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McGoldrick on McGoldrick

Edward J. Larson*

As the articles in this commemorative issue of *Pepperdine Law Review* affirm, alumni and colleagues principally remember Jim McGoldrick for his wit, his teaching, his service to the law school, and his commitment to students. I also appreciated his writing, wisdom, and warmth, but his wit and teaching stand out for me as well. Over time, his teaching and research increasingly focused on constitutional law, but as one of the law school's first three faculty members, early on, he taught virtually the entire cabinet of required courses.

During the 1970s, when he taught even torts, first-year law students relied on the hornbook, *Prosser on Torts*, by UC-Berkeley Law Dean William Prosser, who virtually everyone recognized as the leading expert on American tort law. In the same way that Prosser knew torts better than anyone else did, McGoldrick knew himself better than others did. He possessed a true sense of self-knowledge. It is altogether fitting and proper then that this issue of the law review allows him to speak for himself about himself—McGoldrick on McGoldrick, if you will. His most revealing comments typically came in in the form of mildly self-deprecating asides spoken in class or to colleagues. In 1987, when he stepped down as Associate Dean for Student Affairs to return to full-time teaching, he voiced them in an article for the law school's *Alumni Quarterly*. This brief piece captures McGoldrick on McGoldrick, as he presented himself. Reading it again over two decades later, his former students, colleagues, and friends will recognize his voice, his wit, his respect for Ron Phillips, his love for Pepperdine, and his enthusiasm for his students. It appears below in its entirety.¹

* Edward J. Larson holds the Hugh and Hazel Darling Chair in Law and is University Professor of History at Pepperdine University. He wishes to thank the director of faculty support services Stacey Nelson for preparing McGoldrick's 1987 article for publication. She says of Professor McGoldrick, "Jim was an incredible man, faculty member, and friend, and one of the most generous people—in kindness and spirit—that I have had the pleasure of knowing."

1. James M. McGoldrick, Jr., *James McGoldrick Reflects Back on His Eight Years as Associate Dean*, 7 ALUMNI Q., no. 3, 1987, at 1.

ALUMNI QUARTERLY

Pepperdine University School of Law—Volume 7, Number 3

James McGoldrick Reflects Back on His Eight Years as Associate Dean

In July, James McGoldrick relinquished his position as associate dean in order to return to full-time teaching at the School of Law. McGoldrick wrote the following article about his eight years as an associate dean.

“My name is Jim McGoldrick,” I always began my introductory speech to the entering freshman class. As I contemplate leaving this office after eight years and returning to the full-time faculty, it is to such things that my mind now turns. As the associate dean in charge of most student-related matters, it was my task to issue many of you your first official welcome to Pepperdine University School of Law. I was particularly well suited for the task, combining my easy-going charm and my gift for false enthusiasm with my willingness to engage in cheap flattery.

In addition to the welcome, my main function was to appear sufficiently inept so that Dean Phillips, by comparison, appeared smooth, calm, and professional. The Dean used my accommodating ineptness to make me the victim of several apocryphal stories. It took me eight years in this function before I finally figured out the madness in his methods. I want to take this opportunity to rebut some false rumors that he has spread about me.

The first is his claim that I am sloppy. There is no truth to the cheap rumor that my wife bought me for Christmas a Tupperware container for my ties. It was my mother-in-law. Besides, there is nothing wrong with a little food on a tie. For example, it’s a real aid in helping to remember important dates. I never see the special sauce and sesame seed stains on my dressy black tie, but what I think of my wedding anniversary. It’s a fail-safe method. I suppose that I have the only wife I know who, after I’ve been gone for a few days on a business trip, checks for food stains on my collar.

The second unfounded rumor that must be refuted is that I am disorganized. It has been said that I was appointed associate dean not so much because I handled student complaints well, but rather because I lost them. Like every unfair criticism, this one had an element of truth which helped to perpetuate it, but I’m sure that I’m not the only person who hasn’t been able to find his “to do” list since 1978.

