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## An Oral History of St. Mary's University School of Law (1961–2018)

Charles E. Cantú  
*St. Mary's University School of Law*

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## ARTICLE

### AN ORAL HISTORY OF ST. MARY'S UNIVERSITY SCHOOL OF LAW (1961–2018)

CHARLES E. CANTÚ\*

Preface .....	311
I. An Unexpected Career in Law Teaching .....	313
II. The Student Body in the Early 1960s .....	316
III. 112 College Street .....	319
IV. Student Life in the 1960s .....	320
V. Teaching in the 1960s.....	321
VI. The New Law Center, 1967 .....	323
VII. The Vietnam War and Expansion of the Student Body .....	326
VIII. The Founding of the <i>St. Mary's Law Journal</i> , 1969 .....	327
IX. Road Trips to Visit Alumni in the 1960s .....	329
X. UTSA Opens, 1969 .....	330

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This article is based on a ten-hour oral history that Dean Cantú recorded during the summer and fall of 2017 with his long-time faculty colleague, Vincent R. Johnson. The recordings were made at the Blume Library of St. Mary's University under the direction and supervision of Liza Sanchez. Professor Johnson organized a first draft of this article based on the recordings. The footnotes were supplied by either Professor Johnson or the *St. Mary's Law Journal* staff, and include excerpts from the statements of the persons who graciously participated in oral history interviews (namely President Emeritus Dr. Charles L. Cotrell, and Professors Aloysius A. Leopold, David Dittfurth, and Bonita K. Roberts).

XI.	Tenure in the 1970s .....	331
XII.	Closing of the Evening Program, Early 1970s .....	331
XIII.	Expansion of the Student Body, 1970s .....	332
XIV.	National Connections, 1970s .....	333
XV.	Relations with the Bench .....	335
XVI.	Raba's One-Man Rule .....	337
XVII.	Castleberry Replaces Raba as Dean, 1978 .....	339
XVIII.	Castleberry's Team .....	340
XIX.	Financial Struggle with the University .....	343
XX.	Faculty Scholarship, 1970s and Early 1980s .....	346
XXI.	Faculty Collegiality, 1960s to Early 1980s .....	349
XXII.	LL.M. at Michigan, 1978–1979 .....	350
XXIII.	Growth of the Faculty, 1981–1983 .....	352
XXIV.	The Young Turks, 1980s .....	354
XXV.	Edicts from the Dean, Early 1980s .....	356
XXVI.	Tough Grades .....	358
XXVII.	Raba and Sarita Kenedy East .....	359
XXVIII.	Sarita Kenedy East Law Library, 1984 .....	363
XXIX.	The Round Building .....	364
XXX.	New University Presidents, 1970s and 1980s .....	365
XXXI.	Castleberry Denied Re-Appointment .....	366
XXXII.	The Dean Search to Replace Castleberry, 1989 .....	367
XXXIII.	Aldave Becomes Dean, 1989 .....	368
XXXIV.	Clinical Legal Education at St. Mary's .....	369
XXXV.	Tenure Battles, Early 1990s .....	371
XXXVI.	Expert Witness .....	373
XXXVII.	The Charles E. Cantú Endowment for the Future .....	373
XXXVIII.	The Aldave Deanship Falts, 1994–1998 .....	374
XXXIX.	Dean Piatt Replaces Aldave, 1998 .....	378
XL.	Associate Dean for Admissions .....	379
XLI.	South Texas Professor of Law, 2000–2014 .....	379
XLII.	Appointment as Interim Law Dean, 2007–2008 .....	381
XLIII.	Goals as Dean, 2007–2014 .....	383
XLIV.	Delegating to Associate Deans .....	383
XLV.	Starting a Summer Law Program in China, 2010 .....	386

2019]	<i>AN ORAL HISTORY OF ST. MARY'S UNIVERSITY SCHOOL OF LAW</i>	311
XLVI.	The Distinguished Law Graduate Dinner.....	388
XLVII.	Building Projects and Renovation.....	391
XLVIII.	Focus on Alumni.....	392
XLIX.	The Law School Foundation.....	393
L.	The Mission of the Law School.....	393
LI.	The Quest for a Smaller Law School.....	395
LII.	Hiring and Salaries Under Cantú.....	396
LIII.	The Bar Passage Rate .....	397
LIV.	Fairly Treated.....	398
LV.	Stepping Down as Dean .....	398
LVI.	After Being Dean, Mediating Cases .....	399
LVII.	Regrets .....	400
LVIII.	A Torts Professor Who Loved Teaching.....	400

#### PREFACE

Giving credit where credit is due, the publication of an oral history of St. Mary's Law School was originally the idea of President Tom Mengler. After my retirement from the law faculty and returning as Dean Emeritus and a Senior Professor in Residence, he thought it was an ideal undertaking for me. Considering my long history with St. Mary's, having taught at all three locations and having served with four of the school's most recent former deans, I agreed. The idea has also garnered the support of the university's Provost and Academic Vice President, Aaron Tyler.

It must be acknowledged, however, that an undertaking of this sort involves many individuals, and I would be remiss not to thank those who were central to it. First on the list would be Vincent Johnson. He not only transcribed the tapes and added the appropriate annotations but also formed the long list of questions, which were a great help, if not the main impetus, in awakening my memory. He told me they were formulated on a long overnight flight over the Atlantic. Vincent also has a long history with the law school and was keen on focusing on what should be asked. There was also Liza Sanchez in the audio department of the Cotrell Commons who had great patience with us, as well as exhibiting an interest in what was being recorded. Her encouragement is much appreciated.

I would also like to thank my colleagues who took the time to participate in the recordings, which took place over a series of weeks. They were President Emeritus Charles L. Cotrell, as well as Professors Bonita K. Roberts, David Dittfurth, and Al Leopold. Their contributions were of great value. Not only did they affirm some of my recollections, they also offered aspects of our history that had not been mentioned previously. I would also like to thank Dean Stephen Sheppard for his financial support. He funded the software that translated the recordings into the written word. This was of great help.

There were plans to call upon other members of the faculty. Primarily, Victoria Mather, Gerald Reamey, Michael Ariens, André Hampton, and others, but Vincent's leave of absence to teach in Burma, as well as his subsequent obligations with our study abroad program in China, prevented us from so doing. It is Vincent's hope, however, that this article, with some expanded recollections and additional participation, would make an excellent book. I like this idea and would wholeheartedly support it. There is much more that should be mentioned, but a project of this sort would depend entirely upon the university's willingness to support such an endeavor.

There are two footnotes before I close. There are no salacious disclosures; perhaps their publication should prudently await my demise. Also, a short word is in order on the process and procedure that was followed. As mentioned above, the questions were entirely Vincent's. On the days the recording studio was available to us, he would come by my office, collect me, and as we were making our short walk from the Raba Building to the studio, I would ask: "What is the first question you are going to ask?" He would tell me, and we would continue our trek discussing other matters. There was no other preparation on my part. As it turned out, however, my memory was indelible. It was amazing how the memories came forward, and I might add, with a noticeable absence of any hesitation. I hope you enjoy reading them.

Charles E. Cantú  
Summer 2018

## I. AN UNEXPECTED CAREER IN LAW TEACHING

I was hired by Dean Ernest A. Raba<sup>1</sup> in 1966. At the time, I was a Fulbright Scholar<sup>2</sup> in Bolivia and was preparing—after a year of study—to come home. I was facing the dilemma of what I was going to do once I returned to San Antonio.

I had been a student up until that time, graduating from the University of Texas in 1961 with a B.B.A. degree in accounting. I went directly to law school, which was my father's idea, and graduated from St. Mary's in 1964 with what was then called an LL.B., a bachelor of laws degree.<sup>3</sup> I received an offer of a scholarship to Southern Methodist University (SMU) in Dallas and graduated from there in 1965 with a master's degree in comparative law, an M.C.L.<sup>4</sup>

At SMU, quite by happenstance actually, I was walking down the hall and Dean Charles Galvin<sup>5</sup> stepped out of his office and called out, "Charles." I was shocked that he knew who I was. He called me into his office and said that SMU had hosted, I believe, five Fulbright scholars that year and was eligible to sponsor two scholars for trips abroad, and he wanted me to be one of them.

With the help of Jim Castleberry, who was on the St. Mary's faculty at that time,<sup>6</sup> I got all my material together. The short story is that I was

1. See Aloysius A. Leopold, *A Tribute to Ernest A. Raba, Dean (1946–1978)*, *St. Mary's University School of Law*, 40 ST. MARY'S L.J. 3, 3 (2008) (memorializing the life of Dean Ernest A. Raba and his career with St. Mary's University School of Law).

2. See *News & Media*, FULBRIGHT SCHOLAR PROGRAM, <https://www.cies.org/news-media> [<https://perma.cc/JR7Y-NJ3F>] ("The Fulbright Program, sponsored by the U.S. Department of State's Bureau of Educational and Cultural Affairs, is the U.S. government's flagship international exchange program and is supported by the people of the United States and partner countries around the world."). The Fulbright Program "is designed to increase mutual understanding between the people of the United States and the people of other countries." *The Fulbright Program*, BUREAU EDUC. & CULTURAL AFF., <https://eca.state.gov/fulbright> [<https://perma.cc/CU4U-3GDX>].

3. American law school graduates are now commonly awarded a juris doctor (J.D.), rather than a bachelor of laws (LL.B.) degree. See David Perry, *How Did Lawyers Become "Doctors"? From the LL.B. to the J.D.*, 84 N.Y. ST. B.A. J. 20, 20 (2012) (discussing the history of the J.D. degree).

4. See Charles E. Cantú, *Tribute, Reflections on James N. Castleberry, Jr., Dean (1978–1989)*, *St. Mary's University School of Law*, 40 ST. MARY'S L.J. 1, 2 (2008) ("[Castleberry] was instrumental in helping me obtain a scholarship to the SMU Dedman School of Law . . .").

5. See *Former SMU Law School Dean Charles O. Galvin Has Died*, SMU (Jan. 28, 2011), <https://www.smu.edu/News/2011/charles-galvin-obituary-28jan2011> [<https://perma.cc/248U-MZD6>] ("Dean Galvin . . . was dean of the law school from 1963 to 1978 . . .").

6. See Ernest A. Raba, *Dedication, A Tribute to James N. Castleberry, Jr.*, 21 ST. MARY'S L.J. 761, 761 (1990) ("In 1952, Air Force Captain James N. Castleberry, Jr. graduated, with distinction, from this

awarded a scholarship to either Mexico City, Mexico or Santa Cruz, Bolivia. I chose Bolivia for my year of study.

Toward the end of my Fulbright year, I knew that my days as a student were over and it was time to start thinking about employment. Out of the blue, I received a letter from Ernie Raba offering me a job on the St. Mary's law faculty. I had never considered teaching, *ever*. When I got that letter, I gave it a great deal of thought. The motivating factor for my decision was that it was better to come back with a job than to come back with no job. That was fifty-two years ago.

At the time I was twenty-five. I was the youngest law professor in the country<sup>7</sup> and the first Hispanic law professor in the country—on a

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school's Evening Division. . . . On June 1, 1955, Castleberry accepted the appointment to the full-time faculty of his alma mater.”).

7. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Vincent R. Johnson to David Dittfurth (Nov. 14, 2017) (on file with author) (discussing Cantú's academic and professional career). According to Vincent R. Johnson:

As I look back on Charles's position in the faculty, I think that in some sense, it would be accurate to say that he was the first modern faculty member. I remember when I came to the Law School in 1982, most of my colleagues at that point were many years older than me, so it's not surprising that I thought of them as old, because they were old. But, I also think that they were somewhat old-fashioned in their approach to legal education. And I thought Charles was distinctly different.

He was still, I would guess, early [forties]. He was modern; he was cosmopolitan; he had international interests. He had served as a Fulbright Scholar in Bolivia. He stood out as someone different. He was also one of the first members of the St. Mary's law faculty to earn an advanced law degree, a Master of Laws degree, which he received at the University of Michigan, which set him apart as being of a more scholarly bent.

Over the years, I don't think I've ever sat in on one Charles's classes, but I've certainly heard the student comments and the alumni comments, and I can say that I have never heard anything at all unfavorable about Charles. As far as I understand, his teaching was uniformly excellent[.] [H]e strove to be clear, and to convey ideas in a way that minimized the friction with students.

As a scholar, Charles [was prolific]. He once had quipped [about his articles] that . . . nobody ever read them or cited them. That's not true. I clicked into the citations on Westlaw, and he made valuable contributions, particularly to the law of products liability.

On the faculty, I would say Charles was, generally, a quiet, solid player. He was never leading the charge for reform. He [never took] highly visible positions on debating issues in faculty meetings. So, he was more the quiet, solid player, respected throughout the faculty, somebody who had integrity, who had gravitas. As a member of the faculty, the role that Charles played seemed, to me, to be more in one-on-one conversations and behind the scenes.

*Id.* According to Dittfurth:

technicality. Carlos Cadena<sup>8</sup> (who was later Chief Justice of the Fourth Court of Appeals in San Antonio, Texas) had worked at St. Mary's University for many years,<sup>9</sup> but his salary was paid by a private home builders association<sup>10</sup> and not by St. Mary's University. In effect, he was an adjunct. On that technicality, I was the first full-time Hispanic law professor in the United States.<sup>11</sup>

I started teaching at the great salary of \$8,000 a year. The next year (1967–1968) Ernie Raba hired Al Leopold at \$10,000 and boosted me up to \$9,600. I thought these raises were going to be perpetual, so the first thing I did was go out and buy a new Corvette.

I have been at St. Mary's ever since 1966. I find it somewhat amusing that now, when we hire someone, we hire them because they have a

I joined the faculty in 1975. What I remember . . . was that I displaced Charles as the youngest faculty member at the time, . . . though being the youngest was not so significant because there were a lot of very old faculty members at the time.

But, Charles was living the youngest faculty member role pretty well, [because] he was driving around in a Corvette, and I was quite impressed with that.

Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author).

8. "Carlos Cadena (1917–2001) was the only Mexican-American in his class when he received his LL.B. summa cum laude from the University of Texas School of Law in 1940, after serving as an editor of the Texas Law Review." *Carlos Cadena Society*, U. TEX. AUSTIN SCH. L., <https://law.utexas.edu/student-affairs/societies/cadena/> [<https://perma.cc/3AVB-TUMY>].

9. "Cadena accepted a position as law professor at St. Mary's University School of Law in 1952." *First Year Societies*, TARLTON L. LIBR., <http://tarlton.law.utexas.edu/first-year-societies/carlos-cadena> [<https://perma.cc/E3D3-5CCP>]. "Carlos C. Cadena . . . was a professor at St. Mary's University School of Law from 1952–1954 and 1961–1965." JAY BRANDON, *LAW AND LIBERTY: A HISTORY OF THE LEGAL PROFESSION IN SAN ANTONIO* 55 (Neal Kimmel ed., 1996).

10. See Transcription of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (explaining the relationship between the home builders association and Carlos Cadena). When asked about the subject, retired professor Aloysius Leopold explained: "I've never heard exactly, but I think I've put two and two together. . . . Dean [Raba's] brother was a contractor. A construction contractor. I think he was instrumental in getting that position for Carlos Cadena to be . . . paid by the National [Homebuilders] Association." *Id.* There is some circumstantial evidence suggesting a connection between the law school and a home builders association at the time that Cadena was on the faculty. See Robert M. Perry, Lange Hoffman & Ken Burns, *St. Mary's: A Lawyer's Law School*, STUDENT L.J., Apr. 1961, at 16, 17 (noting "arrangements for an annual institute dealing with the legal problems involved in Municipal and Homebuilders Jurisprudence have been completed").

11. See *Charles E. Cantú, of Counsel*, DAVIS, CEDILLO & MENDOZA, INC., <http://lawdcm.com/attorneys/charles-e-cantu/#acceptLicense> [<https://perma.cc/M69G-QFC7>] ("In 1966 . . . [Cantú] was the youngest law professor in the country as well as the first Hispanic to hold a position of this kind.").

particular expertise in a specific area, and we're looking for someone to fill that void or that notch on the faculty.<sup>12</sup> When I was hired, Ernie Raba told me I would teach Contracts, Torts, and a course in Law and Society. I taught those courses for the first few years because I was told to do so. I enjoyed them. At the time, I was much younger than many of my students; that posed a slight discipline problem in class, but it was not an obstacle that could not be overcome.

When I was hired, there was no written contract. There was never anything in writing. It was not until Dean Barbara Aldave<sup>13</sup> arrived in 1989 that there was a written agreement or contract. It came out of the Academic Vice President's office: hiring us for one more year at a stated salary. Barbara brought that practice to the faculty. At the time I was hired—and I think this was typical—there was never anything in writing. It was just a word of mouth and a handshake. We never knew what our salary increase was going to be until we received that first paycheck at the end of June. We never questioned it. Actually, I did once. As a result, I was called into Raba's office and given a dressing down for inquiring into things that were none of my business.<sup>14</sup>

## II. THE STUDENT BODY IN THE EARLY 1960S

When I graduated from St. Mary's in 1964, I was in the top 11% of the graduating class, which prevented me by one percentage point from being an honors graduate. I know these statistics because of the information that Jim Castleberry gathered for me to help with my application for the Fulbright scholarship.

I think I was in a class of twenty-some students in the day division. I want to say twenty-eight, but it may have been as low as twenty-two. There was one woman in that graduating class, Elizabeth Jandt from Seguin. After

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12. See *Faculty*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/> [<https://perma.cc/L9QW-YE54>] (“Many of [St. Mary’s School of Law’s] faculty members are nationally known subject-area experts, scholars[,] and practitioners.”).

13. See Melody Finnemore, *A Shared Passion: Barbara Bader Aldave, Katina Saint Marie Fight for Women Behind Bars*, 72 OR. ST. B. BULL. 44, 44 (2012) (“From 1989 through 1998, [Aldave] served as the dean of St. Mary’s University Law School in San Antonio, Texas. Over the years, Aldave’s teachings have centered around business associations, securities regulation[,] and constitutional law.”).

14. *But see* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (“Charles was well-liked, has always been well-liked by both students and faculty. He was well-liked by the then-Dean Raba, and it was very easy not to be well-liked by Dean Raba, but Charles was one of his favorites, I think.”).

our day of graduation, I lost contact with her. I don't know what happened to her.

Many of the law students at St. Mary's at that time were Hispanic.<sup>15</sup> There were a great many students from South Texas—from Laredo, which I consider to be part of South Texas—and of course from San Antonio. There were a few who were here because of the military, but many of our students were Hispanic at the law school. By contrast, the rest of the university at that time—the Woodlawn campus—was predominantly a white, male student body.

Al Leopold, who had been a student at the law school from 1958 until he graduated in December 1961,<sup>16</sup> later joined the faculty.<sup>17</sup> As a student, Al

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15. *See id.* (discussing the increased diversity seen at St. Mary's versus at the University of Texas). According to Dittfurth, who joined the faculty in 1975:

I was somewhat surprised, because I had, not very long before I came here, been going to the University of Texas, and the University of Texas was not very diverse. It had very few people of color, and very few women. And the student body at St. Mary's was quite different and, I thought, quite a bit more interesting than the student body at University of Texas. It surprised me that gruff Dean Raba would have been the person who had brought that about. I'm certain, because I spoke to him about this, and he was very complimentary of many of the students that he had brought into St. Mary's, and who were Mexican-American, for the most part.

He had created, in my opinion, very early on a very diverse student body, which I think operated to the benefit of the law school.

*Id.*

16. *See* Transcription of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“I started law school in September 1958. . . . I graduated in January, which is the end of the fall semester then in 1961.”).

17. Between graduation in 1961 and commencement of teaching in 1967, Leopold practiced law in South Texas. *See id.* (discussing his career in private practice in Edinburg, Texas during the time period after graduation, before returning to St. Mary's to teach). Initially, he was an associate in a law firm in Edinburg, Texas, down in the valley. *Id.* He was with the firm for about two and a half years. When Leopold accepted his first job in Edinburg, he had other options. *Id.*

I had an offer to work in Sacramento, California with a book company as an editor. I had an offer with the Justice Department in Washington D.C., to work in the criminal justice division. And I had an offer from the law firm in the valley. And I went home, and I told my wife, I have these offers. Do you have anything to say about going [to] any one of these places?

She said, “If it's all the same to you, I'd like to stay in Texas. And I wouldn't mind going to the valley, but I don't want to go to the east coast . . . . Or the west coast. In fact, I've never been out of Texas, and I'm not in any hurry.”

We took the job down in the valley. And after two and a half years, in that law firm, I formed my own partnership with another attorney. . . . [W]hen the Dean [Raba] came and offered a job . . . he didn't tell me what the pay would be until I told him I'd take the job.

Leopold was a legend at the law school. Everyone wanted his outlines. He was known for being a scholar. He was known for taking meticulous notes and he was known for making outstanding outlines for each course that he

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But, it turned out, the pay was about . . . two-thirds of what I had cleared the year before. I didn't mind that, because I still . . . like to do the job. I like to teach. I just simply took the job, and we moved down here to the . . . San Antonio area.

*Id.* Leopold and his partner practiced for approximately three years before he began teaching. *See id.* ("Then, I went into a private, let's say, partnership with another attorney. . . . For almost three more years."). As Leopold explained:

When I graduated from law school, the dean [Raba] got a hold of me in the old law school in downtown San Antonio, on the river. And he said, "How would you like to teach law?" I said, "You think I'm ready?" He said, "I think so."

I told him, "Well, I don't. You give me five years of practice. And then ask me the same question, I might be able to consider it." I forgot about it, literally. Went down and practiced [in South Texas, and] had a very good practice in the valley. I did mostly real estate work, a lot of closings, land title insurance and so forth.

Anyway, five years to the day, he and Dean Castleberry came down to the valley, [and] walked in my office. [Dean Raba's] question simply was, "Are you ready now?" I told him, "I think I'm ready. But, I have to find out from my wife at home whether she wants to . . . move up [to San Antonio]." She grew up in the Gillespie County in the ranch country.

So, she'd lived on a ranch all her life. Of course, I grew up on a farm. So, we didn't have a whole lot of problems communicating. I came home, and I ask[ed] her. I [said], "Agnes, how would you like to be the wife of a law professor?" She said, "Well, where is the job?" Because she wasn't interested in moving very far.

I told her, "Well, the dean of the law school in San Antonio, where I went to school and where we actually . . . did a little courting, you might say. But, anyway, he offered me a job. I told him, I have to find out whether you were interested or not in moving."

. . . [Agnes's] immediate reaction, without even thinking was, "I'll go with you, obviously . . . . But, I am not living in San Antonio. I don't know how to raise kids in the city. I grew up in the country, and I need open space to take care of children." I told her, "No problem at all."

So, I told Dean Raba the next day . . . "We're ready to come. The only stipulation that I have been given is I have to find a place for us to live. Not in San Antonio, and preferably, not in any town. Not in any city."

So, essentially, I was going through the San Antonio newspapers. The ads for land . . . . Somebody was trying to sell twenty acres of land, up in the Hill Country. With a newly built house. He was required by his job to live in Bexar County, and at that time he built the house, he didn't know that. He actually was a deputy sheriff.

So, the sheriff told him, you either quit your job or you'll move to Bexar County. . . . [H]e didn't want to quit his job. We went to see him. . . . Sat down at their dining table, and wrote out the contract of sale. . . . [W]e bought the property on the spot.

And that's why we live up in the Hill Country, which is now, mostly, over populated. And I went to work here in San Antonio, in the law school . . . .

*Id.*

took. I know this information firsthand because our time as students at St. Mary's overlapped. Al graduated in December of 1961, and I started as a student in September of that same year.

### III. 112 COLLEGE STREET

The law school, until the late 1960s, was located at 112 College Street in a building that was built by the Marianist Brothers, adjacent to St. Mary's Church.<sup>18</sup> It is the present location of a very fine hotel.<sup>19</sup> At the time it was the law school, it had wood floors. The men's room was on the second or third floor as I recall, and it was not unusual for bats to swoop down on us as we went in. There was one classroom that was part of what was the river garage, which was adjacent to the law school. There was also one room that was fully air conditioned, and of course everybody hoped that they had class in that room. The other rooms, including the library, had window units. The building was old and the ceilings were high. It was very, very cold in the wintertime and somewhat warm in the summertime.

When I was first hired in the fall of 1966, my office at 112 College Street was basically a broom closet. It was in the back of the dean's office. It had its own entrance, a little hallway. There was room for my desk, my chair, and that was it. If students came by to visit me, they stood because there was no place for them to sit.

I had been a student in the day program. There was an evening division as well. When I was a student, as well as when I was later on the faculty, legal aid for the poor was available in the Bexar County Courthouse.<sup>20</sup> There was never, to my recollection, any office at 112 College Street designated as legal aid at St. Mary's Law School.

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18. See Perry et al., *supra* note 10, at 16 (complimenting the old downtown building that once housed St. Mary's Law School). In this article, three graduates of St. Mary's University School of Law stated, "The building housing the present law center [112 College Street] is among the finest of the buildings still remaining of old San Antonio. Constructed in 1852, its four stories once made it the tallest structure in the city." *Id.*

19. See *Omni La Mansion Del Rio*, OMNI HOTELS & RESORTS, <https://www.omnihotels.com/hotels/san-antonio-la-mansion-del-rio/property-details/directions> [<https://perma.cc/8EM2-NEPZ>] (giving directions to the now-hotel located at 112 College Street, San Antonio, Texas 78205).

20. See *Get Legal Help*, SAN ANTONIO B. ASS'N, <https://sanantoniobar.org/get-legal-help/> [<https://perma.cc/BC6Z-J6XS>] (providing information on how the San Antonio Bar Association offers referrals through the Lawyer Referral Service and pro bono assistance through the Community Justice Program).

## IV. STUDENT LIFE IN THE 1960S

The majority of the law students in the early 1960s held jobs in law firms. When I started as a law student in 1961, the tuition was, I believe, \$12 an hour. By the time I graduated in 1964, it had gone up to \$15 an hour. When I relate these stories to students now who are paying more than \$1,200 an hour,<sup>21</sup> they just can't believe me. In the early 1960s, St. Mary's was a small law school, with a small student body.<sup>22</sup> Ernie Raba did not believe in high salaries. He was very fiscally conservative.<sup>23</sup> I credit Jim Castleberry, Raba's successor, with giving us the living wage that we have now.

In the early 1960s, there were some student activities, but they were not as numerous as today. There was no law review. We had a school newspaper, the *Barrister News*.<sup>24</sup> I was the editor of the paper for two years, during my second and third year of law school. We always managed to publish an article written by one of the lawyers in San Antonio or a jurist from wherever. However, it mostly was a newspaper about events that had

21. *Tuition and Fees for Law Students*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/admission/financial-aid/tuition/> [<https://perma.cc/4PY7-X2AE>]. The 2018–2019 tuition in effect from August 1, 2018 until July 31, 2019 for the J.D. and M. Jur. Programs are \$1,270 per hour (for 1–7 hours or greater than 17 hours) and \$12,150 per semester (for 8–11 hours) and \$18,275 per semester (for 12–17 hours). The tuition for LL.M. students is slightly higher. *Id.*

22. According to Leopold:

Dean [Raba] . . . was totally student related. . . . He would literally stand at the door and greet the students as they came in. He knew every student in the law school. . . .

. . . .

. . . [H]e knew their problems, and how to take care of them, and all of that. He was very familiar with the abilities of the students as far as legal knowledge, and ability to teach and all of that. That's why I think he simply stayed home with his choices of law professors.

Actually, I thought he did a very good job.

Transcription of Audio tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author); *see also* Perry et al., *supra* note 10, at 17, 24 (“At the time of [Ernest Raba’s] appointment as Dean of the Law School in 1946, there were only [sixty-four] graduates. Today Dean [Raba] is personally acquainted with the 700 graduates of the School of Law.”).

