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## Tribute to Professor Joan Shaughnessy

Alan M. Trammell

*Washington and Lee University School of Law, atrammell@wlu.edu*

Joan M. Shaughnessy

*Washington and Lee University School of Law, shaughnessyj@wlu.edu*

Mary Z. Natkin

*Washington and Lee University School of Law, natkinm@wlu.edu*

Brian C. Murchison

*Washington and Lee University School of Law, murchisonb@wlu.edu*

Mark H. Grunewald

*Washington and Lee University School of Law, grunewaldm@wlu.edu*

*See next page for additional authors*

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## Tribute to Professor Joan Shaughnessy

### Authors

Alan M. Trammell, Joan M. Shaughnessy, Mary Z. Natkin, Brian C. Murchison, Mark H. Grunewald, Barry Sullivan, and Michelle L. Drumbl

# Tribute to Professor Joan Shaughnessy

## *Introduction*

Alan M. Trammell\*

To celebrate the retirement of our colleague and friend, Professor Joan Shaughnessy, the *W&L Law Review* is republishing the lecture that she delivered as the inaugural recipient of the Roger D. Groot Chair. Shaun, as we all know her,<sup>1</sup> took that opportunity to explore the idea of mentorship through the metaphor of a hunter. She meditated on the joys and challenges of passing on hard-won wisdom—not just imparting nuts-and-bolts knowledge, but truly fostering and empowering a new generation. Shaun’s retirement has given several of us occasion to reflect on that lecture, the roles of mentors and mentees, and her own rich legacy that continues to animate generations of grateful students, colleagues, and friends.

The following tributes come from cherished colleagues who have known Shaun for decades. I, by contrast, belong to the final generation to whom Shaun extended the gift of mentorship. Having joined the W&L faculty in 2020, I recently celebrated the graduation of the first class I saw through all three years of law school. They were also Shaun’s last graduating class.

While I feel a tinge of sadness that Shaun and I served together for only these three short years, mainly I’m grateful.

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\* Associate Professor of Law, Washington & Lee University School of Law.

1. I have it on good authority that a student, who had seen various expressions of thanks to “Shaun Shaughnessy” in various star footnotes, emailed Professor Shaughnessy to ask if she and this “Shaun” person were one and the same. Her one sentence response: “General nickname acquired in college.”

For starters, Shaun's anticipated retirement created an opportunity for me to join the faculty and teach both Civil Procedure and Federal Jurisdiction. I confess that I felt sheepish about taking over the Federal Jurisdiction course from someone who had made it legendary at W&L. When I read Shaun's Groot lecture, though, I immediately recognized the generosity of spirit that she describes there. Shaun offered unequivocal support and encouragement. She shared notes and old exams, reviewed my own materials, and helped me puzzle through some of the knottier doctrines that captivate us both as scholars. At the same time, she always made clear that she was handing off the baton—that the courses I teach need to be authentically mine.

Shaughnessy cold calls remain the stuff of legend, and at times I've wondered if I've let down the next generation of law students by not subjecting them to the same intellectual trial by fire. My best understanding of how these went down is that Shaun, in her typical calm and inviting demeanor, would pose one of the hardest questions that a student had ever heard. An amiable back-and-forth would ensue. And on some occasions a student would stumble, perhaps badly. The devastating response was not a raised voice or a harsh rebuke, but a barely perceptible shake of the head. Time and again I have heard that this is what made the cold calls intense—a combination of unmatched intellectual rigor and a fear of disappointing Shaun.

Then I experienced my own version of a Shaughnessy cold call. Shaun readily agreed to serve on my tenure committee, and I was ecstatic because I knew how much time and care she would invest in the endeavor. My one small fear was a classroom observation. When the moment of truth arrived, I was probably as nervous as any student of hers had been. I couldn't bring myself to look at her during the observation, lest I, too, experience the devastation of seeing that slight shake of the head. And, like so many generations of students, I was better for having gone through the experience. The class went well, and when Shaun and I debriefed afterward, her comments were equal parts generous and constructive. And, in the course of these conversations, we talked candidly about our different approaches to engaging students in the classroom. In Shaun's Groot lecture, she addresses the potential mentee and says: "You are not obligated to follow all of your mentor's advice but

you are obligated to consider it seriously.”<sup>2</sup> Moreover, she observes, the mentor’s role is not to create carbon-copy mentees, but instead to empower them to become independent and creative professionals.

After reading and reflecting on Shaun’s lecture, I view all of our treasured interactions through a new lens. I’ve benefited in countless ways from our discussions about internecine federal courts doctrines and the ways that they affect big national conversations. I’ve long known that Shaun has spent a career modeling rigorous scholarship and excellent teaching. But now I see and appreciate far more clearly the intentionality behind all of these efforts—a legacy that those of us who have worked with and learned from her have inherited, and one that we in turn will strive to keep passing on.

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2. *Infra* p. 1084.

## Two Hunters: Reflections on Mentoring and the Formation of Professional Identity<sup>3</sup>

Joan M. Shaughnessy\*

Greetings to all of you, colleagues, students, alumni, friends, and particularly to the Groot family, Ellen, Michael, Stephanie, Donna, and others. The title of my lecture is “Two Hunters: Reflections on Mentoring and the Formation of Professional Identity.” At the end of the lecture, your reflections, questions, and comments will be very welcome.

Hunting is a genuine craft, one of humankind’s most ancient pursuits. It requires the acquisition of a great deal of specialized knowledge—of terrain, of the prey, of how to work with available weapons, and a host of other things. Through the millennia, experienced hunters have initiated their juniors into the craft of hunting through the practice of mentoring. How mentoring is practiced today will be my topic. The first hunter of my title is, of course, Roger D. Groot himself. I think anyone who knew Roger at all knew of his great love for hunting. Roger

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3. Roger Groot was a beloved faculty member at Washington & Lee for many years before his sudden and untimely death in 2005. Law alumni generously raised funds to endow a chair at the Law School in his honor. I had the great privilege of being named the inaugural Roger D. Groot Professor of Law. It is customary at Washington & Lee to ask inaugural chair holders to deliver a public lecture on the occasion of their installation. What follows is the chair lecture I delivered on September 28, 2012. I am grateful to the members of the *W&L Law Review* Editorial Board, who graciously agreed to publish this lecture to mark my retirement.

There have, of course, been changes at the Law School since 2012. Many of our faculty and staff have joined since then and we have made changes and adjustments to our curriculum. Nevertheless, I believe that what I said about our institution and its culture in my lecture remains true today and I hope it will remain true as we move into the future.

