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In Memoriam

In Memory of Esther F. Giaccio Clark

Eulogy delivered at the Funeral Service held for Esther F. Giaccio Clark on March 5, 2002 in Media, Pennsylvania

William R. Taylor*

We are here today to honor the life of a GIANT AMONG MEN. Yes, Esther F. Clark was a petite woman in physical stature, but she towered over others in competency, compassion and caring in her chosen life path as counselor.

Nearly everyone has seen the notices of Esther's career in the Daily Times and Inquirer. They tell you a lot about what she did, but not how she did it. Nor do they tell what kind of person Esther really was. She established so many firsts in her life it seems only proper that her middle initial was "F."

She became a public defender in Chester, Pennsylvania, and a criminal defense attorney while practicing with her husband. She consumed herself in preparation to give each of her clients her total effort. She outworked her adversaries. Her manner, style and presentation before juries made juries believe what she was saying and actually like her. That may have tipped the balance in her favor. She was a GIANT among defenders.

Esther was recognized as being the best. Rumor has it that many prosecutors, when hearing that Esther was the defense attorney, would suddenly have more pressing matters than opposing her in a courtroom.

* A close family friend.

She was nominated by governors of both parties to be a judge, but she was never confirmed because of an archaic rule of senatorial courtesy that allows one person to keep the nomination from coming to a vote.

That hurt Esther because her peers viewed her credentials as impeccable; she was given the highest rating by the Bar Association. It forever tarnished Delaware County, which has always espoused selecting the best qualified to serve. She could have changed parties and been embraced but that was not Esther. She was a GIANT among the principled.

Thanks to the foresight of Dr. Clarence Moll, she began a new career in 1976—Professor at the Delaware School of Law, now Widener University School of Law. In that setting she did more for Delaware County and the legal profession than she could ever have accomplished as a judge. For twenty-six years she molded and mentored men and women, preparing them to enter the legal profession, which she felt was a special calling. Professor Clark is fondly remembered by her students as being kind, patient, learned and as someone who had been in the trenches before entering academia. She co-authored a law school casebook. She was a GIANT among professors.

The articles about Esther mention her several times, “as a member of a committee or organization.” Esther Clark was never just a member of anything. When her name was linked with any association, board, committee or group, she worked. There was no belonging for resumé value; she belonged to make a difference, and did. She was a GIANT among volunteers.

Esther was a trailblazer but not a crusader for special consideration. She felt that when you earn it, it will come to you. Being named “Man of the Year” by the lawyers of Delaware County, the “Woman Lawyer of the Year” by the Pennsylvania Bar Association, the “Teacher of the Year” by her students year after year, having the opportunity to teach at the beautiful new law school at Roger Williams University and receiving the Distinguished Alumni Award from her alma mater, were all highlights she treasured. She was a GIANT among leaders.

But nothing surpassed the joy of her family life. Being in practice with her husband, having their daughter, Jacqueline, become a lawyer, and being with her granddaughter, Lucianna, topped off

the life of a satisfied person. She was a GIANT in family relationships.

Now, before you rush out to have Esther proclaimed a saint there are some personal things you should know. When Esther did not like something, everyone knew about it. She detested the description given to wives of Rotary members before women were allowed to join. "Rotary Ann" was the term. She made it clear that she was not John Clark's "Rotary Ann," she was his wife. That designation was dropped—at least in our club.

Also, if ever there was a complete background check of Esther, the report would show there are several places she would be considered a "high roller": Atlantic City, Foxwoods and Las Vegas. The unique thing was that she played with the casino's money—most of the time. She had a taste for fine food and visited the best restaurants that John could find offering "two-fers."

Something I learned about Esther in the last two years typified her concern for others while downplaying her talents and abilities. Every once in awhile, the lunch table would have wives join us. One day while speaking with Esther, I asked her to join us and she said she had a previous engagement. I told her nothing could be more fun and important than having lunch with her husband, Don Tonge and me. She retorted, "you people grossly overestimate your congeniality as well as your importance."