23. *See* Transcription of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“In fact, [Raba] always boasted that the law school never had to rely on the university for money. The law school was always self-sufficient.”).

24. *See* Perry et al., *supra* note 10, at 17 (“The St. Mary’s *Barrister News*, edited and published by the Student Bar Association, was winner of second place in the offset division of the American Law Student Association Newspaper contest in New York City in 1957.”).

taken place at the law school. We had chapters of the Phi Delta Phi<sup>25</sup> and Phi Alpha Delta<sup>26</sup> legal fraternities. We had the Catholic Lawyers Guild.<sup>27</sup> As I recall, those were the only organizations we had. Basically, the active ones were the two fraternities.

#### V. TEACHING IN THE 1960S

I have attended three law schools: St. Mary's, SMU in Dallas, and the University of Michigan in Ann Arbor. I would have to say that at the time I was a law student (1961 to 1964), the teaching at St. Mary's was like every other law school. You have some professors who are outstanding and others who were hired for other reasons. Whatever law school you go to, I think you're going to have your favorites and not-so-favorites.

My favorite law professor was Dr. Arthur Yao.<sup>28</sup> As a matter of fact, I patterned my teaching technique after him. He was a wonderful, wonderful gentleman. There were many stories about him. He left China in the late 1940s when the Communists took over. There were myths about him having acquired three massive fortunes and having lost these fortunes, and about how he was an expert on the stock market. Yao was a tremendous scholar. I was very fond of him. During my first year in law school, he taught Contracts and I made the highest grade in the class. I think I made the highest grade in every course I took with him. I loved his teaching style. He was definitely my favorite.

I never had a class with Carlos Cadena, but his reputation was outstanding. For some reason, I knew that his salary at the time was \$10,000 a year. At the time, I wondered if I would ever make that much money. When I later joined the faculty, I was not inquiring into other faculty

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25. See PHI DELTA PHI: INT'L LEGAL HONOR SOC'Y, <https://www.phideltaphi.org> [<https://perma.cc/F2QY-5PR5>] ("Phi Delta Phi is the oldest legal organization in continuous existence in the United States, predating even the American Bar Association.").

26. See PHI ALPHA DELTA L. FRATERNITY: INT'L, <https://www.pad.org/about/aboutpad> [<https://perma.cc/VX3H-VZGL>] ("Phi Alpha Delta Law Fraternity, International is a professional law fraternity advancing integrity, compassion and courage through service to the student, the school, the profession and the community.").

27. See CATH. LAW. GUILD SAN ANTONIO, <http://catholiclawyersguild.org/index.html> [<https://perma.cc/JJQ7-6UYH>] ("[T]he diverse membership of the Guild offers a unique opportunity for Catholics in our community to come together not only as members of the legal profession but in a more meaningful way, as brothers and sisters in Christ.").

28. See *Outstanding Teaching Award Given*, BARRISTER NEWS, Summer 1968, at 1, 5 ("[Dr. Yao] began his study of law at Soochow University and there earned his [LL].B. degree. . . . Dr. Yao studied at the University of Michigan, receiving his [LL].M. and S.J.D. degrees. Dr. Yao also studied . . . at King's College in London.").

members, their salary or what not. I was trying to prepare the courses that I was assigned to teach. I was really not involved with some of the inner workings of the administration.

I never gave much thought to the fact that, in the early and mid-1960s, the St. Mary's faculty was in some respects diverse. There would have been a Hispanic professor (Carlos Cadena), a Chinese-American professor (Arthur Yao), and myself (a Hispanic professor).

The faculty at the time—I started teaching in 1966—was headed by Ernest Raba, who taught Constitutional Law, and I believe Ethics, as well as Bills and Notes, as we called it then, which I think now is Negotiable Instruments. There was also Raba's Associate Dean, Carroll Sierk.<sup>29</sup> He taught Agency and Partnership. There was Jim Castleberry, who taught Property Law and Oil and Gas Law, and Orville Walker,<sup>30</sup> who taught Evidence and Procedure. There was Carlos Cadena, but I don't remember what he taught. I think it was Constitutional Law. The students were always in awe of Cadena's intellect and the things that he could recite to you from memory. The librarian at the time was Mrs. Francis Sawyer Henke. That was the entire full-time faculty.

The other courses were taught by adjuncts. We had Archie Brown, who was a district judge.<sup>31</sup> We had William Lozano. We also had a few other adjunct professors. For the time, we had a diverse faculty.

The grading system was quite different then. From 80 to 99 was an A; from 76 to 79 was a B; from 70 to 74 was a C; from 60 to 69 was a D; and, anything below 60 was considered an F. The grading was quite stringent. Ernie Raba ran the law school with an iron hand. He did not allow high grades. The scuttlebutt was that it was very easy to get into St. Mary's law school, but it was also very easy to flunk out. There were a lot of hardships, a lot of sad cases where individuals flunked out in the second or third year. The grading was very, very stringent.<sup>32</sup>

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29. See *Barrister Notes*, BARRISTER NEWS, Apr. 1965, at 1, 7 (announcing the resignation of Assistant Dean Carroll Sierk from St. Mary's).

30. Walker began teaching at St. Mary's on May 1, 1955, the same day as James Castleberry. Raba, *supra* note 6, at 762. Walker retired in 1987. See Jack Pope, Dedication, *Dedication to Professor Orville C. Walker*, 18 ST. MARY'S L.J. iii, iii (1987) ("Professor Orville Walker is concluding a brilliant career as a professor at St. Mary's University School of Law . . .").

31. See BRANDON, *supra* note 9, at 53 (declaring Archie Brown a "well-respected criminal district court judge in San Antonio").

32. See ST. MARY'S UNIV. SCH. OF LAW, STUDENT HANDBOOK 20–21 (2018–2019) (outlining the letter grading scale currently used at the law school).

## VI. THE NEW LAW CENTER, 1967

I am the only member of the St. Mary's faculty currently working at the law school who taught at all three locations where the law school has operated since St. Mary's University took over the law school from the San Antonio Bar Association in 1934.<sup>33</sup>

We were housed at 112 College Street through the fall semester of 1966.<sup>34</sup> During the spring semester of 1967, we were in the Maverick-Clarke building, 215 East Travis Street,<sup>35</sup> which was directly across the street from the rear entrance to what, at that time, was the Frost Brothers department store.<sup>36</sup> We were a block away from Travis Park and kind of catty corner from the Gunter Hotel,<sup>37</sup> next door to what at that time was the White Plaza Hotel.

Sometime during 1967, the law school was moved to the Woodlawn campus, which consisted of three buildings: the round building, which was at that point our law library; the classroom building, which consisted of four classrooms; and the law administration building, which is still used for administrative purposes. Those were the three buildings. St. Mary's University School of Law started to operate there in the fall of 1967,<sup>38</sup> and we have been there ever since.

33. See Maria Luisa Cesar, *St. Mary's An Old Hand at Education*, SAN ANTONIO EXPRESS-NEWS (Feb. 8, 2015, 5:43 PM), <https://www.expressnews.com/150years/education-health/article/Since-its-1852-origins-St-Mary-s-University-6069118.php> [<https://perma.cc/4J6N-2NQG>] (“In 1934, [St. Mary's University] took over operations of the San Antonio Law School, renaming it the St. Mary's School of Law, which cornered the local market for legal education and supplied the bench and bar regionally for generations.”).

34. Today, the Omni La Mansión del Rio occupies the former law building. See *Omni La Mansión del Rio History*, OMNI HOTELS & RESORTS, <https://www.omnihotels.com/hotels/san-antonio-la-mansion-del-rio/property-details/history> [<https://perma.cc/EX7A-GRG7>] (“From 1934–1966 the building housed St. Mary's University School of Law.”).

35. See *Maverick-Clarke Company Building*, EMPORIS, <https://www.emporis.com/buildings/232408/maverick-clarke-company-building-san-antonio-tx-usa> [<https://perma.cc/5WAV-AJVD>] (detailing the building's location and structural information). The six-story building was apparently demolished in 1969. *Id.*

36. See *Frost Brothers Building*, EMPORIS, <https://www.emporis.com/buildings/1175442/frost-brothers-building-san-antonio-tx-usa> [<https://perma.cc/3TZ8-RYNJ>] (listing the Frost Brothers Building address as 217 East Houston Street, San Antonio, Texas 78205).

37. See *Sheraton Gunter Hotel*, EMPORIS, <https://www.emporis.com/buildings/118229/sheraton-gunter-hotel-san-antonio-tx-usa> [<https://perma.cc/LVN6-8BQQ>] (confirming the Gunter Hotel remains at 205 East Houston Street, San Antonio, Texas 78205 today).

38. See *Interactive History Timeline*, ST. MARY'S U. SCH. L., <http://e.issuu.com/embed.html#3727083/3015511> [<https://perma.cc/2SS5-QZ5W>] (click to 1967) (“With the addition of the three-building law complex, the St. Mary's School of Law move[d] from downtown to the Woodlawn campus.”).

The move to the main campus was right at the beginning of my career as a faculty member. I was so concerned with preparing my courses that I was not involved in the administrative decisions related to the move. Ernie Raba was in charge of everything.

The money for building the first three buildings of the law center came from federal grants.<sup>39</sup> Although I was not part of the administrative dealings for the university or the law school at that time, I remember that John Connally, who was Governor of the State of Texas, had a great deal of influence in securing this money<sup>40</sup> because he was such good friends with Lyndon Baines Johnson, who was President.<sup>41</sup> I remember that at the dedication of the law school Governor Connally arrived in a white limousine. It is through his efforts that the money came to build this law school, which I think at the time cost three and a half million dollars. That was a phenomenal amount for the time, 1966–1967. The construction of these three buildings is attributable to Ernest Raba.

Did I like the new law center? Oh, my God, it was moving “uptown,” as an old television program used to sing at the beginning. It was the difference between day and night. It was the difference between a cheap roadside motel and a five-star hotel. It was convenient!

Oddly enough, the initial faculty building, which is now the law administration building, didn't look at all like what it looks like today. The exterior does, but the interior originally had very small offices. Ernie Raba was criticized for that by the faculty; the offices were very, very small.

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39. Leopold, *supra* note 1, at 3–5. Leopold stated:

Dean Raba was instrumental in obtaining financing for three new buildings: a library, a classroom building, and a faculty office building[,] which were subsequently built in 1967 on the University's Woodlawn campus. The funding for these buildings came from a \$610,000 grant and a \$912,000 loan from the U.S. Department of Health, Education, and Welfare under Title II of the Higher Education Facilities Act.

*Id.*; see also Beth Barbee, *Ernest A. Raba, Sr.*, SAN ANTONIO LAW., Jan.–Feb. 2008, at 1, 11 (“Ernest A. Raba, Sr. . . . died Dec. 3[, 2007] at the age of [ninety-five]. . . . He played a key role in securing the federal loan and grant needed to build the law center at its present location and used his personal connections to lobby for a change in the Higher Education Facilities Act.”).

40. See Leopold, *supra* note 1, at 5 (“Dean Raba . . . enlisted the help of his good friend, Phil Kazen of Laredo, who had the ear of Texas Governor John Connally, and Lyndon B. Johnson, then [–]President of the United States.”).

41. See Editorial Team, *John Connally Biography*, BIOGRAPHY (Apr. 2, 2014), <https://www.biography.com/people/john-connally-21396277> [<https://perma.cc/JB2B-MXDD>] (“In 1948, Connally managed Johnson's successful election campaign for the U.S. Senate.”). Connally served as Governor of Texas from 1963 to 1969. *Id.*

I was located in an office in the northeast corner of the law faculty building, which is now the staff lounge. I was in that same office the entire time from 1967 until 1985, when the round building became the faculty building. In the 1967 faculty building, a faculty office could only fit a desk, a chair, and two chairs for students, with a bookshelf in the back. There was not much room after that.

The faculty offices were very close to one another. They were in clusters, and whatever was said in one office could be heard in the other ones. My neighbors were Doug Haddock<sup>42</sup> and Al Leopold.

Was it a mistake for the law school to leave its location down on the San Antonio River and what today is a beautiful section of the River Walk? Who knows? I think that question can be debated forever.

I saw the plans for the law school as it was supposed to be built downtown, and they were very, very nice. There was even a plan for a private club. Now, you have to remember there were no mixed drinks sold in Texas at that time. If you wanted a mixed drink, you had to belong to a private club. So, there were plans for “a lawyer’s inn,” which was going to be a paneled lounge. It was going to be a men’s club. Paneled walls with big leather overstuffed furniture, rugs, carpeting, and a fireplace. It was going to be very nice. It would have been convenient at the time because the courthouse was two or three blocks away. Most, if not all, law offices were downtown at that time. It would also have been very convenient for students who were working their way through school if the law school had remained downtown.

But today, with e-filing, law offices are no longer concentrated downtown. You find as many out on Loop 410 and in the various corridors—Broadway and San Pedro—as you do downtown. So, in retrospect, it may not have been a mistake to move out here.

What motivated Ernie Raba to come to the Woodlawn campus—and again, he acted alone—was the opinion of Sylvan Lang. Lang had recently contributed \$100,000 to The University of Texas Law School, which was at that time an astronomical amount of money. It was Lang’s opinion—and he influenced Ernie Raba—that no law school was a great law school unless it was associated with a university and housed on the university campus. That was Sylvan Lang’s argument.

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42. See Charles Epps Ipock, Tribute, *To a Professor: Douglas Haddock Retires*, 44 ST. MARY’S L.J. 767, 769 (2013) (recounting Haddock’s service on the faculty from 1980–2013).

I think Ernie Raba had high hopes that Sylvan Lang would give us \$100,000. Raba moved the law school from downtown to the Woodlawn campus and scuttled his plans for a “law school in the sky” downtown, as I think it was referred to. Raba brought the law center to the Woodlawn campus. I would have to say that in retrospect it was a wise move. We would have been landlocked if we had remained downtown. We would have been tremendously constrained, confined. There would have been no room to build the Sarita Kenedy East Law Library. That would have been impossible. In retrospect and in my opinion, it was a very wise decision to move out here to the Woodlawn campus.

#### VII. THE VIETNAM WAR AND EXPANSION OF THE STUDENT BODY

The law center was designed for a maximum of 350 students. In the late 1960s and early 1970s, due to the Vietnam War,<sup>43</sup> there was an influx of individuals applying to law school. The enrollment at St. Mary's mushroomed. Individuals were seeking a deferment.<sup>44</sup> However, in conjunction with the Vietnam War, there were never any protests on campus, at least not at the law school.

There is always a formula for admitting law students. Not every individual who applies to St. Mary's is going to come to St. Mary's. A law school applicant may apply to maybe three or five law schools. When they are accepted by more than one institution, they are going to choose the law school that is the most prestigious, closest to home, least expensive, or

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43. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (observing the increase in enrollment at St. Mary's Law School due to military influences in the late 1970s). In the late 1970s,

[W]e were getting some second-career students, and the military was probably responsible for that. Some of the individuals were, I'm sure, retired military, and they were trying to start something of a legal career to carry them through the rest of their work life. I think that was more of a characteristic in that time, and less of a characteristic now. . . . [T]he military has played . . . a role in what we've done and the way in which we've operated, and, in most instances, I think it has been a very affirmative effect.

*Id.*

44. See Martin D. Beirne, *My How You've Grown: The St. Mary's Law Journal Turns Forty*, 40 ST. MARY'S L.J. 11, 11 (2008) (stating “[t]he average age of the law students dropped” in the late 1960s at St. Mary's); see also *College Enrollment Linked to Vietnam War*, N.Y. TIMES (Sept. 2, 1984), <https://www.nytimes.com/1984/09/02/us/college-enrollment-linked-to-vietnam-war.html> [<https://perma.cc/67ML-8SMS>] (noting the rapidly growing rate of men attending college between 1966 and 1972, “[t]he researcher who prepared the study said the change was probably caused by a combination of [men] avoiding the draft”).

offers the largest scholarship—whatever influences them.<sup>45</sup> So, when a law school makes offers of admission, it has to have a formula to estimate how many admittees will actually enroll.

One year, back in the early 1970s, the formula didn't work. We had an abundance of law students. They were sitting out in the hall. We used video cameras and had television screens out in the hall so that students could listen to the lectures. There was no room for them in the classrooms.

#### VIII. THE FOUNDING OF THE *ST. MARY'S LAW JOURNAL*, 1969

The *St. Mary's Law Journal* was founded in 1968–1969.<sup>46</sup> I have never understood how or why it was not the *St. Mary's Law Review*, but the name and the very existence of the *St. Mary's Law Journal* is attributable to one person, and that's Marty Beirne. Beirne is now a very successful lawyer in Houston, Texas.<sup>47</sup> He is not only driven but forward thinking. It was under his leadership that all of the groundwork, all of the paperwork, and all of the administrative details that went into it—of course, with Ernie Raba's blessing<sup>48</sup>—came into existence. Marty Beirne was the law student at the

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45. See generally *The Best Law School for You: Evaluating Law Schools*, LSAC, <https://www.lsac.org/jd/choosing-a-law-school/law-school-features> [https://perma.cc/L9GM-XR7P] (detailing the main influencing factors for potential law students to consider in determining their choice of law school).

46. See Beirne, *supra* note 44, at 12–15 (indicating the Student Bar Association sent Beirne to the National Conference of Law Reviews in April 1968 and that the first issue of the *St. Mary's Law Journal* was delivered on May 12, 1969).

47. *Martin D. Beirne: Senior Partner, Litigation*, AKERMAN, LLP, <https://www.akerman.com/en/people/martin-beirne.html> [https://perma.cc/AQ5N-YDP8].

48. See Leopold, *supra* note 1, at 5 (“In 1967, at the request of a group of highly motivated and able students, Dean Raba laid the groundwork for the establishment of a law journal at St. Mary's University School of Law by the appointment of a faculty committee to study the feasibility of such an endeavor. With a favorable nod from the committee, these students formed the nucleus of the first board . . .”). According to Leopold:

I was the chair of the [faculty] committee. . . .

. . . I think there were three of us on the committee . . . to determine the feasibility of starting a law review. We decided the committee reported that the name of the law school, you might say the nickname of the law school at that time was, the lawyer's law school.

In other words, when you graduated from here, you were trained in how to be a lawyer. How to be a practicing lawyer. The committee decided that it's time that St. Mary's got a law journal. But, at the same time, we wanted one that was geared toward the practicing aspects of the law.

So, the committee's recommendation was that we should start a law journal, and make it one that was more practice-related than otherwise. . . . Dean Raba agreed with that. And we immediately had a law journal started.

time who was the moving force in establishing the *St. Mary's Law Journal*. I might add that later, during my tenure as dean, he was very supportive of the program financially.<sup>49</sup>

Eventually, editorial board scholarships were created to compensate the editors of the *St. Mary's Law Journal* for, essentially, the opportunity loss of not being able to work outside the law school. I think that Dean Castleberry started that.<sup>50</sup>

Our second law review, *The Scholar*, is solely attributable to Barbara Aldave. It didn't start out as *The Scholar*, discussing minority issues. Her original plan was to showcase Hispanic scholars. I think it was going to be referred to as *The Scholar for Hispanic Affairs* or *The Hispanic Scholar*. *The Scholar* now focuses on issues related to race and social justice.<sup>51</sup> Our third law review, the *St. Mary's Journal on Legal Malpractice & Ethics*, has been published by the *St. Mary's Law Journal* editors as a separate title since 2010.<sup>52</sup>

Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author).

49. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“Marty [Beirne] was the first editor in chief of the law journal. . . . [H]e had some very good editors, associate editors. They set the tone for the journal. And you're right, Marty [Beirne] was about as supportive of that journal as anybody could be. Not just at that time, but all the way through the years. Even up to today, he's very supportive of the law journal.”).

50. See *id.* (illustrating the change from “pay[ing] tuition to be on law journal” to being “given scholarships” for the position). According to Leopold:

When the law journal was started, the law journal was like being enrolled in a class. For that, you had to pay tuition. You had to pay tuition to be on the law journal, to get the credit for that class. I think that went on for [ten] or so years. And then the faculty decided, and the law journal people said, “Look, other law journals don't have this problem. They don't pay . . . tuition for being on the law journal. . . .

So, the faculty decided that the law journal people would not have to pay tuition. I think, later on . . . [i]nstead of simply forgiving the tuition, they were then given scholarships to take care of it.

*Id.*

51. See *The Scholar*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/law-journals/the-scholar/#history> [<https://perma.cc/7LPM-EN8R>] (“[T]his scholarly journal aims to extend and further the legal discourse surrounding issues that touch upon race, ethnicity, class, gender, sexual identity, immigration and countless others.”).

52. See *Editors' Foreword*, 1 ST. MARY'S J. ON LEGAL MAL. & ETHICS 1, 1 (2011) (indicating the journal's growth out of the *St. Mary's Law Journal's* annual symposium, which for many years had been devoted to issues related to legal malpractice and attorney professional responsibility).

## IX. ROAD TRIPS TO VISIT ALUMNI IN THE 1960S

On the road trips that Raba and Castleberry made to visit alumni, I was the designated driver. I have many, many fond memories of the three of us—Castleberry, Raba, and myself—traveling through South Texas, Fort Worth, Dallas, and Houston.

I was the driver. Jim Castleberry sat in front with me, reading his advance sheets. And—I don't mean this to be insulting, but it was true—Ernie would sit in the back seat making bloody marys and getting snookered while we were driving along. However, he was always, always in top form whenever we were meeting with alumni. Observing Raba and Castleberry, and traveling with them, I picked up the technique of dealing with alumni. I learned not to be embarrassed or in any way inhibited in asking for money.

I remember Jim Castleberry telling me, "We're not asking for this money for ourselves; we're asking for this money for the law school." That was a great teaching experience for me. It was learning by observation.

You will have to remember that our alumni group was not very extensive at that point. The law school was started in 1927 by the San Antonio Bar Association.<sup>53</sup> The first dean of what eventually evolved into St. Mary's University School of Law was Anton Moursund.<sup>54</sup> I believe that the law school, at that time, was named the San Antonio School of Law.<sup>55</sup> I have no idea where it was housed. When St. Mary's took over operation of the law school in 1934, the first dean of St. Mary's Law School was Henry Dieleman.<sup>56</sup> He was dean of the law school from 1938 to 1942. Then, because of World War II, the law school closed.<sup>57</sup> All of our law students

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53. See *St. Mary's Law History*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/about/st-marys-law-history/> [<https://perma.cc/2EGQ-XCHW>] ("St. Mary's approached leaders of the San Antonio Bar, which in 1927 had founded the San Antonio School of Law . . .").

54. See *St. Mary's University School of Law*, ROSENBLATT'S DEANS DATABASE, <http://law.mc.edu/deans/schoolprofile.php?univ=St.+Mary%27s+University> [<https://perma.cc/J3ZW-FDVP>] (listing past deans of St. Mary's School of Law).

55. See BRANDON, *supra* note 9, at 111 ("The [San Antonio] Bar Association had formed its own school—the San Antonio School of Law—in 1927. Classes were taught at the Bexar County Courthouse. The Bar Association's school competed against two private law schools—Colonel John K. Weber's School of Law and the San Antonio Public School of Law. The latter held classes in the old Main Avenue High School, subsequently Fox Tech High School.")

56. See Perry et al., *supra* note 10, at 17 ("At the time of the transfer of the Law School of St. Mary's University in 1934, the total enrollment amounted to [thirty-one] students with a beginning freshman class of [eleven]. Today it has a total enrollment of about 150 students.")

57. *But see* BRANDON, *supra* note 9, at 53 ("The law school continued to operate at night. During World War II, its enrollment rarely rose higher than thirty-five students.")

were drafted or enlisted. There was no law school for four years until it reopened again in 1946.

Ernie Raba had attended St. Mary's Law School and had graduated in 1937 number one in his class.<sup>58</sup> He went off to war, came back to San Antonio in 1945 I believe, and was appointed by the Marianists to be dean of the law school in 1946. He was dean from 1946 to 1978. The law school enrollment in the 1940s and 1950s was quite small because even when I started in 1961, there were only twenty some students. So, even by the late 1960s, the alumni network was not that widespread. It was in no way what we have today. By today's standards, the law alumni network back then was almost minuscule.

On our road trips through South Texas, we would stop along the way in Kingsville, Raymondville, and Alice. We would go to Laredo and Encinal. Wherever there was a law school graduate, we would have lunch or dinner. Where we had a larger concentration of students, such as in Brownsville or McAllen or Houston, we would host a cocktail party and Ernie Raba would hold forth. The group was always small. He would bring alumni up to date on what we were doing, and on what we were planning on doing. Of course, everybody at that time wanted to know about the new law center. All of those graduates at the time had graduated from 112 College Street. So, this was a phenomenal advancement as far as the physical plant was concerned.

#### X. UTSA OPENS, 1969

One of the big events in San Antonio in 1969 was the establishment of the University of Texas at San Antonio (UTSA), which was intended to become a major university.<sup>59</sup> I remember that there was a great deal of anxiety, worry, and apprehension about how that would affect St. Mary's. There was a lot of discussion that UTSA was going to have a direct impact, not so much on the law school, but on the undergraduate school, and that it was going to cut into St. Mary's enrollment. However, Brother Thomas Treadaway was the registrar for the undergraduate school at the time, and he remained steadfast that UTSA would have no impact on the undergraduate enrollment. To a certain degree, he has been proven to

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58. Leopold, *supra* note 1, at 3.

59. *But see* Francisco Vara-Orta, *UTSA: University's Humble Start Sparked Success in Education, Area Growth*, in *SAN ANTONIO: OUR STORY OF 150 YEARS IN THE ALAMO CITY* 164, 164 (2015) ("The University of Texas at San Antonio was initially an open-admission commuter campus, with its chief mission to provide access to affordable undergraduate education for low-income and minority students in South Texas.").

be correct. At the time, a Catholic education was very important to Catholic families. Catholic families would have undergone many hardships—financial hardships—in order to support the Catholic education of their children. That is no longer as important today as it was thirty, forty, or fifty years ago.

As far as the law school is concerned, the opening of UTSA was a great benefit. One of our major feeder schools is UTSA,<sup>60</sup> as well as Texas A&M in Bryan–College Station, and the University of Texas in Austin.

#### XI. TENURE IN THE 1970S

I became a tenured member of the faculty in 1971 or 1972. The tenure vote in those days was that the entire tenured faculty of the university voted on you. Today, it's the tenured faculty of the law school, as well as the dean, provost, and president, who determine whether or not you are tenured. Of course, it was imperative, you had to have the support of your dean or tenure was just never granted. Now, you are given three tries at obtaining tenure, and if on the third attempt you are not tenured, you are dismissed. That was not the case back then. In earlier times, one could remain on the faculty even if tenure was never granted.

#### XII. CLOSING OF THE EVENING PROGRAM, EARLY 1970S

The closing of the long-established evening program<sup>61</sup> in the early 1970s happened because, at the time, the Standards of the American Bar Association required law schools with evening divisions to staff their classes with mainly full-time professors. I forget the percentage, but the majority had to be full-time faculty. That was coupled with the fact that full-time

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60. *Cf. id.* (recognizing UTSA has “more than 100,000 graduates.”).

61. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (discussing the evening program at St. Mary's School of Law). As explained by Leopold:

Way back when I first started law school [in 1958], we had [thirty-eight] people entering law school. Over half of those entered the night school. The night school actually had more people in it than the day school, quite a few more.

....

... [T]here was a lot of people [retired] from the military and so forth who were wanting to go to law school. But, couldn't do it in the day time. And you know professionals and so forth. But, the night school was very well attended. I think the people teaching in the night school did a very good job of it.

*Id.*

faculty had somewhat of a limit on the number of hours they could teach. I remember my own personal experience was that I had three individuals in my evening Agency and Partnership class, which was a three-hour course. That took me out of a three-hour course that was being taught during the day, and it was just not economically feasible.

