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Tribute to James M. McGoldrick, Jr.

Julie M. McGoldrick*

For as long as I can remember, my dad has been curious about the world around him, always interested in people and their stories. He spent his professional life focused on a 200-year-old document, but the Constitution was anything but archaic to him. He taught the precedent and the progression of the law in great detail, but he was just as interested in how constitutional issues impact modern life. He was well aware that constitutional jurisprudence sometimes falls short,¹ but he always had hope that we could rise to our potential. His expansive worldview, coupled with his knack for explaining complicated topics in an accessible way, made him one of my favorite people to be around, both in and out of the classroom.

My dad loved teaching law students. He would be the first to say how lucky he was to have the job he had. He was fond of saying, “What is time to a law professor?”—his way of reveling in an academic’s ability to explore complex ideas and concepts outside of the hurly burly of the rest of society. His easygoing style masked that he worked hard to do justice to the challenging material and his talented students. He admired their intelligence and their drive, and he was amused by their scandalized joy at an irreverent remark (which only encouraged him more). He wanted to be his best for them, and he worked diligently to keep track of subtleties in the way the law was applied and how it would impact current events. Against this background, he prepared for class every day in the same way I remember him doing when I was a girl. He read each case like it was new to him, taking notes on a yellow legal pad with a pen. More than once I cringed as he threw out his notes at the end of a semester. The reason, he said, was that every time he read a case, he saw something different, and he always wanted to approach each class with fresh eyes.

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1. As an example, my dad recently considered the failure of *Brown v. Board of Education* and its progeny to remedy segregation in schools. See 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).

I was a beneficiary of his preparation and enthusiasm when I took his constitutional law class as a law student at Pepperdine in 2002. As I sat with over one hundred twenty other students waiting for class to begin the first day, I wondered if it would be weird to see him in the role as professor, and it was a little at first, I guess. But mostly he was just himself, funny and smart. Listening to him discuss constitutional law was not all that different from the times he explained anything else. I had seen him prepare for class all my life, so I was not surprised at his ease in discussing the foundational cases, but I was surprised by the way he illuminated and framed the role of the constitution in daily life. As he led us through the progression of the law, he called on students to explore nuances in the cases' reasoning, using contemporary examples to get us to think about the courts' power to affect people's lives. (When he called on me for the first time, I was so startled and nervous, my friend next to me told me I had visibly jumped in my seat when he called, "Ms. McGoldrick?") It was challenging and exhilarating, and he knew just how far to push us before he paused to summarize some takeaway thoughts.

Later, in my career, I loved taking advantage of his knowledge, even as I made fun of his professorial fondness for pontificating. Most of my work is in civil litigation, so our practice areas did not always overlap, but sometimes I would run across a constitutional issue. More than once, I called to ask a question about an underlying principle or to discuss an argument I wanted to try. And almost every time, he would pause for a minute as he digested the issue, and then, in his radio-announcer voice, he would begin, "The key case is . . .," and then name a United States Supreme Court case from, like, 1879. Aware of my impending deadline and the hours of drafting in my future, my first thought was usually, "That cannot possibly be the *key* case." But like in class, he would explain the progression of the law, tease out the nuances, and in doing so, illuminate the Court's reasoning and the law's purpose. Basically, by the end, he had written my argument for me. So, yes, it was pretty much the key case.

I lose my breath when I think about the things I have missed talking with my dad about already. I cried while watching his beloved Los Angeles Dodgers celebrate their World Series victory, just a little over 32 years after he watched from the stands when Kirk Gibson hit his famous walk-off homerun in the 1988 World Series. But I especially wish he could see the more tangible glimpses of light in this year that has been hard on so many. Americans have signaled that they want to do the work to learn what it

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means to be an ally to our black and brown communities, including by pouring into the streets to demand racial justice that has been so long deferred. They have fought harder than ever to protect LGBTQ+ rights. And even during a pandemic, record numbers came out to cast a vote for their vision for the country. I know he would have loved to weigh in on the constitutional issues of the day, but I like to think that he would have loved, even more, to see us rising to be better.