief Justice Burger spoke on a Saturday afternoon, followed by a black tie reception in his honor at the Plimsoll Club, on the top floor of the now-vacant World Trade Center. In addition to Chief Justice Burger and Associate Justice Ruth Bader Ginsburg, other Ainsworth lecturers have included Associate Justice Antonin Scalia, Associate Justice Lewis F. Powell, Jr., the Honorable John

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96. John McAulay, class of 1940, served as interim dean in academic year 1982–83. Professor McAulay died in 1997. Fellow Loyola Law graduate Leon C. Sarpy, class of 1931, recognized Dean McAulay's contribution to the law school by establishing the John J. McAulay Distinguished Professorship, currently held by Patrick R. Hugg.

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Minor Wisdom, Senior Judge, U.S. Court of Appeals for the Fifth Circuit, and former Secretary of State Henry Kissinger.

In the 1985–86 academic year, the law school developed, as part of its curriculum, a formal program in lawyering skills. Students were required to complete a certain number of skills credits in office practice, trial practice, and appellate practice.<sup>97</sup> More specifically, students would participate in mini-courses taught by members of the practicing bar in trial practice, motion practice, client counseling and interviewing, negotiation and mediation, and office management. It was not until 1992 that the American Bar Association published the MacCrate Report, the Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, urging law schools to focus more emphasis on integrating and teaching skills and practice with theory.<sup>98</sup>

In 1986, Hispanic students formed the Spanish American Law Students Association (SALSA). That organization is now known as the Hispanic Law Student Association.

The Asian Pacific American Law Student Association (APALSA) was founded in 1994.

### ***Realizing the Jesuit Commitment to Social Justice***

Due to the efforts of the Reverend Michael Kenny, S.J., Loyola was one of the first United States law schools to require students to take classes on legal ethics and to give formal credit for the course.<sup>99</sup> Father Kenny joined the Loyola faculty as professor of fundamental law and legal ethics in academic year

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97. LAW BULLETIN 1986–87, at 7.

98. TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP, AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM (Robert MacCrate ed., 1992).

99. Ohio State College of Law had a lecture series on legal ethics in 1898, and by 1915, approximately seventy percent of all law schools had some form of professional responsibility instruction. “The 1960s and early 1970s marked the beginning of renewed interest in applied ethics and professional responsibility.” *Id.* at 38. In 1976 the NCBE began discussing implementing a standardized Multistate Professional Responsibility Examination (MPRE). Paul T. Hayden, *Putting Ethics to the (National Standardized) Test: Tracing the Origins of the MPRE*, 71 FORDHAM L. REV. 1299, 1300 (2003). The MPRE was first administered in March of 1980. *Id.* at 1299. Today, the MPRE is required for admission in all but four U.S. jurisdictions: Wisconsin, Maryland, Washington (will be required in July 2013), and Puerto Rico. MPRE Jurisdictions, NAT'L CONF. OF B. EXAMINERS, <http://www.ncbex.org/multistate-tests/mpre/which-jurisdictions-administer-the-mpre/>.

1917–1918.<sup>100</sup> Law students enrolling in the law school that year took a class in legal ethics in their third year.<sup>101</sup>

By 1915 most law schools operating in the United States offered some sort of ethics course as part of the law curriculum.<sup>102</sup> However, this ethical instruction was usually given via lectures without much structure, and often, neither grades nor credits were given.<sup>103</sup> The American Bar Association began to require law schools to teach legal ethics in 1974, after the Watergate cover-up, when the actions of attorneys involved in the Nixon administration came under scrutiny.<sup>104</sup> Louisiana adopted the requirement that students pass the Multistate Professional Responsibility Examination to be admitted to the bar in 1984.<sup>105</sup>

Loyola law initiated clinical education as early as academic year 1953–1954, when upper-class students were given the opportunity “to assist in the handling of criminal and civil cases” in which the Legal Aid Bureau of New Orleans was authorized to act.<sup>106</sup> Loyola’s formal clinic was established in 1970–71 with financing from the Council of Legal Education for Professional Responsibility, Inc. Then-Dean Garsaud, Professor Arthur Buddy Lemmon, and Professor Keith Vetter petitioned the Louisiana Supreme Court to change its rules to allow student practitioners to practice under the supervision of professors. The Louisiana Bar Association initially opposed the petition,<sup>107</sup> but was ultimately persuaded to support it, perhaps due to the ABA’s support for clinical education.<sup>108</sup> The law school’s clinic initiative

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100. LOYOLA UNIVERSITY BULLETIN 1917–1918, available at <http://www.archive.org/stream/loyolaunivers191718loyo#page/100/mode/2up>.