The night school was terminated because there was a lack of enrollment. It was a unanimous decision of the faculty, as well as the administration, to cancel the evening division.<sup>62</sup> It was not cost-effective.

### XIII. EXPANSION OF THE STUDENT BODY, 1970s

Even though the evening division closed, enrollment at the law school expanded during the 1970s.<sup>63</sup> I think that was due to two factors: number one, the war in Vietnam was ramping up, and young men, if they did not escape to Canada or some other country, were enrolling in graduate programs, as well as law schools, and the entire objective was to obtain a deferment so as to prevent them being drafted into the army. That was one impetus, the war in Vietnam.

The second impetus was that the law school undertook recruitment efforts outside the State of Texas. You have to remember that St. Mary's Law School started out primarily as a law school for San Antonio and South Texas. In my own graduating class in 1964, with twenty-two or twenty-eight graduates, all were from San Antonio, South Texas, or Laredo. You draw a line from Laredo to San Antonio, to Corpus Christi, and everything down is South Texas; that was the student body. I don't like the word "nationalize," but there was an effort to take the law school national in recruiting students from outside the State of Texas. We did have somewhat of an influx of individuals, particularly from the East Coast. So, the

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62. *Cf. id.* (recalling the evening program's termination due to lack of enrollment and economic reasons).

63. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (discussing growth in the law school). When asked to describe the student body when she began teaching in 1981, Roberts stated:

Well, since I taught the entire first year class my first two years here, I would describe it as big. There were, at the time, roughly 270 people in the first year class both of my first two years here. I was reading all of their first semester legal research exams, and then three sets of documents in the spring semester, two memos and a brief, from each of those students. So, you do the math on that, and that's arresting.

*Id.*

recruitment effort as well as the war in Vietnam had a significant effect on the number of students in our entering class.

Jim Castleberry had a profound influence on Dean Raba. I think he was the one who wanted to have a more national representation in our student body. We had some individuals come in and, for lack of a better word, they were somewhat rabble-rousers. By that time, Associate Dean Jim Godwin had left, and Ed Schmidt was the Associate Dean. Schmidt worked for Dean Raba and subsequently Dean Castleberry. If an individual had a very liberal background reputation, they would just not admit him. The bad experience we had with these individuals from out-of-state brought us back to concentrating on Texas residents for the law school.<sup>64</sup> It was not until Barbara Aldave arrived in 1989 that we once again tried to expand the recruitment base for the law school.

#### XIV. NATIONAL CONNECTIONS, 1970S

The first annual meeting of the Association of American Law Schools (AALS) that I attended was in the 1970s in San Francisco. It was Ernie Raba who decided whether or not he was going to fund a trip to these conferences. At that time, there was no faculty development fund that guaranteed that each faculty member had a certain amount of money that could be spent on professional conferences and other educational purposes.

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64. *See id.* (examining what it means to be a Texan, particularly from San Antonio). Discussing faculty recruitment, rather than student recruitment, Roberts recalled:

I can still remember the year that Vicki [Mather] started working here as the second full-time tenure track woman on the faculty [in 1985]. We had a faculty retreat out at the Gallagher Ranch. During the course of that day we talked about hiring needs. Vicki and I sat there as some of the senior faculty, all of whom were born and raised in Texas, and were Texas lawyers, stand up and say, "We don't need to hire outside of the State of Texas. There are plenty of qualified Texas lawyers to recruit from." During a break[,] Vicki and I went off together to the only area set aside for us, and she said something like, . . . "What are we doing here?" I said that the group of people that came in the year that I did [1981], faced a similar disconnect because we were foreigners in the sense of not having either lived in, or gone to schools in, Texas, including law schools. I don't think there has been since '81 or '[8]2] a group of people hired onto the faculty at once that was as large as our class . . .

[I did not think of Charles Cantú as a Texan] . . . because I knew what his academic background was. He was certainly a San Antonian, but I don't think those terms are co-extensive. I see San Antonio in many ways as much more liberal-minded and accepting than other parts of Texas. You know, Charles' background with his post law degrees made him, in my view, as opposed to some others without that educational background, a much more sophisticated man.

*Id.*

It was all in the hands of Ernie Raba—and subsequently Jim Castleberry. They were the sole arbiters, the ones who decided whether you would go or not. Of course, their decision determined whether or not they would fund you.

Did St. Mary's faculty members feel connected to the broader legal education enterprise throughout the country in the 1970s?<sup>65</sup> That's an interesting question. My perspective is going to be totally different from other individuals on the faculty. I never wanted to leave St. Mary's. I never worked at leaving St. Mary's and I never had any desire to leave St. Mary's. San Antonio was my home. My family was here. All of my friends were here. I never played the networking game of trying to move to a more prestigious law school.

As I recall those first AALS meetings, Jim Castleberry and I were the only ones who went. Jim, of course, was a great glad-hander, very politically inclined. He knew several individuals from other law schools, especially from the University of Texas in Austin. But, I never played that networking game, and as a result I can't answer that question. Other faculty, and

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65. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (discussing Raba's efforts to increase the caliber and quality of faculty recruitment in the 1970s). According to Dittfurth, who joined the faculty in 1975:

During [Raba's] tenure, I lunched [at St. Mary's] with Dean Page Keeton [of the University of Texas, and] Erwin Griswold [of Harvard Law School], and that surprised me to no end, that Dean Raba, this person at this regional law school, would know . . . men of such talent and reputation.

*Id.* According to Professor Roberts:

[When I joined the faculty in 1981,] I don't think there was any way I could have prepared myself for the way it was here. The law school I attended was starkly different, and like children we think the way we are raised is the way it is everywhere. So, when I got here I thought the way things were in New Orleans was the way things were here, and nothing could have been further from the truth. I wasn't prepared for Texas, and there's certainly nothing wrong with Texas, but Texas is not New Orleans. So, that took some adjustment. I wasn't prepared for an almost totally senior male faculty. I wasn't prepared for something as seemingly minor as the way the law school graded. I had never encountered a grading by numbers system before in my own academic life. Either as a teacher, or as a student. I found the concept then, and looking back still do, entirely alien. Trying to decide whether a student deserved a 72 or a 73 made no sense to me, and it caused the sort of row in exam review context when people were fighting for one or two points. That didn't make any sense to me either.

Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author).

especially today with our younger faculty, I'm sure that would be very, very true. But, back then it wasn't an issue for me.

The year that Castleberry became dean, 1978, was at the same time he became the president of the Phi Delta Phi International Legal Fraternity.<sup>66</sup> Many, many times he was running out of here on a Friday at noon, or maybe even a Thursday afternoon, to fly off to some place for a meeting.<sup>67</sup> He was a very enthusiastic traveler. He liked being on the go. He had a profound amount of energy, and he enjoyed that stint very, very much. There was no one else on the faculty at that time who I would have thought of as an internationalist. I would say that St. Mary's first began to pay serious attention to international law under Castleberry. He was very interested in establishing programs in Mexico. I know I participated in some of the programs, going down there to lecture in the 1970s.<sup>68</sup> Later, Barbara Aldave continued and expanded somewhat the programs in Mexico. It was under Jim Castleberry that we started the program in Innsbruck, Austria.<sup>69</sup> And then, I expanded international programs into China.<sup>70</sup>

#### XV. RELATIONS WITH THE BENCH

Ernie Raba and Jim Castleberry were very, very good working together at establishing relationships with the judges on the Texas Supreme Court, the Texas Court of Criminal Appeals, and other courts. It may be hard to believe today, but on two different occasions back in the 1970s, St. Mary's had more briefing attorneys on the Supreme Court of Texas than all other law schools combined. One of our graduates was subsequently on the

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66. See *Obituary, James N. Castleberry, Jr., Dec. 28, 1921–June 24, 2008*, PORTER LORING MORTUARIES (June 29, 2008), <http://porterloring.tributes.com/obituary/show/James-N.-Castleberry-83713936> [<https://perma.cc/Z76D-WZY3>] (“President, International Legal Fraternity of Phi Delta Phi, 1977–1979”); see also PHI DELTA PHI: INT’L LEGAL HONOR SOC’Y, *supra* note 25 (summarizing the purpose and expansion of the Phi Delta Phi legal honor society).

67. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“You might say he was not always in residence at the law school.”).

68. Other professors also traveled to Mexico for this program. See *id.* (“I agree because I know I went down, I guess it was under . . . [Castleberry] or Barbara [Aldave], to Mexico City to lecture on the probate system of Mexico versus the United States. Their differences and so forth. And I know enough Spanish, [that] I did the lecturing in Spanish. . . . I would say [that was in] the ’70s.”).

69. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles E. Cantú to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (remembering it was under Castleberry that St. Mary's School of Law commenced the study abroad programs).

70. See *id.* (reinforcing the efforts of St. Mary's faculty and staff to expand study abroad programs into China).

Supreme Court of Texas, Ted Z. Robertson.<sup>71</sup> Later, Rose Spector was the first woman elected to the Court,<sup>72</sup> as well as John Cornyn.<sup>73</sup> Of course, now we have Paul Green.<sup>74</sup>

On the Court of Criminal Appeals we have often had St. Mary's graduates. Today, we have three of our graduates on the Court of Criminal Appeals: Barbara Hervey, Bert Richardson, and Kevin Yeary.<sup>75</sup> I would say that we have always had a very good relationship with both courts.

We have always had good relations with the local judges in San Antonio. When I was dean, in my recruiting spiel, I would often say to future students that St. Mary's owned the Bexar County Courthouse. Even today when I'm down in the Bexar County Dispute Resolution Center working pro-bono as a mediator, it's a chorus of, "Hello Professor," "Hello Dean," "Hello." It's amazing how many former students we find down there. Not only as judges but as practicing attorneys. Yes, we've always had a very, very good relationship. Not only with the trial judges at courthouse but with the Fourth Court of Appeals as well.

Perhaps in the late 1970s, then-Chief Justice William Rehnquist from the U.S. Supreme Court came to St. Mary's University.<sup>76</sup> There's a picture of me with Rehnquist and Jesse Gamez at a reception in what is now the Atrium Room of the law school administration building. My memory is

71. See *Justices of Texas 1836–1986: Ted. Z. Robertson (1921–2017)*, TARLTON L. LIBR., <https://tarltonapps.law.utexas.edu/justices/profile/view/89> [<https://perma.cc/VV5C-49PD>] (“[Ted Z. Robertson] attended law school at St. Mary’s University in San Antonio, graduating in 1949.”).

72. See *Guide to the Texas Supreme Court Papers of Rose Spector, 1990–1999*, TARLTON L. LIBR., <https://legacy.lib.utexas.edu/taro/utlaw/00054/law-00054.html> [<https://perma.cc/A722-ANZ3>] (documenting Justice Rose Spector graduated magna cum laude from St. Mary’s University School of Law in 1965 and was the first woman elected to the Supreme Court in 1992).

73. See *About John Cornyn*, JOHN CORNYN U.S. SEN. FOR TEX., <https://www.cornyn.senate.gov/content/page/about-john-cornyn> [<https://perma.cc/Z6CG-LT3J>] (detailing Senator Cornyn’s biography as an alumnus of St. Mary’s School of Law, Justice of the Supreme Court of Texas, and U.S. Senator for Texas since 2002).

74. See *Justice Paul W. Green*, TEX. JUD. BRANCH: SUP. CT., <http://www.txcourts.gov/supreme/about-the-court/justices/justice-paul-w-green.aspx> [<https://perma.cc/L4MR-EDCV>] (highlighting Justice Green’s alma mater of St. Mary’s University School of Law and his extensive career in the Texas judiciary).

75. See *Judges*, TEX. JUD. BRANCH: CT. CRIM. APPEALS, <http://www.txcourts.gov/cca/about-the-court/judges/> [<https://perma.cc/4A29-WWSK>] (listing the distinguished alumni of St. Mary’s School of Law on the Texas Court of Criminal Appeals—Barbara Hervey, Bert Richardson, and Kevin Yeary).

76. See Vincent R. Johnson, *Tribute, Rehnquist, Innsbruck, and St. Mary’s University*, 38 ST. MARY’S L.J. 1, 2 (2006) (discussing Justice Rehnquist’s teaching in the St. Mary’s University School of Law summer program in Innsbruck, Austria).

rather faint in this area, but I think that there was a direct connection between the Rehnquist visit and Rex Lee. Lee later served as Solicitor General of the United States and was invited by Jim Castleberry to be the principal speaker for the inauguration ceremony when we opened the Sarita Kenedy East Law Library in 1984.<sup>77</sup> Jim Castleberry and Rex Lee had become acquainted somehow. As I recall, Rex Lee had a direct connection to Chief Justice Rehnquist and served as an introduction to Jim Castleberry, who subsequently invited the Justice to San Antonio to speak at some function. Jesse Gamez, who at the time was a very successful plaintiff's attorney, had at Rolls-Royce, and was chauffeuring Rehnquist around San Antonio in his Rolls. That would have been the first time that a Justice of the U.S. Supreme Court visited the law school.

#### XVI. RABA'S ONE-MAN RULE

Ernie Raba was dean from the late 1940s up until 1978, thirty-two and a half years I believe.<sup>78</sup> As can be expected, he had made a lot of friends and he had bruised a lot of individuals. He was definitely a strong man. He was a one-man rule.<sup>79</sup> He was the individual who hired and fired. There were

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77. See Rex E. Lee, *Dedication Address*, 16 ST. MARY'S L.J. 533, 533 (1985) ("This is a place, I believe, where religious affiliation is seen as a positive advantage and not an embarrassment. It is a school whose faculty and administration understand the synergistic benefits to legal education that result from the union of religious values and traditional rigorous American law school training.")

78. See BRANDON, *supra* note 9, at 53 ("In 1946 . . . [Raba] became dean of the School of Law, and remained in that position until 1978.")

79. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (commenting on Dean Raba's leadership role at the law school). Retired professor Aloysius Leopold agrees:

Dean [Raba], he was a one-man show. He literally ran the law school. In fact, the ABA made him appoint some committees, to put it mildly, [to] try to help him run the law school. So, he appointed an admissions committee. At that time, we had a rule that said that if you had a certain average at the end of your first year, you would be excluded from the law school. But, you could reapply.

So, we had a readmission's committee as well. . . . He appointed both those committees. The reason I know that is because he made me the chair of them, much to my [chagrin]. . . . I think there might have been, also, a committee on curriculum.

. . . .

[When Raba retired, Castleberry] actually came to me, and he said, "Do you have any interest in running for the deanship? Because if you do, I won't." I told him, "I have no interest whatever. If you want to be dean, you may certainly apply for it and attempt to get appointed. But, you won't find me standing in the way." And that was my philosophy the whole time.

*Id.*

no committees.<sup>80</sup> Admissions was handled by an admissions dean, overlooked by Dean Raba. Raba's very good friend—very, very close friend—was Jim Castleberry. I would say that Jim Castleberry was probably the only confidant that Ernie Raba had at that time. I was twenty-six years old then, by far the youngest member of the faculty.

From my perspective, I think he annoyed and irritated many individuals in St. Louis Hall, meaning the university administration. There came a time that enough was enough, and I do believe, although I was never told this, that he was pushed out.<sup>81</sup> Maybe gently, maybe forcibly, I'm not sure. But, he was definitely encouraged to leave.

There was somewhat of a great anxiety on the faculty. All of us had been hired under Ernie Raba. What was going to happen? Who was this new individual going to be? What was he going to be like? I say "he" because, at the time, the idea of a woman dean was unheard of. There was a great effort, not only on the part of the faculty but especially on the part of Dean Raba, to make sure that Jim Castleberry was going to succeed him. In fact, there was a committee, which consisted of myself and Al Leopold, and there may have been one or two others; I'm not sure. The committee listed the qualities, or characteristics, of an individual who should succeed Ernie Raba as dean. The statement fitted Jim Castleberry to a tee, including that the new dean should be a president of national organization, so as to gain

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80. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (discussing Dean Raba's leadership style). According to Dittfurth:

Dean Raba had been the dean so long that he ran the law school somewhat at his own will, and he made decisions without consulting anyone . . . .

. . . .

I think he [made good decisions].

. . . .

Though I ran into his bad side on occasion, because I was free to criticize, and that was not seen as appropriate for younger members of the faculty. I very much liked Dean Raba. He was a very, once you got past the gruff exterior, as they say, he was a good man. . . . He certainly was a character and he was interesting.

*Id.*

81. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) ("In fact, when [Raba] was retiring . . . [it was] in a way, a little bit of a forced retirement.").

recognition for St. Mary's law school (Castleberry was then-president of the Phi Delta Phi legal fraternity<sup>82</sup>).

The concern over who would be Raba's replacement may seem amusing today. It was very, very serious back then. As I recall, Jim Castleberry was the only in-house candidate, and I don't remember how many individuals applied for the job, or how many were finalists. But, it came as no surprise to any of us that when the announcement was made it was Jim Castleberry who was going to be the dean.

I want to give Ernie Raba credit for future historical reference. St. Mary's University School of Law, as we know it today, is attributable to Ernest Raba. He came back from World War II in 1946 and in three years, which is phenomenal, he secured accreditation by the American Bar Association, as well as accreditation by the Association of American Law Schools.<sup>83</sup> That was a monumental achievement. If there's any criticism that we can attribute to Ernie Raba it is perhaps he stayed too long as dean, and he became entrenched. During that time, the law school did not really expand or grow as it should have.

#### XVII. CASTLEBERRY REPLACES RABA AS DEAN, 1978

Raba was followed by Jim Castleberry, who was dean from 1978 to 1989;<sup>84</sup> Barbara Aldave, who was dean from 1989 to 1998;<sup>85</sup> Bill Piatt, who was dean from 1998 to 2007;<sup>86</sup> myself, from 2007 to 2014;<sup>87</sup> and the current dean, Stephen M. Sheppard,<sup>88</sup> 2014 to present.

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82. See *Obituary, James N. Castleberry, Jr., Dec. 28, 1921–June 24, 2008*, *supra* note 66 (highlighting Castleberry's leadership in Phi Delta Phi).

83. ERNEST A. RABA, ST. MARY'S UNIVERSITY SCHOOL OF LAW: A PERSONAL HISTORY 19 (1981).

84. See *Obituary, James N. Castleberry, Jr., Dec. 28, 1921–June 24, 2008*, *supra* note 66 (recounting Castleberry's years as dean).

85. See *Barbara Aldave*, U. OR. SCH. L., <https://law.uoregon.edu/explore/professor> [<https://perma.cc/FS7K-3KJJ>] (“From 1989 through 1998, she served as the Dean of St. Mary's University School of Law in San Antonio, Texas.”).

86. See *Robert William “Bill” Piatt*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/robert-piatt/> [<https://perma.cc/9TZW-7TXR>] (commenting on Professor Piatt's time as Dean of St. Mary's School of Law).

87. See *Charles E. Cantú*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/charles-cantu/> [<https://perma.cc/GQE4-H96S>] (providing a biography of Charles E. Cantú's life).

88. See *Stephen M. Sheppard*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/stephen-sheppard/> [<https://perma.cc/GS3K-BFN9>] (“Stephen Michael Sheppard became the Dean of the St. Mary's University School of Law in 2014.”).

Ernie Raba was the longest-tenured dean of a law school in the United States.<sup>89</sup> The second was Page Keeton<sup>90</sup> at the University of Texas. I believe that today the average tenure of a law school dean is, what, two and a half or three and a half years.<sup>91</sup>

How did Castleberry and Raba differ as deans? It was the same deanship. Jim Castleberry came in with a lot of energy. He came in with a lot of bluster. He came in with a lot of promises. After a month or two or three it became very clear—very evident to all of us—that it was second verse, same chorus. It was just a continuation of the same thing.

#### XVIII. CASTLEBERRY'S TEAM

Ed Schmidt<sup>92</sup> served as associate dean for the whole period of time that Castleberry was dean, 1978 to 1989. The story at the time was that Ed Schmidt had been an unsuccessful candidate for the deanship at the University of Tulsa. When he lost, Rennard Strickland,<sup>93</sup> who was on the faculty at Tulsa at the time, recommended that he move to San Antonio and become an associate dean for Dean Raba, and then subsequently for Jim Castleberry.

Schmidt was a retired army colonel. Not to be derogatory, but he was the stereotypical retired army colonel. He knew where every pencil and paperclip was, and he could account for everything, but he didn't get along very well with students. He also did not get along with some members of the faculty. He was very stringent, very strict. Schmidt knew who the boss was and, I guess because of his army career, always followed orders. He was great for following orders with very little initiative of his own. Of course,

89. See *Law School Dean Emeritus Ernest Raba Dies*, ST. MARY'S U. (Dec. 6, 2007), <https://www.stmarytx.edu/2007/law-school-dean-emeritus-ernest-raba-dies/> [<https://perma.cc/CN4A-BEQX>] (“Raba, the third dean of St. Mary’s School of Law, served from 1946 to 1978, making him one of the longest-serving deans in American legal education.”).

90. See Charles Alan Wright, *Page Keeton: A Great Dean—With a 1999 Postscript*, 77 TEX. L. REV. 1369, 1369 (1998–1999) (noting Keeton had “twenty-five glorious years as dean”).

91. But see Jim Rosenblatt, *The Tenure of a Law School Dean: It's Not How Long You Make It—It's How You Make It Long*, 42 U. TOL. L. REV. 667, 672 (2011) (discussing a web site that lacks “sufficient data at this time to establish the average tenure of a law school dean”).

92. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles E. Cantú to Vincent R. Johnson (Sept. 26, 2017) (on file with author) (recalling Ed Schmidt served as an associate dean for Raba, Castleberry, and Aldave).

93. See *Rennard Strickland, Senior Scholar in Residence*, UNIV. OKLA. C.L., <https://www.law.ou.edu/directory/rennard-strickland> [<https://perma.cc/NB9C-2KCW>] (“He is the only person who has been a tenured, full professor at all three of the ABA currently approved law schools in Oklahoma.”).

there wouldn't have been any room for his own initiative under either Raba or Castleberry.

There had been associate deans before Ed Schmidt. When I started law school in 1961, the associate dean for the day division and the dean of the night division was Carroll Sierk.<sup>94</sup> He left sometime in the very early 1960s. When I was still a student, Ernie Raba had replaced Sierk with Jim Godwin,<sup>95</sup> who was a retired army colonel. Every time Godwin was under stress, he would parade up and down the halls with his swagger stick under his arm, back and forth. The students knew from this body language to leave him alone. They knew that something had made Godwin very tense and he should not be dealt with at that time.

I do not remember Jim Godwin coming here to the new law center at the university's Woodlawn Campus in 1967. After Jim Godwin, we had an individual who was here for maybe two years and his name escapes me. He was the associate dean for a very short time, and he was followed by Phyllis Harper.<sup>96</sup> Her husband was an ophthalmologist, and both of them had been students at the law school. Dean Raba hired Phyllis Harper as an assistant dean or associate dean, and she, I believe, was followed by Ed Schmidt.<sup>97</sup>

David Schlueter was hired to teach in 1983, and then very quickly, he became an associate dean for Castleberry.<sup>98</sup> Schlueter handled student and academic affairs and Schmidt handled administration. Schlueter was a reserve military officer who did not retire from the military until the 1990s. He soon must have realized that there was limited room for initiative on his part. Ultimately, he had to follow Jim Castleberry's orders. Nevertheless,

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94. See Paul T. Kirner, *Sierk Appointed Dean*, THE GAVEL, Feb. 14, 1972, at 1 (commenting on Sierk's deanship at St. Mary's School of Law).

95. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles E. Cantú to Vincent R. Johnson (Sept. 26, 2017) (on file with author) (noting this replacement).

96. See Charles E. Cantú, Reflection, *Observations on The Evolution of Minorities in The Law: From Law School to Practice*, 4 SCHOLAR 185, 187–88 (2002) (commemorating “the history of women in legal education either as students, professors[,] and/or administrators,” such as Phyllis Harper who was “an associate dean, [and] one of the first women administrators in legal education”).

97. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles E. Cantú to Vincent R. Johnson (Sept. 26, 2017) (on file with author) (noting the change in administration).

98. See *David A. Schlueter*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/david-schlueter/> [<https://perma.cc/VEZ5-4UK9>] (“In 1983, Schlueter accepted a position on the law faculty at St. Mary's University in San Antonio, Texas, where he has taught evidence, trial advocacy, constitutional law, criminal law and criminal procedure. He served as an Associate Dean for Academics from 1984 until 1989.”).

Schlueter accomplished several things that proved useful for many years. He established uniform faculty grading standards and anonymous grading. He also published a weekly newsletter that kept students informed. When Hispanic students raised concerns about how they were being treated, Schmidt and Schlueter worked up a tutorial program. Although Castleberry and Schlueter constantly went back and forth on multiple issues, at the end of the day, Castleberry was the final authority. Schlueter served as associate dean from 1984 to 1989.<sup>99</sup> At the time Schmidt and Schlueter were serving as associate deans, there were other former military officers on the faculty, including Bill Francisco<sup>100</sup> and Bob Summers.<sup>101</sup>

Thinking about the major players in the Castleberry years, it would be fair to say that Al Leopold was number one.<sup>102</sup> Al, to my recollection, did not often publish law review articles,<sup>103</sup> but he was a publishing machine when it came to treatises dealing with the subjects of property and wills and estates. As a matter of fact, at one time, the volumes in his office were a couple of yards long and this impressed Jim very much. So, because of his

99. *Id.*

100. Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles E. Cantú to Vincent R. Johnson (Sept. 26, 2017) (on file with author).

101. See Robert L. Summers, Jr., ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/robert-summers/> [<https://perma.cc/Z8DU-K847>] (emphasizing Robert Summers's resume: "Captain (06), U.S. Naval Reserve, Intelligence Corps (Retired), Vietnam Veteran and Specialist with command experience in criminal investigations, counter-terrorism[,] and counter-intelligence").

102. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (speaking on Leopold's contributions during Dean Castleberry's term). Although Leopold headed important committees and otherwise played an important role during the Castleberry deanship, that was not his goal. According to Leopold:

I came to teach. And I had no interest in administration. I tried my best not to have any real input into administration[, except] . . . when I got appointed to a committee. You have no choice. I simply took care of the business of the committee.

. . . .

I had no interest, [whatsoever], in being not only dean, but associate dean, or whatever other position there was in the law school.

*Id.*

103. But see Aloysius A. Leopold, "Loss of Earning Capacity" Benefits in the Community Property Jurisdiction—How Do You Figure?, 30 ST. MARY'S L.J. 367 (1999); Aloysius A. Leopold, *The Lord in the Law: Reflections on A Catholic Law School*, 25 ST. MARY'S L.J. 385 (1993); Aloysius A. Leopold & Gerry Beyer, *Ante-Mortem Probate: A Viable Alternative*, 43 ARK. L. REV. 131 (1990).

publishing record, as well as his intellect, he was “a Castleberry favorite.” He was definitely number one on Castleberry’s list.

Number two—and it was a very close number two—was Gerry Beyer<sup>104</sup> for the exact same reason. Gerry was here at the crack of dawn and left after the sunset every day, and he was a publishing machine. He was very active in the bar and was always lecturing at continuing legal education programs. He was writing law review articles. I think he even published a legal dictionary at one time.<sup>105</sup> He was a hard worker. Both Beyer and Leopold were very hard workers. They were Castleberry’s favorites and they were part of the inner circle, no question about it.

Some faculty members tried to keep a low profile in the Castleberry years. In those days, it was much safer to keep your head down.

Since the Castleberry deanship, there have been periodic faculty retreats, sometimes off campus at places like the Gallagher Ranch or Tapatio Springs, and more recently on campus. I hated those things! They were a waste of time. In the beginning, they were totally programmed by Jim Castleberry. Even Ed Schmidt criticized Jim Castleberry on more than one occasion, saying that “he who controls the gavel controls the meeting.”

