

ODE TO ENDEAVOR

Alexandra D'Italia*

It is important for all of us to appreciate where we come from and how that history has really shaped us in ways that we might not understand. - Justice Sonia Sotomayor

Catherine always beats me to the Zoom room. Her microphone is unmuted and the photo of her smiling face greets me. As always, I marvel at her iconic page boy and wonder if I should cut my hair. Before I even settle in my chair, Catherine clicks on her video as if she's been waiting for me and not immersed in other, more important work. Her background is both curated for the viewer and an authentic expression of self—do you see the UCLA Bruins blanket? Do you spy the German Shepherd pillow? If we meet in her office, she makes me coffee and offers me candy. She sits in an armchair; I sit on her couch. Do you notice the family photos of her husband and children? The photo of her own law school graduation? Her many, many awards? Her love of the television show, *Law & Order*?

Born in the 1950s, Catherine was—and is—a trailblazer. She lives in the present, which might explain why I wrote this biography in the present tense. Catherine does not look backwards. She holds out her hand, invites us to join her, and walks bravely and joyously, into her future. - AD

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Growing up in Montreal, Catherine is, of course, fluent in French and English. She loves to read and wants to be a lawyer just like Perry Mason. Her parents do not laugh at her. They are the only ones not to. It is the 1950s. “My aunts and uncles were like, yeah, yeah, sure you want to be a lawyer,” she will later say. Her parents buy her a book by Louis Nizer, a famous trial lawyer, and despite her youth, the book just makes sense to her. (Catherine

* Associate Professor of Law, Director of the Writing Center, Director of the Moot Court Honors Program, Southwestern Law School. Thank you to Professor Danni Hart for asking me to write this biography and for asking me to make it creative.

might have been reading the best-selling *My Life in Court*, published in 1961, in which Nizer recounts many of his famous cases.)

Catherine lives in a small Jewish enclave in Montreal, surrounded by family and friends. Her grandmother came from an aristocratic family in Poland, later fleeing the pogroms to settle in Montreal to a new reality: poverty. Her father's family came from Russia. Neither parent graduated from high school. She looks up to her brother Joey; he will not live the long life she will, but later in life, she still smiles when she talks of him, about his brilliance as a salesperson, about his own zest for life.

Catherine takes the bus every day to school. At lunch, when everyone else goes home to their mother's homemade lunches, Catherine goes to a deli and eats turkey with gravy. Her mother has arranged this for her. Catherine doesn't mind sitting alone at the counter; it builds her penchant for independence. She is keenly aware that her mother works as a bookkeeper. She knows her mother is different from the other mothers in the neighborhood. Pride swells. Her mother will one day soar from bookkeeper to CFO of a Fortune 500 company. Her mother can look at systems and figure out how to change them for the better. Maybe Catherine can too.

Her father works as an engineer, even if not a highly educated one. Catherine is already aware that people think her mother works because her father cannot support their family. This is not true. They both strive.

Catherine attends school; she worships at temple; she plays; she reads; she plans to be a lawyer. This is a good life, she thinks.

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At 15, her father and mother tell her they are moving to Southern California. She only knows it as the land of orange groves. This is before Century 21 and relocation coaches, before the internet, before cheap flights, even before cheap long-distance calling. Her father is sponsored by an ancillary company of Boeing. They will be immigrants. They will know no one.

They begin again in Orange County, living right next door to the John Birch Society. They do not live in a Jewish neighborhood. Her father goes to work. Her mother begins again as a bookkeeper. Her brother was in the Air Force and will only join them later. Catherine indeed loves the climate;

it is so much warmer than Montreal and the orange groves were all she had imagined them to be. She speaks English only and begins to lose her French.

Catherine's new school is huge. There are 3,000 students and only five students besides her are Jewish. Antisemitism is everywhere. She still plans to become a lawyer. She sees the same ten students in her guidance counselor's office. Same as her, they all want to go to four-year colleges, not community colleges. They are a minority at this school. She has no idea why she fixates on UCLA, she could just go to school in Fullerton or Long Beach. But she wants to be a Bruin. Her parents don't even understand what a unit or a credit is, but they support her choice and Catherine figures it out. She gets herself accepted to UCLA.

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Catherine, at first, eats alone in Reiber Hall. She doesn't mind. She enjoys her classes and chooses English as her major. She will later say she was only middling at it, but she stays with the major. She loves reading! She excels in every other class. Soon, she makes friends and finds community. She is living in the dorm, away from her family. It's a small room, but she thrives. She plans on law school, just like before.

By sophomore year, life tilts.

