Joseph T. McCullen, Jr. Symposium on Catholic Social Thought and the Law

Catholic Social Thought and Legal Education

Villanova University School of Law

September 26, 2009

The Joseph T. McCullen, Jr. Symposium on Catholic Social Thought and the Law

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There are 29 law schools in Catholic universities in the United States, and the past 10 years have witnessed a renaissance in Catholic legal education. New law schools have opened with an express commitment to Catholic identity, and established law schools at Catholic universities have undertaken to enhance their institutional mission. Catholic social teaching offers extraordinary opportunities for the integration of Catholic perspectives into legal education, as principles in Catholic social teaching such as solidarity, subsidiarity, the option for the poor, and economic justice provide distinctive bases for both critique and reconstruction of existing legal structures. The 2009 annual conference sponsored by Villanova University School of Law and the Journal of Catholic Social Thought will explore a range of topics at the intersection of Catholic social thought and legal education and how Catholic social thought can produce a vibrantly Catholic approach to law and legal education. The conference will begin a dialogue about the past, present, and future of Catholic legal education in the United States within the framework of Catholic social thought.

8:45 a.m.

Welcome

Barbara Wall
Vice President for Mission and Ministry
Villanova University

Doris DelTosto Brogan
Acting Dean and Professor of Law
Villanova University School of Law

9:00 a.m.–10:45 a.m.

Catholic Social Thought as a Conceptual and Moral Framework for Understanding and Critiquing American Law (and Influencing Legal Education)

Moderator: **Christine Mooney**
Assistant Dean for Legal Writing
Villanova University School of Law

"Catholicism, Liberalism, and Human Rights"
Zachary Calo
Assistant Professor of Law
Valparaiso University School of Law

"The Growing Disjunction between Catholic Social Thought and Secular American Legal Academic Scholarship"
Eric Claeys
Associate Professor of Law
George Mason University School of Law

"Catholic Social Thought and Freedom of Speech"
Steven Shiffrin
Charles Frank Reavis, Sr. Professor of Law
Cornell University Law School

"Unlocking Catholic Social Doctrine: Narrative as Key"
William Wagner
Professor of Law
The Catholic University of America
Columbus School of Law

11:00 a.m.–12:00 p.m.

Courses in Catholic Social Thought and the Law

Moderator: **Michael Moreland**
Associate Professor of Law, Villanova University School of Law

Richard Garnett
Professor of Law, Notre Dame Law School

George Garvey
Professor of Law
The Catholic University of America, Columbus School of Law

Greg Kalscheur, S.J.
Associate Professor of Law, Boston College Law School

Michael Moreland
Associate Professor of Law, Villanova University School of Law

Amy Uelmen
Director, Institute on Religion, Law & Lawyer's Work
Fordham Law School

12:15 p.m.–1:40 p.m.

Lunch and Plenary Address

Remarks: **Peter Donohue, O.S.A.**
President, Villanova University

Plenary Address:
"Why Should a Catholic Law School Be Catholic?"
Thomas Mengler
Dean and Ryan Professor of Law
University of St. Thomas (Minnesota) School of Law

1:45 p.m.–3:30 p.m.

Getting Down to Specifics: Integrating Catholic Social Thought into Particular Law School Courses

Moderator: **Todd Aagaard**
Assistant Professor of Law, Villanova University School of Law

Family Law
Helen Alvaré
Associate Professor of Law, George Mason University School of Law

Constitutional Law
Bill Piatt
Professor of Law, St. Mary's University School of Law

Estate Planning
Lucia Silecchia
Professor of Law, The Catholic University of America, Columbus School of Law

Clinics
Ana M. Novoa
Associate Dean for Clinical Programs and Public Interest and Professor of Law
St. Mary's University School of Law

3:45pm–5:00 pm

Catholic Social Thought and the Law School as an Institution: How Can Catholic Social Thought Help Make a Catholic Law School Catholic?

