
SUFFOLK UNIVERSITY LAW REVIEW

Volume XLVIII

2015

Number 1

IN MEMORIAM: HONORABLE JOHN E. FENTON, JR.

A Teacher and Friend Extraordinaire

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When I arrived at Suffolk Law School in the Fall of 1971, Professor John E. Fenton, Jr., was already a faculty icon. He was universally considered to be one of its very top teachers. He was the faculty advisor to both the Law Review and the Moot Court Board. And he was, hands down, the most approachable, and fun, faculty member. Little did I know when an upperclassman pointed him out to me as a fellow Holy Cross alum, how profound an impact he would have on the direction of my career and life.

As a second year day student in 1973, I finally had the good fortune to have Professor Fenton as my teacher. The course was Evidence and boy was it a treat! I would sit in class transfixed by both the substance of his presentation and, perhaps more importantly, the quality of his performance. It was a tour de force. Indeed, unlike other quality professors at the time, Professor Fenton was neither distant nor calculatingly foreboding. To the contrary, you felt you were proceeding shoulder to shoulder with him as he analyzed the various rules and doctrines embedded in the materials. I have no doubt that my later desire to become a full-time law professor began germinating in his classroom that Spring.

Later that semester, when I was elected an officer of the Moot Court Board, I began meeting with him as our faculty advisor on a regular basis. It was in those smaller, less formal, settings that I got to experience more fully the

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Fenton personality. And what a personality it was. To say he was interested in his students' career development would be a gross understatement. He wanted to know our goals, how we hoped to achieve them, and how he could help bring them about. And he didn't seem to be particularly concerned about how much of his time it would take to be of assistance. In sum, it was clear that he considered our fate and futures intertwined with his success as a teacher. To say the least, few members of the faculty ever gave us that impression. But then again, who other than John Fenton was perceived to not only love teaching, but love their students?

And so when the Governor of Massachusetts appointed Professor Fenton to the Massachusetts Land Court in the Spring of my senior year, there was, notwithstanding a universal joy that he would follow in his father's judicial footsteps, a ripple of shock and concern among the Law School's student body. Who would, or could, be the mentor extraordinaire to so many students? Who could possibly fill his shoes on the full-time faculty? Who indeed!

Having been blessed with a preexisting mentor relationship, I for one resolved to maintain that relationship as long as possible. I never dreamed it would last forty years. Indeed, at every critical stage of my career, he was there to provide advice and assistance. Whether it was sending a letter of recommendation to the Harvard LL.M. program or taking a phone call from the Dean of St. John's Law School to discuss my candidacy for a faculty position, it was always done cheerfully and expeditiously. And I have no doubt it was always very helpful.

When I relocated to Washington, D.C. in the early 1980s to serve in the Department of Justice, I had to limit my visits with Judge Fenton to those occasions I was in Boston to attend the quarterly meetings of the Law School Alumni Association Board of Directors. It was always clear when I saw him, however, that notwithstanding his considerable judicial duties, he was, even as an Adjunct Professor, still very much in touch with the pulse of the day-to-day operations of the Law School. And, amazingly, he was still as concerned about the success of his students as he had been as a full-time faculty member.

Several years later, after I had been elected to the Board of Trustees of the University and he had been appointed the Chief Administrative Justice of the Massachusetts Trial Court, I had the good fortune, and joy, to vote in favor of his candidacy to return to the Law School as its Dean. Oh how lucky the Law School community was to have this public servant extraordinaire back full-time and at its helm. During three of the five years he served as Dean, I served as a Trustee and as such we had a natural basis to meet over dinner, or an occasional cigar, to discuss our concerns and hopes for the future of the school. As always, he balanced his love of the institution and its students with his honest assessment of the practical realities facing law schools in general, and Suffolk Law School in particular. While we did not always agree on the best path forward, I always respected his position because I knew it was the product of

considerable thought and a genuine love for the institution and its alumni.

After I left the Board of Trustees in 1997, and he left the Deanship in 1999, we had fewer occasions to discuss the condition and future of the law school. But when I called him in 2001 to let him know the good news that President Bush had nominated me to the federal trial court in Washington, D.C., he could not have been more excited for me and the Law School. He was, not surprisingly, quick to point out that I would be only the second alumnus to be appointed to an Article III judgeship. He assured me he would be there to attend my investiture, and that he would help me find a Suffolk student to serve as a law clerk in my chambers. As always, he was true to his word. He not only attended and spoke at my investiture ceremony, but recommended, and I hired, Michael Ortwein from the Class of 2002 to serve as one of my law clerks.

Over the years that I have served as a judge, Judge Fenton and I had a number of opportunities to discuss judging in general and Suffolk Law School in specific. As to judging, he was always perceptive and wise about the management of one's docket and the challenges of presiding over a trial. As to the Law School, we shared many of the same concerns about its future and the future of legal education in an environment saddled with a shrinking job market and rapidly escalating tuition costs.

More recently, he attended my Donahue Lecture at the Law School in the Fall of 2012. I can't tell you how happy I was to see him, especially considering his age and the distance he had traveled from his beloved Lawrence. We had a brief opportunity to visit when I was done. His health wouldn't permit him to stay much longer. As it turned out, it was the last time I would see him. And I remember reflecting that night on what this great man had meant to me over a forty-year period. Somehow I kept coming back to Paul McCartney's timeless lyric in a Beatles song featured in their album Abbey Road: "And in the end, the love you take is equal to the love you make."

John Fenton was loved by so many people, because he loved so many people over so many years. His generosity of spirit was limitless and was always directed toward the betterment of those fortunate enough to come into his orbit. Put simply, he had a genius for both teaching and friendship.

I consider it one of the greatest blessings of my life, both personally and professionally, to have known him. And I am confident that the best way to honor his remarkable life is to follow his incomparable example on a daily basis. Neither Suffolk Law School, nor its alumni, will ever see his like again. *Requiescat in pace*, old friend.