101. LOYOLA UNIVERSITY BULLETIN 1917–18, at 108.

102. Deborah L. Rhode, *Ethics by the Pervasive Method*, 42 J. LEGAL EDUC. 31, 35 (1992).

103. *Id.*

104. Laurel S. Terry, *A survey of legal ethics education in law schools*, in S.K. MAJUMDAR, H.S. PITKOW, L.P. BIRD, & E.W. MILLER, *ETHICS IN ACADEMIA* 61, 65 (2000).

105. Articles of Incorporation of the Louisiana State Bar Association, Art. XIV, § 6(C) (1993). Article XIV of the Articles of Incorporation of the Louisiana State Bar Association relating to admissions to the bar was vacated and repealed, effective August 1, 1999. See LA. SUP. CT. R. 17.

106. LAW BULLETIN JUNE 1969, at 18.

107. Interview with Marcel Garsaud, notes on file with author. See Gordon Gsell, *Justice Barham Calls for Student Legal Aid “Army:” Idea is proposed before Young Lawyers*, TIMES-PICAYUNE, May 1, 1971, at 4.

108. In 1969, the ABA proposed a Model Practice Rule, which allowed students to practice law under the supervision of licensed attorneys. ABA Model Student

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was supported by Louisiana Supreme Court Associate Justice Mack E. Barham, who, in an address to the Young Lawyers' Council of the Louisiana State Bar Association in May 1971, urged the bar to accept student lawyers to help address the need for access to lawyers by the indigent and to help train new lawyers.<sup>109</sup> The Louisiana Supreme Court granted the petition in 1971,<sup>110</sup> and Loyola established the first program of clinical education in the state.<sup>111</sup> Clinical courses were first formally offered in academic year 1971–1972.

The ABA's current standards require law schools to give instruction in “professional skills generally regarded as necessary for effective and responsible participation in the legal profession.”<sup>112</sup> Moreover, law schools must offer “live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence.”<sup>113</sup> Clinical education has continued to be the source of controversy in Louisiana.<sup>114</sup>

In 1997, the Louisiana Supreme Court adopted more restrictive rules to student practice that limited clinical education in the state.<sup>115</sup> More recent efforts to curtail the work of clinics in the state, primarily directed at Tulane's Environmental Law Clinic, involved legislative efforts to cut off public funding to clinics that sued governmental agencies, represented clients who

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Practice Rule § III. See George K. Walker, *A Model Rule for Student Practice in the United States Courts*, 37 WASH. & LEE L.REV. 1101, 1104–05 (1980).

109. Gordon Gsell, *Justice Barham Calls for Student Legal Aid “Army:” Idea is proposed before Young Lawyers*, TIMES PICAYUNE, May 1, 1971, at 4.

110. LA.SUP.CT.R.VIX-A (MAR. 3, 1971), CURRENT MINUTE BOOK, SUPREME COURT OF LOUISIANA, Oct. 7, 1968-Apr. 2, 1971. See Sam A. LeBlanc III, *Debate Over the Law Clinic Practice Rule: Redux*, 74 TUL. L. REV. 219, 220–22 (1999–2000).

111. *School Given Grant of \$25,000: Clinical Legal Studies to Begin at Loyola*, TIMES PICAYUNE, Apr. 8, 1971, § 6, at 9.

112. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION & ADMISSIONS TO THE BAR, STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 302(a)(4)(2011).

113. *Id.* Standard 302(b)(1) (2011).

114. Adam Glazer, Note, *The Implications of Changes to Louisiana's Law Clinic Student Practice Rule*, 12 GEO. J. LEGAL ETHICS 751 (1999); LeBlanc, *Debate Over the Law Clinic Practice Rule*.

