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JOHN MURPHY'S GIFTS TO THE COLLEGE OF LAW

Dean Emeritus Joseph P. Tomain

Professor John Joseph Murphy was born July 11, 1937, in Boston, Massachusetts, to an Irish teamster father and an Irish stay-at-home mother, the late John and Mary Murphy. His father was an active union member, a trait that rubbed off on John as a teacher of labor law and a nationally-recognized labor arbitrator.

John attended Boston College High School where the Jesuits trained him well in the arts of argument and analysis. When John was admitted to Harvard on a full scholarship, the good Jesuits told him not to go, because he might lose his faith. They trained him so well that he easily swatted away that argument and graduated from Harvard in 1959. As a hometown kid in the Ivy League, I often wondered what John taught those Harvard swells.

John never left his home completely; he always retained his Boston accent. And, regardless of Jesuit warnings he never left his faith. This is not to say that he swallowed Church dogma wholesale. The Jesuits taught him the value of healthy skepticism—he questioned everything throughout his life. From his reading habits one might say that his faith was ecumenical. On this side of the pond, he read regularly the *New York Times* and the *Wall Street Journal* and, from the other side, the *Times Literary Supplement* and *The Economist*. These periodicals, as well as the history books he loved, provided the daily fodder he used to argue with Eileen, his children, and his friends.

At Harvard, John studied the classics, played ice hockey, excelled in his classes and was offered a grant to attend the Law School. John the contrarian, though, did not want to be saddled with any debt to Harvard and opted to attend Boston University Law School on a full ride. While there, he graduated at the top of his class and was Editor-in-Chief of the Law Review.

The love of his life, of course, was the Scottish lass Eileen who he met while he was in law school. Shortly after John was admitted to the Massachusetts Bar, he joined Eileen in Scotland to be married. Returning to the U.S., Eileen worked as a registered nurse, and John entered private practice briefly before pursuing advanced legal studies at the University of Illinois, receiving an LL.M. In 1965, he joined the faculty of the University of Cincinnati College of Law.

The politics of “The Sixties” had an impact on Professor Murphy. Cincinnati witnessed its share of unrest and after a major lock up of protesters in 1966, he successfully led the Cincinnati Bar Association's experimental bail-bond reform, enabling charged individuals to be

released on their own recognizance rather than languish in jail because they could not afford bail. In 1969, he launched a program to recruit students to the U.C. Law School from traditional Black colleges and universities. John applied for and received one of the first grants available from the Ford Foundation to assist law schools in diversifying their classes. Known as a CLEO grant (the acronym of the Council on Legal Education Opportunity), the program was copied by other law schools around the country. Interviewed years later, he said, "I personally went down to Fisk and Tennessee A&I, (now Tennessee State University), the large African-American universities, interviewed students, and raised the flag, and got them to apply."

In 1974, he was a Visiting Fellow at the U.S. Department of Justice where he authored a book, *Arrest by Police Computer, the Controversy over Bail and Extradition*, an early warning of the privacy implications of the electronic age. In 1976, he became a labor arbitrator, and in 1985 was elected to the National Academy of Arbitrators, handling major cases with the United Mine Workers, Kroger, and AFSCME, among others. John was highly regarded as a labor arbitrator and he published well over 200 arbitration opinions. These opinions must be vetted before they are published and, therefore, John was clearly held in high regard in the field. Characteristically, his opinions are lawyerly, complete, clear, fair, and judicious.

I met John Murphy in 1983 when I interviewed for a position at the College of Law and had the opportunity to watch him work at close hand. John was instrumental in transforming the law school from being an ordinary local school to a top 50 nationally recognized law school by changing the College in two ways. When Gordon Christenson became dean, he tapped John to rewrite the school's appointment, promotion, and tenure standards. At the time, the College of Law identified itself as a "teaching law school." The phrase "teaching law school" was a euphemism for a law school whose faculty did not publish. Then, a faculty member could receive tenure simply by teaching well or, at least, not too badly. After that time, a teacher had to publish, on John's words, works of "high quality." Changing an institution from a "teaching school" to one with scholarly ambition; changing from one form to another is a delicate assignment. It takes diplomacy with the old guard, commitment to new and future faculty, and vision about what the law school could become. John pulled off the assignment with an "A+."