\* Roger D. Groot Professor of Law, Washington & Lee University School of Law. With thanks for their assistance to Diane Cochran, Amy Dillard, Uncas McThenia, Mary Natkin, Todd Peppers, Barry Sullivan, Brad Wendel, and Lena Wong and in gratitude to my wise and patient mentors, particularly Roger.

lived a rich, full life and the fact that he had a passion—not just for his vocation but for his avocation—helped him achieve that life. Reflecting on Roger and on this audience also led me to this topic. Many of you know through firsthand experience, as I do, that Roger was a superb mentor. I am convinced, as I believe he was, that good lawyers require good mentors. I knew my audience would include many colleagues and alumni who are working hard to be the best mentors they can be. I knew it would also include students who may be trying to discover how to be mentored. I hope to explore those issues with you this afternoon. I should mention at the outset that my account of mentoring is very much in the spirit of Sullivan et al.'s *Educating Lawyers*,<sup>4</sup> popularly known as the Carnegie Report, as those of you who know that study will recognize. I also learned a great deal about mentoring from Johnson and Ridley's *The Elements of Mentoring*.<sup>5</sup> I settled on my topic earlier this year and started work in earnest this summer. But, distractible as I am, I read plenty of other things as well, including our local monthly magazine published by Roger's good friend, Doug Harwood. One of the regular features of the *Rockbridge Advocate* is "Ruth Huffman Visits," in which contributor Ruth Huffman records a lengthy interview with a local notable, very often someone with deep roots in the community. In this month's issue, Ruth visited with a hunter, Hank Beverly. He is an experienced bear hunter and a well-known breeder and trainer of hunting dogs. I have never met Mr. Beverly, although I can well imagine that Roger might have known him and enjoyed his company. Hank Beverly comes from a very different world than mine and most of yours, but what he said in his interview resonated with what I want to say to you today. Indulge me while I read this; as you can hear, I am no Virginian, nevertheless I will try to read Mr. Beverly's words as they were written in the *Advocate*.

People's always askin' me, "How do you get them dogs to listen to you like that?" Man, I live with 'em and work with these dogs daily. . . You got to spend time with 'em and the best dogs is ones that you raise from puppies. He learns you and you learn him and he bond to you, see. Young kids is like

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4. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

5. W. BRAD JOHNSON & CHARLES R. RIDLEY, *THE ELEMENTS OF MENTORING* (2d ed. 2008).

that, too. If you take time for to teach ‘em they’ll love you for it. . . .

. . . .  
I try to teach some of these young boys how to bear hunt and do it good. Some of ‘em’s learning right. The ones that love it. My granddaughter, she’s sixteen, she’s been wantin’ to go bear huntin’ so I said I promised this year I’d take her and we’d tree a bear. I promised to let her shoot it. She likes dogs. It ain’t everybody likes dog [raisin’]. . . .

I like to see the younguns learn the way. You teach ‘em, they’ll respect you for it all their life. My nephew Shawn Lotts, I trained him up since he was a little boy and he’s a real good hunter. We go out huntin’ all time together, and I’ve enjoyed watching him grow up to be a bear hunter. It makes you feel good, you know, to see these boys come up and learn the mountain lifestyle.

You teach ‘em to only kill what you can use and what you’re allowed to take. You only allowed to kill one. You kill ever bear you see, now, that’s not being a sportsman. Ain’t right. And I won’t to kill no bear that somebody else’s dogs has run. I only kill something my dogs has done run. It proves to me that I’m huntin’ right and that’s what I tell these young ones comin’ up.<sup>6</sup>

Mr. Beverly’s story can tell us a great deal about mentoring. Mentoring is a time-honored tradition. Elders impart their craft to the young people entrusted to them. The best mentors are themselves master craftsmen, who through long hours and long years have honed their craft. The best mentors also transmit the values of their craft to their protégés. “You teach ‘em only to kill what you can use. . . . I won’t kill no bear that somebody else’s dogs has run. . . . It proves to me that I’m hunting right and that’s what I tell these young ones comin’ up.”<sup>7</sup> A good mentor is also attentive to his protégés, adjusting to their skills and interests, as Mr. Beverly does when he focuses on his granddaughter’s attraction to dogs.

How does this story about a hunter and his younguns help us think about the challenges and possibilities of mentoring in the legal profession? Does the process of becoming a hunter tell us anything useful about the process of becoming a lawyer?

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6. *Ruth Huffman Visits Hank Beverly*, ROCKBRIDGE ADVOC., Sept. 2012, at 32–35.

7. *Id.* at 35.



First, the essential qualities of a good mentor remain the same, regardless of setting. Mr. Beverly's story tells us something about those qualities. Reflecting on Roger's career will also help us identify what is needed. I'll talk first about these essential qualities.

Second, there are obvious differences between the formation of hunters and the formation of lawyers, which pose special challenges for law teachers and lawyers. The craft of lawyering differs in important respects from the craft of hunting. The scales of the two enterprises also differ greatly in ways that impact the possibility of good mentoring. In the latter part of my talk, I'll address these differences.

I've already touched on some qualities of good mentors. Good mentors are role models. They know what they are doing, they are worth watching. They teach by example, in the words of Barry Sullivan, our former dean, and Ellen Podgor.<sup>8</sup> They have the knowledge and technical skills to do what it takes to get the job done right.

I think we more senior people find it easy to underestimate how hungry law students and new lawyers are for knowledge of how law is actually practiced. They watch us and absorb what they see, whether we like it or not. Good mentors know they are being watched and do their best to model excellence. Anyone who saw Roger in a classroom or a courtroom knows what I mean—he was always meticulously prepared and brilliant on his feet. You need only read Beverly Davis's description of the seventeen-hour days he and Roger spent in their hotel war room during a capital trial to see an example of Roger in action.<sup>9</sup> By the way, that description and many observations about Roger that I will refer to this afternoon are found in the *Tribute to Roger* in Volume 64(1) of our law review.

It takes more than technical excellence to make a mentor worth observing and emulating, though. A good mentor is a role model in an even more important sense. The role modeling that mentors do has a moral dimension. A good mentor acts in accordance with the values of his profession. Roger had that quality, too, as our friend and colleague Frank Bowman

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8. See Barry Sullivan & Ellen S. Podgor, *Respect, Responsibility, and the Virtue of Introspection: An Essay on Professionalism in the Law School Environment*, 15 NOTRE DAME J.L. ETHICS & PUB. POL'Y 117, 136 (2001).