Moderator: **Joseph Farrell, O.S.A.**
Office for Mission and Ministry, Villanova University

"Vocation, Formation and the Next Generation: Rethinking the Role of Catholic Law Schools in Light of Catholic Social Thought"
Susan Stabile
Robert and Marion Short Distinguished Chair in Law and Professor of Law
University of St. Thomas (Minnesota) School of Law

"Catholic Legal Education: What's in a Brand Name?"
Robert Araujo, S.J.
John Courtney Murray, S.J. Professor of Law
Loyola University-Chicago School of Law

"The Road Not Taken: Catholic Legal Education at the Middle of the Twentieth Century"
John Breen
Associate Professor of Law,
Loyola University-Chicago School of Law

Lee Strang
Associate Professor of Law, University of Toledo College of Law

5:00 pm

Mass
Celebrant: **Joseph Calderone, O.S.A.**
Chaplain and Counselor
Villanova University School of Law

Speakers

Helen Alvaré | *Associate Professor of Law*
George Mason University School of Law

Helen M. Alvaré received her B.S. from Villanova University, her J.D. from Cornell University, and a master's degree in systematic theology from The Catholic University of America. She is Associate Professor of Law at George Mason University and previously taught at the Catholic University of America's Columbus School of Law. Professor Alvaré practiced with the Philadelphia law firm of Stradley, Ronon, Stevens & Young, specializing in commercial litigation and free exercise of religion matters. For three years, she worked at the Office of General Counsel for the National Conference of Catholic Bishops, where she drafted amicus briefs in leading U.S. Supreme Court cases concerning abortion, euthanasia, and the Establishment Clause. For the next ten years, she worked with the Secretariat for Pro-Life Activities at the NCCB. There, she lobbied, testified before federal congressional committees, addressed university audiences, and appeared on hundreds of television and radio programs on behalf of the U.S. Catholic bishops. She also assisted the Holy See on matters concerning women, marriage and the family, and respect for human life. Professor Alvaré chaired the commission investigating clerical abuse in the Archdiocese of Philadelphia and is an advisor to Pope Benedict XVI's Pontifical Council for the Laity, as well as an ABC News consultant. Her scholarship treats current controversies about marriage, parenting, and the new reproductive technologies.

Robert Araujo, S.J. | *John Courtney Murray, S.J. Professor of Law*
Loyola University-Chicago School of Law

Father Araujo received his A.B. from Georgetown University, his M.Div. and S.T.L. from Weston School of Theology, his Ph.B. from St. Michael's Institute, his B.C.L. from Oxford University, his J.D. from Georgetown University, and his LL.M. and J.S.D. from Columbia University. Upon completing military service as an officer in the United States Army, Father Araujo served as a trial attorney and attorney advisor in the Solicitor's Office of the United States Department of the Interior. In 1979, he joined the Law Department of The Standard Oil Company (Ohio) and served in a variety of capacities until 1985. After corporate service, he joined the general corporate department of a New England law firm and remained there until entering the Society of Jesus in 1986. Since 1997, he has served as an advisor to the Holy See providing counsel on issues dealing with public international law. He was a member of the law faculty at Gonzaga University from 1994-2005 and became the Robert Bellarmine, S.J. University Professor in American and Public International law. He was Ordinary Professor at the Pontifical Gregorian University from 2005-2008. He has been a visiting Professor at Georgetown University Law Center, St. Louis University School of Law, and Boston College Law School. In the academic year 2000-2001, he was the Stein Fellow at Fordham University Law School. He was appointed as the inaugural holder of the John Courtney Murray, S.J. University Professorship at Loyola University in July of 2009. He has authored numerous law review articles on topics that include jurisprudence, public international law, Constitutional law, and Catholic legal theory. He has coauthored a series of books on papal diplomacy and international organizations with the late Fr. John A. Lucal, S.J. In addition, he has contributed chapters to a number of volumes addressing topics in jurisprudence and public international law.

John Breen | *Professor of Law*
Loyola University-Chicago School of Law

As an undergraduate, John Breen studied the "Great Books" while majoring in Notre Dame's Program of Liberal Studies. He then attended Harvard Law School where he was a member of the Board of Student Advisors, teaching research and writing to first year law students. Following graduation from law school, Professor Breen clerked for Judge Boyce F. Martin, Jr., of the United States Court of Appeals for the Sixth Circuit. At the completion of his clerkship he practiced law at Sidley & Austin in Chicago where he specialized in commercial litigation. Professor Breen was an associate visiting professor of law at the Detroit College of Law at Michigan State University before joining the Loyola faculty. Among the courses he teaches are Contracts, Jurisprudence, Negotiable Instruments, Professional Responsibility, and Sales. His publications include several articles on Catholic legal education and Catholic legal theory.