She sits on the quad with hundreds of students, protesting. Guns pointed at her and her friends. The Kent State Massacre looms. Cambodia. Vietnam. She didn't take finals that year. No one did. Later, much later, Catherine will reflect on that time and feel pain that her generation did not separate the government's actions from the individuals drafted to serve their country. (Catherine is referencing the UCLA protests in May of 1970. There, students protested United States military involvement in Cambodia as well as the shooting of anti-war demonstrators at Ohio's Kent State University. Two hundred police officers responded to the protest and 74 people were arrested.)

Back in Orange County, her parents' marriage unravels. The move to the United States is too much. They divorce and remain friends. Her mother goes to Greece and doesn't return for two years. Catherine talks with her mother on the phone, the crackle of the long-distance connection interfering.

Catherine persists. She continues her studies. She travels from Westwood to downtown Los Angeles where she helps women pass the GED.

She writes postcards on weekends advocating for the abolishment of the death penalty. Given a choice, Catherine roots for the underdog.

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Meeting Marty changes everything—and nothing. She is still going to be a lawyer. He's a little older, attending school on the G.I. Bill. She knows she will marry him before he does. They are taking a class together, an 8-unit education class where they make up their curriculum. Later, she will laugh and call it a hippy dippy class. No matter, they fall in love. He is a Southern California boy—his father had been chief of police of San Gabriel for many years. Marty is planning to go to Southwestern University School of Law, an old law school that just attained its provisional ABA accreditation. Catherine is accepted into Hastings College of Law in San Francisco.

Marty tells her to go to Hastings; he tells her that they will commute. Catherine laughs. They marry one month before they both attend Southwestern.

The law school occupies a modern building near downtown Los Angeles on Westmoreland Avenue and Wilshire Boulevard. It is Southwestern's first year in the building. The famous Bullocks department store is across the street. She and Marty are assigned to separate sections. No, no, no, she argues to the administrators. They share a car and often share books. No, no, no, they are not competitive with one another. (And they never will be.) She wins the argument, and they are placed in the same section.

They live in a small apartment in Cheviot Hills overlooking the freeway. For a break in rent, Marty manages the apartment and takes care of the pool. The knotty pine of the kitchen cabinets reminds Catherine of a log cabin. They share their apartment with a huge German Shepherd, the first of many. She works at the library. Her close friend works there too, and he will one day quit law practice, become a rabbi, and be the godfather to their children.

They study all the time; they eat hamburgers and drink beers across the street from the school at Palsgraf's. There is sawdust on the floor. They play pinball. They like being in on the joke. (The bar was named for *Palsgraf v. Long Island Railroad Company*, a leading case taught in Torts across the nation.) They grab food from the roach coaches parked nearby. The law school feels new—they—the class of '76—are the start of everything. They start Moot Court. They start the student clubs. Law Review is only in its

second year. Even as she is living it, Catherine knows this is a very special era in her life.

In her first year, though, something shifts. The Perry Mason dream fades. In Contracts, her favorite professor is standing in front of the room using the Socratic method to guide a challenging policy discussion. She turns to Marty and points to her professor. “That, that is what I’m going to do.” Marty, ever-the-pragmatist, asks her about job prospects. It is 1973 after all; there are about ten women in their class of more than 300. Catherine shrugs. She will make it happen.

Catherine excels. Watergate unfolds while she is in law school. While she thinks about the ERA, she just wants the 14th Amendment enforced. She is living in legal history. She sees herself at the front of the room. This is new, for she had never seen herself at the front of a classroom as an English major. She will later tell a colleague, “All of a sudden it converged. I love to talk about law and policy, and I’m a nerd, and I want to dig deeply into this stuff.”

But Catherine doesn’t have it so easy. Because she is a woman, she cannot have a credit card in her own name. There is the criminal law professor who only called on the women for sexual assault cases. She isn’t made Editor-in-Chief of Law Review because she is told they don’t think Marty would be able to handle it. (He would have been.) She decides she is happy to be Notes and Comments Editor though; she gets to work with students, her future. She and a friend start the Women’s Law Association.

She graduates at the top of her class.

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University of West Los Angeles Law School offers her a teaching position. No, it is not ABA accredited, but she adores the school’s mission to address the need for educational programs geared toward the working adult. She teaches Property and Criminal Law. As she knew she would, she loves standing in front of the class, meeting students where they are, and figuring out the best ways to teach them. She even loves teaching the rule against perpetuities.

She has one son, another one soon to come. The commute from their new home in Tarzana is a breeze. This is the place where she and Marty will

raise their family. She will one day open her home to not just her friends, but her students and colleagues. Annual Moot Court kick-off parties, retirement parties, and other school events will be hosted in this indoor-outdoor home.