9. *A Tribute to Roger D. Groot*, 64 WASH. & LEE L. REV. 3, 13 (2007).

remarked. “Perhaps the most striking thing about Roger was . . . his consciousness that he was teaching not merely a subject but a method of intellectual discipline, a way of being both a lawyer and a moral human being, a way of living a life in the law.”<sup>10</sup>

Good mentoring also requires that a mentor be able to interpret his actions and his profession for a protégé. In other words, good mentors are guides. They explain what they are doing and why. They share stories of their communities and their institutions. They transmit our different institutional and professional cultures. This task of thoughtful explanation and reflection is particularly important for legal mentors. Law is a complex discipline and it is often difficult for young observers to understand the considerations guiding a senior’s choices and actions. Of course, it takes a fair amount of self-knowledge to understand and convey the reasons for professional choices. The task of explanation also requires a keen understanding of the institution in which mentor and protégé are situated. Roger had that understanding. He had thought long and hard about legal education and about Washington & Lee’s history and culture. He had a clear vision of W&L Law’s mission and he was vocal and unstinting, as any of his junior colleagues—and probably his former deans—can attest, in expressing that vision. Roger also had a clear vision of legal practice and of what a good lawyer should be and do. He was equally vocal in explaining law practice, both his own and others.

Mentoring is not, however, simply a matter of performance—demonstrating and explaining. A mentor is not just a role model and interpreter. A mentor is a coach. Good mentoring requires close, personal relationships between mentors and their protégés. Mentors observe their protégés and look for ways to develop their talents, to set them on the road to fulfilling their own dreams. Roger excelled at this. When he chose his clinical students, he looked for qualities he could encourage and build upon. He looked beyond and beneath the numbers, the GPAs and the LSAT scores. He was looking for street smarts, for feistiness, for an ability to represent the clinic’s clients with empathy and integrity. He also had the patience, insight, and wisdom to look closely at his students and

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10. *Id.* at 8–9.

to see them true. Sometimes he saw them better than they saw themselves. Over and over, alumni report that “Mr. Groot saw something in me that no one else saw.” Amy Dillard, who graduated from here after spending time under Roger’s tutelage in the Alderson Legal Assistance Program, described her experience with Roger this way. Amy had her eyes on a criminal practice, as Roger knew. As she recalls, “Mr. Groot always told us that the only place we could do any real good was in a prosecutor’s office. But quietly, he told me I didn’t have the stomach to prosecute, and he was right.”<sup>11</sup> Perhaps above all else, it was this quality that made Roger a superb mentor. Mentoring wasn’t about him, it was about each individual student and young lawyer.

Roger had another quality that we can’t overlook when we think about the coaching aspect of mentoring. Shall we say that, with Roger, there was no such thing as the tyranny of low expectations. Here is Lyman Johnson’s description of being “Grooted”—mind you, this is at second hand; I am sure there are some of you in the audience who could give even more vivid descriptions.

Roger loved to liken the first semester of law school to boot camp. Students, tried by fire, came to appreciate that Professor Groot had such high hopes and expectations for them that anything less than their very best was unacceptable. If drawing that out required that, as with young Marines, he be relentlessly demanding, or if it necessitated cajoling, chastising and seemingly never being satisfied, then that’s how he would be. And he was, as legend rightly has it. His students flourished under his teaching. They are his educational legacy.<sup>12</sup>

Mary Natkin, who did experience Grooting firsthand, has this to say about looking across the podium, past Roger’s shotgun shell coffee cup, and hearing her name being called:

[W]e each felt as if he had us literally in his sights when he called on us in class. And he kept the focus on us until we came to the realization of the point he wanted us to get. He was really great at letting students feel that they had

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11. *Id.* at 16.

12. *Id.* at 22.

discovered the issue, not that he told them, which is a sign of a great mentor.<sup>13</sup>

But it wasn't just students who came in for Roger's tough love; his junior colleagues were "Grooted" in their own way. Roger was infinitely warm and welcoming to junior colleagues, but make no mistake, he pushed us to grow and develop and to be the best law teachers and scholars we could be. That pushing made for some rough moments, but it also made for genuine growth. Roger was a true mentor to us as he was to his students. He saw what we could be and he pushed as hard as he could to help us see what he saw and do what it took to get there.

Here I need to take a slight detour, before I turn to the challenges of mentoring fledgling lawyers in the twenty-first century. I want to spend a few minutes talking directly about the ethical claims I have made concerning mentoring. In this brief time I can't possibly do full justice to this question, which has occupied many of the best minds in our profession for their entire careers. Nevertheless, the question can't be ignored.

There are three types of claims that might be made about the moral value of mentoring. Here, it might help to think again about Mr. Beverly. It is possible, I think, to separate the question of whether bear hunting itself is a moral act from the question of whether the way Mr. Beverly treats his younguns is a moral act, which is again separate from the question of whether Mr. Beverly follows the moral principles that govern hunting as he understands them—only taking what you can use, not taking a bear that other hunters engaged first, and so forth. The same sort of distinctions can be made in thinking about the moral dimensions of mentoring lawyers. First, the very act of mentoring itself has moral value. It is a relationship characterized by caring, as Nel Noddings observed, so good mentoring is, almost by definition, a moral act.<sup>14</sup> This is true whatever the craft into which the protégé is mentored, be it law, bear hunting, or anything else.

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13. Email from Mary Natkin, Professor Emeritus, Washington & Lee University School of Law, to author (Sept. 26, 2012) (on file with author).

14. Nel Noddings, *Caring as Relation and Virtue in Teaching*, in *WORKING VIRTUE: VIRTUE ETHICS AND CONTEMPORARY MORAL PROBLEMS* 41, 42 (Rebecca L. Walker & Philip J. Ivanhoe eds., 2007).

There are other dimensions to consider, though. Communities of practitioners, be they lawyers or bear hunters, develop a common understanding of the ethics that guide their practice and judge each other on their conformity to those ethics. Mr. Beverly's comments are an example of that phenomenon. The legal profession does this too, not just informally but formally. We have institutions that hold our members responsible for breaches of our ethical codes.

But my account of mentoring in law raises a further question. That question is whether the practice of law as it is conveyed by legal mentors is a practice with values worthy of emulation. One of my own law teachers, Tony Kronman, made such a claim in his article, *Living in the Law*.<sup>15</sup> In that work, Kronman argues that the practice of law tends to develop the virtue of practical wisdom and the accompanying traits of sympathy and detachment.<sup>16</sup> More recently Brad Wendel, who began his teaching career here, gave a similar account of the moral dimensions he finds embedded within legal reasoning.<sup>17</sup> Brad argues that the rule of law itself has a moral dimension and that, therefore, when lawyers excel at the task of using legally constrained reasoning to analyze and solve client problems, they are doing work of moral significance.<sup>18</sup> Tom Shaffer, who was with us on the faculty during my early years here, spent much of his career wrestling with the question of how law could be practiced morally. As I read Tom,<sup>19</sup> and Tony Kronman in his later work,<sup>20</sup> it became harder and harder over time for them to justify the claim that the practice of law itself is a morally valuable undertaking. In *On Being a Professional Elder*, Tom worried that our profession's claims to moral value

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15. Anthony T. Kronman, *Living in the Law*, 54 U. CHI. L. REV. 835 (2007).