115. See LA. SUP. CT. R. 20 (Limited Participation of Law Students in Trial Work); *S. Christian Leadership Conf. v. Supreme Court of La.*, 252 F. 3d 781 (5th Cir. 2001). See also Peter A. Joy, *Political Interference with Clinical Legal Education: Denying Access to Justice*, 74 TUL. L. REV. 235 (1999).

sought monetary damages, or raised state constitutional claims.<sup>116</sup>

In 1985, under Dean Sponsler, the law school established the Gillis W. Long Poverty Law Center, with funding provided by the United States Congress, in its new building on the Broadway campus.<sup>117</sup> Dean Sponsler remembers its founding:

Gillis Long was a very popular progressive Congressman from Louisiana. He was not a Loyola alum, but Congress was in a mind to honor him so Loyola president James Carter, the University Development Office and I, with the permission of his family, worked to produce a proposal that would be in keeping with his values and interests and steer funding to Loyola to help pay for the necessary renovations to the Dominican buildings and provide an endowment for the Clinic and other anti-poverty programs. As our proposal wended its way through Congress, the Chair of one of the crucial committees was an alumnus of Drake Law School in Iowa. He asked us if we would mind if Drake received a similar appropriation. We said no, of course, so both Loyola and Drake each received a four million dollar appropriation. Loyola invested the money wisely. Several years later I received a phone call from a Congressional staffer wondering if we would be willing to receive an additional two million dollars since they were going to give that much more to Drake to help them recover from their loss of the original appropriation. You can guess the answer. During this time we cultivated a good relationship with Drake's clinical program and visited back and forth.<sup>118</sup>

When first established, the center provided "training, research and other support to organizations and individuals who are involved in the delivery of legal services to the poor."<sup>119</sup> Today, the center sponsors a summer internship program, a loan repayment assistance program, a pro bono program, a

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116. Robert R. Kuehn & Bridget M. McCormack, *Lessons From Forty Years of Interference in Law School Clinics*, 24 GEO. J. LEGAL ETHICS 59, 67 (2011); see generally Adam Babich, *Controversy, Conflicts, and Law School Clinics*, 17 CLINICAL L. REV. 469 (2011).

117. Plans for the center were announced in 1984; the statute providing for the center was enacted in 1985.

118. Notes on file with the authors.

119. LAW BULLETIN 1986-87 at 34.

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distinguished lecture series, and public service awards.<sup>120</sup>

Also under Dean Sponsler, in academic year 1986–1987, the law school adopted a poverty law course requirement. Students were required to take a course titled “Law and Poverty,” designed to introduce students “to the detrimental effects of poverty on society and poor people” and to “a critical examination of the legal system’s response to the economic, social and human problems of poverty, particularly in the fields of social security, welfare, unemployment and workmen’s compensation.”<sup>121</sup> At the request of William Quigley, professor and current director of the clinic, the course requirement became a community service requirement. Beginning in the 1998–1999 academic year, students were able to satisfy the law and poverty requirement by performing fifty hours of volunteer pro bono legal services to the indigent.<sup>122</sup>

In 1993, the law faculty established the Poverty Law Journal, now known as the Journal of Public Interest Law. The Journal was committed to addressing legal issues faced by the poor, children, the elderly, and those groups who lack voice in the political process. At the time, it was one of only two journals devoted to issues faced by the poor. In 2008, the Journal began a series of symposia on public interest law. The Journal’s first symposium explored criminal indigent defense. Subsequent symposia have explored predatory lending practices, education reform, state criminal regulation of noncitizens, and prosecutorial misconduct.

### ***Breaking Glass Ceilings***

Among the graduates of the College of Law’s class of 1974 was Louis J. Westerfield, a young African American who went on to join the law faculty in 1977. He became the College’s first tenured African-American professor of law and its first and only African-American dean in 1990.

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120. Gillis Long Poverty Law Center, <http://www.loyno.edu/gillislong/> (last visited May 17, 2012).

121. LAW BULLETIN 1986–87 at 53.

122. LAW BULLETIN 1998–99 at 23. Students may satisfy the Law and Poverty requirement in one of five ways: (1) taking the Law and Poverty course; (2) taking the Law and Poverty Seminar; (3) taking Street Law; (4) representing low income individuals in the Clinical Seminar; or (5) performing fifty hours of volunteer pro bono legal services to the poor in one academic year in a setting approved in advance by the academic dean. *Id.*

Kathryn Venturatos Lorio, former chair of the Women's Law Section of the Association of American Law School and the first woman at Loyola to be appointed associate dean for academic affairs and interim dean, remembers when she first joined the profession:<sup>123</sup>

I started law school in 1970, a time when women comprised only 7.8% of the law school student body nationwide.<sup>124</sup> The second phase of the women's movement had begun<sup>125</sup> but still had a long way to go. At that time, women did not serve on criminal juries in the state of Louisiana,<sup>126</sup> the husband was the head and master of the marital community, with the right to make all property decisions unilaterally,<sup>127</sup> and Louisiana children born out of wedlock had no inheritance rights to the estates of their fathers if the father was survived by any other relatives or a spouse.<sup>128</sup> I learned of these inequities in law school, at which time I was convinced that I was in the right place at the right time.