Zachary Calo | *Assistant Professor of Law*
Valparaiso University School of Law

Zachary Calo received his B.A. and M.A. from The John Hopkins University, his J.D. from the University of Virginia Law School, and his Ph.D. in history from the University of Pennsylvania. He is also a Ph.D. candidate in religious ethics at the University of Virginia. Following law school, he was an attorney at Buckley Kolar, LLP, in Washington, D.C. At Valparaiso, he has taught courses in commercial law and ethical issues in law and business, and seminars in legal and ethical perspectives on torture and in comparative theological jurisprudence. His publications include several articles on church and state and American Catholic history, and he is completing work on a book manuscript, *The Courageous Catholic Liberal: Ethics and Economic Justice in the Social Thought of John A. Ryan, 1900-1940.*

Eric Claeys | *Professor of Law*
George Mason University School of Law

Eric Claeys received his A.B. from Princeton University and his J.D. from the University of Southern California. Before teaching, he practiced appellate and tort litigation and clerked for Judge Melvin Brunetti of the United States Court of Appeals for the Ninth Circuit and for Chief Justice William H. Rehnquist. In addition to teaching at George Mason, Professor Claeys has also taught at Saint Louis University School of Law and the University of Chicago Law School. Professor Claeys' scholarship focuses on American property and constitutional law, and particularly on the influence of American natural law and natural rights theory on the law.

Richard Garnett | *Associate Dean and Professor of Law*
Notre Dame Law School

Richard Garnett received his B.A. in philosophy summa cum laude from Duke University and his J.D. from Yale Law School. He served as senior editor of the *Yale Law Journal* and as editor of the *Yale Journal of Law & the Humanities.* After graduation, he clerked for Chief Judge Richard S. Arnold of the United States

Court of Appeals for the Eighth Circuit and for Chief Justice William H. Rehnquist. He practiced law for two years at the Washington, D.C., law firm of Miller, Cassidy, Larroca & Lewin, specializing in criminal-defense, religious-liberty, and education-reform matters. At Notre Dame, he teaches courses on criminal law, criminal procedure, the First Amendment, and the death penalty.

George Garvey | *Professor of Law*
The Catholic University of America, Columbus School of Law

George Garvey received his B.A. from the University of Illinois at Chicago and graduated from the University of Wisconsin Law School. Following law school he clerked for Chief Judge John Reynolds of the United States District Court for the Eastern District of Wisconsin and then practiced antitrust law for several years at a law firm in Milwaukee. Professor Garvey joined the faculty of the Catholic University Law School in 1978. He served as associate dean for academic affairs from 1989 until 1997. Garvey teaches constitutional law, antitrust, property, regulated industries and Catholic social teaching and law. His publications include Economic Law and Economic Growth: Antitrust, Regulations, and the American Growth System and numerous book chapters and articles related to competition law and policy, domestic and international economic regulation, and the relationship between law and Catholic Social Teaching. Professor Garvey has been the recipient of two Fulbright grants and also served as counsel to the Subcommittee on Monopolies and Commercial Law of the United States House of Representatives Committee on the Judiciary.

Greg Kalscheur, S.J. | *Associate Professor of Law*
Boston College Law School

Greg Kalscheur joined the Boston College Law faculty in 2003. He received his A.B. in 1985 from Georgetown University and his J.D. in 1988 from the University of Michigan, where he served on the editorial board of the *Michigan Law Review.* After law school, he clerked for Judge Kenneth F. Ripple of the United States Court of Appeals for the Seventh Circuit and was an attorney at Hogan & Hartson in Washington, D.C. After entering the Society of Jesus in 1992, Father Kalscheur served as Adjunct Professor of Political Science and Assistant to the Director of the Center for Values and Service at Loyola College in Maryland (1996-98) and as Associate Pastor at St. Raphael the Archangel Church in Raleigh, N.C. (2001-02). Father Kalscheur also received his M.Div. and S.T.L from Weston Jesuit School of Theology and his LL.M. from Columbia University. Father Kalscheur's primary teaching and research interests include law and religion, constitutional law, civil procedure, Catholic social thought and the law, and the contributions of Ignatian spirituality to the character of legal education at a Jesuit law school.

