

“WELL DONE, GOOD AND FAITHFUL SERVANT”

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Our work, lives, and happiness at Notre Dame Law School are, and long have been, inextricably linked to our friendship with John Copeland Nagle. We three joined the faculty on the same day, in 1999. He was already an established, respected, prolific, and wide-ranging legal scholar, whose lateral move to Notre Dame turned heads; we were nervous novices in our 20s, and few but our friends had noticed when we packed up a U-Haul for South Bend. When we moved into our offices, John was the first to welcome us. For the next two decades, he was our mentor, sounding board, anchor, inspiration, and friend.

Just a few months after we arrived, our first daughter was born. Although now a healthy senior at Notre Dame, she was hit with septicemia two weeks after her birth. It was a scary time, and in other circumstances, we might have felt alone. We were not. The Nagles not only joined those in our new community who rallied to support us, but soon after she was released from the hospital—kindly noticing that we had no furniture—John and his wife Lisa hosted a party to celebrate her baptism. It was, looking back, a telling early event in a relationship that would prove so abundant in hospitality, generosity, and shared faith. When we began as teachers, and as parents, John and his wonderful family were there, not only as fellow travelers but also—as it turned out—as guides and exemplars.

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John Nagle’s coming to Notre Dame Law School was a crucially important event in its history and development; he confirmed and illustrated the fact that scholarly accomplishment and academic rigor are entirely compatible with a religious mission, moral commitments,

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professional excellence, community engagement, and dedication to teaching. John was a leader, and a tireless worker, in the effort to build the outstanding community that Notre Dame Law School is today. He was among our most distinguished researchers, he served as the inaugural Associate Dean for Faculty Research, he did more thankless committee work than any institution can justify demanding, he enlightened and encouraged hundreds of students, and he advised and aided dozens of colleagues.

The Law School has long professed, and aspired, to be distinctive; we have aimed not simply to train and educate, but to form, a “different kind of lawyer.”¹ For just as long, we have discussed, debated, and wondered what, exactly, that means. One of us has suggested, in various settings, that three words point toward an understanding, if not a definition: *Integration*, *Vocation*, and *Creation*. And, these same three words help us—the two of us, anyway—to know and appreciate John Nagle.

At Notre Dame, we invite young would-be lawyers to bring their values and religious faith *to* their studies, and then to *carry them into* their lives in the law. We believe that legal education, like *all* education, is about *formation*, and not just the transmission of data, or the inculcation of technical skills, or access to “networks.” In our view, we cannot expect young lawyers to think deeply and well about law, justice, and the common good if we tell them to *privatize* their ideals, or to radically *separate* their fundamental moral commitments from their law practices. And so, we encourage law students to approach, enter, and live in the law as *whole persons*.

The word “integration” shares its origins with “integrity,” a word that attaches easily to John Nagle. The word means, of course, more than “honesty”; it also suggests coherence, unity, and balance. To live, work, and learn with integrity is to “hold it all together,” and so, to *flourish*. And John did. His memory reminds us of a saying by St. Irenaeus of Lyon, nearly 1900 years ago, that the “glory of God is a human being fully alive.”²

John revealed that Glory. He resisted temptations and demands that, as a lawyer, he disintegrate and (somehow) wall off his scholarship, teaching, and service from his values, commitments, faith, and family. He led Bible studies with the Christian Legal Society group at the Law School and was a mainstay of the Law Professors Christian Fellowship; he and Lisa welcomed countless students from their beloved China into their home; he took his daughters around the

¹ See *About, THE LAW SCHOOL*, <https://law.nd.edu/about/> [<https://perma.cc/KBV3-JZRY>].

² JAMES R. PAYTON, JR., IRENAEUS ON THE CHRISTIAN FAITH: A CONDENSATION OF *AGAINST HERESIES* 116 (2012).

world on research (or, perhaps, "research") trips from Antarctica to the Isle-of-Skye; he incorporated insights and ideals drawn from his deep Christian faith into his writing on environmental law and land-use regulation; and—always and without hesitation—he took care of his friends.

Our second word-window into what it means to form a "different kind of lawyer" is *vocation*. It is common, of course, for law students and lawyers to be assured that the law is not just a job, or an occupation, but a "profession"—a "learned profession," in fact. This is true, and it is important. We lawyers are responsible not only to ourselves, but also to a tradition, and to the norms, ethics, and codes of our profession. For John Nagle, though—as for Notre Dame—there was more. For a Christian lawyer, the invitation—and the challenge—is to view and embrace life in the law in an even richer way, as a vocation, a calling. To see one's work as a scholar, teacher, and advocate as a calling, one has to ask, "who is calling me, and what am I being called to do?" And, the challenge is to answer, with Samuel, "Here I am, Lord,"³ and with Isaiah, "Send me."⁴ So often, the culture rewards those who say, instead, "here I am, World! Watch me!"