16. *Id.* at 854.

17. W. Bradley Wendel, *Should Law Schools Teach Professional Duties, Professional Virtues, Or Something Else? A Critique of the Carnegie Report on Educating Lawyers*, 9 U. ST. THOMAS L.J. 497 (2011).

18. *See id.* at 499–500.

19. THOMAS L. SHAFFER WITH MARY M. SHAFFER, *AMERICAN LAWYERS AND THEIR COMMUNITIES: ETHICS IN THE LEGAL PROFESSION* (1991); Thomas L. Shaffer, *On Being a Professional Elder*, 62 NOTRE DAME L. REV. 624 (1987).

20. ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993).

risked being delusional.<sup>21</sup> He cautioned that we need to cast a critical eye on the morals of our profession and the ethical dimensions of our work.<sup>22</sup> From this more critical stance, the values internal to the profession are not sufficient to establish the moral worth of the practice. Instead, the moral worth of any particular legal action, or indeed legal career, depends upon external moral values. For Tom, the source of those values, the position from which criticism might come, was the community, particularly the faith community.<sup>23</sup> I will have to leave this point, without having come close to doing it justice, by noticing that part of the reflective task for mentors and for protégés lies in raising and puzzling through the ethical issues that permeate our professional lives.

I risk leading you to think that a person has to be a saint to mentor. Not the case, as I am sure Roger would be the first to admit. He was no saint and I imagine Hank Beverly isn't either. People can have plenty of flaws and still serve as good mentors. But there are some flaws that really do interfere with good mentoring. When a relationship between a junior and senior is all about the senior, bad mentoring results.<sup>24</sup> This can happen when the senior is too busy or too self-absorbed to really attend to the junior. It can happen when the senior tries to satisfy personal needs through the mentoring relationship—needs for ego-stroking or for romance, by way of example. It can also happen when the senior is threatened by the junior and tries to keep the junior dependent. So, some caution is warranted in mentoring and in choosing a mentor, but I hope I have convinced all of you that a good mentor is a treasure to be sought and once found to be prized.

My account of mentoring poses challenges for mentoring in law school, as the authors of the Carnegie Report observe. Its emphasis on the importance of learning professional roles by observing and modeling poses a quandary for many law faculty. As Tony Kronman observed,

[e]very law teacher belongs to the community of university scholars . . . . But the objective in teaching law is not to

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21. Shaffer, *supra* note 19, at 631–32.

22. *Id.*

23. *See id.* at 639–42.

24. *See* JOHNSON & RIDLEY, *supra* note 5, at 129.

prepare students for membership in the same community. The aim is to equip them . . . for a different kind of life . . . . In teaching law, one must accept this fact and help to prepare students for life lived in the world of affairs.<sup>25</sup>

This means that we, as faculty, face particular challenges to bridge that gap. It is incumbent upon all of us in the academy to do our utmost to understand what lives in the law are possible today and to convey to our students the promise and challenge of practice to the best of our ability. In spite of the gap, there is a great deal that even faculty members long removed from practice can do to mentor students. There is much about law practice that we can model, many skills that we can exemplify, and much encouragement and critical engagement that we can offer. Barry Sullivan and Ellen Podgor, building on the work of the Professionalism Committee of the ABA Section on Legal Education, have explored how law faculty can better serve as mentors for students preparing for the “world of affairs.”<sup>26</sup> They suggest a number of ways that faculty, by being responsive to student concerns and receptive to sharing time with students, can model a relationship much like the attorney-client relationship.<sup>27</sup>

We are fortunate at W&L because the prerequisites for good mentoring are in place. We have a tradition of putting a premium on working with students to draw upon. Our curriculum, from our first-year small sections to our third-year practica, is designed to provide every student with many opportunities to work closely with a range of faculty members. But those conditions don’t ensure that our students will find mentors in our ranks. Students need to actively seek out mentors and faculty need to keep a look out for students who are in particular need of guidance.

We at W&L have another invaluable asset to offer students seeking mentors. Many in our ranks, like Roger, are both teachers and active practitioners. Our clinicians and our extended faculty of practitioners directly model excellence in law practice and deliberately build in time for the individual critique and reflection that is essential to real professional

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25. KRONMAN, *supra* note 20, at 265.

26. Sullivan & Podgor, *supra* note 8, at 132.

27. *See id.* at 133–40.

growth. As everyone in this audience knows, we build our third-year curriculum based on the principle that all of our students need substantial experience doing legal work, actual and simulated, under the close supervision of experienced practitioners. As Lyman Johnson, David Millon, and Bob Danforth note in their recent book chapter on our curricular reform effort, the third-year program idea began even before the publication of the Carnegie report, but that report influenced the final shape of the reform.<sup>28</sup> We hoped to create the conditions under which mentoring relationships would develop and grow.

This account of mentoring also poses challenges for mentoring in law practice. Tom Shaffer noticed this danger when he observed, in *On Being a Professional Elder*, “I sometimes think the practice of a profession in modern America is impossible, because modern America is, to use Alasdair MacIntyre’s image, a society of strangers.”<sup>29</sup> There is a very real question whether genuine mentoring is possible in many law practice settings. Mentoring in the fullest sense involves a close working relationship that endures long enough for the fledging lawyer to find his or her own wings. It requires an investment of time and attention that might seem a luxury to many senior lawyers in this practice environment. Both junior and senior lawyers are more mobile than they once were. Many lawyers practice in very large, impersonal organizations. Under those conditions, it is difficult for young lawyers to find mentors willing and able to invest in them. It may also be difficult for mentors themselves to avoid feeling alienated from their own organization. If they lack a commitment to their institution’s culture and a belief in its value, their protégés are likely to be similarly alienated. I don’t have any easy answers to these challenges. Many of you in this room, who are leaders in your firms and active in professional organizations, can speak to this problem better than I can. I do not believe that large organizations are fatal to the development of mentoring relationships. To the contrary, healthy large organizations are

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28. Lyman Johnson et al., *Washington and Lee University School of Law: Reforming the Third Year of Law School*, in REFORMING LEGAL EDUCATION 11, 18–19 (David M. Moss & Debra Moss Curtis eds., 2012).