The second crucial and complementary contribution that John made to the College was to serve as Chair of the Appointments Committee for over 20 years. During that time, the College was able to recruit a first-class faculty. Along the way, the College became known as a "feeder law school." Elite schools advised graduates who wanted to enter law teaching

that Cincinnati Law was an excellent place to start a career. While many faculty stayed, many who began their academic careers at Cincinnati have now gone on to teach at the law schools of UC Berkeley, Illinois, Indiana, Notre Dame, Oxford, Vanderbilt, Virginia, and Wisconsin universities. John's legacy in writing ambitious standards for appointment, promotion, and tenure, and for making scholarship part of our DNA as well as his aspiration for recruiting a superb faculty remains with us.

Early in our friendship, and from time to time, we might go out for a cocktail, with one or more other colleagues for "a committee meeting" at Uncle Woody's. Faculty loved to talk about faculty politics, but at these committee meetings, world and US politics dominated the conversation. Later, John and I would meet at Lunken Airport to hit a bucket of balls or play golf, or go out for coffee or breakfast.

On all of our little adventures there was one inevitability—John would meet someone he knew. This was true whether we were in a tavern, a coffee shop, or just walking down the street. Another inevitability of the same sort occurred whenever I met a graduate who was at the school during Murphy's years there. The inevitable question would be: "How is Professor Murphy?" The same thing would happen whenever I would tell someone that I worked at the College of Law: "Do you know John Murphy?"

Quite simply, John Murphy was a magnet. People gravitated to him, remembered him, loved him. And, he returned the affections. He was the faculty member that graduates wanted to attend their reunions and he was delighted to oblige. Those graduates held him in high esteem and affection because he cared for them. He helped students who were struggling with classes; helped them find jobs; followed their careers; and advised them as asked. He performed at the highest level as a teacher and his performance was recognized by the University when, in 1996, it awarded him its most prestigious award, the University's Distinguished Teaching Professorship awarded to persons who represent the ideals of the teaching profession.

Throughout his more than 30 years on the faculty, he inspired and motivated his students in the classroom. Naturally, the students that took *Contracts* or *Labor Law* from him remembered him as an outstanding teacher. The lawyers in town also knew him as an outstanding lawyer. John was actively involved in various bar projects. Additionally, John advised law firms particularly when they had hit a rough patch. John helped Robert Manley prepare for a United States Supreme Court argument, that Manley won, and assisted lawyers as they prepared for hearings regarding their appointments to the bench. John was also a friendly adviser to more than one Cincinnati politician.

John's touch was as personal as it was professional. He served as a mentor and friend to hundreds of future attorneys, who benefited from his wise counsel and exemplary teaching abilities. One graduate, Dennis Doyle, was so committed to the College and to Professor Murphy that he endowed a scholarship in John's name and financed a retirement dinner in his honor. Attended by hundreds of graduates and friends, the unequivocal highlight of the evening was John standing up and singing "It's So Hard to be Humble."

After retirement, John continued his legal work as an arbitrator until 2011, when he retired to care for Eileen. During that time, he was awarded the Crystal Owl Award from the American Arbitration Association for advancing arbitration as a method of resolving disputes.

John and I met regularly and argued constantly, vigorously, and enjoyably. I always respected his point of view and, I believe, he returned the favor. That respect has been shared by hundreds of law students, dozens of faculty, and members of the bench and bar throughout the city as well as his fellow labor arbitrators throughout the country. John Murphy possessed many gifts. His peculiar *puckishness* made him question everything. His *lawyerliness* was on display in his passion for the legal profession as well as the in classroom and in his ability to analyze and solve complex problems. Above all, he stands as an example of *dedication*. Dedication to craft, to his job, to the legal profession, and to the College. His biography reveals a full life and one well lived. It is a life that is missed.