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Volume 48 is dedicated to the memory and legacy of
Professor James M. McGoldrick, Jr.

Jim McGoldrick: A Dean's Tribute

Paul L. Caron*

I met Jim McGoldrick in 2011, when I first came to Pepperdine Caruso School of Law as a visiting professor from the University of Cincinnati College of Law. Jim walked into my office as I was settling in to invite my wife, Courtney, and me to dinner with some other Pepperdine professors at one of his favorite Malibu restaurants. Courtney and I were especially touched by Jim's jovial warmth and hospitality, as this was our first social occasion as welcomed members of the Pepperdine community. Other dinners ensued over the years after I officially joined the faculty at Pepperdine in 2013.

When I met Jim, he was already a legend at the law school. He was the longest-serving member of the faculty, had worked in various administrative roles, was one of the most popular professors (with both the students and his faculty colleagues), and possessed the sharpest, most biting wit in the building (which he unsheathed annually as the featured speaker at the breakfast for graduating 3Ls).

I became dean in 2017 following several challenging years for legal education where schools saw a significant decline in the number of college graduates seeking careers in law. At the annual ABA Deans' School, rookie law school deans are given various tips for successful leadership. One tip I remember from the session I attended as a new dean warned about dealing with senior members of the faculty. Because they have a deep knowledge of the law school (and university), and have served under several deans, senior faculty are often tough on, and lack patience with, new deans. The speaker warned that senior faculty often become cynical and resist changes sought by a new dean. I remember thinking at the time about these verses from *Ecclesiastes*:

What has been will be again,
what has been done will be done again;
there is nothing new under the sun.

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Is there anything of which one can say,
“Look! This is something new”?
It was here already, long ago;
it was here before our time.¹

During my first year as dean, we instituted some changes, with the university's assistance, to meet the challenges facing legal education. We reduced the size of the entering class to improve the quality of our student body, which in turn increased the rate at which our graduates pass the bar exam and secure full-time legal employment. We also redoubled our commitment to our students and to our scholarly work.

Although Jim initially resisted some of these changes, he soon embraced them. Indeed, over the past four years Jim enjoyed the greatest burst of scholarly productivity of his career, publishing *seven* law review articles and becoming one of the most prolific scholars on our faculty during that time period.² So extraordinary was Jim's productivity that a faculty committee unanimously recommended awarding Jim our only research sabbatical in the 2020–2021 academic year in recognition of his outstanding scholarly work—a recommendation that I enthusiastically accepted. Unfortunately, Jim tragically died before I could announce his research sabbatical. In addition, Harry Caldwell, Jim's closest friend on the faculty, accepted the *Waves of Excellence Award: Scholarship* posthumously on Jim's behalf at our August 2020 faculty meeting³ (Jim had previously won the *Waves of Excellence Award: Teaching*⁴). Jim's commitment in recent years to sharing

1. *Ecclesiastes* 1:9–10 (NIV).

2. James M. McGoldrick, Jr., *The Commerce Clause, The Preposition, and the Rational Basis Test*, 14 U. MASS. L. REV. 182 (2019); James M. McGoldrick, Jr., *The Dormant Commerce Clause: The Endgame—From Southern Pacific to Tennessee Wine & Spirits—1945 to 2019*, 40 PACE L. REV. 44 (2019); James M. McGoldrick, Jr., *The Dormant Commerce Clause: The Origin Story and the “Considerable Uncertainties”—1824 to 1945*, 52 CREIGHTON L. REV. 243 (2019); James M. McGoldrick, Jr., *The Rational Basis Test and Why it is so Irrational: An Eighty-Year Retrospective*, 55 SAN DIEGO L. REV. 751 (2018); James M. McGoldrick, Jr., “*This Wearisome Analysis—The Clear and Present Danger Test from Schenck to Brandenburg*,” 66 S.D. L. REV. (forthcoming 2021); James M. McGoldrick, Jr., *Two Shades of Brown: The Failure of Desegregation in America; Why It Is Irremediable (and a Modest Proposal)*, 24 CARDOZO J. EQUAL RTS. & SOC. JUST. 271 (2018); James M. McGoldrick, Jr., *Why Does Justice Thomas Hate the Commerce Clause?*, 65 LOY. L. REV. 329 (2019).

3. Paul Caron, *Pepperdine Caruso Law Waves of Excellence Scholarship Award Presented Posthumously to Jim McGoldrick*, TAXPROF BLOG (Aug. 23, 2020), https://taxprof.typepad.com/taxprof_blog/2020/08/pepperdine-caruso-law-waves-of-excellence-scholarship-award-presented-posthumously-to-jim-mcgoldrick.html.

4. *Professor Jim McGoldrick Receives Waves of Excellence Award*, PEPP. SURF RPT. (Jan. 10,

his wisdom and scholarship remains nothing short of inspirational.

As dean, I also witnessed first-hand Jim's incredible talent and dedication as a teacher. Courtney and I hosted hundreds of students in our home for dinners in my first three (pre-pandemic) years as dean, and we would always go around the table asking students which professor had the biggest impact on them. Jim's name was mentioned time after time after time—the students simply loved him. And Jim loved his students.

More than anything, though, I will never forget discussing with Jim how we could minimize the impact of his COVID-19 illness on his students, moments before he was to be put on a ventilator. I am in awe that, in that terrifying moment, Jim's main concern was—as it always had been—for his students.

The next verse in *Ecclesiastes* is:
There is no remembrance of men of old,
and even those who are yet to come
will not be remembered by those who follow.⁵

2020–2021 is the first academic year at Pepperdine Caruso Law without Jim McGoldrick since the school's inaugural 1969–1970 academic year. Although we will remember Jim through the student scholarship fund⁶ and faculty office⁷ established in his name through the generosity of his family and friends, Pepperdine Caruso Law will not be the same without Jim's physical presence. But we will strive in our own ways to put our students first in everything we do, as Jim did for nearly fifty years. In so doing, we will not only honor Jim by following his example, but we also will ensure that his memory will live on in the lives of not only our former and current students, faculty, and staff, but also in the lives of those who are yet to come through the doors of Pepperdine Caruso Law.

2019), <https://law.pepperdine.edu/surf-report/posts/jim-mcgoldrick-receives-waves-of-excellence-award.htm>.

5. *Ecclesiastes* 1:11 (NIV).

6. *In Memory of Jim McGoldrick*, IMPACT PEPP., https://impact.pepperdine.edu/memorial/?cfpage=project&project_id=35942&t=1589907876 (last visited Oct. 22, 2020).

7. *Dedication of James M. McGoldrick, Jr. Office*, PEPP. SURF REP. (Aug. 7, 2020), <https://law.pepperdine.edu/surf-report/posts/dedication-of-the-james-m-mcgoldrick-office.htm>.

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