Upon graduation, I took the recommended route for graduates who had done well and accepted a position with one of the major law firms in the city. I then realized that it would never be *via* that avenue that I would make any of the

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123. Kathryn Lorio, *Symposium: Reflections of Women in Legal Education: Stories from Four Decades of Section Chairs,—Reflections: A Generation Later*, 80 UMKC L. REV. (forthcoming 2012).

124. D. Kelly Weisberg, *Women in Law School Teaching*, 30 J. LEGAL EDUC. 226 (1979).

125. The second wave of the women's movement peaked in the 1960s and 1970s.

126. LA. CONST. art. VII, § 41 provided in pertinent part:

The Legislature shall provide for the election and drawing of competent and intelligent jurors for the trial of civil and criminal cases; provided, however, that no woman shall be drawn for jury service unless she shall have previously filed with the clerk of the District Court a written declaration of her desire to subject to such service.

LA. CODE CRIM. PROC. art. 402 provided: "A woman shall not be selected for jury service unless she has previously filed with the clerk of court of the parish in which she resides a written declaration of her desire to be subject to jury service."

127. LA. CIV. CODE art. 2404 (1870) provided in pertinent part: "The husband is the head and master of the partnership or community of gains; he administers its effects, disposes of the revenues they produce, and may alienate them by an onerous title, without the consent and permission of his wife."

128. LA. CIV. CODE art. 919 (1870) provided in pertinent part: "Natural children [children born out of wedlock] are called to the inheritance of their natural father, who has duly acknowledged hem, when he has left o descendants nor ascendants, nor collateral relations, nor surviving wife, and to the exclusion only of the state."

Many states did not even afford the children born out of wedlock the ability to inherit from their father, even with no other paternal relatives surviving.

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changes I was most interested in making. Academia was the key for me, and in 1976, I became an Assistant Professor of law at my *alma mater*.<sup>129</sup> By that time, the number of women in law school had grown, comprising 26.1% of the students in U.S. law schools.<sup>130</sup>

When Professor Lorio joined the law faculty two other women were on the faculty—Janet Riley and Caroline Heriot. The student body had grown substantially: the entering class of 1976 consisted of approximately 231 students, most of them Caucasian, and most of them men, with approximately fifty-six women.<sup>131</sup>

Professor Janet Mary Riley wrote the first casebook on Louisiana community property law<sup>132</sup> and served as head of the Louisiana Law Institute committee on the revision of Louisiana's community property laws. The committee was disbanded in 1977,<sup>133</sup> but Professor Riley's work yielded results.

Professor Riley played an instrumental role in eliminating gender discrimination in the state's community property regime through her work in the case, *Corpus Christi Parish Credit Union v. Martin*, in which she filed the amicus curiae brief for the League of Women Voters of Louisiana.<sup>134</sup> The case involved a challenge to the "head and master" provisions of the Louisiana Civil Code. The lower court held article 2404 ("The husband is the head and master of the partnership or community of gains . . .") unconstitutional.<sup>135</sup> The Louisiana Supreme Court reversed the lower court and held that the "head and master"

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129. Donna Fossum, *Women Law Professors*, 5 LAW & SOC. INQUIRY 903, 907 (1980).

130. AMERICAN BAR ASSOCIATION, *Enrollment and Degrees Awarded Statistics for 2009–2010*, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/sstat\\_1.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/sstat_1.authcheckdam.pdf) (last visited May 17, 2012).

131. LAW BULLETIN 1975/77-1982/83, at 56–57.

132. JANET MARY RILEY, *LOUISIANA COMMUNITY PROPERTY: CASES AND MATERIALS ON LOUISIANA PROPERTY LAW OF MARRIAGE* (BATON ROUGE: CLAITOR'S PUBLISHING DIVISION 1972). See Gerard A. Rault, Jr., *Book Review: Louisiana Community Property: CASES AND MATERIALS ON LOUISIANA PROPERTY LAW OF MARRIAGE* by Janet Mary Riley, 46 TUL. L. REV. 1082 (1972).

133. *Oral Histories, Janet Riley Video*, LA. BAR FOUNDATION, available at [http://www.raisingthebar.org/ProgramsAndProjects/OralHistories.asp?Vid=Riley&View=Janet Mary Riley#AN](http://www.raisingthebar.org/ProgramsAndProjects/OralHistories.asp?Vid=Riley&View=Janet%20Mary%20Riley#AN) (last visited Apr. 7, 2012).