John Nagle listened for, heard, and heeded a call. He was hugely accomplished, but not ambitious—at least, not for himself. He gave himself to others—to his students, colleagues, friends, and family. He worked hard for others. He never seemed to focus on his own advancement or recognition so much as on how he could help others succeed or bring about others' flourishing. As his *curriculum vitae* demonstrates, he could (and, it appears, did) write interestingly and well about pretty much anything. He chose, though—because, we believe, he knew he had been asked to take on the not-always-appreciated project of using Christian proposals, and the Good News he believed they conveyed—to illuminate and improve the law.

For those familiar with John's scholarship on climate change, environmental stewardship, and pollution, our third word, *creation*, probably seems obvious. More than a few times, one of us would vent his jealousy that John had managed to identify a scholarly agenda that required him to visit, on "work trips," Gates of the Arctic, Glacier Bay, and the Galapagos. For him, the beauty and diversity of the natural world revealed the boundless love of the God who made and sustains it. He worked to remind his field of its roots in awe of the Divine. Convinced that the human person, made in the image and likeness of God, is the pinnacle of creation, he was able to move from that truth

3 1 Samuel 3:4.

4 Isaiah 6:8.

to an equally firm conviction that Creation-care is an obligation, one that should be discharged prudently, yet passionately.

For us, though, “creation” is a lens that helps us see John better not simply because he was an important environmental-law scholar. That word points to both a Creator and to creatures, and John viewed his colleagues and friends—and, even more impressively, everyone else—as, like him, made and loved by God. His admiration for Creation extended beyond the stunning landscapes he skillfully photographed to those around him, not only in classrooms and lecture halls but also in traffic jams and fast-food lines. *People matter*, he knew, and he always treated them accordingly. Try as we and other friends might, we could never manage to get him to speak unkindly, or to assume the worst. His was, relentlessly, a “hermeneutic of charity.” Like C.S. Lewis, John knew that “there are no ordinary people” and that we all bear the “weight of glory.”⁵ This is a fact, he knew, that makes demands not only of the law and lawmakers, but of all of us, every day.

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John loved us, and he modeled for us what love *is* through his devotion to his colleagues, students, and—especially—Lisa and his daughters, Laura and Julia. An icon of this love, for us, is the memory of the day that John lost his wedding ring in Lake Michigan. The Garnetts and Nagles had made the trek to the beach at Warren Dunes State Park. Given the age of the kids in the pictures we treasure from that day, it was probably in the summer of 2003. John and Nicole had taken Tommy (then two) and Julia (then four) out on a floatie in the lake. The cold water—it was Lake Michigan, after all—caused John’s wedding ring to slip off his finger and disappear in the deep. John was beside himself, diving again and again, scrabbling along the bottom. Days later, he even returned with a metal detector, hoping for a long shot. Not surprisingly, he did not find it, and in the years that followed, the story of the day that Professor Nagle lost his wedding ring while frolicking in Lake Michigan with Professor Garnett became a (potentially scandalous) staple of his Property lectures. He used the story to show that property can become intertwined with personhood and that some things mean more and are worth more than the market values them. John understood that the ring was only a symbol of his love for Lisa, but his desperate search for it—and his yearly references to that search in class—illustrates how deeply he understood that love matters. His love for friends, students, colleagues and—especially—

5 C.S. LEWIS, THE WEIGHT OF GLORY AND OTHER ADDRESSES 25, 46 (2001).

his family remains an exemplar to both of us. And, trusting in Providence, we both find comfort in the certain knowledge that John now knows where that cherished ring is.

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It would understate things considerably to say that Oliver Wendell Holmes, Jr., did not see the world, or other people, like John Nagle did. In a famous lecture at Harvard College, Holmes said, "I say—and I say no longer with any doubt—that a man may live greatly in the law [H]e may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable."⁶ John Nagle did not, we think, aspire to be "great[]," so much as to be good; not so much to "live greatly" as to live well. And he did. He did, as it happened, "wear his heart out"—not "after the unattainable" but instead after that which the Book of Matthew tells us the faithful servant longs to hear, and hears, from his Master: "Well done."⁷ Moving from Holmes to St. Augustine: "[Y]ou have made us for yourself, and our hearts are restless until they rest in you."⁸ Rest in peace, John Copeland Nagle.

6 OLIVER WENDELL HOLMES, SPEECHES 22–23 (1934).

7 *Matthew* 25:21.

8 AUGUSTINE CONFESSIONS: BOOKS 1–8 3 (Carolyn J.-B. Hammond ed., trans., 2014).

