XI. J. WILLARD O'BRIEN
PROFESSOR OF LAW, 1965-PRESENT
Dean 1972-1983

It has been truthfully said that Harold Gill Reuschlein was the right man, in
the right place, at the right time to found, develop and bring the Villanova Law School
to professional maturity. J. Willard O'Brien might well be characterized as the right
man to lead the School of Law through a period of spectacular inflation, both in
economic matters and in the number of people desiring to make law a career. It was
an era of unprecedented student activism and faculties campaigning for decision
making powers and a period when, as never before, law teachers were re-evaluating
the professed aims of legal education and critically re-examining the training for law­
yers of competence. It was a time when law school
deans and university administrators were quietly
resigning to return to the more placid life of the
classroom. It was a time which called for a quiet,
determined, patient and unflappable executive offi­
cer. Such a man was the Dean.

A relatively young man (age 42), Dean O'Brien,
the unanimous choice of the faculty, brought to the
position a strong academic record from Fordham,
both as an undergraduate and as a graduate of its
law school where he had been editor-in-chief of
the *Fordham Law Review*. He had an acquain­
tance with military life as an intelligence officer
with the Air Force, experience as a five-year
associate with a prominent Wall Street firm and a
reputation as an effective law teacher earned over
three years at Syracuse University and seven years
at Villanova. Moreover, he had proved himself to
be an accomplished mediator and conciliator during
the student unrest on the undergraduate campus at
Villanova. He was fully conscious of the tradi­
tions of the School he was to lead, its problems and
the challenges it was to face, and its faculty and the
university administration under which it was to operate. He was intimately known by
the people with whom he was to function: faculty, staff, administration and the
university hierarchy. He was admirably qualified by experience for the post, except
in one respect — he had never been in an administrative post in a law school before
and he had but little opportunity for indoctrination. He was to be trained on the job, and the result was admirable.

When Professor O'Brien first occupied the Dean's chair, the Law Quadrangle had recently been completed which meant expansion of the physical plant to accommodate a student population of 650. The library space had been enlarged for a growing collection of some 160,000 volumes; the full-time faculty, all male and all white, numbered 20, with an average teaching experience at the school of some five years (including 29 years for one of the originals, Professor Stephenson.) There was a library staff of nine headed by Professor Jane L. Hammond, then in her seventeenth year of service and her tenth as Director of the Law Library. In administration, the position of vice-dean had been recently vacated. Mary Louise Lindsay, who had long served as secretary to Dean Reuschlein prior to her appointment as Registrar, had completed seven years as Registrar and was succeeded by Miriam J. McFadden, who remained in that job until her retirement in 1989, when she was succeeded by Phyllis T. Bagley. Christine White-Wiesner had only recently organized the Placement Office which was also entrusted with supervision of the financial aid program. At the beginning of Dean O'Brien's tenure, the annual budget for the School was just a bit over the $1 million figure. At the end of his term in office, the annual budget had grown to $4 million.

A significant factor in the choice by his colleagues of Professor O'Brien to be Dean was his participation with distinction as chairman of the Tri-Party Commission authorized by the University Trustees to examine student demands. In the late sixties, students and faculty of the undergraduate schools of the University were restive, complaining of their lack of voice in the formulation of University policies. Decisions resulting in constant and substantial increases in tuition, control of student social life, the selection of department heads and college deans were allegedly made with a minimum of consultation with the affected constituencies. The festering discontent led to a student strike and presentation of a list of student demands, including a demand for establishment of a university senate. This ultimately brought about a meeting attended by trustees, officers of the University administration and students.

Traditionally, law schools have fought to maintain independence from control by general university committees. Villanova's School of Law was not unique in that regard. When the law faculty caucused prior to the above noted meeting of faculty, students and administration, it was decided that the law faculty should not participate as members of any body formed to examine student demands and governance, but serve only as consultants upon request. Despite the decision, when the Law School delegation attended the meeting, Professor John Carnes, a Quaker, accustomed at the meetings of the Friends to have those present remain silent until "the Spirit moved" someone to speak, was apparently so moved as to nominate Professor O'Brien as a faculty representative on the Tri-Party Commission. Professor O'Brien recalls that he was stunned by the reversal of the caucus position, but felt that he had been put in a position where his refusal to accept
the nomination would be detrimental to the best interests of the School of Law in its relations with other components of the University. He announced that he would accept the nomination, not as the representative of the faculty at the School of Law, but as a member of the University community.