29. Shaffer, *supra* note 19, at 627 (citing Alasdair MacIntyre, *Patients as Agents*, in PHILOSOPHICAL MEDICAL ETHICS: ITS NATURE AND SIGNIFICANCE 197–212 (Stuart F. Spicker & H. Tristram Engelhardt eds., 1977)).



built of overlapping clusters of community in which protégés can be encouraged to grow and thrive. No doubt it takes work to build and maintain such an organization. Communities are fragile and once broken, are difficult to rebuild. Similarly, even large organizations can keep and attract committed participants who will work to keep the organizations culture healthy and its values intact. There are real challenges confronting practicing lawyers who seek to mentor or be mentored. The same challenges make good mentoring even more important for young lawyers who are seeking to make their way in an ever more demanding profession. Those who find the time and strength of character to mentor them deserve gratitude. They mentor as a service but also, I suspect they, like Roger, find mentoring relationships meaningful and rewarding.

Lastly, I promised to talk about being mentored. Mentoring, as I have said, is a relationship. Like any good relationship, a healthy mentoring relationship involves give and take. Students and young lawyers should actively seek out prospective mentors. Once a mentor has been found, a protégé needs to take initiative and engage with the mentor. Watch closely and listen attentively but don't stop there. Ask questions, seek to understand the whys of the mentor's actions and decisions. Bring your own professional questions and dilemmas to your mentor for advice and guidance. You are not obligated to follow all of your mentor's advice but you are obligated to consider it seriously.

Protégés also need to grow up. A mentor's goal is to help a protégé learn to practice his profession independently. A good protégé gradually lessens her dependence on her mentor and ultimately leaves the nest.

The relationship shouldn't end, however. Mentors deserve to hear from you about your professional progress. Your success is, to an extent, theirs as well. Part of the purpose of mentoring is to build and maintain the institutions which have supported the mentor and her protégés. As a consequence, protégés also owe a certain duty of loyalty, I think, to the institution and profession in which they have been mentored.

I think most of you know how this lecture in law and hunting and Roger has to end. "It's time to piss on the fire and call home the dogs."

I am more honored than I can say to be the holder of the Roger D. Groot Chair. Thank you all and a particular thanks to

all of you who recognized Roger through your support for this chair.

*Tribute to Professor Shaughnessy*

Mary Z. Natkin\*

I well remember Shaun's 2012 inaugural lecture as the first recipient of the Groot Chair. What struck me upon rereading her piece, however, is that the best example of a hunter I can think of is the lioness. The female lion does the majority of the hunting for the pride. She is the one to teach the cubs how to hunt. She does so by allowing them to observe and then gradually participate in the hunt as their skills develop. She provides the example and then corrects the cubs with a critical eye to their skill development as well as to their protection. She is, to lift a movie title, everything everywhere all at once.

So too with Professor Shaughnessy and teaching. Professor Shaughnessy teaches by example. She listens, guides, and focuses on the moral dimension of the profession for both her students and colleagues. Sadly, I was never in a class with her. She nonetheless taught me much in the decades we have known each other. She has been a tireless supporter of students, staff, and colleagues, as anyone who has served on a committee with her can explain. Shaun, more than anyone, is able to give critical feedback without the recipient getting defensive. Her feedback to me was enthusiastic and collaborative (even when, as was often the case, it set me straight). Shaun could listen to people endlessly argue a point and then, quietly and persuasively in seven words or less, find the common ground for resolution of the issue.

Allow me a brief example of her brilliance. In the year prior to our engagement of professional writing professors, Shaun and I taught two writing sections of Professional Responsibility. It was one of my very best teaching experiences, thanks to her. At her suggestion, we structured the class around a National Institute for Trial Advocacy problem that centered on application of the Model Rules of Professional Conduct. Our students exchanged pleadings and argued against each other. We structured the coursework so that they could provide feedback to each other in addition to our feedback on their writings and oral advocacy. We modeled professional

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\* Professor Emeritus, Washington & Lee University School of Law.

collaboration by jointly providing feedback on their work. She met with me prior to our classes so that we were able to keep our students on pace and in line with the problem as it developed. Shaun brought to life her lecture's ideal of the moral value of mentoring. Teaching our sections collaboratively allowed us to mentor students in their skill development, certainly. The structure she provided further allowed us to engage in a "common understanding of ethics to guide practice," as her lecture set out.<sup>30</sup> She saw a way for us to "engage in critical reflection with protege[s]" while teaching the rules of legal ethics.

Shaun epitomizes the saying "We Rise by Lifting Others." Her contributions to the law and this law school are immense. Her retirement is well earned, but she will be sorely missed in Lewis Hall.

### *Reflections on a Colleague*

Brian C. Murchison\*

Professor Joan Shaughnessy arrived in Lexington in the summer of 1983. It was an electric moment: Roy Steinheimer was the charismatic Law School Dean, riding herd (to the extent possible) on such faculty giants as Rick Kirgis, Roger Groot, Joe Ulrich, Lash LaRue, Sally Wiant, and Uncas McThenia. The Frances Lewis Law Center (the law school's research arm) was a hotbed of ideas about law reform; a new curriculum was under construction; the student body was smart, funny, and engaged; and suddenly there was this brilliant lawyer named Shaughnessy, arriving direct from a top New York law firm and undaunted by any of the challenges presented by Lexington or Lewis Hall. Over time, it became clear that she was one of the all-time greats of a distinguished group of teacher-scholars.

It's hard to capture in words the scope and depth of Professor Shaughnessy's fabled career. In four decades, she nurtured countless students, whether in the intricate art of legal

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30. *Supra* p. 1079.

\* Charles S. Rowe Professor of Law, Washington & Lee University School of Law.

writing or the mastery of courses as daunting as Civil Procedure and Federal Courts. She was tough, demanding, funny, and fair. There were always students walking through her doorway: some in search of guidance for their first legal memo, others seeking a Note topic, still more simply needing encouragement, humor, and calm amidst the trials of law school. One Note writer (Lucy Dempsey '21L) spoke for many in expressing “deepest gratitude to Professor Joan Shaughnessy for her superb edits, patient conversations, and knack for asking questions that forced me to rethink everything.”<sup>31</sup> How many others, looking back now, can see quite clearly how they grew from her concern for them, and matured from the respectful way she engaged with them and taught her courses? Her mentoring was a constant element of a long career.

Professor Shaughnessy’s colleagues benefited just as much. Her comments on our draft articles were incisive, and her work as Associate Dean for Academic Affairs helped solve many issues of governance, large and small. She advocated for programs and policies designed to make W&L a more inviting and inclusive place. She was the faculty’s conscience and institutional memory. In addition, she played an active role for many years in W&L’s Shepherd Poverty Program, whether in teaching courses like Poverty Law and Child Abuse and Neglect, or interviewing students for summer placements. As Fran Elrod, the Shepherd Program’s Associate Director, stated, Professor Shaughnessy was a “consistent, necessary, and deeply appreciated” member of the Shepherd team.<sup>32</sup>

For me, Joan Shaughnessy embodied the aspirations of the University’s mission statement: to develop the students’ “capacity to think freely, critically, and humanely.” As she retires, we can only thank her for bringing out the best in us and the institution. Her legacy is permanent.