134. *Corpus Christi Parish Credit Union v. Martin*, 358 So.2d 295 (La. 1978).

135. *Id.* at 299.

provision was constitutional. The court noted that holding article 2404 unconstitutional would necessitate a “complete examination of the constitutionality of the community property system.”<sup>136</sup>

In 1979 the Louisiana legislature adopted Professor Riley’s “equal management” approach and repealed the head and master provisions.<sup>137</sup> The changes became effective January 1, 1980.<sup>138</sup> Later in 1979, in *Kirchberg v. Feenstra*, the United States Court of Appeals for the Fifth Circuit held Louisiana’s head and master code provisions unconstitutional.<sup>139</sup>

In 1972, the law school recognized the Association for Women Law Students. By 1978, the AWLS was playing an active role at the law school, organizing conferences and publishing a newsletter. The 1978 issue noted passage of the Pregnancy Discrimination Act of 1978. In 1979, the AWLS sponsored the 2nd Annual Women and the Law Conference, featuring Professor Janet Mary Riley as keynote speaker. Professor Riley addressed conference participants on the head and master Louisiana Civil Code provisions, which she had played a key role in having declared unconstitutional.<sup>140</sup>

The Reverend Father Lawrence W. Moore, S.J., current Associate Dean of Academic Affairs and one of the authors, joined the faculty in 1982. He recalls his first years at Loyola:

When I began teaching in August 1982, there were twenty-six full-time ordinary faculty members. (In fall 2011, there were forty full-time ordinary faculty members.) Long-time Associate Dean John McAulay was interim dean, and Prof. William Crowe was Associate Dean. There were three African Americans: Profs. Richard Goins, Diane Pierce-Gonzalez and Louis Westerfield. There was one Asian-Pacific Islander, Prof. Stella Chiang, who was director of the law library. There were five women: Profs. Stella Chiang, Cynthia Lepow (on leave), Kathryn Venturatos Lorio, Diane Pierce-Gonzalez, and Janet Mary Riley.

I remember, during that first week when I was preparing to teach my first classes the next week, we had two days of

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136. *Martin*, 358 So.2d at 298.

137. 1979 La. Acts No. 709 § 1, eff. Jan. 1, 1980.

138. *Id.*

139. *Kirchberg v. Feenstra*, 609 F.2d 727 (5th Cir. 1979).

140. AWLS Newsletter, Vol. 2, No. 3 (Nov.1978) at 3, Loyola Archives.

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faculty meetings to consider the petitions for readmissions. I had nothing to judge spending so much time as a group to consider the tales of human shipwreck. I abstained from all of the votes on readmission. (Today readmissions decisions are done by a faculty committee.)

The primary focus during the school year was selecting a new dean. We followed the same path that we have followed subsequently: a dean's search committee bringing in three to five candidates, the faculty interviewing the candidates, and the faculty voting on which candidates to recommend to the Provost. Dean López is the eighth dean under whom I have served.

As I look back at what the law school was, I am struck by how few were employed in staff positions. The dean and associate dean shared one secretary. There were two faculty secretaries along with a receptionist. Assistant Dean Katherine Schwab with one assistant directed admissions, functioned as dean of students, and supervised Law Records, headed by Anne Ragas (later Dummet). Pamela Jackson (later Ebel) directed Placement, Alumni Relations, and CLE with one assistant. When Skills was added, she picked up an additional assistant. There was a secretary for the *Law Review*. Fr. John Payne, S.J. was chaplain of the law school. By my count that was thirteen people. Currently, it takes twenty-eight to do the same functions. The College of Law now has its own financial aid office and instructional resources with a total of five more people.

I was struck by two other aspects as I looked through the *Law Bulletin* for 1982–1983. The staff attorneys working in the clinic were not listed; only Prof. Jack Nelson, who was a member of the ordinary faculty and director of the clinic, was listed. Tuition for a full-time student was \$4500 per year. (Today first-year tuition is \$38,471.)

Another of the co-authors, M. Isabel Medina, joined the law faculty in 1991, alongside fellow professor of law Blaine LeCesne. At the time they joined the faculty, there were four women tenured or on the tenure track and no blacks or African Americans on the tenure track faculty except for Dean Westerfield. There were no Hispanic or Asian tenure-track faculty members. Dean Westerfield hired both professors, with the approval of the faculty, and together with professors Bobby

Harges and Jeanne Woods, they represent part of Dean Westerfield's legacy to Loyola—meaningful diversification of the tenure-track law faculty and the student body.