#### XIX. FINANCIAL STRUGGLE WITH THE UNIVERSITY

Under Ernie Raba’s tenure as dean, the university was taking anywhere from 52 to 54% of our tuition income, and that’s factual.<sup>106</sup> That is

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104. See *Gerry W. Beyer*, TEX. TECH U. SCH. L., [http://www.depts.ttu.edu/law/faculty/g\\_beyer.php](http://www.depts.ttu.edu/law/faculty/g_beyer.php) [<https://perma.cc/ZX2E-6WUN>] (noting Mr. Beyer’s accolades).

105. See generally GERRY W. BEYER, MODERN DICTIONARY FOR THE LEGAL PROFESSION 1 (4th ed. 2008).

106. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (noting financial concerns within the university). Leopold agrees:

One of the reasons the law school was having problems was because the university was having serious financial problems. This was about the time that UTSA opened up [its] college. And, of course, the undergraduate school had to compete with a brand new state university here.

Actually, I think the total university enrollment, in something like two years, was cut in half. And the university wasn’t getting the revenue it needed from the undergraduate school. So, they started, you might say, taking more and more from the law school.

I was the chair of . . . the committee to write the report. It was like pulling teeth, but, we finally got it out of the university that they had taken 56% of the law school revenue to run the university. . . .

historically accurate. The guidelines at that time by the American Bar Association were that overhead—which went to pay expenses, the maintenance of the buildings, landscaping, and some other related costs of the law center—should not exceed 25%. Ernie Raba, whether because of old age, because he was tired, or whatever reason, relinquished these monies. It was not until Jim Castleberry became dean that that changed.

There is an interesting footnote. Up until at least the mid-1980s, the law faculty had to walk up to St. Louis Hall each month to get their paycheck. The brothers were somewhat sarcastic, in that they would say: “The only time you all come up here is once a month to get your paycheck.” The retort from the law faculty was: “Yes, and the only time you go to the law school is twice a year to get our tuition income.” So, there was a conflict there between the law school, Ernie Raba, and the university. This may have been another reason as to why he was encouraged to leave. However, it is also a good example of, “It’s better to have the devil you know than the one you don’t.”

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. . . So, in one year, we had five law school faculty quit for the simple reason that they weren’t getting a raise like they should have. And they had better opportunities elsewhere. And this course took its toll, also, on Castleberry[s] regime.

*Id.*

When Jim Castleberry came on as dean, he and the university administration went head on.<sup>107</sup> Brother Jim Gray,<sup>108</sup> who came down from St. Louis, had a meeting with the law faculty. He let us know, in no uncertain terms, that law school tuition income was not “our income.” It was the university’s income. He said for us to stop thinking in terms that that was our money, because it was not. It was the university’s money. Gray was very articulate and very intelligent, and he certainly had the respect of the law faculty when he finished. But, there was that feeling at that time within the law school that it was our money. In fact, it wasn’t, and Gray changed our way of thinking.

There was a time that our accreditation by the ABA was definitely threatened. Thanks to the friendships and relationships that Jim Castleberry had made and had maintained with individuals on the Accreditation Committee of the American Bar Association, that never occurred. It was because of Jim Castleberry and his efforts that the university fell into line. I

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107. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with author) (detailing the financial issues between the university and the law school). Former University President Cotrell stated:

[I]here was, definitely [a big financial problem between the law school and the university]. When I became the Vice President of Academics, the Provost today, in 1986, almost the first thing that Deans Raba and Castleberry did was, as they would put it, come up to the hill. They came up the hill with charts and actually, they were very educational charts. . . .

I learned from that. I was able then to talk . . . somewhat intelligently about the proportions [of revenue sharing,] which the American Bar Association suggested were proper and reasonable relative to university, general university, and law school funding.

[Y]es, there was definitely a tension, and I . . . ultimately agreed with former Dean Raba and Dean Castleberry they were right about that.

. . . .

I don’t know why Dean Castleberry brought former Dean Raba with him but I remember that very clearly.

. . . .

They were trying to make that point. I thought it was a very well-developed [argument], if what was on the charts was accurate, I do remember 45[%] to 50[%] on those charts going to overhead and then they would show me the ABA amounts which never exceeded, I don’t think, 25[%].

Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Charles E. Cantú (Nov. 7, 2017) (on file with author).

108. *See id.* (“Brother James Gray was a nationally recognized figure in Boolean algebra. . . . He was really . . . quite a mathematician, and had taught here [at St. Mary’s University], and then I think ultimately went to the [Marianist] Provincial administration in St. Louis.”).

believe the standard is anything up to 25% in revenue sharing of a law school with a university is acceptable. For years and years, the revenue taken by St. Mary's University has been limited to 22 or 23%.

It was because of Jim Castleberry and his fight with the university administration that we are making the salaries we have made in recent years. He was the one who increased our salaries and discouraged the kind of exodus we saw around 1980 when individuals on the faculty left for better paying jobs. Shirley Butts,<sup>109</sup> who later served as a justice on the Fourth Court of Appeals, is a classic example. In the late 1970s, faculty pay was dismal.

## XX. FACULTY SCHOLARSHIP, 1970S AND EARLY 1980S

In the early 1970s Harold Reuschlein,<sup>110</sup> who had been the founding dean at Villanova University School of Law,<sup>111</sup> came to St. Mary's at Dean Castleberry's invitation<sup>112</sup> and accepted the Katherine Ryan Professorship. Reuschlein was on the St. Mary's faculty for eleven years.

109. See Mary Mills Heidbrink & Ingrid Wilgen, *Teacher, Lawyer and First Female Justice in a Century Appointed to the State's 4th Court of Appeals, Dies at 91*, MYSA (Aug. 16, 2016, 8:17 PM), <https://www.mysanantonio.com/sa-obituaries/article/Teacher-lawyer-and-first-female-justice-in-a-9146860.php> [<https://perma.cc/AB4U-XGQD>] (detailing the life of Shirley W. Butts).

110. See James P. White, Dedication, *Dean Harold Gill Reuschlein*, 45 VILL. L. REV. 13, 14 (2000) ("Harold Gill Reuschlein was a man of firm convictions. He believed in students receiving quality legal education so that they might be prepared to give quality service to their future clients. He believed that a lawyer should not only be well versed in the law, but also in good food, wine, conversation, the arts and humanities. He wanted each law school graduate to be a person for all seasons.").

111. See Donald W. Dowd, Dedication, *Dean Reuschlein: The Patriarch of Villanova Law School*, 45 VILL. L. REV. 5, 5 (2000) ("[W]ithout [the] inspiration and impetus he gave to the Law School there would be no Law School today."); Samuel McClure, Dedication, *"The Dean,"* 45 VILL. L. REV. 19, 19 (2000) ("[Reuschlein was] an individual who accomplished so much in his lifetime and had such a good time doing it[.]").

112. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles E. Cantú to Vincent R. Johnson (Sept. 21, 2017) (on file with author) (describing the circumstances surrounding Harold Reuschlein joining the St. Mary's faculty); see also Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (discussing his recollections of what lunchtime was like with Raba and Reuschlein). According to Dittfurth:

Dean [Reuschlein] was a figure of importance. He officed next to me, and he was quite an impressive figure. . . .

But, Dean [Reuschlein] and Dean Raba would meet after lunch next to my office almost every . . . weekday. They had a little cocktail after lunch and there was a lot of joviality and so forth, all of which I could hear through my wall. They were an interesting couple.

*Id.*

There is an interesting footnote that I learned years after Reuschlein had left. Jim Castleberry gave him the title of the Ryan Professorship, but not the money that was supposed to go with the professorship. I found that to be somewhat comical and very typical of Jim Castleberry.

The idea in hiring Reuschlein was to bring an individual on to the faculty who not only had a national reputation,<sup>113</sup> but who could also help the faculty with their efforts in publishing.<sup>114</sup> Jim Castleberry's dream was to have a chapter of the Order of the Coif<sup>115</sup> at St. Mary's Law School. That was going to be his legacy. The problem was that our faculty was not a publishing faculty; it was a teaching faculty. That is what Ernie Raba focused on, teaching in the classroom.

Harold Reuschlein had his casebook on, I believe it was, agency.<sup>116</sup> He had published widely,<sup>117</sup> and the idea was to bring him onto the faculty to

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113. See J. Edward Collins, Dedication, *Harold Gill Reuschlein Dean Through Two Decades: 1953–1972*, 45 VILL. L. REV. 7, 8 (2000) (“For his services to his Church, two Popes have honored him with Knighthood in the Order of Saint Gregory the Great and the Equestrian Order of the Holy Sepulchre of Jerusalem.”); David F. Girard-DiCarlo, Dedication, *Dean Reuschlein—The Light of the World*, 45 VILL. L. REV. 17, 17 (2000) (“He was a singular man of distinction who made a positive difference in all that he did and who influenced positively the lives of so many, many people.”); John Y. Gotanda, *The Deans’ Letters: 1956/2016*, 61 VILL. L. REV. 377, 377 (2016) (describing Dean Reuschlein as “a remarkable leader and a true visionary”); Sandra Schultz Newman, Dedication, *Dedication to Dean Harold Gill Reuschlein*, 45 VILL. L. REV. 9, 9 (2000) (“[D]uring a 1992 awards ceremony in which the Dean was honored with the Robert J. Kutak award, it was said, ‘No individual has given more to the cause of American legal education than Harold Reuschlein.’”).

114. Research and publication was not a priority during the Raba deanship. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold & Charles E. Cantú to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (commenting that Dean Raba was “extremely easy [to work for]. . . . His interest was classroom performance. He was not interested in publications, he was not interested in any type of service to the bar, or to the community. He was strictly focused on how you p[er]formed in the classroom. If you were good, if you got good student reports, he was happy with you.”).

115. See ORDER COIF, <http://www.orderofthecoif.org> [<https://perma.cc/X7Y5-LBXL>] (“The Order of the Coif is an honorary scholastic society the purpose of which is to encourage excellence in legal education by fostering a spirit of careful study, recognizing those who as law students attained a high grade of scholarship, and honoring those who as lawyers, judges and teachers attained high distinction for their scholarly or professional accomplishments.”).

116. See Steven P. Frankino, Dedication, *One of the Last Big Time Deans*, 45 VILL. L. REV. 1, 2 (2000) (“In 1950, [Reuschlein] authored *The Schools of Corporate Reform*, and in 1951, *Jurisprudence—Its American Prophets*. In 1952, Reuschlein, Seavy and Seavy on *Partnership and Unincorporated Business* entered the mainstream of American law school curricula. His book, *Statutory Regulation of Insurers in Pennsylvania* was introduced by West Publishing Company in 1954. Note the dates—1950, 1951, 1952, 1954—four books.”).

117. See HAROLD GILL REUSCHLEIN & WILLIAM A. GREGORY, *THE LAW OF AGENCY AND PARTNERSHIP* 269 (2d ed. 1990) (representing one of Harold Reuschlein’s widely published works).

mentor individuals so that he would help them to publish, so that we could apply for this chapter of the Order of the Coif. As I recall, Jim Castleberry made two or three attempts to establish one of these chapters, but it never came to fruition.

Raba had obtained a \$50,000 grant to encourage faculty publications. That was a gift from Leon Jaworski,<sup>118</sup> and it came at the end of Dean Raba's tenure, when we honored Leon Jaworski in some way. I forget how, but he promised Ernie Raba that there would be \$10,000 a year given to the law school for the next five years. I think that Ernie Raba used that money for faculty salary raises, and Jim Castleberry converted it into faculty publication bonuses.

A serious faculty commitment to scholarship and publication was slow in coming.<sup>119</sup> Jim Castleberry as dean tied faculty salary raises in direct

118. See *Leon Jaworski*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/biography/Leon-Jaworski> [<https://perma.cc/UGT6-2CJL>] (“Leon Jaworski, (born Sept. 19, 1905, Waco, Texas, U.S.—died Dec. 9, 1982, Wimberley, Texas), American lawyer who rose to national prominence on Nov. 5, 1973, when he was sworn in as Watergate special prosecutor and made constitutional history when he convinced the U.S. Supreme Court that President Richard M. Nixon was bound to obey a subpoena and turn over [sixty-four] White House tapes needed for testimony in the trial of Watergate defendants.”).

119. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson, (Nov. 14, 2017) (on file with author) (explaining his impression of the faculty at St. Mary's and his experience as a student at the University of Texas). Describing the St. Mary's law faculty when he joined it in 1975, Dittfurth stated:

Well, it was certainly sleepy in the sense of scholarship when I came, because I was now one of the few members of the faculty that ever published anything, Tom Black being the exception, and Dean [Reuschlein], of course. Many of the faculty members were not interested in publishing, and to that degree, we were sleeping on our obligations, I suppose you would say.

What was extraordinary to me, and still is, is that when I went to law school I thought most of my professors, though they were at [the] University of Texas very highly thought of as scholars, were mediocre as teachers. It occurred to me when I came here that, especially when we began getting younger teachers, that we provided a much more interesting classroom experience than I had enjoyed at the University of Texas, which was predominately and almost oppressively Socratic.

So, I don't think we were sleepy in that sense, or we became certainly less sleepy. . . . There have been times at which the faculty is engaged in a lot of politics and conflict, and that has interfered, I think, with some of our productivity.

For the most part, I think our faculty is made up of people who are better than ordinary teachers, and we're getting more and more faculty members who now regularly publish, and who are engaged in thoughts about what they're doing and trying to understand what the law's all about. So, I don't think of us as a sleepy campus at all, though back in the good old days, it might have been an accurate characteristic.

*Id.*

proportion to faculty publication. No publications, no pay raise. That was the carrot and the stick, so to speak, that he held out, and it in some way encouraged faculty to publish. It had a profound effect on me, because one year not getting a pay raise certainly encourages you to get down and start writing law review articles. That's when I started my publishing, under the deanship of Jim Castleberry, and I think others on the faculty did so as well. I certainly wanted a pay raise so I got down to work. I published some law reviews that, to this day, I'm very, very proud of. The 1990s was my most productive period of writing. I owe that to Jim Castleberry. I owe a lot to Jim Castleberry.

The last law review article I published was in 2006. It dealt with the question of whether the “Big Mac” sandwich is a defective product.<sup>120</sup> In that law review article, I called for a change starting with fast food.<sup>121</sup> All foods should have their calorie content listed,<sup>122</sup> and this is becoming quite prevalent, not only with food that you buy at the grocery store and at fast food establishments, but also in restaurants.<sup>123</sup> I'm always amused when I see that. I like to give myself credit, and although I never have been given credit, I would like to think that I started that.

#### XXI. FACULTY COLLEGIALLY, 1960S TO EARLY 1980S

Harold Reuschlein was married to Marcie. During that era, there were faculty parties and get-togethers. Various buffet dinners—drinks, dinner, socializing. It was much more effective back then when the faculty was a lot smaller. The faculty was more cohesive at that time. Marcie certainly was one of the wives who motivated or encouraged the social get-togethers. She and Harold had faculty to their home. There was always an iced pitcher

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120. See Charles E. Cantú, *Fattening Foods: Under Products Liability Litigation Is the Big Mac Defective?*, 1 J. FOOD L. & POL'Y 165, 167 (2005) (“[I]f we use McDonald's Big Mac as a symbol for fast food consumption, can we hold it liable for America's problem with obesity?”).

121. *Id.*

122. See Charles E. Cantú, *Fattening Food: Should Purveyors of Fast Food Be Required to Warn? A Call for a New Tort*, 2 J. FOOD L. & POL'Y 39, 40 (2006) (“[N]ewspapers carry daily articles on the most recent study regarding risks related to obesity. Heeding these concerns, the federal government has added its own impetus by requiring the packaged food industry to list, not only nutritional information, but also calories.”).

123. See *id.* (“Information of this sort is already in use in some restaurants, and has been required for prepackaged foods ranging from candy, chips, canned goods, cereals, nuts, and other foods. Studies show that consumers who read labels are likely to have healthier diets. Under a tagging system our goal could be met. The ultimate consumer would be informed, because in all likelihood they would notice the colored tag, and hopefully, they would choose accordingly.”).

of martinis served very abundantly. The faculty was more sociable at that time, and Marcie was, as I recall, one of the ring-leaders in encouraging this type of environment.<sup>124</sup>

The brothers, the Marianists, I should say, used to have us, every fall I believe, to their home for dinner. There was a cocktail hour and there was a dinner. As I recall back in the 1960s they were elaborate events, very nice affairs.

## XXII. LL.M. AT MICHIGAN, 1978–1979

In 1974, Page Keeton had stepped down as dean at the University of Texas.<sup>125</sup> A perfect gentleman and excellent scholar, he elected on his own to leave Austin for one semester so as to give his successor free reign and not have the shadow of the former dean hovering over him. Keeton came down to St. Mary's at Ernie Raba's invitation. The subject of products liability was one that was emerging in curriculums across the country. I had

124. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Professor Vincent Johnson (Nov. 14, 2017) (on file with author) (discussing the social atmosphere amongst the faculty). As explained by Dittfurth:

Tom Black was my mentor. He was my mentor in the sense that he would periodically tell me to shut up and not make any more comments in faculty meetings. I have to admit he was probably right; my life would have been a lot easier had I not been as talkative, or as assertive.

Tom took care of a lot of us . . . [Dean Raba and Dean Castleberry] did not really take over as the social leaders of the law school. . . [O]n the other hand, Tom and [Mary Ann] Black would throw parties, and he would invite members of the faculty. John [Schmolesky] could come in his sandals with his beard and not be criticized. I think, in that sense, Tom was a protective influence for many of the younger faculty, and certainly for me.

. . . .

[Tom started to teach on the law faculty] I believe in 1974.

. . . .

Just a year before [me]. Of course, he had gone through a rather extensive legal practice, and he had gone from a law firm to working for John Hill as an Assistant Attorney General, and he was involved in the litigation that was decided by the Supreme Court, *Louisiana v. Texas*, litigation which determined the border between those two states.

Once that was completed, he had come to St. Mary's, and I believe that he had been an adjunct at the University of Texas Law School, as well. So, he understood law faculties and he seemed to have a very good understanding of our law faculty. He was my friend, and also my mentor. I think he provided that sort of influence and support for a lot of people.

*Id.*

125. See *Werdner Page Keeton*, TEX. ST. CEMETERY, [http://www.cemetery.state.tx.us/pub/user\\_form.asp?pers\\_id=2954](http://www.cemetery.state.tx.us/pub/user_form.asp?pers_id=2954) [<https://perma.cc/BSB9-SKEW>] (“Page served as dean of The University of Texas School of Law from 1949 to 1974.”).

been told that as a torts professor, they wanted me to develop a course in products liability. So, I took advantage of Dean Keeton's presence on the faculty. Not only did he teach a section of products liability, he allowed me to sit in on his classes for free. So, I sat in on his class and we became friendly. He encouraged me to obtain an advanced degree.

I applied to all the big schools: Harvard, Chicago, Stanford, and Michigan. Because of his influence, and because of his intervention on my behalf, I was accepted to the University of Michigan for the entering class of fall 1978. I was granted a one-year sabbatical, and I was the first member of the St. Mary's faculty to be granted a sabbatical. It allowed me to go off to earn a degree. Today, we are granted sabbaticals to rest, or to research and publish. I was given a year's sabbatical at half-pay. My pay at the time was \$30,000. I went off at half-pay, \$15,000. It was rather stringent to exist on that amount of money in Ann Arbor and to make payments on a house that I had just purchased here in San Antonio. Do you know what Ernie Raba's farewell gift for me was? A check for \$100. To help with my expenses on the way up to Michigan.

I loved my time in Michigan. I was chided by my friends that I had "failed winter," but it was a great experience. I fell in love with Ann Arbor in the fall. I did get somewhat depressed. We had our first snowfall Thanksgiving weekend, and we did not see the ground again until way after Easter. I had to come home for Christmas because the sun would set at 4 o'clock in the afternoon, and you would not see the sun again until late mid-morning the next day. There was white everywhere you looked. Nothing but snow and ice. I remember so clearly when I came home for Easter that year, the plane took off from the Detroit Metropolitan Airport and it banked over Lake Erie. There were trucks on the lake. Individuals were ice fishing. Two weeks later when I came back the ice had melted, the snow was gone, the tulips were in full bloom, and I fell in love with Ann Arbor all over again. It was a great experience. Wonderful.

Michigan has a wonderful law library.<sup>126</sup> It was huge. It's a very impressive building. The architecture is one of a kind. The story was that the individual who endowed the University of Michigan Law School had been the patent attorney for Thomas Edison. Instead of being paid in cash, he took a percentage of the patents. So, he was wealthy beyond anyone's

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126. See *Law Library*, U. MICH. L., <https://www.law.umich.edu/prospectivestudents/lawlibrary/Pages/default.aspx> [<https://perma.cc/KKD5-SJ3T>] (describing the law library at Michigan).

means, and I believe he endowed the University of Michigan with \$20 million to build the law center, which is gothic in its appearance. It could never be replaced today. The architecture is so profound that when they extended the law library in the 1980s, they elected to go underground instead of building an annex or an extension because they could never duplicate the architecture.

My LL.M. thesis topic was privacy. Of course, it was too lengthy for a law review article, but I published it in a revised form.<sup>127</sup> Additionally, I wrote a chapter on privacy in *Texas Torts and Remedies*<sup>128</sup> (I also did chapters for that treatise on assault and battery, and on false imprisonment).

### XXIII. GROWTH OF THE FACULTY, 1981–1983

Between 1981 and 1983, there were nine persons added to the full-time faculty at St. Mary's. Six of them served on the faculty for roughly thirty-five years each. That includes Bonita K. Roberts,<sup>129</sup> Robert L.

127. See generally Charles E. Cantú, *Privacy*, 7 ST. LOUIS U. PUB. L. REV. 313 (1988) (discussing various causes of action under tort for privacy violations).

128. JAMES B. SALES & J. HADLEY EDGAR, *TEXAS TORTS AND REMEDIES* 53 (Matthew Bender Elite Prods. 6th ed. 2017).

129. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (“I joined the faculty in the fall of 1981”). Roberts describes how she was hired as follows:

I was hired entirely out of the ordinary cycle. What I was told was that during the ordinary hiring cycle there had been several prospects, but no bites [from] those prospects. I didn't contact the law school, the law school contacted me. It was the dean [Castleberry] who contacted me. The dean and his wife were headed to New Orleans for the Fifth Judicial Conference, and that's how I first learned about St. Mary's, and had any sort of, I guess you'd call it an informal interview, because it certainly wasn't formal in the context of the ordinary hiring process. I met the dean and his wife . . . at a local New Orleans restaurant, and from there we proceeded to arrange a campus visit. After that, that was a couple weeks later, we're headed now into May of '81, and my campus visit went a lot like they do these days. You go from office to office and listen to people talk at you, and just generally hope to survive the day. But, in those days . . . there was no job talk [by the candidate].

Thereafter, the Castleberrys had invited me for a particular weekend because in those days they were having an annual party at their Sunday house in Fredericksburg. They were hoping I could come out to the Hill Country. In fact, David and Sharon [Dittfurth] drove me to the Castleberry house in Fredericksburg. It was a very successful play because I was really enchanted with the city, and I thought that the Hill Country [was] very beautiful, too. So, at the end of all of that Jim took the package, the CV, to the faculty and they approved me, and then we came to terms. I had a list of terms that I was emphatic about because I had just turned down the same job at my own alma mater. So, I had a list of things that I absolutely thought were essential. . . . I said, “If you can't do this for me, I'm not coming.” And he said, “I can do this for you.” So, one of the things that was the most important on that list was a tenure track job. In the early '80s

Summers,<sup>130</sup> and John Schmolesky (deceased),<sup>131</sup> all of whom were hired in 1981; Vincent R. Johnson<sup>132</sup> and Gerald S. Reamey,<sup>133</sup> who were hired in 1982; and David A. Schlueter,<sup>134</sup> who was hired in 1983. Two other faculty members hired during that period (Henry Johnson<sup>135</sup> and Gerry Beyer,<sup>136</sup> both of whom joined the faculty in 1981) spent at least twenty years at the law school.<sup>137</sup> This was a major change in the composition of the faculty, no question about it.

The individuals who were hired early on during Castleberry's tenure as dean were hired by him. When our present president, Tom Mengler, was first on campus, I was dean of the law school. We were having lunch one day and he told me a very interesting story. Tom Mengler had been working for the Texas attorney general in Austin and was interviewed by Jim

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legal research and writing directors were not accorded much of any status. So, the offer of that tenure track job was unusual in those days.

*Id.*

130. See Robert L. Summers, Jr., *supra* note 101 (detailing Professor Summers's qualifications).

131. See John M. Schmolesky, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/john-schmolesky/> [<https://perma.cc/F529-EK5H>] (highlighting Professor Schmolesky's biography).

132. See Vincent R. Johnson, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/vincent-johnson/> [<https://perma.cc/XC2G-32WE>] (noting Professor Johnson's accolades).

133. See Gerald S. Reamey, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/gerald-reamey/> [<https://perma.cc/7MYD-GJRZ>] (detailing Professor Reamey's qualifications).

134. See David A. Schlueter, *supra* note 98 (“In 1983, Schlueter accepted a position on the law faculty at St. Mary's University in San Antonio, Texas, where he has taught evidence, trial advocacy, constitutional law, criminal law and criminal procedure.”).

135. See Bonita K. Roberts, Tribute, *Henry F. Johnson, Professor of Law (1981–2008)*, *St. Mary's University School of Law*, 40 ST. MARY'S L.J. 7, 7 (2008) (noting Johnson spent twenty-seven years on the law faculty).

136. See Gerry W. Beyer, *supra* note 104 (“Prof. Beyer, a Texas and nationally recognized expert in estate planning, joined the [Texas Tech] faculty in 2005 as the first holder of the Governor Preston E. Smith Regents Professorship.”). Mr. Beyer served on the St. Mary's law faculty for twenty-four years, from 1981 to 2005. *Id.*

137. The sixth member of the faculty hired in 1981 was Glen Ayres. See Craig A. Gargotta & William R. “Dick” Davis Jr., Tribute, *In Memory of Roderick Glen Ayers, Jr. (1947–2017) Professor of Law St. Mary's University School of Law*, 49 ST. MARY'S L.J. xiii, xvii (2018) (“Glen taught at The University of Mississippi's law school in Oxford, Mississippi for several years. Glen loved teaching, and in 1981, he returned to San Antonio to take up a post at St. Mary's School of Law teaching the Uniform Commercial Code and Bankruptcy.”). Ayres left the faculty in 1985 to accept appointment as a U.S. Bankruptcy Judge—serving as Chief Bankruptcy Judge for the Western District of Texas from 1985 to 1988. *Id.* at xvi.

Castleberry, who was dean at the time.<sup>138</sup> After the meeting, Jim Castleberry evidently liked Tom Mengler and approved of him and said, “You’re hired.” and Tom Mengler said, “Shouldn’t I go down and meet the faculty?” Jim Castleberry’s response was, “That won’t be necessary.” I think that story illustrates very clearly what the hiring practice was under both Raba and Jim Castleberry. They were a one-man rule.

#### XXIV. THE YOUNG TURKS, 1980S

Those of us who had been hired by Dean Raba, and the one or two that had been hired by Jim Castleberry, did not object when Castleberry, without consulting us, hired six full-time faculty members in 1981. We were not only used to this manner of administration, but what did we know about faculty governance? We did not know any better and we accepted it. The hiring between 1981 and 1983 included some “young whippersnappers.” That group included John Schmolesky, Geary Reamey, and Vincent Johnson. It was a new show for them, and they did not like a one-man rule.<sup>139</sup> There was some rebellion, small at first, but it built. That was the beginning of a transformation.

The “young turks” did not like the yoke of control. One of the visible older members of the faculty who was somewhat aligned with the young

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138. See Jim Winterer, *Thomas Mengler Named President of St. Mary's University in Texas*, U. ST. THOMAS NEWSROOM (Feb. 13, 2012), <https://news.stthomas.edu/thomas-mengler-named-president-of-st-marys-university-in-texas/> [<https://perma.cc/DV7D-7VYB>] (reporting on President Mengler’s new position at St. Mary’s).

139. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Professor Vincent R. Johnson (Nov. 14, 2017) (on file with author) (identifying “some faculty members” as “naturally trouble makers, upstarts,” and “persons who want to change things”). According to Dittfurth:

[Charles Cantú] was easygoing, I would say, a charming sort of guy. He had good manners. He was just well-behaved. I didn’t have any of those characteristics, so I was very impressed by them. I don’t think he rolled over or kowtowed. I don’t think he had strong feelings [about] the political issues which riled up many of the other faculty members, myself included.

He moved through that era in, what I thought was easy fashion. He wasn’t ruffled, he wasn’t buffeted. In some ways, that was a good thing, because I think, at some point, we had a lot of buffeting going on. The younger faculty became increasingly aroused by their lack of power, and the powers that were became quite aroused that we were doing that. Through all of that, I think Charles, more or less, sailed on. He did what he liked to do. He did his teaching. He was beginning, I think, about that time to start to publish more frequently.

*Id.*

turks was Tom Black.<sup>140</sup> He was hired by Ernie Raba in 1974, and was very liberal, politically and socially. His obituary in 2016 signed off by saying he was a jazz fan—he named a couple of his favorites—and said, “[I’m] proud to be a lifelong liberal Democrat.”<sup>141</sup> Tom was not politically aligned with the strict authoritarian views of Jim Castleberry at all.

The young turks were aligned with the students, and so was Bob Hobbs, another member of the faculty. Bob Hobbs was a very interesting character. He married Virginia Jones Hobbs, who had come from a very wealthy family. I guess you could describe her as an heiress. Bob had a very successful practice in Fort Worth dealing with estates. He retired, and didn’t like retirement, and decided he wanted to teach. Bob was very pro-student and was always having students over to their home. Matter of fact, when they moved to San Antonio, they bought the Joe Frost estate in Terrell Hills, which gives you some indication of the financial wherewithal with which he arrived. Bob was with us for several years. He and Tom Black had offices next to each other and, because of that, were very friendly.

Judge Jack Miller was a retired judge who came on the faculty and was in charge of our advocacy program.<sup>142</sup> Jack Miller was a wonderful person. Even if he disagreed with you, you could not help but like him. Jack supported Jim Castleberry and tried to talk to him, as did Bob Hobbs, on some of the things that they thought he was doing wrong. But Jim Castleberry had blinders on. He knew where he was going and how he was going to get there.

In the early 1980s, every faculty member was at the law school every weekday, all day, from perhaps 9:00 in the morning, if not earlier, until late in the afternoon. Presence on campus for a long period of time on the part of the faculty, every day, was expected. That was the norm, and there really wasn’t any variation. That has changed over the years.

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140. See *Thomas Black (1928–2016)*, SAN ANTONIO EXPRESS-NEWS (Sept. 23, 2016), <https://www.legacy.com/obituaries/sanantonio/obituary.aspx?n=thomas-black&pid=181531181> [<http://perma.cc/W2XT-BY3K>] (detailing the life of Thomas Black).

141. See *id.* (“In a world of doubt and cynicism he remained steadfastly loyal to the music and memory of Bix Beiderbecke and to the New York Yankee baseball team, and he was proud to be a lifelong liberal Democrat.”).

142. See *Judge Jack Burleson Miller*, FIND A GRAVE (Mar. 29, 2011), <https://www.findagrave.com/memorial/67617523/jack-burleson-miller> [<https://perma.cc/M5QN-J5L4>] (detailing the life of Judge Miller).

## XXV. EDICTS FROM THE DEAN, EARLY 1980S

Jim Castleberry carried the one-man rule further than Raba. He started issuing these edicts from the dean's office. For example, "No food or drink in the classrooms." We had just re-carpeted the classroom building at a tremendous expense. He did not want coffee stains on those rugs. An edict went out, "No coffee," and that was expanded to, "No drinks, no food." Then he took out the candy machines from the classroom building. This was shortly followed by another edict that sent the student body almost into revolution. "No shorts." I think "edict" is a very appropriate term to use to describe Castleberry's conduct.

Castleberry was dean in the days before email. He would issue a notice to the faculty, and we would have to initial and return it, to show that we had received it and that we had read it. Looking back, I think that's kind of silly. But, that's an insight into Castleberry's character.

What amazes me now, after all these years, looking back on it, is why did the faculty accept that? I have no idea, other than the fact that the majority of us were accustomed to it. The dean said, "no shorts," and therefore no shorts. The younger faculty started asking why? That started the arguments that eventually led to Castleberry's downfall.

Castleberry was a tough dean. When I look back on Jim Castleberry's tenure as dean, I am in awe and I wonder why the law faculty allowed him to do some of the things that he did. There was one incident when a young man at a fraternity party, held off campus, dove into the pool nude. One of the female students objected. When the matter was discussed at a faculty meeting, the faculty expelled him. It was only Dean Raba, in the back of the room, who proclaimed, "She didn't have to look."

Castleberry alienated a segment of the student body that has never gotten over it.<sup>143</sup> No question about it. Some of the students formed a "not a

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143. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (commenting on the relationship between the dean and the law students). As recalled by Roberts:

When I arrived here I was shocked at the animosity between the dean and the students. In fact, shortly after I arrived when the fall semester began, the dean held a town hall, we would call it now, with the entire student body, and [classrooms] 101, 102, and 103 were stuffed with angry students. I sat in the back, I was sitting with Charles [Cantú] as a matter of fact, just watching this dispute roll on, and it was terribly combative, and very unpleasant. It was a fight over something that is almost unbelievable.

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dime club.” There were buttons that were sometimes worn. The students were letting it be known that they were so unhappy that they would never contribute a dime to the law school. When I became dean many years later, I changed that.

I wish I had the staff for alumni development that Dean Sheppard now has.<sup>144</sup> I was a one-man show when it came to fundraising. I called on individuals who I had not only in my classes, but also students who I had kept up with and was on a friendly basis. Many times, when I would call on someone, they would say, “No, I’m not giving a dime. I can remember when Jim Castleberry was so rude to me, when I was called into his office for wearing shorts to class.” There were other stories, some about Raba.

At first, I was shocked that these individuals not only remembered, but that they were still hurt. They were still so angry over these slights—in some cases twenty or thirty years later—that it prevented them from contributing to their alma mater. Finally, I decided these individuals do not want to give and they’re using this as an excuse. I never said that to their face because I did not want to alienate them any further, but it was quite obvious to me that this was an excuse not to give.

When Barbara Aldave became dean in 1989, she abolished the no-shorts rule. When she was moving in, her husband, Raphael, was carrying a box for her from their car and they took it into the law library for storage. Raphael walked in, wearing shorts, with this box and every student in the library at the time stood up and gave him a standing ovation. The ban on shorts lasted about a decade under Castleberry. When I was a student in the early 1960s, shorts for men were not in fashion, so there was no issue about wearing shorts.

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It was a fight over the vending machines in the classroom building. Jim had had them removed during the summer before I arrived, and so the returning students walked into a classroom building with no access to edibles, but more importantly no access to coffee. I still remember the person who was editor in chief of the law review saying words to this affect, “I don’t care, I want my coffee.” The meeting ended rancorously.

*Id.*

144. See generally *Contact Us, School of Law Advancement*, ST. MARY’S U., <https://alumni.stmarytx.edu/support/contact-us/> [<https://perma.cc/KE8P-4LJB>] (listing the school of law advancement staff: Executive Director of Law Advancement Joel Lauer, Senior Director of Development Jeremy Barnes, Director of Development Anthony Alcoser, Director of Law Alumni Relation Collanne Bramblett-West, and Administrative Assistant Christina Gauna).

## XXVI. TOUGH GRADES

Did tough grading standards at the law school contribute to student unhappiness? No question, that was one of the causes.<sup>145</sup>

Orville Walker<sup>146</sup> joined the law faculty on the same day as Jim Castleberry in 1955, and by the 1960s, he had the reputation of being the toughest grader in the law school. He certainly contributed to many students failing and had no remorse whatsoever. Orville was a cigar-smoking, southern individual, very pro-segregationist. He had been a hobo during the Depression and had “ridden the rails,” jumping on trains and crisscrossing the country. He had some very interesting stories about that time. When I was a child, I remember individuals of this sort appearing at our back door asking for food and money. They would put a mark on the curb with chalk or a rock, or they would put a check mark in front of a house, which meant that the residents there were receptive to these requests and would give money or food to individuals.

How Orville Walker went from being a hobo, riding the rails, to a graduate of the University of Texas Law School is something of a mystery—I never got that story. He was an avid University of Texas football fan. I do not think he missed a single game wherever they played. But, he was one tough grader. Not only was he a severe grader, but the numerical grading scale also made it very easy to flunk out. If you got a very low numerical grade in a course, that would bring you down like a lead weight. The saying at the time was it was easy to get into St. Mary's Law School, but hard to stay in (because of the grading system).

It was not until Barbara Aldave arrived in 1989 that we began to dicker with this grading system and changed it to letter grades. Not only was

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145. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (relating the students fears of “flunk[ing] out” of law school to “a number of the senior faculty” feeling “free to give out failing grades”). According to Roberts:

[W]hen I arrived here [in 1981] there was real fear in the students that they might flunk out. This was true even in the second and third year classes, because a number of the senior faculty that taught those classes felt free to give out failing grades, and they did. Sometimes seemingly with abandon. That in turn, I think, produced an atmosphere that was a lot less relaxed, for obvious reasons, than there is now. It may, this is anecdotal though, have produced better study habits than what I sometimes see in upper level students right now.

*Id.*

146. See Pope, *supra* note 30, at iv (marking Walker's retirement from the law school after teaching there for thirty-two years, from 1955 to 1987).

Orville Walker a tough grader, we were all encouraged to grade very strictly. As a matter of fact, Jim Castleberry would review our grades. The grading system lent itself to flunking out students. We may have had a higher bar passage rate because we were excluding the weaker students during the three years that they were here. Bar passage is a combination of all these things.<sup>147</sup>

#### XXVII. RABA AND SARITA KENEDY EAST

Ernie Raba published his memoirs of the law school back in the early 1980s.<sup>148</sup> There is an interesting story of where the money came from to build the new law library. One of the key individuals, who had no connection to St. Mary's University whatsoever, other than the fact that she had known Ernie Raba since he was a child, was Sarita Kenedy East.<sup>149</sup> This woman was part of South Texas royalty, if you want it designated as such. She was an immensely wealthy individual, attributable in very large part to oil.<sup>150</sup> She had promised Ernie Raba that when she died she would leave the law school three and a half million dollars with which to build a law center.

Few people realize that the Rio Grande Valley, as we know it today, in prehistoric times was a delta. The delta was formed by the Rio Grande River, which the indigenous people sometimes referred to as El Rio Bravo del Norte.<sup>151</sup> The head waters of the Rio Grande are in lower Colorado, just north of the New Mexico border.<sup>152</sup> The river winds its way to the Gulf of Mexico and creates the border between what is now South Texas and Northern Mexico.

At times, the Rio Grande is a mere trickle. I myself have crossed the river in New Mexico where you could literally step across it. It's that narrow, but

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147. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) ("I think the reason for it was that the standards, academic standards were let down a great deal. So that, literally, I don't think anybody got flunked out. Our bar passage rate went to pieces. I mean, it went down[,] I guess, down to 40% for a while.")

148. See generally RABA, *supra* note 83 (describing Raba's time at St. Mary's).

149. See Laurie E. Jasinski, *East, Sarita Kenedy*, TEX. ST. HIST. ASS'N (June 12, 2010), <https://tshaonline.org/handbook/online/articles/fea14> [<https://perma.cc/D285-8EXQ>] (detailing the life of Sarita Kenedy East).

150. *Id.*

151. *Rio Grande: New Mexico, Texas*, AM. RIVERS, <https://www.americanrivers.org/river/rio-grande-river/> [<https://perma.cc/6AQ8-A2T7>].

152. *Id.*

there can be tumultuous flooding. In my lifetime, I remember seeing what was left of the international bridge in Laredo that had been swept away by floods, and we had to cross on a pontoon bridge. So, it really can be a Rio Bravo.

This delta must have been very lush in prehistoric times. In my mind, I kind of picture it being what the Everglades are like today. As a result, in modern times, it transformed itself into an ocean of oil.

Before the Civil War, Captain King and his good friend Captain Kenedy were paddle boat captains on the Mississippi River.<sup>153</sup> After the war, they both found their way to South Texas and were plying their trade up and down the Rio Grande River, transporting goods, primarily cotton, I assume, to the mouth of the river where it was loaded onto ships for transportation out to sea.<sup>154</sup>

Both of these individuals acquired massive amounts of land in South Texas.<sup>155</sup> Captain King eventually formed the King Ranch, which is known worldwide.<sup>156</sup> Captain Kenedy formed La Parra.<sup>157</sup> I am not sure what that means in Spanish, but Kenedy had a ranch of 400,000 acres, almost all of which was on top of this ocean of oil.

Sarita Kenedy was Captain Kenedy's granddaughter.<sup>158</sup> Named "Sarah" but called "Sarita," she later married Mr. East.<sup>159</sup> They never had children. Sarita transformed the old headquarters of the ranch into the ranch house, as well as the tower of the old headquarters, which had been a lookout for Indians.

Sarita Kenedy East was a widow in her early forties, and on the ranch, had a cemetery where she buried both of her parents. Her mother was a Turcotte from New Orleans.<sup>160</sup> Some of her descendants were subsequently students here at St. Mary's Law School.

153. See Bruce S. Cheeseman, *King, Richard*, TEX. ST. HIST. ASS'N (June 15, 2010), <https://tshaonline.org/handbook/online/articles/fki19> [<http://perma.cc/W4PW-FYM7>] (indicating Richard King met Mifflin Kenedy and subsequently became lifelong friends while serving in the Seminole War in Florida).

154. *Id.*

155. *Id.*

156. *Id.*

157. See Jasinski, *supra* note 149 (stating Mifflin Kenedy was the "founder of the vast La Parra Ranch in what was then Cameron County (now Kenedy County)").

158. *Id.*

159. See Gary Cartwright, *Sarita's Secret*, TEX. MONTHLY (Sept. 2004), <https://www.texasmonthly.com/articles/saritas-secret/> [<https://perma.cc/LGM9-TR3J>] (detailing the life of the Kenedys).

160. Jasinski, *supra* note 149.

Sarita had buried her parents, her husband, and her only brother.<sup>161</sup> One day, she was out on her hands and knees with her sister-in-law, tending to the graves of the family,<sup>162</sup> when she looked up into the piercing green eyes of this very handsome young monk, and immediately fell under his influence.<sup>163</sup>

There's a very interesting book written about this, called *If You Love Me, You Will Do My Will*.<sup>164</sup> I recommend it. The opening paragraph gives a very clear impression of Sarita Kenedy East and of the times:

[The] limestone dust hung thick over the old desert during the drought of the early 1950s. By day it bleached the [S]outh Texas sky bone white and at dusk, it transformed the sun into a blood-red balloon on the horizon. On these eerie crimson evenings, when the gloomy headquarters house at La Parra, and that was the name of the ranch, the Headquarters house at La Parra felt most like a tomb, Sarita Kenedy East would put on her black-lace mantilla, genuflect before her bedroom altar, and then slowly make her splay-gaited way up into the gun tower atop the Headquarters, where she sat alone, surveying her endlessly flat, 400,000-acre domain.

The servants reported that the widow often remained in the tower well past dark, sipping her tumblers of scotch and sometimes boozily yodeling the exuberant country-and-western dance tunes of her youth. But most of the time—and this is what touched and saddened the ranch's vaqueros and their families—La Parra's barren *patrona* made no sound at all. From their doorsteps they watched her silhouette until she was lost to them in the later hours of milky moon glow, still sitting silently, searching the far limit of the featureless terrain.<sup>165</sup>

Despite her immense wealth, and besides the importance of her family, having had no children, having lost her only brother and her husband, she must have been a very lonely person. I think this is what led her easy submission to the influence of this Trappist monk.

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161. *Id.*

162. Cartwright, *supra* note 159.

163. *See id.* ("Handsome and magnetic, the monk became Sarita's closest spiritual adviser for her remaining thirteen years; some historians suspect he was her lover too.")

164. *See generally* STEPHEN G. MICHAUD & HUGH AYNESWORTH, *IF YOU LOVE ME, YOU WILL DO MY WILL* (1990) (detailing the life of Sarita Kenedy East).

165. *Id.*

When Sarita died there were two wills.<sup>166</sup> One will left the bulk of her estate to her family, her heirs, and her relatives.<sup>167</sup> The other will left the bulk of her estate to the Catholic Church.<sup>168</sup> Oddly enough, and luckily enough, St. Mary's was in both wills for the identical amount of money.<sup>169</sup> Needless to say, the Catholic Church and the family contested these wills—for close to twenty years. The case went up the appellate process, back down to the trial court, and back up through the appellate process.<sup>170</sup> Eventually, the case was settled.<sup>171</sup> The father of Lee Lytton, who taught on our faculty for many years, was the executor, I believe, of the estate. I'm not sure how much we eventually inherited from Sarita Kenedy East,<sup>172</sup> but what was supposed to pay for the Law Center paid for the construction of what is now our law library. This is why it is named the Sarita Kenedy East Law Library.

When Sarita was growing up it was the custom at that time for wealthy ranching families to have a house in San Antonio, where they would come periodically for shopping, to see their doctor, or for whatever reason. The Kenedys had a house down in the King William area of San Antonio, where Dean Raba grew up.

As a child, Raba used to play in the Kenedy home and became acquainted with Sarita. He developed a friendship with her. Because of that friendship, she left provisions in her will for, I believe at the time, \$3.5 million, which was supposed to pay for the entire law center when it was built.

Even though Raba was no longer dean in the 1980s, he gets the credit for raising the money for the new law library. He was solely responsible. Jim Castleberry used to accompany Dean Raba on trips to South Texas. On more than one occasion, I drove them. That's where I got my feet wet, so to speak, with fundraising. I learned from Dean Raba and Jim Castleberry,

166. See Jasinski, *supra* note 149 (“Other relatives also contested her 1960 will and wished to reinstate her 1948 will dividing the estate among various beneficiaries. Over the course of the battle more than 200 people claimed to be legitimate heirs.”).

167. *Id.*

168. *Id.*

169. See *generally id.* (discussing the distribution of Ms. East's estate).

170. See *State v. Fernandez*, 159 S.W.3d 678, 680–81 (Tex. App.—Corpus Christi 2004, no pet.) (detailing the procedural history of the probate challenges).

171. See Jasinski, *supra* note 149 (“In 1964 a settlement regarding the foundation resulted in the splitting of assets.”).

172. See Leopold, *supra* note 1, at 5 (“Dean Raba was instrumental in laying the framework for a \$7.5 million grant from the Sarita Kenedy East Foundation, which financed the building of a new law library and the renovation of the old library into the faculty office building.”).

by observing them. Jim Castleberry wanted credit for securing this gift, but it was solely due to the efforts of Dean Raba and his relationship with Sarita Kenedy East and her family that we were able to receive that money. That was made clear years later, publicly, during a reception when President John Moder<sup>173</sup> called out Jim Castleberry and said, “Who was it? You or Dean Raba?” and Jim Castleberry responded, “It was only Raba.”

#### XXVIII. SARITA KENEDY EAST LAW LIBRARY, 1984

During the 1980s, the biggest, tangible change in the law school, I think, was the building of the Sarita Kenedy East Law Library. As a matter of fact, the building of the Sarita Kenedy East Law Library totally transformed the law school campus. The round building, which had previously been the law library, was renovated to become a new faculty building. The old faculty building was reconfigured into the law administration building. Together, the three original buildings of the law center, and the Sarita Kenedy East Law Library, form a perfect quadrangle. We had, for the first time, a quad at the law school.

The plans for the new law library, were, for the time, very elaborate, and it was a state-of-the-art building. I was not on the building committee. That was Al Leopold and Jim Castleberry, together with the architect.<sup>174</sup> They worked on it for months. I remember, at the time, Al Leopold wanted to go one step further and have underground parking beneath the new library for the faculty. But, by the time they were finishing the building and renovation projects, they were running out of money.

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173. Moder served as president of St. Mary's University from 1988 to 2000. See Robert D. Wood, *St. Mary's University, San Antonio, TEX.* ST. HIST. ASS'N (June 15, 2010), <https://tshaonline.org/handbook/online/articles/kbs48> [<https://perma.cc/RPU8-BQT2>] (listing former and present presidents of St. Mary's University).

174. The architect for the Sarita Kenedy East Library was ultimately Jones & Kell, Inc.. An initial, unsuccessful design had been prepared by O'Neil Ford. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“[Ford] was a very well-known architect in San Antonio. He designed the library, and his idea was a grand entry. Big stair case going up to the second floor. The committee didn't like that at all. And Castleberry didn't want to have anything to do with it. Well, it finally came to the point where O'Neil Ford was, you might say, fired. Not allowed to continue, or maybe he quit. I'm not sure which. Then, they got another architect, who . . . buil[t] it the way that Castleberry wanted it built. And the committee of course agreed to it. Dean [Harold Reuschlein] was on that committee. He was all in favor of what they call [clerestory] windows, windows up on the top. And I don't think Castleberry wanted to have anything to do with it. You won't find any in the library. At least none that I know of.”).

The remodeling of the round building for faculty offices consumed more money than they had planned. Originally, there had been a veranda all the way around the first floor of the round building. Part of that was closed in to add classrooms and seminar rooms. I remember one morning, Jim Castleberry arrived, and he didn't like the steel that was being used to contain the glass windows, so they had to change all of that. Long story short, the underground parking did not come to fruition.

The Sarita Kenedy East Law Library has been a very successful building. After thirty years and literally thousands of students, as well as lawyers from downtown, going in and out, it has some wear and tear. When I was dean, there were problems with the rare book room. The air conditioning would leak, and when it rained, the building would leak. However, it is normal for any building that size to have problems of this sort.

#### XXIX. THE ROUND BUILDING

The round building, which opened as part of the new law center in 1967, served first as a library.<sup>175</sup> The second floor had a "panopticon" arrangement, where the circulation desk was in the middle and the librarians could look out through a sort of wheel of spokes that was formed by the radiating shelves holding the books. The round building was not successful as a law library. I think that the architect was trying to put his stamp on the campus. There was a lot of wasted space in the round building.

The gift from the Kenedy Foundation in the early 1980s not only built the Sarita Kenedy East Law Library in 1984, it led to the renovation of the round building. When the gift was received, that was a time of high interest rates on bank deposits, something like 14%. So, within a single year during which the new library was being constructed, the gift of roughly seven million dollars earned one million dollars in interest. That was enough to pay for the renovation of what became the law faculty building, which was named the Raba Law Building in 1985.<sup>176</sup>

As part of the renovation, Castleberry enclosed part of the outdoor arcade that wrapped the first floor of the round building. Dean Raba was not happy; he made a special trip up the hill to speak with the president and ask him not to approve those alterations. But, Jim Castleberry prevailed, and as a result, he added quite a lot of square footage to that building.

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175. See Leopold, *supra* note 1, at 5 (discussing the naming of the new faculty office building).

176. *Id.*

On the second floor of the renovated round building, the faculty offices go the whole way around the perimeter of the outer circle. I think that has worked out well. There are some large offices and then some smaller offices with additional small rooms that were originally research carrels, but often now are used by faculty members for storage.

The Kenedy Library was completed in 1984 and the renovated round building was completed for use before the fall semester of 1985.<sup>177</sup> During the 1984–1985 academic year, as many as ten members of the law faculty were housed on the second floor of the Kenedy library in what were called the faculty research carrels. That suite of offices is at the northeast corner of the second floor and has a large, private outdoor terrace. Each room was about six feet wide and ten feet deep. Once a large desk, bookcase, and chair were in place, there was not much room to meet with students. The creation of the faculty research carrels was part of Jim Castleberry's plan to encourage the faculty to publish. Except in 1984–1985, the carrels were not extensively used by the faculty, and they were later converted for other uses, particularly to house the Career Services Office.

We were so excited as a faculty to move out of those “monastic cells,” as Jim Castleberry called them. We were thrilled with the space that we were being given in the newly renovated round building.

### XXX. NEW UNIVERSITY PRESIDENTS, 1970S AND 1980S

Father Louis Blume<sup>178</sup> was president during parts of Ernest Raba's tenure as dean (1947–1953, 1963–1973). They were very close. Father Blume used the Raba home as a retreat and would move in with the Rabas for two, three, or four days, when he wasn't getting along with some of his fellow priests or other Marianists. Father Blume would hide out in the Raba home.

Father Blume was succeeded by Father Jimmy Young. The university had four different presidents in the 1980s. They were Father James Young (1973–1981); Father David Paul (1981–1985); Father John A. Leies (1985–1988), and Father John Moder (1988–2000).<sup>179</sup> If the successive changes

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177. See *Sarita Kenedy East Law Library*, ST. MARY'S U. SCH. L., <http://lawlib.stmarytx.edu/news.html> [<http://perma.cc/YEJ4-M9TM>] (“Built in 1984, the library features a two-story facility of approximately 65,000 square feet.”).

178. See *Rev. Louis J. Blume, S.M.*, ST. MARY'S U. LOUIS J. BLUME LIBR. (Jan. 31, 2013, 1:59 PM), <http://library.stmarytx.edu/acadlib/about/lblume.htm> [<https://perma.cc/627R-24MC>] (detailing the life of Father Louis J. Blume).

179. See Wood, *supra* note 173 (listing the presidents of the university in chronological order).

in presidency affected the law school, those consequences may not have been noticed by the faculty.

It's hard to describe if you were not here at the time, but faculty were not as involved in the day-to-day decisions of the law school as they are today. The faculty went to class, mentored students, published, and went home. The administration of the law school was left to the dean. His relationship with the university administration was unknown to the faculty. It was not until there was a rupture that the faculty would become aware of a problem. One such occasion was the struggle over whether Castleberry would be reappointed as dean at the end of the 1980s.

#### XXXI. CASTLEBERRY DENIED RE-APPOINTMENT

At the end of the 1980s, there was a lot of political conflict going on at the law school. You would knock on someone's door and you would find that there were six faculty members inside discussing something. This went on for an extended period of time.

The effort to topple Castleberry was tumultuous. It was horrible. The worst part—it affected the student body. Students were beginning to get involved, and that's not right. Students should not be burdened with intra-faculty politics.

You have to go back in time and take all of the surrounding facts and circumstances into consideration. In sequence, Raba and Castleberry had each been dean for an aggregate of forty-three years, and they were very much in line with each other philosophically. They were each a one-man show when it came to being the dean. Jim Castleberry was probably more so, issuing edicts to the faculty and students. Why the faculty allowed this, I have no idea.

There was a great deal of tension, not only for the students but for the faculty as well. We had brought onto the faculty several younger individuals who were unaccustomed to the one-man show approach of Ernest Raba and Jim Castleberry. They were kind of straining at the bit. They wanted change. The third factor that came into play was that we had a president, John Moder, who was very inexperienced in administration. He was an assistant professor, had never chaired a department, had never had any administrative experience, and the Marianists literally plucked him from his assistant professorship and put him into the office of the president. In addition, Moder had an intense dislike for lawyers. He referred to us as "sharks."

So, all of these forces came into play. Jim's reappointment or non-reappointment was a very tumultuous event. There were rumors that there were lawsuits, or threats of lawsuits, and threats of injunctions being filed. Whether that's true or was idle gossip, I have no idea. Either way, it gives you an idea of the undercurrents. Ultimately, Castleberry was given notice that he would not be re-appointed.