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31. Lucy Dempsey, Note, *Equity over Equality: Equal Protection and the Indian Child Welfare Act*, 77 WASH. & LEE L. REV. ONLINE 411, 411 n.\* (2021).

32. Telephone Conversation with Fran Elrod, Associate Director, Shepherd Program for the Interdisciplinary Study of Poverty and Human Capability, Washington & Lee University (Mar. 30, 2023).

*Tribute to Professor Shaughnessy*

Mark H. Grunewald\*

On the occasion of Professor Joan Shaughnessy's retirement from the Law Faculty, I am honored to be a part of this Tribute to her and her career at Washington & Lee.

Shaun was the inaugural holder of the Roger D. Groot Professorship. Her lecture inaugurating the chair celebrated the career of her former colleague for whom the chair is named and the importance of professional mentoring. Upon re-reading the lecture, I am struck by how the core elements of professional mentoring can be delivered with equal effect over a range styles and personalities. What I am about to say will be clearest to those who know Shaun and who also knew Roger, but that knowledge is not critical to my point.

I will begin with a simple comparison. Many would say, "Roger was tough, and Shaun gentle." Whatever those characterizations might mean, they are certainly superficial. Behind their demeanors—whether tough, gentle, or unnamable—stood a firmness in purpose and a commitment to high professional standards. And most importantly, in the terms developed in Shaun's lecture, Shaun and Roger transformed that firmness and commitment into a level of mentoring that powerfully and effectively modeled the highest forms of professional skill and identity. Perhaps, the point that outstanding mentoring comes in different shapes and sizes may seem too obvious to emphasize, but in the environment in which Shaun spent most of her career—legal education—students also come in different shapes and sizes. And in turn, success in mentoring can be dependent on the mentor's fit with those differences. Whether with Shaun or Roger, or with both, large numbers of our students found a mentoring fit that served them well as students and continues to serve them in their careers.

But I need to move on from Shaun's role as a mentor of students, a role I observed only from a distance, to one I encountered firsthand—Shaun's role as my mentor and what I will venture to call her role as a mentor to the faculty. Mentoring

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\* James P. Morefield Professor of Law, Emeritus, Washington & Lee University School of Law.

students concededly is different than mentoring colleagues, but in the professional education setting the difference is not particularly wide and is often more a function of age and ego than substance. Shaun, by virtue of her powerful intellect and generous nature, was a frequent choice for advice, counseling, and yes, I would say, mentoring, for many of her colleagues. For me, for nearly forty years, she was a steady source of professional guidance. Matters in that realm ranged from relatively mundane day-to-day issues that we, as law teachers, regularly encountered to quite complex, and often delicate, institutional issues. Shaun was and is also a dear friend, but it was always clear to me that she understood, in mentoring, our professional relationship had to be paramount.

And what do I mean by my reference to Shaun as a mentor to the faculty? Much of our work as legal educators, apart from the time we spend with students, is solitary. The time we spend together as a faculty and act on institutional issues is limited, though critical. Whether it occurs through committee work, in faculty meetings, or in other ways, the quality of the outcomes depends on what I will call “collegial professionalism,” a form of professional character and identity that privileges institutional interests over individual interests. It is not unique to the legal profession or to legal education, nor is it codifiable or directly teachable. It is a form of professionalism that is transmitted primarily through role models, through indirect mentoring. I can best convey my sense of Shaun in that role by positing faculty discussions that have gone on too long, with more heat than light, that turn positive and productive only after Shaun calmly and articulately summarizes the essence of the choice before the group, making clear the lines of argument offered and where institutional considerations lie along those lines. She, of course, shares her own sense of the appropriate outcome, but in doing also credits alternate viewpoints with sincerity and respect. The prospect of discord is replaced, not with unanimity in position, but with a tone of conversation and paths of reasoning that facilitate institutionally sound decision-making.

As Shaun says in her lecture, “a good mentor is a treasure to be sought and once found to be prized.”<sup>33</sup> Shaun has long been prized, and now will be just as deeply missed at the Law School.

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33. *Supra* p. 1079.

*The Voice of a Teacher*

Barry Sullivan\*

When my friend “Shaun” Shaughnessy was named to the Roger D. Groot Professorship, she followed the usual convention—delivering a formal lecture that was thoughtful and elegantly constructed, addressed an important subject, and said something that was truly “worth saying.”<sup>34</sup> At first blush, however, the title of Shaun’s lecture—or at least the first two words of it—might have struck some as a bit unusual for an inaugural lecture celebrating the dedication of a law professorship named in honor of one distinguished law professor and the investiture of another as its first holder.

Shaun’s title was “Two Hunters: Reflections on Mentoring and the Formation of Professional Identity.” That title raises a host of questions. Of course, I knew that Shaun was not unfamiliar with the language of hunting; she has more than once responded to an argument that I was testing out on her by observing in her empathetic, but direct way, “That dog won’t hunt.” As for the second part of the title, I knew that Shaun had thought a great deal—and had much to say—about the theory and practice of mentoring and the formation of professional identity. But I think that even her closest friends might have been surprised to learn that the subject of her inaugural lecture would somehow be linked to hunters and hunting. To those who have been fortunate enough to know both Shaun and Roger, however, the explanation for those first two words was obvious: Shaun meant to honor her friend and mentor, the Renaissance man for whom the professorship was named—a man who loved teaching, archival research, scholarly writing, courtroom lawyering, and hunting in seemingly equal measures.<sup>35</sup> The title

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\* Cooney & Conway Chair in Advocacy and George Anastaplo Professor of Constitutional Law and History, Loyola University Chicago School of Law. Dean of the School of Law, Washington & Lee University, 1994–1999.

34. See ALEXANDER MEIKLEJOHN, FREE SPEECH AND ITS RELATION TO SELF-GOVERNMENT 102 (1948).

35. See *A Tribute to Roger D. Groot*, *supra* note 9. The extent to which Shaun sought to honor Roger is obvious from the beginning to the very end of



did seem appropriate after all, and there was little mystery as to the identity of at least one of the hunters memorialized in Shaun's title.