***Formalizing the Relationship between the Law School  
and the University***

A recurring challenge for the law school was its financial relationship to the University. That relationship was formalized under the deanship of John Makdisi. Dean Makdisi successfully negotiated a Memorandum of Understanding between the law school and the University. The Memorandum ensured that the majority of law school revenues would go toward the law school and ensured that the portion of law school revenues reserved to the University would be within the average range for law schools nation-wide. Dean Makdisi, a strong supporter of academic freedom, emphasized the school's Catholic nature and encouraged more formal acknowledgment of the role that religion plays in law and legal education. In addition, Dean Makdisi strongly encouraged faculty scholarship and publication, facilitating the law school's transition to a school that valued scholarship because of its positive benefits to better teaching and to the development of legal norms.<sup>141</sup>

***The Law School in Houston***

The fall 2005 class began classes at the campus in New Orleans but ended them in Houston at the University of Houston Law Center campus. Although the Loyola campus had suffered minimal damage, the devastation suffered by New Orleans as a consequence of Hurricane Katrina meant that most educational institutions ceased to offer classes for the remainder of the semester. Under the leadership of Dean Brian Bromberger, the law school seized the opportunity offered by then-Dean Nancy B. Rapoport in Houston to continue Loyola classes at the Houston campus. Quickly organized and staffed by faculty and staff relocated to Houston or traveling into Houston on a weekly basis to teach, the school maintained a substantial portion of its students and was able to resume the business of legal education as usual upon its return to New Orleans for the spring 2006 semester. Dean Bromberger's stewardship of the law school minimized the financial impact of the Katrina disaster: no law

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141. Donald J. Weidner, *A Dean's Letter to New Law Faculty about Scholarship*, 44 J. LEGAL EDUC. 440 (Sept. 1994).

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school staff or faculty were terminated or discharged in the aftermath of the storm.

### *The College of Law Today*

The College of Law began this academic year of 2011–2012 with a faculty composed of forty tenured or tenure-track faculty, at its most diverse point in time. Approximately 40% of the tenure-track faculty (fifteen) are women; six, 15%, self-identify as Black or African American; two self-identify as Hispanic; and one as Asian. Additionally, the law school has eight clinical faculty, six of them women, two self-identify as Hispanic, one as Black or African American, and one as Asian.

Although women are now represented in powerful positions in government, academia, and businesses,<sup>142</sup> they are still disproportionately underrepresented in executive positions,<sup>143</sup> including law. Statistics show that women are practicing law, entering law schools, and earning law degrees in significant numbers. In 2010, women made up 31.5% of all lawyers;<sup>144</sup> in the 2009–2010 class, women made up 47.2% of J.D. students;<sup>145</sup> and in 2010, 47.1% of the law degrees in the country went to women.<sup>146</sup> However, women continue to be underrepresented at the top levels in the legal profession. Women comprise 19.4% of partners at private law firms and only 15% of equity partners.<sup>147</sup> Women are also underrepresented at the general counsel level in Fortune 500 companies, at 18.8%; and in Fortune 1000 companies, at 16%.<sup>148</sup> Furthermore, the total representation of women in federal and state judgeships is 26%.<sup>149</sup>

College of Law faculty scholarship continues to expand and contributes to national conversations about law and legal issues.

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142. Laura M. Padilla, *A Gendered Update on Women Law Deans: Who, Where, Why, and Why Not?*, 15 AM. U. J. GENDER SOC. POL'Y & L. 443, 504 (2007).

143. *Id.*

144. Catalyst, *Women in the Law in the U.S.* 2 (2012) [hereinafter, Catalyst 2012].

145. *Id.* at 1.

146. American Bar Association Section of Legal Education and Admission to the Bar, *Legal Education Statistics J.D. and LL.B. Degrees Awarded 1981–2010* (2011).

147. Catalyst 2012, *supra* note 144, at 7.

148. American Bar Association Commission on Women in the Profession, *A Current Glance at Women in the Law 2* (2011), *available at* [http://www.americanbar.org/content/dam/aba/marketing/women/current\\_glance\\_statistics\\_2011.pdf](http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_2011.pdf).