Professor O’Brien was elected to membership on the Tri-Party Commission and was subsequently selected by the Commission members as its chairperson. The Tri-Party Commission recommended creation of a Summer Commission on University Governance to examine increased participation by various segments of the University community in the governance of the University. Professor O’Brien was named to membership on the Summer Commission which spent an entire summer formulating a proposed constitution for a University Senate. The Commission recommendation for a University Senate was approved by the Trustees, and Professor O’Brien served as a Senator for a number of years. His effective participation in the work of the Commission and the University Senate most favorably impressed members of the University administration. His colleagues on the law faculty were, at the same time, pleased in that he had preserved the independence of the School of Law from Senate control. Indeed, to this day the University Senate Constitution states that the Dean of the Law School operates within the University as a Vice-President for the professional school and contains specific provision for exclusive law school control over designated matters and at the same time provides for Law School faculty and student representation on the University Senate. The author of this protocol was then-Professor Steven P. Frankino, working closely with Professor O’Brien. So when candidates for the deanship were considered, the experience of Professor O’Brien in his service to the University administration proved highly relevant. To the law faculty’s decision, the President and Trustees of the University readily gave their approval.

The early years of Dean O’Brien’s tenure were particularly challenging. Crises invariably enter the life of a dean and the new Dean’s crises arrived early. Within two months of his ascendancy to the post, he lost, by death, the senior member of his faculty, Professor John G. Stephenson, III, the venerable and benevolent teacher of Property who had been Dean Reuschlein’s first appointment to the faculty. His classes having been suspended due to his illness, his unexpected death, well into the fall semester, not only saddened his colleagues, students and alumni, but necessitated an immediate replacement to teach his courses in Property and in Decedents and Trust Estates. The Dean met his first crisis by securing the services of Leonard M. Levin, a distinguished lawyer who joined the full-time faculty and happily is still aboard.
A second challenge early on was introduced with the arrival of a letter from the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association informing the Dean that reinspection of the School of Law was long overdue. The ABA Standards for the Accreditation and Approval of Law Schools require each approved law school to be subject to "periodic inspections" to assure continued compliance with the standards for accreditation. Normally, inspections are held at seven-year intervals.

Villanova had been evaluated initially for accreditation by the American Bar Association in 1954 and 1955 and by the Association of American Law Schools in 1957, then in 1960 for membership in the Order of the Coif and in 1969 by the Department of Health, Education and Welfare for approval of a federal government grant to partially finance the construction of the addition to Garey Hall. But over many years, the American Bar Association conducted no reinspection. The reason for the lapse had never been adequately explained. It has been suggested that because of the presence of Dean Reuschlein on the Council of the Section of Legal Education and later as Chairman of the Committee on Accreditation of the American Bar Association, there may have been a disposition to forego Villanova's inspection. In any event, in the first year of the O'Brien administration the School was to be inspected, and so it was.

An additional problem requiring prompt solution was filling the position of Vice Dean made vacant by Dean Bruch's resignation. George Daniel Bruch had served with high competence as Vice Dean for seven years, during one semester of which he served as Acting Dean while Dean Reuschlein enjoyed a sabbatical as a visiting professor at Case Western Reserve University. To fill the vacancy, a very recent graduate, and so necessarily without experience, was selected. The appointment was a reflection of the incoming Dean's philosophy of adjusting the character of the institution to meet the exigencies of the time as expeditiously as possible. His choice was Alan R. Jackman, '72, who became the first black administrator at the School. He was assigned special responsibilities for student relations, publicity and the recruitment of minority applicants for admission. In rapid order the first female was appointed to the full-time faculty; the first black became a full-time and a part-time faculty member; and the first woman was appointed as Assistant Dean.

The American Bar Association inspection was held in the spring of 1973. The report emphasized concern about a number of weaknesses: (1) a student-faculty ratio of 38 to 1; (2) faculty salaries below what was to be expected of a first-class law school; and (3) inadequacy of secretarial and research assistance for the faculty with a resulting meager harvest of scholarly research and publication. While accreditation was found not to be in jeopardy, marked improvement in those areas was deemed critically necessary.
If the new dean had entered his office with no clear program in mind, the inspection thrust a program upon him. But he had his own deep concerns about the inadequate representation of women (one, Professor Hammond) and racial minorities (none) on the faculty. He was also much disturbed by the annual increases in tuition necessitated by uncontrolled inflation, the inadequacy of financial assistance for needy students and the lack of substantial endowments resulting in the School of Law operating with overly heavy dependence on revenue from tuition.

The effectiveness of Dean O'Brien's administration is to be judged by his success in the resolution of these and other problems confronting him at the beginning and during his term of office. To accomplish his objectives, he proceeded quietly, patiently and persevered handsomely.

The Dean's earlier experience as Chairman of the Tripartite Commission on University Governance stood him in good stead in his new office. The members of the Commission consisted of representatives of the students, faculty and University administration. Dean O'Brien recalls that in dealing with agenda items, while faculty and administration persuasively indicated the wish to be heard, he would deny their representatives the floor until student members had been recognized and had the full and complete say. Then, and only then, would the voices from the older and presumably wiser heads be permitted to be heard. He found that tactic assuaged the student representatives and made them more amenable to listening to others after their viewpoints had been exhaustively expounded. While the process was time consuming, it proved effective.

As Dean, he had many occasions to listen to disgruntled students, and the annually excluded students with their families and not infrequently restive members of the faculty. He was the epitome of fairness. His patience, calmness and unflapability, sometimes mistakenly perceived by students as coldness and indifference, saw him through successfully.