But who was the other? Was it Lyman Johnson or another of Roger's hunting buddies? Those who know Shaun and her very catholic tastes and interests will not be surprised to learn that the other hunter was not anyone known personally to Shaun (or perhaps even to Roger), but a local hunter Shaun had read about in *The Rockbridge Advocate*.<sup>36</sup> The hunter's name was Hank Beverly; he had been interviewed in the *Advocate*; and Shaun found his remarks congenial. One characteristic of Shaun is her democratic sensibility. She is always in search of wisdom and is adept at finding it where others might fail to look. Mr. Beverly's remarks were about hunting, but also about teaching, mentoring, caring, community, professional identity, and the love that necessarily binds them all together—the central concerns of Shaun's inaugural lecture and of Shaun's (and Roger's) professional lives. In his interview, Mr. Beverly observed:

People's always askin' me, "How do you get them dogs to listen to you like that?" Man, I live with 'em and work with these dogs daily . . . You got to spend time with 'em and the best dogs is ones that you raise from puppies. He learns you and you learn him and you bond to him, see. Young kids is like that, too. If you take time for to teach em' they'll love you for it.<sup>37</sup>

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the lecture, which concludes in truly Grootian fashion: "I think most of you know how this lecture in law and hunting and Roger has to end. It's time to piss on the fire and call home the dogs." *Supra* p. 1083.

36. *The Rockbridge Advocate* is a local newspaper. *The Rockbridge Advocate*, <https://www.rockbridgeadvocate.com/> (last updated Dec. 4, 2022). According to its website,

[t]he *Advocate* draws its material from the culture of Rockbridge County—the people, the news, the gossip, the troublemakers, and the way of life. Without the county, and without the kinks that make it unique, there would be no *Advocate*. The *Advocate*, then, shows the local color of one corner of the globe, something that some folks seem to be trying to stamp out or ignore these days most everywhere.

*Id.* The newspaper's motto is "Independent as A Hog on Ice." *Id.*

37. *Ruth Huffman Visits Hank Beverly*, *supra* note 6, at 32–33.

Mr. Beverly noted that, “Some of ‘em’s learning right. The one’s that love it.”<sup>38</sup> And that included girls as well as boys. Mr. Beverly paid special tribute to his sixteen-year-old granddaughter. “I like to see the young’uns learn the way,” he continued. “You teach ‘em, they’ll respect you for it all their life.”<sup>39</sup> Much of what Mr. Beverly teaches is technique, but he also teaches the values of his craft. For example, he noted the importance of teaching the “young ones comin’ up” to kill only what they can use and only what they have tracked down themselves.

Mr. Beverly’s insights about teaching young people to hunt are not dissimilar from what great law teachers like Shaun and Roger understand legal education to be about. Law teachers, as Shaun acknowledged, do not generally prepare students to do precisely what they do. They prepare students to practice law, not to teach it. In this sense, they are different from master teachers of bear hunting like Mr. Beverly and from graduate school teachers preparing students to become scholars like themselves. This is the source of some tension in the legal academy that does not exist among teachers of physics or philosophy or religious studies or hunting. Some law teachers, like Roger, are fully at home in both these worlds. Others, like Shaun, understand the tension and are able to work brilliantly across borders, giving students a sense of the reality of law practice as well as an intellectually rigorous academic experience.

Most important, the characteristics that Mr. Beverly embodied—love of his subject, love of teaching, affection and respect for students—are essential to any successful educational endeavor. Mr. Beverly’s account of his practice is not much different from that which Gilbert Highet, the great classics scholar, described in *The Art of Teaching*. For Highet, liking students, knowing one’s subject well, liking one’s subject, and having a strong desire to share the subject with others are all essential requirements for teaching.<sup>40</sup> In addition, students “should feel that the teacher wants to help them, wants them to improve, is interested in their growth, is sorry for their mistakes

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38. *Id.* at 34.

39. *Id.* at 35.

40. GILBERT HIGHET, *THE ART OF TEACHING* 12–30, 72 (Methuen & Co. 1968) (1950).

and pleased by their successes and sympathetic with their inadequacies.”<sup>41</sup> Most important, “[i]t is difficult to teach anything without kindness.”<sup>42</sup>

These are the qualities that Shaun has shown as a teacher, as a colleague, and even as an administrator. Not surprisingly, she sees them as the essence of mentoring, an activity that might be defined as real or genuine teaching—as opposed to some pale imitation. As Shaun observed in her inaugural lecture, teachers or mentors must be expert in their craft and its values, and they must be able to transmit both to their proteges. That, in turn, requires a real attentiveness to the needs of their proteges as individuals. There must also be an absence of ego on the mentor’s part. The good that the mentor seeks must be that of the protegee, and the mentor must not hold back the protegee who is ready to fly by herself. Finally, Shaun properly insists that mentoring, that is, the mentor’s relationship to her protegee, is characterized by caring and has moral value. The larger question—whether the practice of law (or bear hunting) has intrinsic moral value—is a complicated one, of course, and should be addressed by mentors and proteges as they “rais[e] and puzzl[e] through the ethical issues that permeate our professional lives.”<sup>43</sup> What Shaun describes is the true life of a teacher as reflective practitioner and as teacher of reflective practitioners.<sup>44</sup>

Of course, Shaun has long “raised and puzzled through the ethical issues that permeate our professional lives.” She is a lawyer above all, and she has had no illusions about human nature, let alone about the nature of law or its limits. She has recognized that law is about power and legalized force.<sup>45</sup> In an important 1988 article inspired by Carol Gilligan’s path-breaking book, *In A Different Voice: Psychological Theory*

41. *Id.* at 71.

42. *Id.* Moreover, the kindness must be genuine. “Pupils of all ages . . . easily and quickly detect the teacher who dislikes them . . . . It is useless to feign a liking for them if you do not really feel it.” *Id.* at 72.

43. *Supra* p. 1080.

44. *See generally* DONALD A. SCHÖN, *THE REFLECTIVE PRACTITIONER: HOW PROFESSIONALS THINK IN ACTION* (1984).

45. This is another similarity between hunting and law: both involve the ethical and responsible use of power or force, and the teaching of both involves ethical as well as technical instruction. I suspect that that was another aspect of Mr. Beverly’s reflections that resonated with Shaun.

and *Women's Development*,<sup>46</sup> Shaun wrote that “[a]n agent of the law—a lawyer, a judge—is professionally engaged, most of her working days, in the exercise of power.”<sup>47</sup> But Shaun recognized that there are important things that power and force cannot hope to achieve:

I have said that lawyers deal in power—legalized force. This is simultaneously the source of the law’s great strength in our society and its great weakness. The instruments of the law, when stripped to their bones, are crude. The law can imprison or refuse to do so, it can order someone to do an act or refrain from acting, and it can punish failure to follow the order. It can take a life. It can achieve the goals that force is capable of achieving. But it cannot, directly, achieve anything more.

Consider, for example, school desegregation . . . . In the final analysis, law could, to some extent, assure that black and white school children sat in the same classrooms, that black and white teachers were found on the same school faculties, that black and white children received the same books and equipment. But law, and the lawyers and judges involved in the school cases, could not go much further. The work of actually uniting the communities of black and white children, of establishing “webs of connection” among them, primarily belongs to others—to teachers, to parents, to

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46. CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* (1982).