On or about this date 21 years ago, I sat in the first-year orientation class at the University of Chicago Law School. I was partly excited, but I was

scared. Nonetheless, I still recall Dean Phillip Neal's wise advice. He said, "Make square corners."

I remember to this day how profound and obviously symbolic those simple words seemed. It took me a little while to figure out what he really meant was to use the sidewalks and not cut across the grass. If he said anything else that day, I do not recall.

Nonetheless, the episode has always shaped my approach to the first year orientation. *STICK TO THE BASICS*. Many students say the most helpful information they recall from first year orientation is the directions to the bathrooms. "Go past the lockers and hang a right," was my standard line.

The faculty was hopelessly divided on what the law school should try to accomplish as part of freshman orientation. Some believed we ought to throw you immediately into the water and then check back in a few weeks to see if any survived the sharks. Others believed we ought to bring our freshman students in about Memorial Day and be very slow and gentle introducing you to the law school process: "This is water. It is wet. Someday you will have to swim. There are sharks, but they are not always hungry."

While the faculty fought on, I proceeded with my own prejudice which, unfortunately, tended towards the former approach: "Today, we'll tell you where the water is, try to give you some basic survival techniques, and then Monday, it's everyone in the water. In terms of surviving the sharks, I have this brief word of advice: don't thrash your arms and don't do Richard Dreyfus impressions. Also, please note that on closer inspection, you'll see more friendly dolphins than hungry sharks."

On or about this date 16 years ago, as a new assistant professor, having just served two years as a U.S. Department of Justice antitrust attorney, I was introduced to a group of first-year Pepperdine law students at their orientation. Like my beginnings as a law student, I was partly excited, but mostly scared. In those early days, there were only six full-time professors. I was the third full-time faculty member hired. There were so few faculty members then that all of us got to say something. Even after all these years, some of those early students still brag to me that they still remember my opening comments. Those students have now practiced law for 13 years and they still carry in their souls and hearts my inspirational words, "Make square corners."

I must admit that I hope I had more in mind than did Dean Neal.

Although the memory begins to dim, I think my message was “don’t short-cut yourself.” Instead of briefing your own cases, you can copy a friend’s or use commercially prepared canned briefs. The result may be better initial performances, but your skills begin to atrophy. We have a law school rule against the use of canned briefs not because it makes it too easy for students. The student never grows. The emerging skills are still-born.

Although I’m not sure that my oblique message always got through, I was trying to say something like the following: “At this stage, you have to take it as an act of faith that this odd, inefficient teaching method of your professors will actually work its magic on you. Don’t let the frustrations or the failure of early awards tempt you into what seems like a quicker chance for success. Give your skills the foundation needed to develop over three years of law school and a lifetime of practice. Don’t cut corners which end up denying you the sound fundamentals you need.”

On or about this date eight years ago, I gave my first entering speech as associate dean, and my message then was, “Make square corners.” Unfortunately, I have now forgotten what my clearly inspirational message was. And one of my reliefs at relinquishing the associate dean’s position is knowing that I don’t have to come up with some new exciting meaning for that now shop-worn piece of advice. The impact of my annual message to the entering students came to me the other day when a first-year student asked me if I knew who Dean McGoldrick was? I asked her if she had heard him speak at freshman orientation, and she assured me that she had. When I tried to claim that I was the very dean that she was looking for, she had the ready answer, “No, you’re not.” I eventually gave up the claim to wear the mantle of that great administrator and communicator and admitted that he wasn’t in.

With such reminders of the lasting impact of my opening day remarks, I know that I can leave without any sense of guilt that I may have said the wrong thing. As long as the directions to the bathrooms were explicit enough, I suppose I served my function faithfully. Now, I can only hope that someone on the faculty floor will be kind enough to remind me where the faculty facility is. After eight years, I will need all the help I can get.