Another time, in arranging for a dinner with the wives, we had to reschedule because she was having dinner with another person. John was not concerned about these meetings, but my curiosity peeked. I found out who she met and asked her why she didn't let her students and others know who her prominent friends were. She looked at me and said, "although it's the 21st century, we are in Delaware County, and confidentiality is important because I would not want to negatively affect their careers." She was a GIANT in confidentiality and advising.

Esther was a GIANT here on Earth who was excellent in all she did as an advocate, a defender, a professor, a volunteer, in community service, with her family, and as an advisor. Most of us will never fill even one of the deep impressions left by this GIANT's footsteps, but there is the opportunity to strive to do what Esther did.

It is interesting to note that of all the books of the Bible, only two have women's names. Esther in the Old Testament is one of

those. Did her parents know she was a special person when they named her?

Heaven is never thought of too much by most of us until a good person like Esther dies. There is no question among any of us who knew Esther as to where Esther's soul is today. She is in heaven.

Allow me to construct a hypothetical (non-legal) picture that may make a vision of heaven a little more real today. There may be some who breathe a sigh of relief because they think Esther is assuming the role of defense counsel, and since they knew her as a friend, student or peer, there is hope she will defend us and our shortcomings when the time comes. But what if my scenario is correct, that God decided it was time for Esther to be a judge in the highest court and to sit with the first female judge in the Bible—Deborah—somewhere on his left side, and they have the responsibility for upgrading the minimal standards for acceptance based on Esther's life?

Thank God for giving us more time to try and fill a part of that GIANT's footprints.

A Remembrance of Professor Esther Clark

Bruce I. Kogan*

I first met Esther Clark on a snowy day in January 1982 when I interviewed for a full-time teaching position at what was then called the Delaware Law School in Wilmington, Delaware. At the time, I had been practicing tax and business law with a firm in Harrisburg, Pennsylvania, while teaching as an adjunct professor at the Dickinson School of Law. I very much wanted to make the transition onto a law school faculty and was clearly a little nervous. Talking with Esther in her office just before I had to do my "job talk," she asked me what I was going to talk about. Even though I am sure that I completely bored her by describing what I thought was wrong with the penalty provisions of the recently passed Reagan tax reform act, Esther put me at ease and demonstrated her characteristic kindness by telling me: "Don't worry, they hired me and you actually know something!"

Immediately from the outset of our working relationship, Esther Clark and I became fast friends. Her office was just across the hall from mine while we worked together on the faculty of what came to be known as the Widener University School of Law. When I started at Widener, Esther was the only woman out of a faculty of twenty-five. That changed over time as more women entered law teaching and the legal profession, but what did not change was the role that Esther played first at Widener and later at Roger Williams. Esther was for me (and for most others who met her) kind of like the "good mother" that we all wished we had had growing up. She was optimistic, kind and supportive, but she also told you very directly when she thought you got things wrong.

For her students, Esther was both a demanding teacher and a loyal cheerleader. She managed to challenge them to master the nuances of each of the exceptions to the hearsay rule while encour-

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aging them to have the self-confidence that they would need for a lifetime of professional practice. Above all she was committed to teaching (what I often heard her refer to as) her “babies.”

Esther was also a helpful and supportive friend for her colleagues. Many younger law teachers (including me when I was younger) went to Esther Clark for advice about how to handle one thorny classroom teaching problem or another. She was always generous with her time and sage with her counsel. Although Esther did not consider herself a scholar, she did respect the efforts of her colleagues to engage in the difficult enterprise of legal scholarship. In the more than twenty years that I knew and worked with Esther, I do not believe that I ever heard her trivialize or demean any article or book written by a colleague.