149. Catalyst 2012, *supra* note 144, at 2.

In the past year law faculty have produced a significant number of law review articles<sup>150</sup> and books.<sup>151</sup> Moreover, the school's

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150. Hilary Allen, *Cocos Can Drive Markets Cuckoo*, 16 LEWIS & CLARK L. REV. 125 (2012); Andrea C. Armstrong, *Slavery Revisited in Penal Plantation Labor*, 35 SEATTLE U. L. REV. 835 (2012); Rob Garda, *Culture Crash: Special Education in Charter Schools*, 90 N.C. L. REV. 655 (2012); Patrick R. Hugg, *Redefining the European Union's Position in the Emerging Multipolar World: Strong Global Leadership Potential, Restrained by Asymmetry of Power and Dissonant Voices*, 20 TUL. J. INT'L & COMP. L. 145 (2011); Johanna Kalb, *The Persistence of Dualism in Human Rights Treaty Implementation*, 30 YALE L. & POL'Y REV. 71 (2011); Johanna Kalb, *Human Rights Treaties in State Courts: The International Prospects of State Constitutionalism after Medellin*, 114 PENN. ST. L. REV. 1051 (2011); Johanna Kalb, *Litigating Dignity: A Human Rights Framework*, 74 ALA. L. REV. 1725 (2011); James Klebba & Scott Dodson, *Global Civil Procedure Trends in the Twenty-first Century*, 34 B.C. INT'L & COMP. L. REV. 1 (2011); Blaine LeCesne, *Crude Decisions: Re-Examining Degrees of Negligence in the Context of the BP Oil Spill*, MICH. L. REV. (forthcoming 2012); Chunlin Leonhard, *Subprime Mortgages and the Case for Broadening the Duty of Good Faith*, 45 U. S. F. L. REV. 621 (2011); María Pabón López & Roxanna A. Davis, *Immigration Law Spanish-Style II: Spain's Voluntary Immigrant Return Plan and the New Push for Circular Migration*, 25 TEMPLE INT'L & COMP. L.J. 79 (2011); María Pabón López, *What Nations are Doing about Immigrant Workers in Downturn Economies: Examining and Comparing the Recent Treatment of Immigrant Workers in the United States and Spain*, 1 NOTRE DAME J. INT'L, COMP. & HUM. RTS. L. 80 (2011); John Lovett, *The Right to Exclude Meets the Right of Responsible Access Scotland's Bold Experiment in Public Access Legislation*, 26 PROB. & PROP. 52 (MAR./APR. 2012); M. Isabel Medina, *Symposium on Federalism at Work: State Criminal Law, Noncitizens and Immigration Related Activity—An Introduction*, 12 LOY. J. PUB. INT. L. 265–76 (2011); William A. Neilson, *Informal Claims for Refund: A Winding Road*, 25 AKRON TAX J. 147 (2011); Markus Puder, *The Rise of Regional Integration Law (RIL): Good News for International Environment Law (EIL)?*, 23 GEO. INT'L. ENVTL. L. REV. 165 (2011); Craig Senn, *Fixing Inconsistent Paternalism Under Federal Employment Discrimination Law*, 58 UCLA L. REV. 947 (2011); Karen C. Sokol, *The Underrecognized Role of Tort Law in the U.S. Healthcare System*, 32 HAMLINE J. PUB. L. & POL'Y 429 (2011); Imre S. Szalai, *An Obituary for the Federal Arbitration Act: An Older Cousin to Modern Civil Procedure*, 2010 J. DISP. RESOL. 391 (2010); Sandi S. Varnado, *Inappropriate Parental Influence: A New App for Tort Law and Upgraded Relief for Alienated Parents*, 61 DEPAUL L. REV. 113 (2011–12); Robert R.M. Verchick & Abby Hall, *Adapting to Climate Change While Planning for Disaster: Footholds, Rope Lines, and the Iowa Floods*, 2011 BYU L. REV. 2203 (2011); Jeanne M. Woods, *A Human Rights Framework for Corporate Accountability*, 17 ILSA J. INT'L & COMP. L. 321 (2011).

