

100 YEARS OF EDUCATING FOR SERVICE AND JUSTICE

This issue of the *Creighton Law Review* arrives at a signal moment in the history of the Law School.

In October of 2004, the Creighton Law School concluded its first 100 years of educating lawyers for service and justice. I am mindful of Judge Posner's observation that there is no particular significance to round numbers.¹ Much of what I say here could have been said in the ninety-ninth or the hundred-and-first year of the Law School. Nevertheless, a century seems like about the right amount of time to evaluate the development of as important an institution as the Creighton Law School.

Creighton Law School and Creighton University developed together. Like many (perhaps all) Jesuit universities, Creighton was conceived of as an institution designed to provide a quality education to recent immigrants and others who would not have had reasonable access otherwise. In so doing, Creighton was to transmit a particular set of values through that education. Indeed when the Rev. Micheal P. Dowling, the President of a then-young Creighton University, first broached with University's major benefactor (John "Count" Creighton) the notion of starting a law school, the latter replied testily: "Why should I lend my support to such a project when it is common knowledge that all lawyers are scoundrels?"² Dowling's response is said to have been that the ethical foundation of the University were the very reason that it should create a law school, and so the Creighton Law School was born.

And it remains alive and vibrant a century later. To be sure, the Law School has evolved significantly and the *Creighton Law Review* is a significant part of the evolution. Through the late 1960's or so, the Law School had a relatively small full-time faculty. Most of the teaching was done by local lawyers and judges who, of course, had active professional lives outside the Law School. Of course, there's nothing wrong with learning from those practicing in their fields, in fact the Law School still employs a number of excellent adjunct faculty. But in this period, American legal education was changing, and the Creighton Law School was changing with it. Creighton Law School changed from being simply an institution suited to the transmission of legal

1. Richard A. Posner, *The Decline of Law as an Autonomous Discipline: 1962-1987*, 100 HARV. L. REV. 761, 761 (1987) (on his reasons for initially declining an invitation to write an article in the 100th volume of the Harvard Law Review: "But as a journal has no natural life span, the fact that it is 100 years old should interest only people who have a superstitious veneration for round numbers.").

2. *Creighton Law School Observing Centennial*, OMAHA WORLD-HERALD (Sept. 11, 2004).

knowledge to an institution that also generated legal knowledge through research.

A large milestone on this journey was the creation of the *Creighton Law Review* in 1968. With the emergence of the Law School as a truly distinct entity with a full-time faculty, the Law Review served as the reservoir for the collection of important new legal knowledge relevant at the local, state, national and international levels.

This issue serves as compelling evidence of this development. Distinguished faculty both from within and without Creighton discussed the nuances of Establishment Clause jurisprudence at a centennial symposium, and their papers are reproduced here. The creation of the Koley Professorship in Constitutional Law produced a spectacular inaugural lecture and essay, the fruits of which also appear here. Students and lawyers provide detailed, compelling and imaginative articles on questions of immense importance.

Not bad for a century's work.

Patrick J. Borchers
Dean and Professor of Law
Creighton University School of Law