As a friend, Esther Clark was loyal and just a whole lot of fun to be with. She ventured far away from her home and family in Pennsylvania in 1994 because a few of her friends from Widener (Professor and President Emeritus Anthony J. Santoro, Dean of Admissions Christel L. Ertel, and me) asked her to help us try to build the best law school that we could in Rhode Island. The hundreds of Roger Williams law students that Professor Clark taught are testimony to her part in building that better school.

Once Esther and John Clark got to Bristol they discovered a truly wonderful thing . . . Foxwoods! My wife, Jaime, and I went with the Clark's to the Connecticut casinos on one or two occasions. It was amazing to see just how long Esther could make that \$25 last. Just as amazing were the delicious home-cooked dinners that she would frequently whip up for two or three or four other faculty members at her North Farm condo. Watching the sun go down on Narragansett Bay from the deck of her apartment in the company of good friends was a particular treat for Esther. She loved good meals and introduced Jaime and me to a number of our favorite restaurants. We will miss her insightfulness, her optimism, and her joy in living. Much of that joy came from her family . . . John Clark, her husband of nearly fifty years, her daughter, Jackie, and her precious granddaughter, Luciana.

When I think about the life that Esther Clark lived (wife, mother, grandmother, lawyer, bar leader, and law professor), I think about a woman who was a pathfinder and inspiration for countless other women in the legal profession who followed after her. Esther did everything that she wanted to do, she loved what

she was doing, she dearly loved her family and she was loved by everyone who knew her. That was not at all bad for a little Italian-American girl from South Philadelphia.

Esther F. Clark

Anthony J. Santoro*

This is a very sad task for me. It is the second time the Roger Williams Law Review has asked me to write a piece celebrating the life of one of the law school's founders. First, it was Dean Gary Bahr who shocked the law school with his untimely passing while establishing our program in Lisbon. Now, it is the untimely passing this last February of Professor Esther Clark that has shocked all concerned with the law school.

Henry Adams once said, "A teacher affects eternity; he can never tell where his influence stops . . ." Adams was, of course, paying tribute to legions of dedicated teachers, but he could have been speaking directly about Professor Esther Clark—a teacher who had a profound impact on the lives of her students, in class and beyond. Indeed, she played a major role in the lives of everyone she touched.

Esther was an extraordinary woman who for almost twenty years was my colleague, my teacher and, above all, my friend. I can still recall rather vividly my first experience with the formidable Professor Esther Clark. In early 1983, I received a letter from Esther written in her capacity as chair of the Dean Search committee at Widener University School of Law. She informed me that I had been nominated for the position of dean and that, if I had any interest in the position, I should call her at my earliest convenience. I did not know it then, but that letter was an invitation to a twenty-year odyssey with one of the finest law teachers and best lawyers I have ever met.

At the time, I was a professor at the University of Bridgeport (now Quinnipiac) School of Law, having stepped down as dean some 18 months earlier after the school became ABA approved; I had only recently returned from a one year visit at McGeorge School of Law in Sacramento, California. Pauline, my wife, and I

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had just purchased a new home after several years of living on campus and the children had settled into their third school in three years. The thought of moving was simply too difficult to consider even for a moment. I threw the letter away. This was the first of two mistakes I made with Professor Clark.

Three days after tossing the letter away, I received a phone call from Esther, chiding me for my failure to respond promptly to her letter. I apologized, but reminded her that her letter invited a response only if I were interested in the deanship. That was my second mistake. That was, in her word, "ridiculous." She spent 10 minutes explaining to me why I should have responded even if I was not interested in the position. More importantly, she went on, I should be interested because it was a good position at a law school and, after all, I had been at Bridgeport long enough. I felt as if I was on trial and about to be convicted. Accordingly, I did the only thing possible: I stalled, promising to think about it for a few days.

That evening, I spoke to Pauline about the call and we agreed that there would be no move in the immediate future and that I would call Esther early the next day to inform her. Apparently, I took too long to think because Esther called me at home the next morning before I left for class. For reasons, which are still not clear to me, although one was certainly to placate Esther, I agreed to stand for the deanship.