Four years after graduation, Southwestern calls.

The Dean of Southwestern hires Catherine as a Visiting Professor only to fire and rehire her each year for several years. Later, this is a story she laughs about. She teaches Property and Criminal Law and quickly becomes a beloved professor. Oh, how she loves teaching Criminal Law! “Criminal law is organic and messy,” she will later explain to a colleague. Her CV will one day list no less than seven courses, most of which touch criminal law in one way or another.

As much as she loves standing in front of the classroom, she tires of students writing graphic sexual notes on her evaluations. She tires of events like the student roast that demeaned all women faculty by sexualizing them in skits. She writes the law school’s first nonfraternization policy. She advocates to change the teaching evaluation questions. She negotiates a better workplace for women. With other female professors, she creates and teaches *Women and the Law*, one of the first seminars of its kind.

In 1984, when the Dean of Students abruptly quits, the Dean asks her to take on the role. She earns tenure soon after. She teaches while occupying almost every administrative leadership role the school offers. She does not tire. There is always something interesting and challenging to be done.

Catherine marshals Southwestern through its ABA inspection. She meets other professors interested not just in the pedagogy of a particular topic, but in the pedagogy of legal education itself. These are my people, she thinks. She joins the ABA’s accreditation team. Now, in addition to teaching and administrative duties, she visits law schools across the nation and sits in rooms with like-minded people for four days, five times a year. They steep themselves in legal education. “It’s honest to God among the best experiences I’ve ever had,” she will later say.

Southwestern buys the Bullocks Wilshire building. The department store where she bought maternity clothes will now house her office. Offices will be awarded by seniority. She receives a corner office—it is not one of her preferences—it is too special. She checks to see if the office assignment

is a mistake. It is not. She had been at the school for 20 years and had been a dean for 13. She takes special care to decorate her office. It must serve as a meeting place for colleagues and as a safe space for students. She fills it with books. She displays photographs of her family and her ABA colleagues. She displays her awards and gifts from students. She creates a corner for making coffee and tea. She buys ceramic mugs to serve her guests. She adds a basket of chocolate candy to the coffee table. Everyone will feel welcome, she thinks.

She considers offers from other schools to be their dean. One such job would take her and her family across the country. Yet by this time, she has a third child, a daughter. Marty is a successful lawyer, a partner in a firm he founded. Southwestern's Dean of 27 years—and one of her mentors—will soon leave. Her sons are grown, both headed to law careers of their own. She pauses. She has endured tremendous loss. Her parents divorced when she was 18; her brother died when she was 28; her mother died when she was 32; even French, her native language, was lost to her by 30. She has survived a cancer most do not.

Catherine decides to remain at Southwestern. She amplifies her voice. Yes, she writes casebooks and wrestles with the law. Her student law review article had been on insurance coverage and her other law review articles had jumped from one topic to another. Yet she wants to dig deeper. While writing an article on statutory rape, she stumbles upon the United States Supreme Court *Lawrence v. Texas*. Years later, she will still maintain Justice Kennedy's opinion in *Lawrence* is a rockstar of an opinion on whether a state could legislate morality. Deeply reading that case leads to others. She finds *Smith v. Doe*, in which the Supreme Court decides that sex offender registration is a civil regulation and because of that ex post facto or cruel and unusual punishment clauses are not relevant. Catherine is curious. It is the first time she really faces the idea that those convicted of sex offenses had to register. Further research not just intrigues her, it enrages her. She writes *Constitutionality of Strict Liability in Sex Offender Registration Laws*. Boston University Law Review publishes the article. Now, ever for the underdog, Catherine writes about this issue from every angle. (Marty jokes that he wishes she could have the same intellectual interest in French wine country.) Soon, state supreme courts are citing her work. She is not just speaking internationally about legal education, she is speaking about sex offender registration laws. She becomes President for the Alliance for Constitutional Sex Offenses.

Her voice is heard not just from the front of the classroom or a Zoom room, but across the world.

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She is over 70 now. Marty is retired four years. All three of her children are lawyers, married with children of their own. She still has energy to write, to run her non-profit, to speak on her scholarship, to conduct site visits of law schools. But she is aware time is ticking; she is aware that the 80-year-old body is different than the 60-year-old one. She will always be engaged with her beloved law school, even if she will never again miss the unprepared law student. She wants to see her grandchildren's recitals and games. She wants more walks with Marty and their newest German Shepherd, Bailey. She wants to teach Bailey not to steal food from the counter. She wants to visit Japan. She wants to read more books. She has plans.