#### XXXII. THE DEAN SEARCH TO REPLACE CASTLEBERRY, 1989

Jim Castleberry had his support group. They came to me and asked if I would be a candidate for the deanship. I agreed. This was very much opposed by the younger faculty.<sup>180</sup> They wanted someone from outside the law school. I don't think there's a better way to explain it or to describe it other than that the younger faculty wanted change. So, there was this tug of war. Was the perceived Raba–Castleberry philosophy going to continue, or were we going to have a total change in the law school and bring someone in from the outside.

It later became known to me that President John Moder, Academic Vice-President Charles Cotrell, and Tony Kaufmann, who was the Dean of the School of Science, Engineering and Technology, had spent a weekend down on the coast. I believe it was either Port Aransas or Rockport. Someone saw them. They were planning the search and how it was going to proceed. At that meeting, it was decided that the new dean would definitely be an outsider. That was totally unknown to the university community and to me.

So, the search was fixed from the outset; there is no question about it. In the end, it was a choice between me and Barbara Aldave, who John Moder fell in love with (they were two very philosophically attuned individuals, very liberal).<sup>181</sup> There was a choice between the two of us. However, Barbara

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180. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (discussing faculty politics). According to Roberts:

[A] number of faculty, based on what they told me personally, saw Charles as Jim's potential successor. I think that worked against him with the faculty. . . . [H]ad he become dean then, [and] that attitude persisted, I think there would have been a continuation of the problems that we faced on the faculty during the last years of Jim's deanship.

*Id.*

181. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (describing John Moder's influence in appointing Barbara Aldave to the deanship). According to Leopold:

Aldave was elected dean of the law school. That was a tremendous disappointment to me and very difficult to accept.

In retrospect, however, it was a wonderful decision. It was very beneficial to me because I could not have been as successful as dean then (in 1989) as I was subsequently in 2007. For one thing, I matured. For another thing, after Barbara Aldave and Bill Piatt served as deans, I think the faculty was ready for peace, which I was able to bring. I was also able to take advantage of the contacts I had made in the community to raise more money than all of my predecessors combined.<sup>182</sup> I also had the idea to establish our program in China. Overall, the best thing that could ever have happened to me was to not be named dean in 1989. It was better to be forced to wait until 2007, no matter how painful the decision had been back in 1989.

### XXXIII. ALDAVE BECOMES DEAN, 1989

Barbara Aldave<sup>183</sup> came in as dean on a tidal wave of goodwill. I lost to her in the dean search, but I was thrilled with her.<sup>184</sup> There were a few

[President Moder] was, you might say, more in favor of the university having more say so in the law school. He was the principal source . . . of appointing Barbara [Aldave] as the dean of the law school.

*Id.*

182. See Jennifer R. Lloyd, *St. Mary's Law School Dean Prepares to Leave Post*, SAN ANTONIO EXPRESS-NEWS (Dec. 3, 2013, 10:30 PM), <https://www.expressnews.com/news/local/article/St-Mary-s-law-school-dean-prepares-to-leave-post-5031951.php> [http://perma.cc/582L-Z3W2] (reporting Charles Cantú raised over \$8 million for 80 scholarships during his time as dean).

183. See BRANDON, *supra* note 9, at 87 (“[I]n 1989, [Barbara Aldave] became dean of St. Mary’s University School of Law, the first woman to hold that position not only at St. Mary’s, but at any law school in Texas.”).

184. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (commenting on Barbara Aldave being selected to serve as dean of the law school over Charles Cantú). During the Aldave administration, in which he served as associate dean for four years, Dittfurth explained:

I would say that younger faculty became more significant, in that they were playing a more active and a more effective role in engaging the faculty in different programs and making decisions for the law school and so forth. The movers and shakers became much younger.

. . . .

What I remember is that Charles and Barbara got along quite well. . . . [S]he liked him and I think he liked her. . . . [H]e would talk to his friends and would not be critical of her. I think he helped her in that fashion.

Dean Castleberry was not helpful in that fashion. It was of some significance that Charles did get along with Barbara, and that he was congenial.

individuals—Castleberry being one of them—who were not happy with her as the choice. Overall, she came in with a tidal wave of goodwill from the faculty, from the university community, and from the community in San Antonio.

Barbara is one of the most intelligent individuals I think I have ever encountered. As a matter of fact, and I said this many times, publicly as well as privately to individuals, it was difficult having a conversation with her, because she was always two or three different thoughts ahead of you. She was well-read; she was very well educated; she had a brilliant mind. She was a breath of fresh air.

Barbara had one serious flaw when it came to being dean, and that is, after a year or two, it became very clear that she had a political agenda. If you were a woman or a minority, you were going to be admitted if you applied, and you were going to be given a place on the faculty if you sought a position. This political agenda, I think, was her undoing. But, she was a good choice. She gave us a conscience.

For years, her husband Raphael and she were known as “Ralph and Barbara Aldave” (pronounced all-dave), even at the University of Texas. Once she was named Dean of St. Mary's Law School, somewhere on the drive from Austin to San Antonio, he became “Raphael” and their last name became “Aldave” (pronounced all-dau-vay). I've always thought that is rather amusing. But to this day, I think she still goes by Barbara Aldave (pronounced with a Hispanic cadence).

Once again, however, with Aldave the law school had a dean who was a “one-man show.” Oddly enough, she and Jim Castleberry shared the exact same birthday. The line of continuity was that each one of them really enjoyed a good fight. She was Jim Castleberry all over again in so many ways. Jokingly, I think the birthday coincidence sent many of us into believing into astrology. These were two individuals who carried the same characteristics. The only difference between them was their gender.

#### XXXIV. CLINICAL LEGAL EDUCATION AT ST. MARY'S

Barbara can be given credit for bringing the clinical program into existence.<sup>185</sup> Clinical programs are a relatively new phenomenon in legal

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*Id.*

185. See Sue Bentch, *A History of the Law Clinics at St. Mary's University School of Law*, 46 ST. MARY'S L.J. 285, 319 (2015) (“Nearly twenty-five years later, the seeds that Dean Aldave sowed are blooming and flourishing. . . . Dean Aldave's clear and compelling vision of what a Catholic law school

education. I think you can trace clinical programs back to the 1960s and 1970s when they started.<sup>186</sup> Barbara used her goodwill to establish our clinical program.<sup>187</sup> There was some hesitancy on the part of the faculty, but she pushed it through. On the downside, she attempted to pack the faculty with individuals who would approve of her programs without opposition. In retrospect, that was unwise.

To build the clinical program, Barbara acquired the former Marianist facility on Northwest 36th Street, north of the campus. It became the Center for Legal and Social Justice (CLSJ).<sup>188</sup> This fifth building of the law school, about a half mile down the road, has been the headquarters for the clinical program for more than two decades. When I became dean, it became very clear to me that the CLSJ facility is a financial black hole. It is in constant need of repair. It's an old building. The electricity, the air conditioning, the foundation, the roof, the carpeting, and the furniture have all required a lot of money. One of the shortcomings of my tenure as dean, something that I wish I had accomplished, was to have been able to raise the money for a new clinical program on campus. The distance between the law center and the CLSJ has a ripple effect. There is a separation that is not only physical. There is also a separation of clinicians from the rest of the faculty. I wanted very badly to bring them onto campus, but I ran out of time.

One of the downsides of the clinical program was that Barbara pushed it. She was dead set that we were going to have a clinical program. She brought it in by pure force of will. There was some resistance, but over time, I think, the clinicians have become completely and totally accepted as members of the faculty. Our most recent graduates, who grew up with and were educated with the clinical program, think it's a wonderful innovation.

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should be about and her creation of the Center for Legal and Social Justice to support the mission of the University and the law school have blossomed into vibrant clinics of which she would be proud.”).

186. See Tom C. Clark, *Teaching Professional Ethics*, 12 SAN DIEGO L. REV. 249, 256 (1975) (tracing the beginning of clinical education to pressure from advocacy groups in the late 1960s); see also Vincent R. Johnson, *Justice Tom C. Clark's Legacy in the Field of Legal Ethics*, 29 J. LEG. PROF. 33, 54 (2005) (“Justice Clark, a strong supporter of law school clinics at a time before they were a common feature in legal education, believed that clinical education had a special role to play in ethics education.”).

187. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“[Aldave] deserves credit for that. She did in fact bring in the clinical programs, and the justice center that we have up the street. And did a very good job. . . . That was certainly something the law school needed.”).

188. See Bentch, *supra* note 185, at 300 (“The legal clinics . . . moved to the Center for Legal and Social Justice, formerly the retreat house operated by the Marianist Sisters . . . . Dean Aldave urged the law school to purchase this building from the sisters to become the home for all of the clinics.”).

## XXXV. TENURE BATTLES, EARLY 1990S

In the early 1990s, during the first few years of the Aldave deanship, one of the issues was whether or not five persons who had been hired late in the Castleberry years would be granted tenure and permitted to stay on the faculty. There were disputes and some of them went into litigation. It hurt the law school in this respect; it split the faculty.<sup>189</sup> There were those who were very supportive of these individuals, and there were those who were very opposed to them. Unfortunately, this rift in the faculty reached the student body. The student body became involved, and that was very unfortunate. I don't think students should be involved in issues of this sort. It interrupts their concentration and their studies, and it is just not healthy for them to be involved.

The money that built the Kenedy Library came from the Sarita Kenedy East Foundation. Lee Lytton, Sr. was a trustee of the Foundation and was very instrumental in funneling that money to the law school. At Ernie Raba's urging, and with Jim Castleberry's full cooperation, as I recall, Lee

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189. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with the author) (discussing the dynamics of the faculty during the early 1990s). When asked about how the law school had changed during the last five decades, former University President Charles L. Cotrell stated:

I think the authority of the faculty grew substantially.

....

... I think that's as it should be. . . . [despite] the consternation of many alumni . . . that the law school has somehow slipped. The awareness of the faculty [about] what the law school meant to the law community . . . was reflected in the intensity of those battles over our passage rates that occurred over a number of deanships. Those disagreements and criticism by some alums may have really been brought about by other things that they did or didn't like.

... I think that people on the faculty have become really aware of how important the law school is to the state, community and region . . . . It's not just a place to hang your hat and your jacket and teach your class and go home. . . . I think there is a much greater emphasis, on the one hand on scholarship, really sound scholarship, and I think that there's probably, especially among many of the younger faculty, an awareness of the importance of extraordinarily innovative teaching. I believe that's the case throughout the university but it can be seen and it can be evidenced in the law school especially. . . .

... [T]here's an [increasing] awareness of national trends in law among faculty that we may have been able to ignore for many, many years . . . . I don't mean that the heat of competition is breathing down the necks of every faculty member, but law itself is changing and [there is] . . . evidence in the recent past and contemporarily that people recognize how law is changing. . . . Those are, to me, large, large changes in the evolution and modernity of the law school.

*Id.*

Lytton, Jr.<sup>190</sup> was brought on to the faculty without any say from the faculty. Unfortunately, he came up for tenure after Jim had stepped down and Barbara had become dean. There was encouragement from her supporters for her to change the character of the law school. The argument at that time was that Lee had never published. They were using that as the hammer to deny him tenure.

There was Linda Schlueter,<sup>191</sup> who had been brought on to the faculty as a legal research and writing instructor, who was the wife of David Schlueter, who had been an associate dean and was a professor at the law school. I think that Linda was terribly maligned, but there was an effort to get rid of her.

There was also Paul Bartlett, who had been brought on by Castleberry, who, again, had never published.<sup>192</sup> They used that as a hammer to deny him tenure as well.

There was Allan Parker,<sup>193</sup> who had published, was excellent in the classroom, and was a wonderful law professor. Unfortunately, he was very religious, very conservative, and very anti-Barbara. There was an effort to deny him tenure.

Finally, the last one was Marsha Merrill,<sup>194</sup> now deceased, a non-traditionalist who did not fit in well with the faculty.

So, we had these individuals coming up for tenure. Again, the faculty was divided. Those who were supporting them were the old Castleberry–Raba faction. Then, on the other side, we had the new younger faculty who were very opposed to them, who wanted change, not only in terms of ousting Jim Castleberry, but in the entire character of the faculty. Once again, we were at war. It was impossible to go through the Raba building without encountering murmuring behind closed doors, where meetings were taking

190. Leo Womack & Robert Summers, Tribute, *Tribute to Lee H. Lytton, Jr. (1943–2018)*, *St. Mary's University*, 50 ST. MARY'S L.J. (forthcoming 2019).

191. *Linda Schlueter, President and Attorney at Law*, TRINITY L. CTR., <http://trinitylegalcenter.org/Linda.html> [<https://perma.cc/WHZ7-UYL1>].

192. *But see* Henry F. Johnson & Paul Bartlett, Jr., *Is a Fistful of Dollars the Answer? A Critical Look at Dissenters' Rights Under the Revised Model Business Corporation Act*, 12 J.L. & COM. 211, 211 (1993) (noting Paul Bartlett, Jr. as a professor of law at St. Mary's).

193. *Allan Parker*, JUST. FOUND., <http://thejusticefoundation.org/mission-statement/who-we-are/allan-parker/> [<https://perma.cc/2BQN-V3JN>].

194. *Marsha Merrill Obituary*, SAN ANTONIO EXPRESS-NEWS (Dec. 28, 2012), <https://www.legacy.com/obituaries/sanantonio/obituary.aspx?n=marsha-merrill&pid=161994306&fhid=5701> [<https://perma.cc/G3J6-RD2E>].

place and plans were being made. It was a very, very difficult time to work here.

Of those five individuals, Lee Lytton, Jr. (now deceased)<sup>195</sup> is the only one who remained on the faculty long-term. Lee was excellent in the classroom and very much admired by the student body. They loved him as a law professor. His only downside was that he had not published.

Was Dean Aldave interested in whether faculty were productive scholars? I think so. She certainly encouraged it. But, Barbara, Jim Castleberry, and Ernie Raba had one common trait—that pay raises were determined more by loyalty than by productivity.

#### XXXVI. EXPERT WITNESS

The eight or ten times I was hired as an expert witness, the issue was always contract interpretation. I never published in the area of contracts, mostly in the area of products liability. I would encourage all younger faculty to volunteer or to work as an expert witness. For one thing, there is the extra income. For another, it really broadens your experience, and it gives you some tremendous war stories for your classroom presentations. I know as my own personal experience, whenever I would say in class, “In a case in which I was involved,” I could tell that the students’ interest would rise. I think it makes you a better classroom professor to participate in litigation as an expert witness, definitely.

#### XXXVII. THE CHARLES E. CANTÚ ENDOWMENT FOR THE FUTURE

As law professors, sometimes we are very popular with the class and other times not so popular. I still have a picture of the 1997 first-year class in my office. We seemed to just hit it off. It was one of my favorite classes of all time, the 1997 first-year freshmen. It was their idea to establish a fund to have a professorship named in my honor. Sister Grace Walle, seeing an opportunity to raise some money, changed their mind from a professorship to an endowment that would fund campus ministries. So they organized and sponsored a gala downtown at a hotel. The ringleaders were Steve Chiscano, Jeff Embry, Derick Rogers, Lyndon Nugent (who is U.S. President Lyndon Baines Johnson’s grandson),<sup>196</sup> and some other individuals.

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195. Womack & Summers, *supra* note 190.

196. *Lyndon Nugent*, TEX. ST. DEV. FOUND., <https://developmentfoundation.txstate.edu/about/board/1.nugent.html> [<https://perma.cc/MW3T-FYJH>].

To this day, individuals still contribute to that fund to help Sister Grace with her campus ministries.<sup>197</sup> I think I'm probably one of the few law professors in the country who has had an endowment created and named for him by his students. I am very, very proud of that. At the end of that first year, they took a class picture. Each one signed it. They framed it and gave it to me.

#### XXXVIII. THE ALDAVE DEANSHIP FALTERS, 1994–1998

Somewhere in the middle of the 1990s, the Aldave deanship began to falter. Although Barbara came in on a tidal wave of goodwill, there was a steady decline, slowly at first,<sup>198</sup> but it gained momentum.

Like all big disputes, there's never just one issue. In the developing dispute over Barbara's deanship, there were several issues. The bar results became paramount.<sup>199</sup> As intelligent as she was, in retrospect, I don't think

197. See *Campus Ministry Funds Internship*, ST. MARY'S U. SCH. L.: LAWNOTES (St. Mary's Univ., San Antonio, Tex.), Summer 2012, at 6 (recognizing Sister Grace's continued fundraising efforts).

198. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (“[Aldave was] a very forceful personality. . . . She didn't suffer fools gladly. . . . [Personality] clashes really were the beginning of the political movement to end her deanship.”). When Aldave became dean and moved into the Dean's Office on the east side of the Law Administration Building, Castleberry was moved into an office in the northwest corner of the Law Administration Building. According to Dittfurth:

After a while, there was some hostility between the two, and Barbara came to me and told me that she would like to have him moved to the library. So, I went into his office, and told him that I was going to move him over to the library, and he said he didn't want to move. He said it a little more strongly than that. But he said he would be consulting his friends on the Board of Trustees, and he didn't like what I was doing to him.

*Id.* Castleberry ended up in a small office on the second floor of the law library in the area then known as the Faculty Research Carrels (now the location of the Office of Career Strategy). *Id.*

199. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson & Charles L. Cotrell (Nov. 9, 2017) (on file with author) (opining the “academic standards were let down a great deal”). Commenting on the reason for the academic decline, Leopold noted:

Academically, if I were asked to be candid, I would say [the Aldave deanship] was an academic disaster, which actually I think we haven't recovered from yet to this day fully.

. . . .

My gauge for that is bar passage. . . . [I]n the [Raba] years, and the [Castleberry] years, we had literally 90[%] and 100% bar passage rates. When I took the bar, everybody passed. Okay, somebody would not pass. But, they would take it again, and they'd get admitted to the bar. But . . . the academic atmosphere, it sort of disappeared when Barbara [Aldave] was here. . . .

Barbara handled that very well. She was admitting individuals into the law school more for political reasons than scholastic ones. This was part of her political agenda: women, minorities, yes, bring them in, bring them on. The bar passage rate became a big issue among the faculty.<sup>200</sup> As the bar passage rate became an issue, Barbara's tactic was to attack the bar exam on the ground that it was prejudiced against minorities.<sup>201</sup>

In order to get her agenda through, Barbara was hiring faculty. I'd definitely say the teaching declined.<sup>202</sup> Faculty hires were based more on political philosophy than on any other thing. In order to support this new number of faculty, we had to admit more students. In admitting these extra students, the academic standards declined. We were admitting people to law school that never should have been admitted.<sup>203</sup>

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. . . [T]he standards, academic standards were let down a great deal. So that, literally, I don't think anybody got flunked out. Our bar passage rate went to pieces. I mean, it went down . . .

*Id.*

200. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with the author) (discussing the dynamics of the faculty during the early 1990s). According to Dr. Charles L. Cotrell, while he was Academic Vice President, the law school sometimes required more than a fair share of his time.

[There were] troublesome times—troublesome in a sense that there was a lot of disagreement and it was voiced in a very strident fashion by many people. There were email wars, for example, and I'm sure it occurred to some in the law school as well, . . . but I felt like cutting off all email communications for a while because some people could not leave well enough alone when they received something they didn't like. They would answer with these long and . . . usually provocative emails, and that would require another answer and then someone else would join in. Yes, there were times like that. . . . I suspect that [with] time, those troubled waters have passed.

*Id.*

201. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) ("In fact, [Aldave] went and had a meeting with the Board of Law Examiners. I think they got into a shouting match.").

202. See *id.* ("[O]verall, the teaching did go down some.").

203. See *id.* (providing an explanation for the law school's decreasing bar passage rate). According to Leopold:

I think the real reason why we were having so many problems was because we had students that simply had no ability, if you will, no possibility of ever passing the bar. . . .

. . . [W]e have[] lots of graduates who never have passed a bar, and never will because they simply were not qualified for that kind of a practice. For that kind of a possibility. . . . The admission's committee . . . took practically everybody that applied because they needed the funds to take care of the faculty.

*Id.*

There was also some discontent on the part of our alumni, in that they were beginning to become cognizant of this political agenda and they didn't like it. Barbara had started to offend individuals on the Board of Trustees and in the university administration.<sup>204</sup> I was present at an alumni meeting in St. Louis when a number of our graduates in St. Louis took Barbara on. As a result, we never went back to St. Louis. She had offended some of our graduates.

I think Barbara had lost focus on the deanship. She spent a lot of time as an expert witness, and I have never heard someone who was complimented as much as she was. She was brilliant on her particular subject (business associations), and she did a lot of expert testimony and lost focus on her job as dean at the law school.

Having lost the deanship to Barbara in 1989, I retreated physically, emotionally, any way that I could, as far back as I could. So, I was not privy, nor was I a participant in, a lot of the maneuvering that was taking place behind closed doors in the faculty building, as well as in the administration building. My impression then, as it is now, is that Barbara was a one-man

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204. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (justifying the difficulties Dean Aldave had in her working relationships). According to Dittfurth:

I think Barbara lost . . . her good relationship with President Moder. In many ways, I think what Barbara did for the law school was to come in and make some significant changes. Once she had made those changes, her value to the law school or her ability to get along with people, I think, was less than it was or had been.

She's a very forceful personality. Most of our deans had very forceful personalities, as did she. She didn't suffer fools gladly, and sometimes she would tell people that, and that was not good, especially if you were speaking to the president.

They had some clashes and I think those clashes really were the beginning of the political movement to end her deanship.

. . . .

. . . [W]hen Barbara was negotiating with President Moder, she pushed him too hard, and he didn't want to be pushed. That yielded some rather heated discussions in which I participated. I was trying to calm the heated discussions, but didn't do that very successfully.

I think Barbara is an extraordinary person, and was an extraordinary dean. Again, for us, I think she was extremely important.

. . . .

The administration had gotten too inflexible in regard to what it would put up with [in] faculty dissent. . . . [S]he saved a number of faculty members [that] I think were very important to the law school. . . . [A]ll in all, we were very lucky in her deanship and the time in which it took place.

*Id.*

show. She was making the decisions. She may have listened to other people, but I don't think she was moved one way or the other if she had already made up her mind.

There had been several women who were important figures during the Aldave years: Mary Brennan Stich, who ran Career Services;<sup>205</sup> Marsha Huie, a member of the faculty who was a key confidant of Barbara;<sup>206</sup> Elise García, the communications director;<sup>207</sup> Josephina Jaramillo<sup>208</sup> and Yvonne Cherena-Pacheco,<sup>209</sup> each of whom headed the admissions office at various times. It was unprecedented to have such a broad group of women playing very important roles in the management of a law school. It was a total change, and it was all due to Barbara. She was promoting women's rights, as well as minority rights. She is to be applauded for that, because she was bringing change that was way overdue, not only in the legal community, but in the community at large. Barbara was bringing change that had been needed for quite some time, but it was too much too fast.

When we got to the end of the 1990s, there was a struggle over whether Aldave would be reappointed.<sup>210</sup> There was an apparent groundswell of grassroots support from the community for Barbara. However, I never thought that these outbursts were spontaneous. I always believed that they had been pre-planned, quite thoroughly I might add, by Elise García, Mary Brennan Stich, Marsha Huie, and Barbara's other women friends. However, no matter how much they tried to stage these very skillfully executed spontaneous outbursts of support, the foundation was gone, and she was not reappointed.

Poor Father Moder, I am sure he was put under an awful lot of pressure from both sides. It may have been that from the University Board of Trustees or from the hierarchy of the Marianist order in St. Louis, the word

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205. *Law School Administration*, ON THE REC.: MAG. GRADUATES, ST. MARY'S U. SCH. L. (St. Mary's Univ., San Antonio, Tex.), Summer 1993, at 1.

206. *Law School Faculty*, ST. MARY'S U. SCH. L. ANN. REP., 1991, at 24.

207. Editorial Board, *St. Mary's University School of Law Administration*, 27 ST. MARY'S L.J. v, vi (1996).

208. *New Faces at St. Mary's*, ST. MARY'S U. SCH. L. ANN. REP., 1991, at 10.

209. *Law School Administration*, *supra* note 205, at 1.

210. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with the author) (noting Cotrell's comments regarding former deans Raba, Castleberry, and Aldave: "[A]ll of them are very strong and had particular points of view about the direction of the law school. . . . I think people sided with them, and some did not.").

came down to Father Moder that Barbara was not going to be reappointed. I do not know if that is true. I am just guessing.

#### XXXIX. DEAN PIATT REPLACES ALDAVE, 1998

With regard to whether Barbara would be reappointed, we again had a tumultuous atmosphere on the campus where the faculty was divided. And once again, the student body was involved.

It became clear that Aldave would not be reappointed to a full fourth term. Barbara had also refused appointment for only one additional year. Therefore, President Moder announced a dean search. He said that he was not interested in any internal candidates from the St. Mary's law faculty. I think that was directed at me. It may have been directed at other individuals.

It was sometimes said of her deanship, that Barbara Aldave was a larger than life character. That's true. But, to her credit, she talked the talk and walked the walk. She is the only liberal I know who, during her college years, would go into Mexico and help inoculate children. She was really a believer, a true believer that everyone should be given a chance. No question about it, she was a force, a definite force. I cannot emphasize enough that as liberal as she was, and as much of a force as she was, she was honest. She believed what she said, and she was going to bring it on to the campus at St. Mary's School of Law. Barbara definitely gets credit for expanding our clinical programs.

In the search for Barbara's replacement, the search committee came in with three finalists. One was a woman, who I think was from Tulane. She was a candidate for deanships at one or more other law schools. When she came to the campus to interview, she had just returned from an ABA inspection trip. She was tired, and understandably so. Her performance before the faculty was somewhat disappointing. Henry Johnson made the comment, and there was a lot of agreement, that it was too soon after Barbara Aldave's tenure as dean to hire another woman. So, this first candidate had that working against her. The faculty just kind of moved her candidacy aside. Candidate number two was a gentleman. When he came down for his faculty interview, he was extremely disappointing. When a female member of the faculty would ask him a question, he would sit down to answer it. When a male member of the faculty would ask him a question, he would stand up to answer it. That just killed him on the spot. So, he was set aside. I remember walking out of that general meeting, and Bonnie

Roberts, who was the first woman hired on the law school faculty, said, “Well, it’s number three’s to lose.” And Bill Piatt was number three.

Bill Piatt, a member of the faculty at Texas Tech, was very well prepared. Whenever an individual on the faculty asked him a question, he responded by addressing the faculty member by name. He presented himself as a healer, and said that he was going to heal the rifts that existed on the faculty at that time. True to Bonnie Robert’s prediction, it was his to lose, and he didn’t. So, Bill was named dean.

Bill came in on a tidal wave of goodwill, not as large as Barbara’s, but still goodwill on the part of the faculty. The two factions, pro-Barbara, anti-Barbara, united to support Bill as his nine years began.

#### XI. ASSOCIATE DEAN FOR ADMISSIONS

Early in the Piatt deanship, I was called upon to be Associate Dean for Admissions. I remember Bill Piatt calling me and asking me if I would serve because a vacancy in that position had arisen. He wanted me to serve on an interim basis until we were able to hire a new director. I said yes, and I worked with the admissions committee. It was very smooth. I had been chair of the admissions committee for nine years under Castleberry’s tenure as dean. So, I knew what to look for and how to read the admissions files. I served in that capacity for about a year until Bill Wilson was hired.

#### XLI. SOUTH TEXAS PROFESSOR OF LAW, 2000–2014

The South Texas Endowed Professorship is a fund. The donor is totally anonymous. It was a fund that was administered by Jack Paul Leon,<sup>211</sup> an astounding individual. Every now and then, an individual comes into your life, and they make things happen. Jack was extremely intelligent, an excellent lawyer, and was serving as a member of the board of trustees at St. Mary’s. I had known Jack since the days when Ernie Raba was dean and we had become friends.