47. Joan M. Shaughnessy, *Gilligan's Travels*, 7 L. & INEQ. 1, 21 (1988); see also FREDERICK SCHAUER, *THE FORCE OF LAW* 5 (2015). Building on Gilligan's work, Shaun noted that “[i]t is precisely this task that women have historically been excluded from performing. The exercise of legalized force through law, like other exercises of power in our society, has been an exclusively male prerogative.” Shaughnessy, *supra*, at 21. Shaun further discussed the consequences for women as lawyers of the socialization that they experience, a socialization that elevates sensitivity to the needs of others and concern with relationships and responsibilities over other possible virtues. *Id.* at 22–23.

Over time, the law may develop more creative remedies; but by its nature, law is coercive. To some extent, women's inclinations for activities of care will necessarily be frustrated as they encounter the law's limitations. Eventually, women are likely either to feel alienated from their practice or to learn to downplay their inclinations for caring activities.

*Id.* at 23.

community leaders. The law, at its best, can only prepare the way for human interaction, it cannot achieve it.<sup>48</sup>

Caring might provide an alternative, but caring also has limitations. Whether, when, how, and to what extent the regime of power and force might give way to a regime of care is a question that Shaun has thought worth thinking about since the beginning. “The remaining question,” Shaun wrote in her 1988 article, “is whether we can, and should, strive to replace the ethic of justice with the ethic of care.”<sup>49</sup> Shaun essayed an answer:

The ethic of justice, as many scholars have persuasively argued, is subject to serious dangers and distortions. At its worst, it degenerates into a blind legalism capable of perpetrating enormous cruelty in the name of the law. Even at its best, however, our jurisprudence, with its ideal of equality of rights under law, has proven unable to deal effectively with inequality of need in our society.<sup>50</sup>

But the “ethic of care also carries with it dangers and potential distortions when used as a basis for jurisprudence.”<sup>51</sup> The ethic of care “rejects the possibility of moral governance by universal norms;” but “[o]urs is a society too large and too cumbersome to dispense entirely with governance by rule.”<sup>52</sup> And, as Shaun notes, caring requires a degree of intimacy and close connection to others, which is neither possible nor desirable on a large scale.<sup>53</sup>

Shaun closed her article with the observations that she found Gilligan’s “‘different voice’ . . . more of an admonition for humility . . . than a herald of transformation,” that “much of what enriches human life . . . is found outside the law,” and that lawyers “must guard against the temptation to portray our work as the ultimate good.”<sup>54</sup> “If we attempt to appropriate to law all that supports and nourishes our people, we risk impoverishing

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48. Shaughnessy, *supra* note 47, at 22–23.

49. *Id.* at 25.

50. *Id.*

51. *Id.*

52. *Id.* at 25–26.

53. *Id.* at 26.

54. *Id.* at 27.

our society and holding out a dazzling promise we cannot fulfill.”<sup>55</sup>

As Shaun observed, caring requires a degree of intimacy and close connection to others. There may be several grounds for rejecting caring as an adequate foundation for law. But there is a realm more capacious than the law, and what enriches that realm is precisely the close connections we make with one another. Shaun has always insisted on the central importance of human values and human connection in the teaching and practice of law and in life. Teaching and mentoring can provide a place for furthering those human values. But we should not deceive ourselves into thinking that the task will be easy. We live in a time and a place that often sees critical human relationships—those of students and teachers, lawyers and clients, physicians and patients, and law partners to each other—in purely transactional terms. Shaun has seen and spoken differently. That different voice has enriched the life of Washington & Lee beyond measure for the past forty years. Shaun’s voice has enriched us all. And, as Mr. Beverly would say, “If you take time for to teach em’ they’ll love you for it.”

### *Tribute to Professor Shaughnessy*

Michelle L. Drumbl\*

Like so many of us, I have a hard time imagining Lewis Hall without Shaun Shaughnessy.

I first met Shaun more than twenty years ago. My earliest memories of her include how joyfully welcoming she was to me when I joined the Lexington community. Over these twenty years, Shaun has been a steady presence for me. Certainly, this has been true professionally, but it also transcends that space. I have fond memories of Shaun celebrating with Mark and me at our wedding reception, and of her holding in her arms our now-teenaged sons when they were infants.

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55. *Id.*

\* Associate Dean for Academic Affairs, Robert O. Bentley Professor of Law, and Director, Tax Clinic, Washington & Lee University School of Law.

Shaun has many special attributes. She is never impatient, but at the same time is never one to tolerate nonsense. Steady and calm, her style as a senior faculty member has been to lead colleagues forward with a natural ease, and always with grace and dignity.

When I think back on the overlap of my career with Shaun's, there are many distinct and wide-ranging touchpoints that come to mind. These include easy, light-hearted times as well as more difficult and stressful days. I remember serving together on various faculty committees, working with her to organize a symposium on taxation and poverty with the *Journal of Civil Rights and Social Justice*, and many times seeking her counsel on issues that came up in the classroom or other contexts.

My takeaway from the sum of these shared experiences is how our institution has benefited immeasurably from Shaun's maturity. In this regard, I have learned much from watching her over the years. Shaun has an uncanny ability to read a room and, using a succinct number of words, strike just the right tone, with wisdom, in the moment when it is needed most. That is truly a gift, and something our world needs more of.

In the lecture she delivered at her chair investiture, which is published in this edition of the *W&L Law Review*, Shaun contemplated what it means to be a mentor. Shaun has been a mentor perhaps to more people than she consciously appreciates, and certainly I count myself among her protégés. In her lecture remarks, Shaun reflected that, like younguns, protégés eventually need to grow up and stand on their own, and the mentor must recognize the need for that.<sup>56</sup>

As inevitably happens, at some time along the way during my nearly twenty years at W&L, I grew up. As I reflect back now, I am certain that Shaun observed this transition in real time. I think she may even have recognized the precise moment when it was time for me to grow up and make my own contributions to the institution, as opposed to my waiting for and depending on Shaun and other senior colleagues to do so. It is only in reflecting back now that I appreciate the many subtle ways in which Shaun served as an example and mentor for me

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56. *Supra* p. 1082.

so that I could make this transition and form my own professional identity as a law faculty member.

Among the many things I will miss about having Shaun as a daily colleague in Lewis Hall, I believe what I will miss the most is the presence of her voice at faculty meetings. In the absence of her voice, I will have to remember that I have grown up, and am now a senior colleague with a duty to continue to build and maintain this institution that has supported me to this stage.<sup>57</sup> I hope I might impart even a little bit of the wisdom and maturity that she gifted to our faculty for so many years.

Thank you, Shaun, for leading the way for the younguns as we became the not-so-young.

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57. *Id.* at 1085.