Ana Novoa | *Associate Dean for Clinical Programs and Public Interest and Professor of Law*
St. Mary's University School of Law

Ana Novoa is Professor of Law at St. Mary's University School of Law. Professor Novoa graduated with honors from the University of Texas School of Law and was in private practice in San Antonio prior to

joining the St. Mary's faculty. Professor Novoa has participated in clinical education for 12 years, and in administration of the Clinical Program at St. Mary's Law School for the prior six years. Professor Novoa's teaching and writing interests include: family law, the history of family law, family and children, jurisprudence with special emphasis on feminist and Latina issues. Prior to entering law school, Professor Novoa was a social worker, and while in private practice she represented a large number of working poor and handled numerous pro bono cases. She was a co-founder of the "Ask-a-Lawyer" pro bono program, a founding member and continued supporter of the Bexar County Community Justice Program, and chair of the San Antonio/Bexar County Continuum of Care for the Homeless. In addition to her clinical duties she provides legal advice to the homeless at several local soup kitchens. In the last two years she has been honored as the Distinguished Faculty Member in the School of Law, received the Marianist Heritage Award, the Alice Franzke Feminist Award, and the Chancellor's Award.

Bill Piatt | *Professor of Law*
St. Mary's University School of Law

Bill Piatt received his B.A. from Eastern New Mexico University and his J.D. from the University of New Mexico. In addition to working as a government attorney and in private practice, before becoming Dean of St. Mary's University School of Law in June, 1998, Professor Piatt taught at the University of Oklahoma, Washburn University, Southern Illinois University, and Texas Tech University, and he has taught abroad in Mexico and Spain. In addition to many articles, Professor Piatt has published Black and Brown in America: The Case for Cooperation (New York University Press, 1997).

Steven H. Shiffrin | *Charles Frank Reavis, Sr. Professor of Law*
Cornell Law School

Steve Shiffrin began his law school teaching career at UCLA in 1977 and has been a visiting professor of law at Boston University, the University of Michigan, and Harvard University. He joined the Cornell faculty in 1987. Professor Shiffrin is the author of *Dissent, Injustice, and the Meanings of America* (Princeton University Press, 1999) and *The First Amendment, Democracy, and Romance* (Harvard University Press, 1990). His writings have appeared in many publications, including the *Cornell Law Review, the Harvard Law Review, the Michigan Law Review, the Northwestern Law Review, the UCLA Law Review,* and the *New York Times Book Review.* He is a co-author of *Constitutional Law* (West, 10th ed., 2006), and *The First Amendment* (West, 4th ed., 2006), both of which are widely used casebooks in the field. His new book, *The Religious Left and Church-State Relations,* will be published by Princeton University Press in the fall of 2009.

Lucia Silecchia | *Professor of Law*
The Catholic University of America, Columbus School of Law

Lucia Silecchia received her B.A. degree summa cum laude from Queens College (C.U.N.Y.) and her J.D. from Yale Law School, where she was a senior editor of the *Yale Law Review,* a current topics editor of the *Yale Law & Policy Review,* and a Francis Coker teaching fellow. Following her graduation from

law school, she practiced law in the litigation department of Rogers & Wells (now Clifford, Chance) in New York. In 1991, Professor Silecchia joined the Columbus School of Law and served as the assistant director of the Lawyering Skills Program. After two years with the Lawyering Skills Program, she became an assistant professor in 1993 and an associate professor in 1997. She has been an ordinary professor since 2004, and served as the law school's Associate Dean for Academic Affairs in 2004 and 2005. She has taught Environmental Law, Property, Trusts and Estates, Corporations, Advanced Legal Research and Writing, Comparative Property, Environmental Crimes, Lawyering Skills, and Law Journal Writing. Professor Silecchia has written in the areas of environmental law, ethics, and enforcement, legal education, Catholic social thought, legal writing, law and literature, and social justice.

Susan Stabile | *Robert and Marion Short Distinguished Chair in Law and Professor of Law*
University of St. Thomas (Minnesota) School of Law