Jack had a profound effect on my life. He occupied the position somewhat between an older brother and a father figure. He was definitely a mentor. We discussed the South Texas funds, and I brought up the fact that Barbara had tried desperately to acquire them in order to pay off the loan on the clinical building down the street. It was his idea to turn the funds over to the university. One part of the funds were going to be used

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211. See BRANDON, *supra* note 9, at 136 (“Leon received the St. Mary’s University Distinguished Alumnus Award in 1985.”).

to fund scholarships or grants for individuals graduating from the law school in order to take a bar review course. Another part of the South Texas funds was going to be used to establish a professorship. I do not remember what the third part of the funds was going to be used for, but the funds were divided into three.

In the year 1999, I was named Distinguished Graduate of the law school.<sup>212</sup> At that time, the distinguished law graduate function was a wine and cheese reception down at Club Giraud. At that event, Jack announced that I was going to be the South Texas Professor of Law. It was a tremendous gift. It certainly raised my standard of living. The event at Club Giraud was a large gathering. Part of it was held outdoors on the plaza by the San Antonio River on a beautiful sunlit day. I knew the award was going to be announced.

I arranged with the university to have the payments from the South Texas Professorship made in one lump sum each year, which was very nice. I was very proud to have that professorship, and I held it from the year 2000 until I retired in 2014. The South Texas Professorship, during the period that I held it, was the most prestigious and remunerative professorship at the law school.

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212. See *Past Distinguished Law Graduate Honorees*, ST. MARY'S U. SCH. L., <https://law.alumni.stmarytx.edu/alumni/honorees/> [<https://perma.cc/F9KT-UNHV>] (listing recipients of the Distinguished Law Graduate Honor from 1973 to 2018).

## XLII. APPOINTMENT AS INTERIM LAW DEAN, 2007–2008

I was asked to succeed Bill Piatt as dean on an interim basis.<sup>213</sup> That was very interesting.<sup>214</sup> It is a memory that I hope I never forget. It was at the

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213. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson & Charles E. Cantú (Nov. 7, 2017) (on file with the author) (explaining why “there was really no better choice” for the appointment of dean than Cantú). Regarding why he made the appointment, former University President Cotrell stated:

[Charles Cantú] seemed to have the support of many, many faculty. . . . [H]e knew the law school very well. He was clearly one of the most, if not the most, well known, popular, yes, but well known and trusted people in the law faculty among alumni. Of course, longevity and his own teaching had a lot to do with that. He had proven to be a reconciler or a peacemaker, trying to find peace among what had become some of the factions in the law school over a rougher period of time. He understood the place of the law school in terms of its future . . . in this region . . . . That was important. State and region, yes. [The law school] has a national student body of course, but it has a special relationship to the state and to the central and south Texas regions in the state.

He comported himself extraordinarily well. As you know, deans . . . [are expected] . . . [to] raise money, and I knew of few people who, if you were choosing insiders, who would move in that company of folks who would support the school financially. So, it was all of those factors. I think that his teaching and scholarship were respected by alumni and faculty and he had a much more reconciling and peaceful view at a time when it was fairly stormy in the law school. In fact, it had gone through several storms in the departure of deans. For me, if one were to choose an inside person, that seemed to make imm[a]nently good sense at that time. There really was no better choice.

. . . .

One last thing. . . . That he cared about the position and about the future of the law school in a sense beyond himself, that is, its future and so on, not what he could do as dean, but beyond himself . . . . The fact that he loved the law school as an institution in this state, in this region, in this community, was quite clear.

*Id.*

214. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Vincent R. Johnson to David Dittfurth (Nov. 14, 2017) (on file with author) (admitting his interest in witnessing Cantú take on the role of dean). According to Johnson:

I remember when [Charles Cantú] was named Interim Dean of the Law School, and we had our first faculty meeting, and he spoke to the faculty. I remember clearly thinking, “This is the first time I have ever heard Charles Cantú speak three consecutive sentences in a faculty meeting.” It was an education just to see what type of leader he would be, because there were no previews.

In the prior, roughly twenty-five years, I had never seen him make a speech of any sort in a faculty meeting, and when he did assume the deanship of the school, he did it confidently; he did it articulately. He played the role of being the dean perfectly, in some respects as if he had come from central casting, as this elder statesman.

*Id.*; *see also* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (Charles Cantú “never talked much about what his goal or goals were for the law school until he actually became dean”).

Distinguished Graduate Gala, which at that time was held at the Westin Hotel. The issue, once again, was whether the dean (Bill Piatt) was going to be re-appointed (to a fourth, three-year term). On that evening, Judge Solomon Casseb,<sup>215</sup> one of two trustees of the Lamar Bruni Vergara Trust<sup>216</sup> down in Laredo, came up to me and said, “Charles, I want us to have lunch very, very soon, because I want give to you some money.” That turned out to be a one million dollar gift to the law school. That very same night, President Charles Cotrell came up to me, and he said, “I want us to have lunch in the next two or three days. But I want you to pick a place where no one will see us.” I immediately knew, at that point, that he was going to ask me to either be dean or be interim dean. I knew it was going to be good. So I thanked him and said I would arrange it. I called him the next day, and I said, “Why don’t we go to the Argyle and have lunch?”

Cotrell agreed. This meeting was supposed to be secret, but as we walked into the Argyle together, we ran into three members of the Board of Trustees. So, it wasn’t that secret after all. Cotrell and I sat down. Before we ordered or even looked at the menu, Charles looked at me and said, “I’m not reappointing Bill Piatt. And I would like for you to be interim dean.” I said, “I accept. I’ll take it.” And this was in October. It was towards the end of October, around the last week of October of 2006.

Cotrell said, “There’s one condition.” I said, “Yes sir.” He said, “You can say nothing until June the first, when you assume the position of interim dean.” Fine. It was an easy thing to do. Within two or three days, the announcement was made to the faculty that I had been appointed interim dean and was to take office on June the first, 2007. It was a wonderful way for me to assume the deanship. I was able to sit back and think about the tumultuous events that had taken place at the law school in the past. I realized that the faculty never would achieve consensus on anything. There was always going to be a debate, always. I think that’s good. It keeps the faculty from going too far one way or the other. But, the only two times that the faculty really started seriously arguing and fighting with each other

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215. See *288th Civil District Court: The Honorable Judge Solomon J. Casseb III*, BEXAR COUNTY TEX., <https://www.bexar.org/1793/288th-Civil-District-Court> [<https://perma.cc/7QVW-MX4H>] (listing Judge Casseb’s biographical accomplishments).

216. See LAMAR BRUNI VERGARA TR., <http://www.lbvtrust.org/> [<https://perma.cc/PTX6-Q5ZC>] (“Established in 1989, the Trust honors the legacy of Lamar Bruni Vergara, local philanthropist. Through its Grant Programs, the Trust supports designated Catholic Church, educational[,] and health institutions, along with numerous local social services entities.”).

was when the dean tried to force someone onto the faculty and/or when the dean tried to stay too long.

So, even before I became interim dean on June the first, 2007, I decided that I would only serve for two full three-year terms and then step down voluntarily. I also decided that I was going to leave all hiring up to the faculty and that my only role would be to negotiate salary. I think those two decisions led to a very peaceful, very calming seven years as dean of this law school.

#### XLIII. GOALS AS DEAN, 2007–2014

When I was appointed interim dean, I believed that I would serve longer than just one year. For the last forty years, the only thing I wanted was to be dean of the law school at St. Mary's University. So, I set my agenda. I was going to emphasize Catholic identity, which would please the Marianists. I was going to raise money to fund scholarships for the benefit of the student body. I was going to initiate a program in China. I knew what my agenda was going to be.

As far as Catholic identity, we hosted some panel discussions. The first trip that Tom Mengler<sup>217</sup> ever made to St. Mary's University, before he became president, was to participate on a panel on Catholic identity.

Between my appointment on June 1, 2007 and the time that school started in the fall, I raised three million dollars. One million came from Sol Casseb and the Lamar Bruni Vergara Trust, another million came from his brother Paul Casseb, and a third million came from a pledge by one of our graduates in New York City. I was able to announce at the first faculty meeting in August that I had raised this money for scholarships.

I set a goal—and met it—of funding one scholarship for every month that I was in the Dean's office. By the time I stepped down as dean in 2014, I had funded eighty-four scholarships, ranging from one million dollars to twenty-five thousand dollars to help students with their tuition costs here at the law school. Fundraising took a lot of my time.

#### XLIV. DELEGATING TO ASSOCIATE DEANS

I also decided, early on, that I was going to delegate tasks to my associate deans. I was not going to be a “one-man show,” as all of the previous deans

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217. See *President*, ST. MARY'S U., <https://www.stmarytx.edu/about/leadership/president/> [<https://perma.cc/CEN3-CYD7>] (introducing Thomas M. Mengler as President of St. Mary's University).

had been. I was blessed to have four very competent, very capable individuals who served as my associate deans. Vicki Mather<sup>218</sup> was my Associate Dean for Academic Affairs. Never once did I go into her office and ask her a question that she didn't know the answer to. She was an exceptional Associate Dean for Academic and Student Affairs. Ana Novoa,<sup>219</sup> who was Associate Dean for the Clinical Programs, did a wonderful job. I was blessed to have André Hampton<sup>220</sup> as my Associate Dean for Finance. André took to that job like a duck to water. I had these three individuals in place: Vicki, Anna, and André.

One year later, Charlie Cotrell invited me to lunch, and he said that Dave Manuel, the Academic Vice President, was leaving, and Charlie wanted to replace him. Who on the law faculty would I suggest for that post? I said, "I think Vincent Johnson would be an exceptional individual to be Vice President for Academic Affairs." He looked at me and said, "What about André Hampton?" André was appointed.

The next year, I was blessed to have Rey Valencia<sup>221</sup> come to me and ask me if he could serve as my Associate Dean for Finance. Rey had a desire to be a dean, and he wanted that experience. Vicki agreed. I named Rey Valencia Associate Dean for Finance, and he served with me for six years. He was exceptional. If he is not a genius, he is not far from it. He is a brilliant individual, very articulate, and totally fearless. He will take on a buzz saw. I've never known anyone like him.

If I was successful as dean,<sup>222</sup> and I believe I was, I owe it in large part to these four individuals who served as my associate deans, and who handled

218. *Victoria Mather*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/victoria-mather/> [https://perma.cc/8X75-2TAT].

219. *Ana M. Novoa*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/ana-novoa/> [https://perma.cc/C4EC-2USJ].

220. *André Hampton*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/andre-hampton/> [https://perma.cc/C9HM-STWP].

221. *See Reynaldo Anaya Valencia*, UNT DALL. C.L., <https://lawschool.untDallas.edu/reynaldo-anaya-valencia> [https://perma.cc/QN3C-GAE8] (noting Valencia presently "serves as Associate Dean for Administration and Finance" at UNT Dallas College of Law).

222. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Bonita K. Roberts to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (complimenting the positive changes made to the faculty environment). According to Roberts:

I believe that the [Cantú] deanship brought two good things to the law school. First, I think that Charles believed quite rightly that the law school needed a time of peace. . . . [I]t needed a time of quiet where the faculty was left more or less alone to get on with its work, and the warfare that had occurred prior to that . . . not only diminished, I think it simply stopped. I think that

the day-to-day activities of the law school. I think this was the first time—for new faculty, as well as old timers—to have an administration of this sort. I asked my associate deans to consult with me, but never once did I overrule any one of them. My management style was very informal. Rey, Vicki, and I were in each other's offices two, three, sometimes four times a day. If I needed an answer to something, I would go either to Rey or to Vicki. If Vicki wanted to do something, she would come up to me and say, "I've been thinking." I would say, "Go ahead." Rey would do the same thing. We did not meet formally, but we met very frequently on an informal basis.

Faye Bracey,<sup>223</sup> a graduate of the law school, former editor in chief of the *St. Mary's Law Journal*, and long-time adjunct and part-time faculty member, was brought on to head Career Services. Faye Bracey did an exceptional job as Director of Career Services and later as Assistant Dean, finding employment for our graduates. That resulted in an article in the *Wall Street Journal*, for which the dean got credit for the high percentage of our graduates who were finding employment,<sup>224</sup> but the accolade should have gone to her.

I was able to keep Al Leopold on the faculty. Al came to me and said that he was thinking of retiring. I asked him not to, and he promised that as long as I was in the dean's office, he would stay on the faculty. Al is a man of his word. He did not go into phased retirement until after I stepped down. For that, I am very appreciative because Al has always been a stable influence with not only the university but also the law school in particular. He has made great, personal contributions.

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timeframe then was very positive for the law school, because it sent us along a different path from what it had been when I arrived here in the early 80s.

I also think that another strong thing that happened during that timeframe was our [faculty] hiring. I think we really brought strong candidates, on the whole, to the law school who are interesting, diverse, [and] highly talented people. . . . [U]nder Charles' deanship, the senior faculty had enough space to breath so that the promotion and tenure process was not politicized through the deanship itself[,] the way it had been from time to time in the past. I think that was a tremendous improvement, because we got, and still have, a lot of really wonderful people.

*Id.*

223. *Faye M. Bracey*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/faye-bracey/> [https://perma.cc/25B3-LHUY].

224. See Joe Palazzolo, *Law Grads Face Brutal Job Market*, WALL ST. J. (June 25, 2012, 10:18 AM), <https://www.wsj.com/articles/SB10001424052702304458604577486623469958142?ns=prod/accounts-wsj> [https://perma.cc/Y28V-KSR9] (praising St. Mary's School of Law for "report[ing] that 78% of its [2011] graduates held full-time, long-term jobs that require[d] a law license nine months out[,] well above the national average of 55%, and featuring Dean Cantú for spending over four decades "raising money to support his school's endowment").

## XLV. STARTING A SUMMER LAW PROGRAM IN CHINA, 2010

One of my big initiatives as dean was to start a summer program in China. If there are other lives—and who knows—one of mine must have been in China. I have had a love affair with China since I was in the third grade. I remember studying the Great Wall and the making of silk, and the veneration of the elderly, the bound feet, and the village life. It all was so very interesting to me.

I had, all my life, a desire to go to China for a visit. Finally, in the year 2000, I was able to make my first trip to China on a very extensive tour. It was five and a half weeks, with a group of very compatible individuals and a wonderful tour company. We did everything. We landed in Beijing and, of course, went to the Great Wall. We took a cruise on the Yangtze, and visited the southern part of the country, Hong Kong, and elsewhere.

I was shocked, I think. It was not what I had expected. Instead of rickshaws, there were Cadillacs, Buicks, BMWs, and Audis, and streets with five, six, seven, eight lanes in one direction. I remember one morning, on the first or second day that I was in China, getting up and looking out my bedroom window of the hotel. There was literally a forest of building cranes as far as you could see. They were building hotels. They were building apartments. They were building hospitals. They were building roads. They were building office buildings. It soon became very apparent to me that this was, without question, the financial and economic titan on the Pacific Rim, and that China was definitely the future. That impression was augmented when I came back to Texas.

A month or two after I returned to San Antonio, I was invited to lunch at the McNay Art Museum by Bill Chiego,<sup>225</sup> who was the director at the time. During the course of our luncheon and the conversation, he relayed to me that in the annex they built, all of the glass and all of the slate had come from China. It was one of those epiphanies, I guess, that you sometimes see in cartoons where the light bulb goes on over the individual's head. I realized that China was an economic power, possibly *the* economic power in the world. I thought what a wonderful opportunity it would be for our students if they could go to China and learn how to do business in China with the Chinese.

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225. See Daniela Oliver de Portillo, *McNay Art Museum Board of Trustees Appoint William J. Chiego Director Emeritus*, MCNAY (June 7, 2017), <https://www.mcnayart.org/press/mcnay-art-museum-board-of-trustees-appoint-william-j.-chiego-director-emeri> [https://perma.cc/49LV-3XZ4] (highlighting William Chiego's appointment as Director Emeritus of the McNay Art Museum).

When Dr. Cotrell asked if I would serve as interim dean, I thought, this is going to be an opportunity for me to start a program in China. We had, for years, a very successful study abroad program in Innsbruck, Austria.<sup>226</sup> I thought that St. Mary's was big enough and could sustain two study abroad programs. And so, I went to Bob Hu, whom we had recently hired as the director for the Sarita Kenedy East Law Library, and I asked him if he would help me in establishing a study abroad program in China.

All of the dominos just fell into place. It turned out that Bob Hu had gone to school in one of the most prestigious law schools in China and had been classmates with—and had maintained relationships with—individuals who were now senior partners in law firms in China, high government officials, and one of whom was on the Supreme Court of China. So I asked him to help me and he immediately made contact with several of these individuals. We planned a trip, first to Shanghai, to see if that would be suitable for a study abroad program, and then to Beijing. It soon became apparent that while Shanghai was the economic capital of China, Beijing was by far the better choice. We settled on Beijing.

We have since then had a very successful study abroad program in China, one that I hope we maintain. I am hoping that the continuation of this program is going to be part of my legacy to St. Mary's University and to the law school in particular. Thanks to Bob Hu and his connections, and the friendships that he has maintained, we have been able to offer internships to our students, not only with Chinese law firms, but with American corporations doing business in China. Mary Kay cosmetics company has a very prominent presence in China.<sup>227</sup> Nathan Moore, who is president of Mary Kay for the North American Region,<sup>228</sup> is a St. Mary's Law School graduate.

Alumni reaction to the China program has been very, very positive. Amazingly, I was in the queue at the airport in Beijing waiting to board my

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226. See Johnson, *supra* note 76, at 2 (“The [St. Mary's] Institute on World Legal Problems . . . has been conducted by St. Mary's as an annual five-week summer program at the University of Innsbruck since 1986.”).

227. See Daniel Gross, *How Do You Say “Pink Cadillac” in Mandarin?*, SLATE (Nov. 17, 2009, 11:18 AM), [http://www.slate.com/articles/business/moneybox/2009/11/how\\_do\\_you\\_say\\_pink\\_cadillac\\_in\\_mandarin.html](http://www.slate.com/articles/business/moneybox/2009/11/how_do_you_say_pink_cadillac_in_mandarin.html) [<https://perma.cc/GG6Q-V7YC>] (“The pink-themed company is a big deal in . . . China.”).

228. See *Executive Bios*, MARY KAY, <https://www.marykay.com/en-us/about-mary-kay/company-and-founder/executive-bios> [<https://perma.cc/YZM3-5FU8>] (“Nathan Moore serves as President [of the] North American region . . . and [has] a law degree from St. Mary's University . . .”).

flight back to the states. In the back, I heard someone say, "Professor." I turned and it was a former student, a graduate of the law school, who was doing business in China. Overall, the China summer program has been very well received and very successful.

#### XLVI. THE DISTINGUISHED LAW GRADUATE DINNER

The roots of the Distinguished Law Graduate Dinner go back to the days of Ernie Raba.<sup>229</sup> We used to have the Distinguished Graduate Gala in the Treadaway cafeteria here at St. Mary's University. I think the fact that we held it in the cafeteria speaks volumes. That shows you what kind of function it was.

Jim Castleberry moved the event downtown to The Bright Shawl, which is owned by the Junior League of San Antonio.<sup>230</sup> The Bright Shawl was somewhat nicer. Then Barbara Aldave moved the event to Club Giraud, which is a scale above The Bright Shawl. But the gathering was a wine-and-cheese function. I remember the year that Tony Sanchez<sup>231</sup> was our Distinguished Graduate—who later became a candidate for Governor of Texas. I was about twenty or thirty minutes late getting there. As I was walking in to the reception, Tony Sanchez was walking out. That's how informal it was. When John Cornyn<sup>232</sup> was our Distinguished Graduate, we were all in one room at Club Giraud, which shows how small it was.

Around 2001, Bill Piatt made Al Hartman his Assistant Dean for Alumni Affairs.<sup>233</sup> Al moved the dinner to a hotel downtown. Every year, the event grew. I always judged the temperature of our alumni by how many showed up at this Distinguished Graduate Gala. We were at the Westin Hotel during my first year as dean, which had a seating capacity of 500. So we had fifty tables of ten. Seven years later, when I stepped down as dean,

229. *Past Distinguished Law Graduate Honorees*, *supra* note 212.

230. See *The Bright Shawl*, JUNIOR LEAGUE SAN ANTONIO, <https://www.jlsa.org/about/our-history/the-bright-shawl/> [<https://perma.cc/D27J-JBS5>] (discussing the history of The Bright Shawl).

231. *Tony Sanchez*, TEX. TRIB., <https://www.texastribune.org/directory/tony-sanchez/> [<https://perma.cc/253B-AZBK>]. In 2002, Sanchez ran for Governor of Texas against incumbent Rick Perry and lost. *Id.*

232. See *About John Cornyn*, *supra* note 73 ("Sen. Cornyn graduated from St. Mary's Law School in [1977] . . .").

233. See *St. Mary's Law School Foundation—Board Members*, ST. MARY'S L. SCH. FOUND., <http://www.stmaryslawfoundation.com/stmarys-board.php> [<https://perma.cc/ZS4J-RM7D>] ("Albert Hartman serves as the Assistant Dean of Alumni Relations and Development at St. Mary's University School of Law.").

we had already moved to the Marriott Rivercenter Hotel, where we had sold 114 tables. Each one seated ten individuals.

During the Castleberry and Piatt years, we had men showing up at the Distinguished Graduate Dinner in black tie. We did also in the first year or two that I was dean. Then, I noticed this phenomena that was taking place in San Antonio. There was an increasing degree of informality. Even at formal weddings, the number of men in black tie was on a steady decline. Very much against Al Hartman's wishes, and much to his chagrin, I decreed that it would no longer be black tie optional. It would be in business attire. Al Hartman never forgave me for that. One or two members of the board of the Law Alumni Association wanted it to continue to be in black tie. But I do not think there is any question. We will never go back to black tie during my lifetime.

Al Hartman wanted the job of Assistant Dean for Alumni Affairs. Bill Piatt called me into his office, and said, "Your friend Al Hartman wants this job. Should I give it to him?" I said, "Yes," he should. Because of his personality, because of all the individuals who he knows, because of his ability to walk into a room and say hello to everyone.

I knew that Al would be a very successful Assistant Dean for Alumni Affairs. Al Hartman is not really given credit for building the distinguished graduate function from a wine and cheese event at Club Giraud into what it eventually achieved in my last year as dean, when we had 114 tables. That has never since been equaled.

Al's first act upon becoming assistant dean was to select Nelson Wolff<sup>234</sup> as a Distinguished Graduate. He moved the affair from Club Giraud to one of the hotels downtown. Nelson Wolff is such a powerful individual in this community that the dinner was a total sell out.

Another one of my goals during my time as dean was to establish a more collaborative atmosphere between the law school and the university. I

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234. *Biography*, BEXAR COUNTY TEX., <https://www.bexar.org/1855/Biography> [<https://perma.cc/24VM-EMCC>]. Nelson Wolff received his undergraduate and law degrees from St. Mary's University. *See id.* ("Wolff holds a bachelor of business administration from St. Mary's University and a doctorate of jurisprudence from St. Mary's University School of Law."); *see also* John W. Gonzalez, *Nelson Wolff Strives to Touch Immortality*, SAN ANTONIO EXPRESS-NEWS (Aug. 13, 2015), <https://www.expressnews.com/150years/leaders/article/Nelson-Wolff-strives-to-touch-immortality-6443104.php> [<https://perma.cc/7STM-TZWT>] ("As mayor of San Antonio in the 1990s, Wolff guided the city as it built the Alamodome and Central Library and expanded the Convention Center. Leading Bexar County since 2001 as county judge, Wolff has fostered growth of the county hospital system and led efforts to enhance the San Antonio River and build the AT&T Center and the Tobin Center for the Performing Arts.")

worked very hard at that. The night that Clem Lyons<sup>235</sup> was honored as our Distinguished Graduate at the law school Distinguished Graduate Gala, he asked Dr. Charles Cotrell, former President of the University, Al Hartman, and myself to stand up. He wanted us to be recognized as bringing—I think he used the word “peace”—bringing peace to the university and the law school, which had not always been the case.<sup>236</sup>

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235. See *Our Team*, LYONS & LYONS, <http://lyonsandlyons.com> [<https://perma.cc/GL9W-WXAW>] (“[Clem Lyons] earned a law degree from St. Mary’s University while filling prescriptions as a pharmacist and then served as a Bexar County assistant district attorney.”).

236. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of David Dittfurth to Vincent R. Johnson (Nov. 14, 2017) (on file with author) (recalling the characteristics of Cantú’s time as Dean). According to Dittfurth:

[Charles Cantú] was precisely the dean we needed at precisely that time. It seemed to me that we had gone through an era, or era after era, of conflict. Different segments of the faculty were in conflict with different segments of the faculty and with the administration. Conflict was pervasive, in the political sense.

I think Charles, when he became dean, chose to be what we call an outside dean, and to leave the internal affairs mostly to [Vicki Mather] and his administrative staff, most of whom, though they came and went, were members of the faculty. That, I think, calmed the waters to a significant degree, and allowed me, I know, to get back to what I should have been doing and get out of the politics of it all, because he, more or less, defused most of that conflict by simply leaving [the governance to the] . . . faculty.

Some members of the faculty were always in conflict, but he left that conflict within the faculty itself and, as a dean, he went out and started raising money. It was hard to argue with that design. If you were designing a deanship for St. Mary’s, you would probably want to have the dean doing just that. And that’s what Charles did, and I think he is exceptionally good at it, and I wish he still was doing it, because, as I mentioned, he has always been beloved by his students, his graduates, and he gets along with everyone. He is, as I mentioned, a charming guy. I think he was extremely well-suited for that role as a dean. And that role as dean was extremely well-suited for the law school at the time that he became dean.

. . . .

. . . Of course, Ernie Raba was certainly not a charming, go-out-to-lunch sort of dean. . . . Jim Castleberry, though he was a little more congenial, . . . did not release the internal administration to the faculty. He wanted to control both. Barbara [Aldave], though I’m very fond of her, and she did an excellent job, did participate, and perhaps at that time, needed to participate, in the internal operations of the school as an administrator. . . . Bill [Piatt], I think, asserted his control over internal affairs as well.

Charles is unique among our deans, in that he released that realm to what we considered to be a representative of the faculty, and he went out and became a true outside dean, I think. And that was, I think, the genius of his deanship . . . .

*Id.*

## XLVII. BUILDING PROJECTS AND RENOVATION

Among my initiatives as dean were building projects, one of which extended the law classroom building, and another of which did a very significant reconfiguration of the faculty library. I am very much indebted to my associate dean at the time, Rey Valencia.<sup>237</sup> Vicki Mather had been concerned for quite some time about the lack of small classrooms at the law school. Thanks to Rey, who was a wonderful administrator, we were able to convert many of the small storage areas in the Raba Building into small classrooms/seminar rooms. We were also able to extend the classroom building with two very large classrooms. With the surplus we were generating at the time, we brought the roof up to standards. We also re-carpeted and refurnished. The law school physical plant, sadly enough, had been allowed over the years to deteriorate. It was down at the heel. We were able to bring the law school physical plant up to modern standards. I am very proud of that, not only with respect to the physical structure, but also with the landscaping. Great improvement to the appearance of the campus began with Dr. Cotrell.<sup>238</sup>

In the Raba building, all of the faculty office furniture was replaced one year. And then, the following year, the building was re-carpeted, which meant the faculty members had to move out of the offices two years in a row. Did I get grief over that? Fortunately for me, Rey Valencia was a barrier. If there was a lot of grumbling, he received it all.

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237. See *Administration*, UNT DALL. C.L., <https://lawschool.untDallas.edu/administration> [<https://perma.cc/H9SK-SSQG>] (describing Rey Valencia's current administrative position at UNT Dallas College of Law and past work at St. Mary's).

238. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with author) (commenting on the physical appeal of the law school). Former University President Charles L. Cotrell explained:

You know, today's students and the parents who bring them, if they're undergraduates, they insist upon [good] facilities. . . . The Japanese students who came here really love the historical settings and the old buildings, but these students and their parents expect a real modern character, an up-to-date character in the facilities. . . . [T]hat extends to the neighborhood, by the way. Not that the neighbors expect that so much but . . . it's a university safety question. . . .