Faculty meetings which Dean O'Brien chaired displayed the same characteristics. Let everyone have his or her say, endure unlimited debate and exhaustive exploration of every aspect of every issue with happily a satisfactory resolution ultimately forthcoming. The meetings were invariably prolonged but at the session's end proved quite productive. Generally, he acted the part of a referee rather than a player and when necessary was a reluctant tie-breaker. His style was quite different from his predecessor who invariably contributed exuberantly with an authoritative voice.

When Dean O'Brien's term of office was drawing to a close, the American Bar Association's inspection team was agreeably surprised to find that the earlier reported weaknesses of the School had been substantially remedied. The student-faculty ratio had been improved from an unsatisfactory 38 to 1 to a somewhat acceptable 25 to 1; student research assistance had been made available to the faculty by virtue of the Dean having persuaded the University to participate in a federally funded program.
funded work-study program and the number of secretaries serving the faculty had been doubled. As a result there was a marked increase in the number of books and articles published by the faculty. Having corrected the weaknesses of the earlier inspection report, the Dean had, in addition, accomplished his aim of changing the complexion of the School from one with an all-white, all-male administration and faculty to an institution in which women constituted about half of the student body, and women and blacks came to serve as teachers, administrators and members of the Board of Consultants.

While tuition had inevitably skyrocketed during this period of economic inflation, student financial assistance was improved, if not to an ideal degree, certainly to an impressive degree. The work-study program enabled students to work in law-related positions during the academic year as well as during summer vacations, thus providing additional opportunities to open doors to law firm employment upon graduation.

The Dean had also effected the establishment of administrative offices staffed by professionals in admissions activities, alumni relations and fund raising. Equipped with word processors, annual giving and alumni activities became part of a well-organized program. He also continued to develop the previously established Placement Office. This relieved the faculty, upon whose shoulders much of these activities had previously rested. As a consequence, more faculty time could be and was devoted to scholarly interests, publication and other purely professional tasks.

The Graduate Tax Program was successfully launched during Dean O'Brien's deanship. As explained in detail later, the Program was carefully ushered through the sometimes conflicting views of the American Bar Association concerning this relatively new joint type of program and the accrediting body for the College of Commerce and Finance.

As a result of Dean O'Brien's persistent efforts, the size of the full-time faculty was substantially increased while the student population remained relatively stable. Present full-time faculty members engaged during the O'Brien deanship included Professor Joseph W. Dellapenna, James E. Maule, John F. Murphy, Henry H. Perritt, Jr., Richard C. Turkington and Louis Sirico. Virtually all had prior law school teaching experience. This group, together with the veteran faculty members, the female professors previously noted and Professors Donald N. Bersoff, Gilbert Paul Carrasco, Michael Mulroney and Craig W. Palm added by Dean Frankino, present a formidable array for the future. Bersoff, with impressive credentials in the field of psychology, engaged as Director of the Law and Psychology Joint Program; Dellapenna, with extensive background in comparative, international and environmental law; Turkington, a recognized expert in the law of privacy; Perritt, an authority on employment, alternate dispute resolution and computers in the law; Sirico, with his substantial expertise in the Constitutional Convention, legal writing and oral advocacy; Maule, a tax expert in both the J.D. and Graduate Tax Program and Murphy, with an international reputation, specializing in international law and terrorism. Palm followed a circuit court judicial clerkship with private practice in the corporate department of a major Denver firm and Carrasco, most recently visiting professor at Seton Hall University School of Law, with a background in constitutional law litigation and civil rights policy and legislative practice.

There was also a generous increase in faculty salaries. At Dean O'Brien's inaugural, the faculty median salary at Villanova was in the lower half of that of all
schools nationwide. At the end of his term of office, it was in the top 20% of all law schools nationwide.

Despite the burdensome attention required in solving campus problems and building an administrative staff and fundraising programs, Dean O'Brien made frequent appearances before bar associations and civic groups as featured speaker and panelist, including discussions of the Holocaust, an area in which he possessed extensive expertise.

The accomplishments of Dean O'Brien's tenure were solid. As a former chairman of the Board of Consultors put it, he was just the sort of man the School of Law required for that period of its institutional life. There is no question but that he left to his successors a School of Law which preserved the ideal of its founder and grew ever more widely respected, better known and more firmly established as the quality institution it is.

All of this was accomplished while carefully preserving the warm, friendly and caring atmosphere which has been the distinctive trademark of the Law School since its founding. He performed well and we are in his debt.

In 1983 J. Willard O'Brien resigned as Dean to become Director of the new Connelly Institute on Law and Morality and also happily returned as a full-time faculty member. The Institute was established at the University by a generous grant from the Connelly Foundation, expressive of the wishes of John F. Connelly, L.H.D. ’63 and Josephine Connelly. The Institute has as its general purpose the examination in a pervasive and critical way the connection between law and the ideal of justice. Dean O'Brien was named first Director of the Institute and continues enthusiastically in that significant post.