My wife, who overheard the conversation, took the news in silence. Esther, on the other hand, shrieked her approval. I knew then that I was dealing with a passionate, dedicated lawyer who refused to take "no" for an answer and that I may as well surrender. Her reaction rang a familiar chord. I asked her if, by chance, she was of Italian heritage. She hesitated, obviously taken aback by my question, but answered, "Yes, my maiden name is Giaccio and I grew up in South Philly. But how did you know?" At that point Esther and I became fast friends and I soon came to learn that she was the quintessential Italian mother who cared for everyone with love, devotion and compassion that knew no bounds.

While all of us who knew Esther are the better for having met her, young women of today owe Esther a special debt of gratitude. She was a pioneer in paving the way for women to succeed, not only in the legal profession, but also in the everyday matter of living.

She worked diligently, but silently, in opening the doors of opportunity for all women who followed her. She finished high school and went to college when few women from South Philly did either. She went to law school when very few women went to law school. She became a trial lawyer when no women became trial lawyers, much less criminal defense lawyers. She demonstrated concretely and in no uncertain terms that a woman could make it in what, in her day, was a man's world. She worked tirelessly to open the profession to women and especially to open the law school teaching world to women, mentoring all that sought her help.

While there are other women who have advanced the role of women in the profession, I know of few, if any, who did so in Esther's quiet, unassuming and effective manner. I remember well when the Lawyer's Club of Delaware County, Pennsylvania, named her the "Man of the Year." Rather than forcing the club to change the plaque to read "Woman of the Year," she let the designation remain "Man of the Year." This very simple act of humor caused the gender issue to resonate far more loudly than if she ranted and raved at the injustice of continuing to call the award "Man" of the year.

There is no doubt about it, Esther forever changed the legal profession as an exclusive male preserve and she did it in a quiet, unassuming manner. She did it with humor, not rancor. She especially did it by demonstrating that competence knows no gender barrier. I will also remember Esther for her integrity. For many years she was a much talked about candidate for election or appointment to the Delaware County Court of Common Pleas. Each time the majority political party thwarted her. Once, she ran for election to the court and received a merit nomination from a Republican governor, only the second woman to receive a merit selection nomination, but the Republican county apparatus vetoed the selection. Esther could have secured the appointment or won the election simply by changing her party affiliation, but she refused to do so because she was tied by principle to the precepts of her chosen party.

I will also remember Esther for her compassion and kindness. No person who was troubled could remain so after talking with Esther. My own family has been the beneficiary of Esther's compassion. The day I moved to Widener, my then three year old daughter, Anne, seriously injured herself when a lever which held

the net to our tennis court taut, flipped up, caught her jaw and cut the inside of her mouth and broke most of her teeth. No one could console her until Esther came by with a Paddington Bear. Anne knew then what we would all come to know—everything would be fine if Esther was involved.

One of my fondest memories of Esther came about when Ralph Papitto, Chairman of the Roger Williams Board of Trustees, visited me at Widener. He and other trustees wanted to see for themselves a relatively new law school building as well as some renovations I had recently finished to an older building. They were preparing to design the building the law school currently occupies. During the course of the tour, we came upon Esther who invited us into her office. Ralph spotted several plaques on the wall commemorating Esther as the “Outstanding Faculty Member of the Year” and immediately asked her to become a faculty member at Roger Williams University. Without hesitation, Esther said, “If Tony goes, I will come.”

And so she did. She joined Dean Kogan, Dean Ertel and me in leaving Widener to become part of the tiny band of faculty and staff who, with a slightly larger band of students, established this law school. We all have benefited from her participation. We will all miss her.

For me, I am sure the memories will become clearer. But, I miss her visits to my office. I miss her greetings. If she called me “dear,” I knew I had done nothing wrong. If she called me “sweetie,” I knew I was in trouble. How I wish I could hear that voice today. I do know this however, she continues to influence me. I know this also—she would have seen the humor in being the “he” in the Henry Adams quote.

