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“A CHARMED LIFE” IN MEMORY OF FRANCIS J. CONTE

Lisa A. Kloppenberg¹

Our hearts are heavy because former Dean and Professor of Law Francis J. Conte passed too quickly and too soon from this life. Yet, as Fran asked his family shortly before his death, “Who has had a better life than me?” Fran maintained that he had lived a charmed life, with a loving family, a multitude of opportunities, and a fantastic vocation.

Fran Conte died of pancreatic cancer on March 20, 2011, at age sixty-eight. He died at home, surrounded by his beloved wife, Kathy McShane, and their four children, Brendan, Clare, Ciaran, and Fiona. Fr. Pat Tonry, SM, had visited with Fran that morning and his immediate family spent a peaceful last hour with Fran just before he passed. The School of Law’s Chaplain, Sr. Mary Louise Foley, had been an important support for Fran and his family in the weeks before his death. A Mass of Christian Burial was celebrated on March 26 by three Marianist priests—Fr. Pat Tonry (former Rector at the University of Dayton), Fr. Dave McGuigan (University of Dayton School of Law’s current Chaplain), and Rev. James Fitz (University of Dayton’s current Rector).

Francis J. Conte was born on August 16, 1942, in Salem, Massachusetts. The oldest child of Anthony and Eleanor Conte, Fran grew up in a little town north of Boston with his brother Tony and sisters Joyce and Cheryl. His father preceded him in death and Fran was survived by a large extended family, including mother, siblings and their spouses, and eleven nieces and nephews.

Growing up, Fran felt cherished and protected by his large, exuberant family. His father’s ancestors had emigrated from the hills outside of Naples, Italy, and his mother’s Irish family came from County Meath. Not surprisingly, Fran was a very bright, industrious child. Fran played baseball and basketball. He delivered newspapers. And he had a byline, working as a sports reporter for the local newspaper. In other words, he played the game, then ran home and wrote about the game, and then delivered the story to his readers.

After Fran graduated from Beverly High School in 1960, he attended Pennsylvania State University, obtaining a B.A. in Political Science. He later studied law at the University of Texas, earning a J.D. in 1969. Fran started his legal career with the Office of Counsel at the

¹ Professor of Law, and Dean of the University of Dayton School of Law from 2001–2011.

Department of the Navy. For about seven years, he practiced law, primarily as a legal aid attorney, working for indigent clients and eventually directing legal services for Northwestern Pennsylvania. In 1977, he began teaching law full-time at the University of Montana. He was also director of the Civil Clinical Program there, employing his legal services background to educate students.

One summer, while traveling in Ireland, Fran was listening to traditional music in a pub in Doolin on the rugged, gorgeous West Coast of Ireland. There he met a lively young woman who shared his Irish roots and Catholic faith, Kathleen McShane. She casually suggested that Fran look her up in Windsor, Ontario, if he ever visited there on his return to the States. Sure enough, Fran did visit. Indeed, within a year or so, Fran found a job nearby, at Detroit College of Law. There, he taught law and helped establish the Center for Canadian-U.S. Law.

He married Kathy and they started their family quickly, surrounded by four children within three and one half years. Fran often said that having children was the most fun, satisfying, and important thing he ever did.

The Contes came to Dayton in 1987, when Fran became dean at the University of Dayton School of Law. He was our creative and energetic leader for fourteen years, making him the longest serving dean in Dayton Law history and one of the longest-serving law deans in the United States.² Always looking to the future, Fran helped to start one of the country's first Law and Technology Programs as well as an innovative Legal Profession Program.

During the 1990s, Fran was the visionary behind our beautiful and functional Keller Hall. He worked tirelessly to secure funds and delved into planning the details. It wasn't just that he cared about a striking edifice, Fran wanted to create a fantastic learning space so the School could continue to attract stellar students from across the country. And, he sought to create a space manifesting Marianist principles of community to all. When visitors from other law schools tour our building, they still express admiration and envy. Fran just loved that!

As important as outstanding academic programs and facilities are, people were always at the heart of Fran's mission. He cared about justice for all, equality, and greater access to the legal profession. As dean, and then as a senior faculty leader, Fran helped to develop an excellent and diverse group of faculty members, and mentored a new dean. He prized diversity in our student body. Fran started the Minority Clerkship Program and its functioning to this day is a wonderful example of Fran's wholehearted approach to service. He was not only a member of the

² *University of Dayton School of Law*, ROSENBLATT'S DEANS DATABASE, [http://www.law.mc.edu/deans/schoolprofile.php?univ=University of Dayton](http://www.law.mc.edu/deans/schoolprofile.php?univ=University%20of%20Dayton) (last visited Oct. 6, 2011).

committee, but he rolled up his sleeves, met with students, made calls to lawyers and judges, and created opportunities for students. His phenomenal fundraising helped the school to build scholarship funds and provide opportunities for many students.