. . . [W]ithout [modern facilities that also evoke a sense of history] . . . I'm not sure . . . you'd be able to attract students at the undergraduate level. As to law school, keeping up with the technology and the changes in law, it's just . . . absolutely important to . . . hav[e] . . . credibility in the law school itself.

*Id.*

## XLVIII. FOCUS ON ALUMNI

While I was dean, I never taught. I devoted my time to an area where I thought that I had exceptional expertise. No one at the law school knows the alumni better than I do. I made a concentrated effort to bring the alumni back into the fold, so to speak. It was Al Hartman's idea that we establish alumni chapters in those cities where we had a high concentration of St. Mary's Law graduates, such as Austin, Dallas, Fort Worth, Houston, and El Paso.<sup>239</sup> In the valley, we had McAllen, Harlingen, and Brownsville. We had Denver, Colorado. We had St. Louis.<sup>240</sup> We had Washington, D.C.<sup>241</sup> Oddly enough, back in the seventies, we had a very large contingency of students from Honolulu, from the Hawaiian Islands in general, and of course, San Antonio.

We were able to establish those thirteen alumni chapters. They helped with recruitment. They helped with raising money. And, they helped with finding our graduates jobs in those areas. It's amazing that we had thirteen alumni chapters, and each one had a different personality. The one in Dallas was unique in that for three or four years, maybe more, a group of St. Mary's graduates in Dallas would fly into San Antonio, have lunch with me in the Alumni room, and then meet with students who were interested in working in Dallas, collect their resumes, and take them back with them. It was a win-win situation.

I focused my energies on alumni, fundraising, China, and emphasizing our Catholic identity at the law school. It's amazing that those endeavors took so much time that there wasn't enough time to teach. I say that regretfully, because I loved the classroom. I enjoyed the classroom more than anything. I will always remember my seven years as dean as being one of the definite high points of my life. But, for forty or more years, I was in the classroom and that was a very, very wonderful experience. I could walk into the classroom with a headache and come out feeling great. It was wonderful.

Was there a part of being dean that I did not like? I *hated* committee meetings. I hated sitting around and talking things to death. The university Academic Council meetings each week were dreadful. Saying this is not to blame anyone. It is just that the Academic Council meetings, 99% of the

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239. See *Alumni Chapters*, ST. MARY'S U., <https://alumni.stmarytx.edu/connect/alumni-chapters> [<https://perma.cc/W8YR-Z5UV>] (providing a complete list of current alumni chapters).

240. *Id.*

241. *Id.*

time, were dealing with issues that had nothing to do with the law school. They focused primarily on undergraduate issues. So I would just sit there. I understand that Barbara Aldave used to balance her checkbook during the meetings.

#### XLIX. THE LAW SCHOOL FOUNDATION

During Bill Piatt's deanship, a law school foundation was formed.<sup>242</sup> There was a feeling that the financial contributions that law alumni were making to the law school were being used by the university for other reasons. I do not know if that is correct or incorrect. The thinking was, if we created a foundation, money contributed by alumni to the foundation would be confined to law school use. Unfortunately, in my mind, the foundation was never successful.<sup>243</sup>

I think that since its inception, the total amount that has been raised by the foundation is less than five hundred thousand dollars. During my term as dean, I sat on the board of the foundation. The board did not want to interfere with my fundraising activities, and they elected, by unanimous vote, to step aside and not undertake any fundraising activities so as not to conflict or compete with my efforts. Since then, I've lost track. I have no idea what they have done.

#### L. THE MISSION OF THE LAW SCHOOL

Under Ernie Raba, and subsequent to him Jim Castleberry, the mission of the law school could be stated quite simply as being a lawyer's law

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242. See *Welcome to St. Mary's Law School Foundation*, ST. MARY'S L. SCH. FOUND., <http://www.stmaryslawfoundation.com/index.php> [https://perma.cc/6TBC-XW8U] (providing an overview of the foundation).

243. See Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with author) (recalling the creation of the law school's foundation). Regarding the creation of the Law School Foundation, Cotrell said:

It was controversial, not so much with the general university administration or the law school administration but . . . [with] some of the Marianists [who] had had a bad experience in one of their schools where it broke away. . . .

. . . [Regarding] the financial tension, which existed between the university and the law school [under Castleberry and Raba] . . . [i]n one sense . . . the [establishment of the] foundation, whether it was successful in itself . . . seemed to put that to rest in a symbolic way, as I see it.

*Id.*

school.<sup>244</sup> Students were trained to be lawyers. We knew at the time that not everyone who graduated was going to practice law. They were going to go back to a family business. They had political ambitions. They attended law school for a variety of reasons. But I remember the faculty meeting when it was discussed, and ultimately decided, that regardless of what these various goals and missions were, as far as our students were concerned, we were going to teach them from the perspective of being practicing lawyers. That was our mission, to graduate individuals who could practice law.

It was not until Barbara Aldave arrived in the late 1980s that the law school became more involved and more focused with serving the underserved and the underrepresented. She was responsible, in very large part, for the establishment of our clinical programs, which became quite extensive and very important as far as our curriculum was concerned.

When I was dean, I tried to raise funds for a new clinical building. Part of that process involved going before a group here on campus about planning, and questions were asked about where this building would be located and whatnot. I was asked the question, "Why, when the Law Center was built back in the 1960s, was there no provision for a clinical building?" I explained to the group that the curriculum of law schools is an ever-evolving process. The law is an ever-evolving process. During my lifetime there was segregation. African-Americans went to one school, Anglo white individuals went to another. During my parent's lifetime women could not vote. There was also a point in time where married women could not contract in their own names, where they could not own property in their own names. They had to have their disabilities removed so that they could act in their own names. The idea of same-sex marriage was unheard of back in this period of time.

So, my explanation was that as society evolves the law changes. No question about it. As the law changes, a law school curriculum changes. Clinical programs did not exist in the 1960s. They were just beginning to come into existence in the 1970s. We had a clinical course or two, Juvenile Law, which I taught. Today, clinical programs are a very integral and important part of our law school curriculum.<sup>245</sup> That is the reason why we had no clinical building when the law school was built back in the 1960s.

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244. See *St. Mary's Law History*, *supra* note 53 ("In 1934, the law school acquired its name, its Catholic and Marianist mission, and its commitment to excellence in preparing lawyers to national standards of skill, knowledge, and professionalism.").

245. See Bentch, *supra* note 185, at 286 ("When Barbara Bader Aldave became dean of St. Mary's University School of Law in 1989, among her goals was the creation of law clinics at St. Mary's. She

## LI. THE QUEST FOR A SMALLER LAW SCHOOL

What would I like the law school to look like in ten years? That's a very good question. This may seem odd, but I would like to see it smaller. You know, the law center at the Woodlawn campus was originally designed and built for a maximum of 350 students. When Jim Castleberry was dean, the enrollment was often over 600, and it was his goal to reduce the size of the student body to around 500. He was well on his way to doing that. Of course, Castleberry was followed by Barbara Aldave, who increased the size of the student body in order to fund, or finance, the changes that she was trying to bring about. I attempted to reduce the size of the student body. If I had had one more term, three more years, I would have reduced the size of the entering class to about between 180 and 190.

One thing that cut against reducing the size of the law school was the recreation of an evening program in the early 2000s.<sup>246</sup> I believe that Michael Ariens<sup>247</sup> conducted a study and concluded that San Antonio was the largest metroplex with a law school that did not have an evening program. The upside was that there was a demand for an evening division once again. The downside was that we did not conduct the feasibility study. It turns out that San Antonio, per capita, has a very, very low ratio of college graduates,<sup>248</sup> which of course is a requirement to go to law school.

We have long had a master of laws degree (LL.M.) for foreign students seeking to study comparative law by focusing on American legal studies. I was using that as a counter balance to bring the enrollment in the day school down, and I brought it down considerably. We now have a one-year master of jurisprudence program for non-lawyers.<sup>249</sup>

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began work toward that goal immediately upon assuming the position of dean. Today, the award-winning clinical program that she began and nurtured is a star in the law school's firmament.”)

246. See *J.D. Program*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/programs/jd-evening-program/> [<https://perma.cc/856Z-4VF2>] (providing an overview of the evening program).

247. See *Michael S. Ariens*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/faculty/michael-ariens> [<https://perma.cc/HN2N-2NTM>] (“Ariens has taught at St. Mary's since 1987, concentrating in the areas of constitutional law, American legal history, evidence, and the American legal profession.”).

248. *San Antonio, Texas Education Data*, TOWNCHARTS (2017), <http://www.towncharts.com/Texas/Education/San-Antonio-city-TX-Education-data.html> [<https://perma.cc/27XX-SV4Y>] (finding around 25% of the San Antonio population—aged twenty-five and older—hold a bachelor's degree or higher).

249. See *Master of Jurisprudence*, ST. MARY'S U. SCH. L., <https://law.stmarytx.edu/academics/programs/master-of-jurisprudence> [<https://perma.cc/KVJ7-779B>] (detailing the master of jurisprudence program at St. Mary's University).

Unfortunately, this current year—as the faculty is very, very much aware—we have increased the size of the entering class tremendously. I would hope that in ten years our law school would be—it seems trite to say, but I think it's very truthful—leaner and meaner.

## LII. HIRING AND SALARIES UNDER CANTÚ

Under Raba, Castleberry, and Aldave, the dean made the choice as to who was going to join the faculty and who was not. In many, if not all, cases, their decision was based on political philosophy. One of the changes that I brought about as dean was stepping back and letting the law faculty hire new members of the faculty. I think we have made some wonderful additions. I think new faculty, the younger faculty, are in many respects outstanding. I think the faculty has done a wonderful job in screening applicants and in the hiring process.<sup>250</sup>

As dean, I never looked at faculty salaries. I left that up to the Associate Dean in charge of Administration. First André Hampton, and then Rey Valencia. The first few years, everybody got the same percentage. I think it was around 3%. The second year that Tom Mengler was here as president, he said, “No,” he wanted only merit pay raises. Generally, up to that point in the law school history, pay raises had been based not so much on merit, but on loyalty. Pay raises were either a punishment or a reward for being loyal—or not loyal—to the current dean.<sup>251</sup>

I combined with Rey Valencia and Vicki Mather, and we determined for the first time, merit pay raises. It was very heartwarming. It was very encouraging that the three of us were unanimous on each decision.

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250. Commenting on these statements, Cotrell added:

Through [the faculty's] participation and integration in areas like the faculty senate . . . members of the law faculty . . . have been . . . educational and probably inspirational . . . on questions of faculty governance in the university. . . . [W]hen you have law faculty who become members of committees and the senate and other governing, recommendatory or decisional groups, they bring with them that philosophy that I call collegiality. It says that the faculty have an authoritative role, an actual role, in making decisions, [in] hiring and other areas, and I think that is influencing the university. . . . I think it's a very good thing.

Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Charles L. Cotrell to Vincent R. Johnson (Nov. 7, 2017) (on file with author).

251. Addressing this issue, Leopold stated, “I agree with every word you said.” Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Charles E. Cantú (Nov. 9, 2017) (on file with author).

## LIII. THE BAR PASSAGE RATE

Regarding the bar passage rate, there is this myth, and for the seven years that I was dean, I fought it tooth and nail. There is a myth among our alumni who “remember” when we were always number one in bar passage among the Texas law schools. Well, since 1973, when the state bar changed the format of the examination, we have never been number one. You can show the alumni the scores for these particular years and they are still not convinced. They still say, “Well yes, but we used to be number one.” That’s an urban myth that I don’t think will ever die.

Once, when I was called before the Board of Trustees, André Hampton, who was the Academic Vice President, and then subsequently the Provost, researched it and gave me the statistics. From 1973 when they changed the format of the bar exam to include the Multistate Bar Examination, we were never number one. The closest we came was in my tenure as dean, I believe in 2011 in the February bar, when one person flunked and we had a bar passage rate of 97%.<sup>252</sup> We ranked second.<sup>253</sup> That’s the closest we ever came.

I know that there was one graduate, John David Wennermark<sup>254</sup> (now deceased), who when we were down on 112 College Street made the highest grade and, as a result, was invited to speak at the swearing-in ceremony.<sup>255</sup> But, that may have been back in the ’50s. There may have been a time when St. Mary’s Law School was number one, but not since I’ve been at St. Mary’s.<sup>256</sup>

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252. *February 2011 Examination Statistics*, TEX. BOARD L. EXAMINERS, <https://ble.texas.gov/2011feb> [<https://perma.cc/8XZG-367M>].

253. *See Statistics & Analysis*, TEX. BOARD L. EXAMINERS, <https://ble.texas.gov/2011feb> [<https://perma.cc/ZQQ7-YE2K>] (providing statistics on Texas Bar Exam passage rates since 1997).

254. *See John David Wennermark, 1940–2017*, SAN ANTONIO EXPRESS-NEWS (Oct. 5, 2017), <https://www.legacy.com/obituaries/sanantonio/obituary.aspx?n=john-david-wennermark&pid=186852245&fhid=8920> [<https://perma.cc/3V6V-MKD3>] (highlighting the fact that Wennermark “[made] the highest grade in Texas on the Bar Exam, and [gave] the speech to the Supreme Court of Texas on behalf of all the Texas Law School graduates in 1963”).

255. *Id.*

256. *But see* BRANDON, *supra* note 9, at 51–52 (“San Antonio’s first law school [the predecessor to St. Mary’s University School of Law] had been started a decade before . . . [i.e., a decade before ‘the late 1930s’]. Though the classes were mostly group self-study, they were effective. When the students took the bar exam, every one passed it on the first try, earning the class a special commendation from the Texas Supreme Court”).

## LIV. FAIRLY TREATED

During my five decades on the faculty, was there ever a point when I felt badly treated? Not really. There were some low points, as can be expected over that period of time. In retrospect, and I think I said this in my farewell speech at the Distinguished Graduate Gala in 2013, there were some times that were not joyful. I guess that would be the best way of saying it. After losing the deanship in 1989, that was one of those times. But philosophically speaking, you have to walk through the valley in order to appreciate the views from the mountaintops. It can't all be good. We are here on Earth for some reason. You learn your lessons. You learn to cope. You face the challenges and embrace them. Hopefully, you learn from them and you proceed.

## LV. STEPPING DOWN AS DEAN

I stepped down as dean at the right time. Nothing could have been more opportunistic for me than to step down when I did. There are some difficult changes that are facing legal education. Someone with my background and experience is not equipped to cope with these changes. I do not understand take-home exams. I do not understand group exams. It is difficult for me to accept open-book exams or online courses. Technology has become so important and so prevalent in the practice of law, and therefore in legal education, and it is overwhelming for an individual of my age.

There are other changes that are coming. I guess the biggest one is financial. The financial challenge of operating a law school is becoming overwhelming. There are some changes facing legal education that are going to be very challenging. It is going to require a great deal of acceptance on the part of the faculty and the administration.

Have there been any times when I have regretted leaving the deanship after two terms? Every day. Even on a bad day, being dean was a wonderful experience. I loved it. It was a job that I had wanted for over forty years. I'd like to think that I did a good job. I was blessed, totally and completely blessed, to have the associate deans that I did. Ana Novoa<sup>257</sup> did such a wonderful job with the clinical program. Rey Valencia<sup>258</sup> took to his job like a duck to water. Of course, Vicki Mather;<sup>259</sup> Vicki was an exceptional associate dean. She was wonderful. Those three individuals managed the

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257. *Ana M. Novoa*, *supra* note 219.

258. *Administration*, *supra* note 237.

259. *Victoria Mather*, *supra* note 218.

day-to-day activities of the law school and allowed me to focus on other areas: alumni, fundraising, Catholic identity, and the China program. I was also very pleased with my administrative staff. No question about it. Becky Adams was wonderful. Ofilia Rodarte was wonderful, as was Yvonne Olfers. Bill Wilson did a great job in the admissions office.

#### LVI. AFTER BEING DEAN, MEDIATING CASES

I have begun a new phase of my career: being of counsel to a major San Antonio firm and acting as a mediator.<sup>260</sup> I think that this is going to be one of those events where five, six, or seven years from now, I will look back and say, “Well, that was a natural development.”

When I sat down with President Tom Mengler at lunch at the Argyle, we discussed my stepping down as dean. I had a list of things that I wanted. I wanted the title of Dean Emeritus. I wanted to maintain an office. I wanted a year's sabbatical. I wanted my parking spot. There were some other things. He agreed to everything. Yes. Yes. Yes. Yes. Yes. All the way down the line. I remember at the time thinking, “Well, this was easy.” Later, I was brought back as a senior professor in residence. One of my jobs was the taping of an oral history of the law school. But this new position was not enough for me.

After talking with several of our graduates, a few judges, a former mayor, a former chief justice of the Fourth Court, everyone suggested that I start doing mediation. Talking with these individuals all pointed towards mediation. I took the course here at St. Mary's Law School in general mediation and in family law. By chance, I had lunch one day with Ricardo Cedillo, who is an outstanding trial lawyer, and one of the partners in Davis, Cedillo, & Mendoza. He offered me a position in his law firm as a mediator. I accepted.<sup>261</sup>

I have been volunteering a lot down at the Bexar County Courthouse, doing pro bono cases. I started with the law firm on August 21, 2017. On August 25th, I had an appointment with Aaron Tyler, our Provost, and I told him what I planned on doing. He had a remarkable and very charitable, very Christian reaction. He viewed my pro bono work down at the Bexar County Courthouse as a ministry, “Doing God's work,” and said that I was

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260. See *Charles E. Cantú*, *supra* note 11 (chronicling Dean Cantú's legal career up to his current position with the firm).

261. *Id.*

doing wonderful things for the poor, who could not afford a mediator. He complimented me and encouraged me to continue doing it.

I am mediating many family law disputes. These are individuals with several children. I do not know how this segment of our population survives. It boggles the mind. Some of the other cases have been very educational. You learn how to read people. Some people who come in are ready for a fight. They are going to argue their way to get everything they want. Of course, you've got to bring these people down and convince them that this is negotiation. They have got to give something up in order to get what they want. So, it has been educational on my part, very educational.

#### LVII. REGRETS

I never had a mentor. I never had someone to sit me down and say, "Charles, if you want to succeed in legal education, this is what you have to do." I never had that. In retrospect, I wish I had written more. There was a lot that I could have contributed. I had an opportunity to participate in a national casebook, the products liability book with Page Keeton.<sup>262</sup> As a matter of fact, I contributed a chapter on the meaning of "product." I wish I had contributed more to a national casebook.

I wish I had published more. When I look back, that was definitely a shortcoming on my part. I think I was good in the classroom. But when I look back on my fifty-plus years at St. Mary's, the one deficiency I had was in not publishing more as a law professor.

#### LVIII. A TORTS PROFESSOR WHO LOVED TEACHING

The first year that I was brought on to the faculty down at 112 College Street, I taught a section of Contracts and one of Torts, and for many, many years I taught Torts and Contracts. Then, somewhere along the line, Remedies was brought in, Agency and Partnership was brought in, our philosophy course on Law and Society was brought in, and then, of course, Products Liability and the Texas Deceptive Trade Practices Act. When it comes down to the bottom line, I consider myself to have been a torts

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262. See generally W. PAGE KEETON ET AL., PRODUCTS LIABILITY AND SAFETY CASES AND MATERIALS (2d ed. 1989) (outlining products liability law).

professor. Many of my writings were on the subject of products liability,<sup>263</sup> section 402A,<sup>264</sup> and the various aspects of that particular standard.<sup>265</sup>

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263. To list some of Dean Cantú's publications on products liability, *see* Cantú, *supra* note 122, at 59–60 (“[A] duty to warn is clearly established, and if the other elements of actionable negligence—breach, proximate cause, and injury—are present, a cause of action has been established . . .”); Cantú, *supra* note 120, at 185 (“[A]n attempt has been made to determine whether fast food is or should be considered defective under products liability law. This discussion of the various elements has suggested that fast food, however fattening, cannot be considered defective under products liability law.”); Charles E. Cantú, *A Continuing Whimsical Search for the True Meaning of the Term “Product” in Products Liability Litigation*, 35 ST. MARY’S L.J. 341, 348 (2004) (“[C]ourts [have] generally rejected a primary dictionary definition [of ‘product’], and instead adopted a policy-based technique to determine whether the transaction before them deserved Section 402A protection.”); Charles E. Cantú, *Distinguishing the Concept of Strict Liability in Tort from Strict Products Liability: Medusa Unveiled*, 33 U. MEM. L. REV. 823, 827 (2003) (“Strict liability in tort law is very limited.”); Charles E. Cantú, *Distinguishing the Concept of Strict Liability for Ultra-Hazardous Activities from Strict Products Liability Under Section 402A of the Restatement (Second) of Torts: Two Parallel Lines of Reasoning that Should Never Meet*, 35 AKRON L. REV. 31, 56 (2001) (“[T]he concept of strict liability for ultra-hazardous activities is entirely different from strict liability under Section 402A of the Restatement (Second) of Torts.”); Charles E. Cantú, *The Useful Life Defense: Embracing the Idea that All Products Eventually Grow Old and Die*, 80 NEB. L. REV. 1, 16 (2001) (“While the concept of the useful life defense has received attention and consideration in the past, this article proposes coupling it with the reasonable expectations theory in order to form one, efficiently functioning doctrine.”); Charles E. Cantú, *The Recycling, Dismantling, and Destruction of Goods as a Foreseeable Use Under Section 402A of the Restatement (Second) of Torts*, 46 ALA. L. REV. 81, 106 (1994) (“[R]eclamation procedures are foreseeable and . . . manufacturers are in the best position to assume liability for injuries caused by these procedures.”); Charles E. Cantú, *A New Look at an Old Conundrum: The Determinative Test for the Hybrid Sales/Service Transaction Under Section 402A of the Restatement (Second) of Torts*, 45 ARK. L. REV. 913, 937 (1993) (“Because there is no apparent reason for rejecting the gravamen test, it should be adopted as the determinative test in the hybrid sales/service transaction under Section 402A of the Restatement (Second) of Torts.”); Charles E. Cantú, *Twenty-Five Years of Strict Product Liability Law: The Transformation and Present Meaning of Section 402A*, 25 ST. MARY’S L.J. 327, 328 (1993) (“The promulgation of Section 402A marked the beginning of a growing revolution in the field of plaintiff-oriented litigation.”); Charles E. Cantú, *The Illusive Meaning of the Term “Product” Under Section 402A of the Restatement (Second) of Torts*, 44 OKLA. L. REV. 635, 638 (1991) (“For purposes of section 402A, courts generally reject the broad dictionary definition of the term ‘product.’”); Charles E. Cantú, *Reflections on Section 402A of the Restatement (Second) of Torts: A Mirror Crack’d*, 25 GONZ. L. REV. 205, 206–07 (1989–1990) (“More causes of action have been brought alleging strict liability for injuries caused by a defective product than in any other area of tort law.”); Charles E. Cantú & David S. Goldberg, *Products Liability: An Argument for Product Line Liability in Texas*, 19 ST. MARY’S L.J. 621, 661 (1988) (“[I]o deny the adequate redress of an injury solely on the basis of a ‘corporate technicality’ is the very antithesis of the function of modern day courts.”).

264. *See* RESTATEMENT (SECOND) OF TORTS § 402A (AM. LAW INST. 1965) (“(1) One who sells any product in a defective condition unreasonably dangerous to the user or consumer or to his property is subject to liability for physical harm thereby caused to the ultimate user or consumer, or to his property, if (a) the seller is engaged in the business of selling such a product, and (b) it is expected to and does reach the user or consumer without substantial change in the condition in which it is sold. (2) The rule stated in Subsection (1) applies although (a) the seller has exercised all possible care in the preparation and sale of his product, and (b) the user or consumer has not bought the product from or entered into any contractual relation with the seller.”).

I always loved teaching. Even on the bad days, I loved it. It was a wonderful, wonderful life. At my last Distinguished Graduate Gala as dean in the fall of 2013, the law alumni presented me with a beautiful—exquisite actually—set of studs and cuff links of diamonds and sapphires. When I accepted it at the podium I said that my fifty-years at St. Mary's had been so profound, and it had given me an identity in the community. It had given me a tremendous sense of satisfaction. It had introduced me to some individuals in my classroom who went on to be national figures. Last, but certainly not least, it had provided me with a very comfortable standard of living. I mean, what more could an individual ask for? It was a wonderful experience.<sup>266</sup>

At this point in my life, when I look back, it has made me a profound believer that life takes you where you are supposed to be. That is true regardless of whether you call it God, or guidance, or fate, or karma. I call

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265. *But see* Charles E. Cantú, *Reaction to: Asian Americans and Criminal Law and Criminal Procedure: A Missing Chapter from the Race Jurisprudence Anthology*, 2 GEO. J.L. & MOD. CRITICAL RACE PERSP. 185, 205 (2010) (“Harvey Gee [a St. Mary’s law graduate] has researched and chronicled this phenomenon of need for change with regard to the legal ramifications imposed upon Asian Americans in the administration of justice.”); Cantú, *supra* note 4, at 1 (“James N. Castleberry, Jr. (1921–2008) passed away in Stowe, Vermont on Monday, June 24, 2008. Poetically, he died while doing one of the things he enjoyed most—fishing.”); Cantú, *supra* note 96, at 185–86 (“Having been associated with this institution first as a student, and then as a member of the faculty . . . I offer a unique position in which to reflect upon the evolution of minorities in our past, our present, and hopefully in our future.”); Charles E. Cantú, *An Essay on the Tort of Negligent Infliction of Emotional Distress in Texas: Stop Saying It Does Not Exist*, 33 ST. MARY’S L.J. 455, 468 (2002) (“[T]he tort of negligently inflicted emotional distress is alive and well in Texas.”); Charles E. Cantú & Margaret H. Jones Hopson, *Bitter Medicine: A Critical Look at the Mental Health Care Provider’s Duty to Warn in Texas*, 31 ST. MARY’S L.J. 359, 363 (2000) (“The purpose of this Article is to analyze the *Tarasoff* duty and advocate for the imposition of such a duty to warn in Texas.”); Charles E. Cantú & Randy W. Young, *The Government Contractor Defense: Breaking The Boyle Barrier*, 62 ALB. L. REV. 403, 404 (1998) (“The purpose of this Article is to discuss the weaknesses of the *Boyle* defense and to show how, by using skillful discovery tactics, plaintiffs may defeat the defense in order to successfully recover for their injuries.”); Charles E. Cantú & Jared Woodfill, V, *Upon Leaving A Firm: Tell The Truth or Hide The Ball*, 39 VILL. L. REV. 773, 812–13 (1994) (“Only through a correct application of the balancing test, with full and frank consideration of the client’s best interest and potential injury to the public, can the ethical mandates be reconciled with modern restrictive covenant jurisprudence.”); Charles E. Cantú & Jared R. Woodfill, V, *Boyles v. Kerr: The Wrong Decision at the Right Time: Implications for Mental Anguish Damages Under the DTPA*, 45 BAYLOR L. REV. 827, 855 (1993) (“[The Texas Supreme Court] has retreated from its role as a leader in mental anguish jurisprudence.”).

266. Leopold expressed similar views. *See* Transcript of Audio Tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold to Vincent R. Johnson (Nov. 9, 2017) (on file with author) (“I can only say that I am overjoyed that I came to teach at this law school. And I have been content to be here. And I would not have gone anywhere else, except maybe back to a private practice. And, of course, I didn’t really want to do that.”).

2019] *AN ORAL HISTORY OF ST. MARY'S UNIVERSITY SCHOOL OF LAW* 403

it life. I can't imagine myself as anything other than a law professor. Every time I have tried to make something happen, it is just like water going through my hands. It just dissolves. But, when you sit back, and as I say, let life take you where you're supposed to be, you end up in the right place. For me, the right place was being a law professor at St. Mary's Law School.