151. MARY GARVEY ALGERO, SPENCER L. SIMONS, SUZANNE E. ROWE, SCOTT CHILDS & SARAH E. RICKS, FEDERAL LEGAL RESEARCH (2012); DAVID W. GRUNING & ALAIN LEVASSEUR, LOUISIANA LAW OF SALE AND LEASE: A PRECIS (2d ed. 2011); BOBBY MARZINE HARGES & RUSSELL L. JONES, LOUISIANA EVIDENCE (2011); BOBBY MARZINE HARGES & RUSSELL L. JONES, LOUISIANA EVIDENCE: CASES, PROBLEMS, AND MATERIALS (2011); BOBBY MARZINE HARGES, THE HANDBOOK ON LOUISIANA ALTERNATE DISPUTE RESOLUTION LAWS (2011); MARIA ISABEL MEDINA, MIGRATION LAW IN THE USA (2011); WILLIAM ARAIZA & MARIA ISABEL MEDINA, CONSTITUTIONAL LAW: CASES, HISTORY, AND PRACTICE (4th ed. 2011) and TEACHER'S MANUAL (2011); ROBERT R.M. VERCHICK, FACING CATASTROPHE: ENVIRONMENTAL ACTION FOR A

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commitment to public interest law is reflected in its law curriculum, its clinical program, the Journal of Public Interest Law, and the Gillis Long Poverty Law Center.

The College's entering class continues to reflect diversity. The 2011–2012 class consisted of 242 students, 199 of them in the day division and forty-two in the evening. For the past three decades the number of men in the class is about the same as the number of women. At least sixty-three of those students contributed to the school's racial and ethnic diversity. Total enrollment at the law school for academic year 2011–2012 was 820 students, 689 in the day division and 131 in the evening. Of those 820 students, 131 self-identified as persons of color. Overall, the law school's population is almost even when examined by reference to sex: in academic year 2011–2012, Loyola's class consisted of 407 men and 406 women.

The College of Law continues to offer an evening division program. Currently, the school offers a Master of Laws program for international students.

Legal education is in a time of transition—the legal profession and academy reflect changing norms that impact not just the practice of law but also the teaching of law. Law schools are faced with declining applications and declining opportunities for employment. Increasingly, law schools have considered reducing the size of their entering classes and are carefully considering tuition increases. The College of Law's 2012 graduating class was one of its largest at 270,<sup>152</sup> and the fall 2012 day entering class will pay \$41,618 tuition for their first year.

The twenty-first century law school emphasizes experiential learning, not just the case method of learning, and the academy has to adapt to the changes developing in the practice of law. From its earliest days, and today through its skills courses and clinical program, Loyola recognized the importance of experiential learning. In addition, the law school offers a number of law school courses that use simulation exercises and brief writing exercises to provide students with a practice-oriented method of learning substantive law. Recently, Dean López reorganized two departments at the College of Law to help realize an emphasis on an experiential-based curriculum, both of which

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POST-KATRINA WORLD (2010).

152. In its first year this class totaled 325 day and evening students.

work in conjunction with the school's clinic and existing course offerings. The Office of Law Skills is now known as the Office of Law Skills and Experiential Learning, and the Office of Career Services was renamed the Career Development and Law Practice Center. This new structure seeks to accomplish the goal that all students at Loyola College of Law acquire the practical knowledge and hands-on experience necessary to become practicing lawyers.

The Stuart H. Smith Law Clinic and Center for Social Justice continues to be a cornerstone of legal education at the College of Law. It is a fully functioning legal clinic that allows third-year law students the opportunity to represent indigent clients under the supervision of experienced attorneys. The clinic furthers the Jesuit ideals of scholarship and service by providing legal representation to the needy and by providing opportunities for Loyola students to learn valuable practical lawyering skills. These skills include interacting with clients, including interviewing and counseling, arguing before judges and juries, examining and cross-examining witnesses, and drafting pleadings and appellate briefs. Loyola offers clinics in community justice, immigration, criminal defense, family law, and workplace justice.

Dean López hopes to be an instrument of change at Loyola College of Law as the newly appointed Dean. In this, she will continue the legacy of many past deans at the law school.

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**APPENDIX I**

**Deans of Loyola University New Orleans College of  
Law:**

The Honorable John St. Paul 1913–1919

The Honorable Hugh C. Cage 1919–1924

The Honorable Mark M. Boatner 1924–1929

The Honorable William H. Byrnes, Jr. 1929–1932

Paul M. Hebert 1933–1936

James T. Connor 1936–1946

Vernon X. Miller 1946–1951

Antonio E. Papale 1951–1970

Marcel Garsaud, Jr. 1970–1982

John McAulay 1982–1983

Thomas H. Sponsler 1983–1989

James M. Klebba 1989–1990

Louis J. Westerfield 1990–1994

Marcel Garsaud, Jr. 1994–1996

John Makdisi 1996–1999

James M. Klebba 1999–2003

Brian Bromberger 2003–2010

Kathryn Venturatos Lorio 2010–2011

María Pabón López 2011