Fran was a generous person: he saw the best in people and gave people the benefit of the doubt, winning over alumni and students with his sincere, personal touch. He remembered names, wrote personalized notes on admission letters, and reached out to alumni years after graduation, and not just to ask for donations. In the classroom, Fran was an enthusiastic teacher—so enthusiastic, in fact, that he often held his students over the allotted time. When Fran headed off to teach, he clutched a large pile of papers flying in every direction. Every line of his textbook was underlined and the margins were filled with preparatory notes. He found incredible joy in his vocation, in class and beyond.

Fran was an inquisitive scholar, unabashedly passionate about human rights. Whether he was teaching in Keller Hall or overseas, Fran’s keen, open mind focused on justice for all. After his long service as dean, Fran mastered and published in a whole new area of law—international law and in particular, the emerging law of the European Union. After his service as dean, he spent his sabbatical in Brussels, Belgium, one of the centers of power for the European Union, and he traveled throughout Europe, talking to judges, lawyers, and citizens. In 2008 and 2009, Professor Conte taught at the University of Warsaw in Poland on a Fulbright grant. While there, he lectured at many law schools throughout Europe, speaking about U.S. constitutional law, international and comparative law, and European Union law. He enthusiastically shared his impressions of the many countries he visited with his colleagues at the School of Law and urged others to explore legal systems and issues around the globe.

Fran was a great storyteller; he described his travels and gently bragged about his kids. He loved to talk, sometimes “carrying on” in the very best of Irish tradition. His adventurous spirit led Fran and his family around the world and he brightened our lives with stories of the people he met and places he visited. At home, he was always “on the go,” off to UD Flyers games or running or hiking. Even in the fall of 2010, he was running six miles a day. He truly enjoyed the Dayton area and was a huge proponent of the Oakwood community and its schools.

In the summer of 2010, I had the good fortune to teach a Comparative Constitutional Law course to about fifty U.S. law students, many from Dayton Law, in Ireland with Fran. My husband and I spent what we consider to be a quintessential “Fran Conte day” there. Fran picked us up in his rental car and assured us that despite his kids’ opinions, he really was an excellent driver—in any country, at any speed, and on either side of the road. The next few hours tested that declaration. On our drive south of

Dublin, and over lunch at a tiny village pub, Fran told us how he had met Kathy and recently shown his law students this “hallowed ground.” He also regaled us with stories about his children and how they had grown into wonderful adults and friends, not just kids.

When we reached our destination, the ruins of a centuries-old monastery, Fran led us on a beautiful, but vigorous, “walk.” After about an hour, the rain began, and we could squint through the rain drops and see the place miles away where we thought our car was parked. Fran pointed a few hundred yards up a cliff and said, “St. Kevin the hermit’s cave is up there.” Mark muttered something under his breath in response, but Fran convinced us to make the difficult climb. Without much enthusiasm we headed up the trail and arrived out of breath and soaked from the storm, where we were greeted by the sun coming through the clouds, a spectacular view of the valley and ruins, and a rainbow over the two lakes that gave the monastery the name Glendalough.

We never would have experienced this mystical moment without Fran’s sense of adventure, his persistence, and his appreciation for the miraculous. Our day also ended in typical Fran fashion, as he drove back to Dublin while cars whizzed by too closely. We were so carried away in our conversation that we missed our exit and spent an extra hour with Fran behind the wheel on the busy streets of Dublin.

At his core, Fran was rooted in faith and family. Both inspired his constant energy and great optimism. Fran knew that life was about more than accomplishments on a résumé. He knew how important it was to stop a moment and savor nature’s beauty, particularly relishing summer with family and friends on Percy Lake in Ontario. He knew how important it was to stop in the hall, look a student in the eye, and ask how he or she was really doing. He knew how to relax and enjoy a glass of wine or a coffee and dessert with an old colleague or a brand new friend.

Fran felt most fortunate to share his life with Kathy and the kids. His pride in Brendan, Clare, Ciaran, and Fiona was so evident. He truly delighted in the strong individuals they have become, oriented toward others, each so different and each so talented. Most importantly, Fran knew that his kids are his living legacy. In them, we see adventurous spirits demonstrating their parents’ gratitude for life. We also see the values Kathy and Fran taught them: that they were given life to love and help others, to be inquisitive about the world around them and abroad, and to treat all people they meet with respect and kindness.

Fran lived a rich, full, happy life, contributing so much to others. Even as he suffered in the final days with cancer, Fran felt that God was with him and his family in a variety of ways. He found special grace in being secure at home, close with Kathy, surrounded and supported by all of their children. Fran was very much at peace, delighting in his charmed life.

Fran would want his former students, colleagues, and friends to be at peace, too. Beyond our sorrow, let us find a measure of celebration and gratitude: celebration of Fran's charmed life and gratitude because we shared a bit of our lives with Fran Conte. May his memory continue to inspire us to use our talents for others and to appreciate the time God gives us, to live deeply and love fully.

In conclusion, let us offer a portion of an Irish prayer for Fran and his loved ones:

Deep peace of the running wave to you. Deep peace of the flowing air to you. Deep peace of the quiet earth to you. Deep peace of the shining stars to you. Deep peace of the Son of Peace to you.

May our dear friend and mentor Francis J. Conte rest in eternal life and peace.