Susan Stabile is among the nation's leading scholars on pensions and employee benefits as well as on the intersection of Catholic social thought and the law. She is the co-author of the leading casebook, *Pension and Employee Benefit Law* (Foundation Press) and the treatise *"ERISA Litigation"* (BNA). Her publications include articles in the *NYU Law Review, Yale Journal on Regulation, Harvard Journal of Law and Public Policy, Notre Dame Law Review, Wake Forest Law Review, Cardozo Law Review, the Journal of Catholic Legal Studies,* and the *Journal of Catholic Social Thought,* among many others. Professor Stabile is a Fellow of the Holloran Center for Ethical Leadership, an Affiliate Senior Fellow of the St. John's University Vincentian Center for Church and Society, and a Research Fellow of the New York University School of Law Center for Labor and Employment Law. Also, she is a member of the editorial boards of the *Journal of Catholic Social Thought* and of the *Employee Rights and Employment Policy Journal.* She received her bachelor's from Georgetown University and her law degree from New York University School of Law, where she was editor-in-chief of the *NYU Law Review.* After graduation from law school, she was associated in New York and Hong Kong with the international law firm of Cleary, Gottlieb, Steen and Hamilton, where she spent her early years practicing corporate and securities law and later specialized in employee benefits and executive compensation matters. Prior to joining the St. Thomas faculty, she was the Dean George W. Matheson Professor of Law at St. John's University School of Law. Professor Stabile is also a spiritual director and has significant experience in giving retreats and other programs of spiritual formation. Prior to her move to St. Thomas, she served as an adjunct member of the ministerial staff of St. Ignatius Retreat House in Manhasset, New York.

Lee Strang | *Associate Professor of Law*
University of Toledo College of Law

Lee Strang joined the faculty in Summer 2008. Before that, he was a visiting Professor at Michigan State University College of Law and an Associate Professor at Ave Maria School of Law. A graduate of the University of Iowa, where he was Articles Editor of the *Iowa Law Review* and Order of the Coif, Professor Strang also holds an LL.M. degree from Harvard Law School. Prior to teaching, Professor

Strang served as a judicial clerk for Judge Alice M. Batchelder of the U.S. Court of Appeals for the Sixth Circuit. He was also an associate for Jenner & Block LLP in Chicago, where he practiced in general and appellate litigation. Professor Strang has published in the fields of constitutional law and interpretation, property law, and religion and the First Amendment. Most recently, he published "Originalism and the 'Challenge of Change': Abduced-Principle Originalism and Other Mechanisms by Which Originalism Sufficiently Accommodates Changed Social Conditions" in the *Hastings Law Journal.* Among other scholarly projects, he is currently editing a case book on constitutional law for LexisNexis. Professor Strang's course offerings include Constitutional Law, Constitutional Interpretation, Property Law, Administrative Law, Business Associations, Federal Courts, and Appellate Practice.

Amy Uelmen | *Director, Institute on Religion, Law & Lawyer's Work*
Fordham Law School

Amy Uelmen joined Fordham Law in 2001 as the Director of the Institute on Religion, Law & Lawyer's Work. She has taught Professional Responsibility as well as seminars in Religious Lawyering, Catholic Social Thought and the Law, and Catholic Social Thought and Economic Justice. Her scholarship focuses on how Catholic social thought might shed light on tort law, legal ethics and legal education, and how principles of dialogue might inform debates about religion in the public square. She coordinates the Institute's interfaith track and its Catholic Lawyer's Program. From 1996 through 2000, Ms. Uelmen worked as associate in Arnold & Porter's New York office, primarily in the areas of products liability and commercial litigation. She has been active as an organizer for the Focolare Movement's efforts to build bridges between people of different faiths. She has also worked as a consultant for the Focolare's Economy of Communion project in which businesses operate according to principles of responsibility to the larger community and share profits with the poor. Ms. Uelmen received her B.A. and J.D. from Georgetown University.

William Wagner | *Professor of Law*
The Catholic University of America, Columbus School of Law

William Wagner received a bachelor's degree in 1975 from the UCLA, his J.D. from Yale University in 1978, and a master's degree in 1983 from The Catholic University of America. He also earned a Ph.D. in philosophy from The Catholic University of America in 2002. Since joining the faculty at the Columbus School of Law in 1984, Professor William Wagner has taught in the areas of constitutional law, jurisprudence, contracts, agency and partnership, law and literature, and law and religion. He is currently the director of The Catholic University of America's Center for Law, Philosophy and Culture and was responsible for organizing the symposium, "A Common Morality for the Global Age: In Gratitude for What We Are Given" in 2008.

Villanova University School of Law is a Catholic and Augustinian institution that seeks to reflect the spirit of St. Augustine by the cultivation of knowledge, by respect for individual differences and by adherence to the principle that mutual love and respect should animate every aspect of the Law School's life.

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