Oral History Interview of John E. Fenton, Jr.

Interview Date: February 20, 2008

Interviewed by: James Bulger, Suffolk University student from History 364: Oral History.

Citation: Fenton, John, Jr. Interviewed by James Bulger. Suffolk University Oral History Project SOH-024. 20 February 2008. Transcript and audio available. Suffolk University Archives, Suffolk University, Boston, MA.

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Interview Summary

In this interview, John Fenton, Jr., a distinguished professor of law at Suffolk University Law School, discusses his educational background, his family’s longstanding connection to Suffolk, his career in the court system and as a legal educator. Judge Fenton also reflects on the evolution of the law school, his tenure as dean, his involvement with the building of Sargent Hall, and the importance of public service. He concludes with a discussion of Suffolk’s impact on the community and advice for current law students.
Subject Headings
Fenton, John, Jr.
Suffolk University. Law School

Table of Contents
Early life and educational background p. 3 (0:00:03)
Reflections on Boston p. 5 (0:06:06)
Interest in law and early teaching career p. 9 (0:18:40)
Growth and evolution of Suffolk Law School p. 13 (0:31:20)
Suffolk’s commitment to public service p. 15 (0:39:15)
Advice to law graduates p. 18 (0:47:28)

Interview transcript begins on next page
JAMES BULGER: All right, can I please have your full name?

JOHN E. FENTON: My name is John E. Fenton, F-e-n-t-o-n, Jr.

BULGER: And where do you currently live?


BULGER: It’s not important, the full—how far is that from where we are now?

FENTON: About twenty-three miles.

BULGER: How many children do you have?

FENTON: No children.

BULGER: No children? Okay. And what exactly is your involvement with Suffolk University?

FENTON: Now?

BULGER: Yes, sir.

FENTON: I’m a distinguished professor of law teaching a course in evidence in the fall semester and repeating it again in the spring semester. I have usually 125 students in the first semester and between seventy-five and one hundred in the second semester.

BULGER: And where did you grow up?

FENTON: I was born and grew up in Lawrence, Massachusetts. I went to grammar school in Lawrence and graduated from Lawrence High School.
BULGER: Has your family always had its roots in the Boston area?

FENTON: Well, my father¹ went to Suffolk Law School in the evening, a division, when he was teaching at the Lawrence High School during the day. And my uncle also went to Suffolk Law School in the evening division.

BULGER: Okay. If you would, please describe your childhood?

FENTON: Well, as I say, I was born in Lawrence, Massachusetts. I had a brother who died when he had his tonsils out, was about ten years old at the time, embolism developed, he died on the table. And then I had a sister who died, I think she was about two, from pneumonia. I was the oldest. This had a terrible effect on my mother and father, and me. But I went to Lawrence High School, as I say. I played baseball on the varsity team, played first base and right field, and then played basketball for Lawrence High School. I had the opportunity to play at Fenway Park when the baseball team competed for the state championship. My memory is it was against Natick High School.

And then I also played basketball at the old Boston Garden. And after graduating from Lawrence High School, I went to Holy Cross College in Worcester and after graduating Holy Cross with an A.B. degree in English, I went to Boston College Law School where I graduated second in the class. At that time, Boston College Law School was right here at 18 Tremont Street before it moved out to Chestnut Hill.

After I graduated from Boston College Law School, I went into the military service. I was a judge advocate general officer. I spent about three years in the military doing court martial work, both as a prosecutor and as a defense counsel.

¹ John E. Fenton, Sr. (1898-1974), a Suffolk Law School graduate (JD ’24), served on the Suffolk University Board of Trustees for sixteen years before serving as president of the university from 1965 to 1970. He had previously served as the Chief Justice of the Massachusetts Land Court from 1937-1965.
**BULGER:** Okay, so how early in your life, would you say you first started coming into Boston? How early in your life would you say you first started to experience Boston? Was it when you played at the Boston Garden, or do you remember coming in earlier?

**FENTON:** Well, I first experienced Boston when I was a young kid. My father used to take me to Fenway Park to baseball games, probably in grammar school and also, Boston Bruins hockey games. So, I'm sure that was in grammar school, when I first started to experience Boston.

**BULGER:** How would you say Boston has changed over the years?

**FENTON:** It’s changed dramatically. I mean, when I went to law school right here in 18 Tremont Street, it was called Scollay Square.² There were lounges and rather seedy places of business and burlesque theaters and it was generally a seedy place. Of course, now it’s been rejuvenated years ago with the City Hall, Government Center, it’s a hundred percent improved.

**BULGER:** Is there any one of those particular projects stand out in sort of changing the landscape of Boston?

**FENTON:** What?

**BULGER:** Any one of those, like those developments you were just discussing such as Government Center and stuff, any one of those—

**FENTON:** It was City Hall.

**BULGER:** City Hall?

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² Scollay Square, formerly an entertainment and business district located in Boston at the intersection of Tremont and Court Street, was the focus of urban renewal in the 1960s. Buildings were demolished and residents displaced to make way for the development of what is now called Government Center, a collection of city, state, federal, and private office buildings.
FENTON: You compare City Hall and City Hall Plaza, a major—all of those seedy places that were eliminated and in their stead City Hall and City Hall Plaza, and then across the street, 1213 Center Plaza were major improvement to that area inside of Tremont Street. Again, on that side, on the other side of Tremont Street from City Hall Plaza was, there were cafes, lounges. Sailors and military people would come into Boston, used to congregate in that area because of the burlesque theaters and other lounge shows that were available.

BULGER: Of all your time in Boston, or spending time in Boston, what would you say your favorite time period was?

FENTON: My favorite time period has been each year the Red Sox won the pennant or the many years the Celtics won the basketball championship. I used to go with a fellow to Boston Garden when they won ten or eleven championships in a row once Larry Bird appeared. And I was teaching at the law school at that time, and that was a—I'm very much interested in spectator sports and those great Celtic teams and that was probably my favorite time in Boston.

BULGER: All right. And you said you went to Holy Cross College in Connecticut. What made you go there? What was the appeal?

FENTON: My father was a graduate of Holy Cross, so I had a natural interest in it.

BULGER: A legacy, interesting. How would you describe your college experience? Did you enjoy your time at Holy Cross?

FENTON: It was difficult, very difficult in those days. There were Jesuit priests who sponsored the college and you had to attend the morning mass at seven o'clock every morning and a Jesuit priest would, five minutes after the mass started, would come down the aisle with a clipboard, take the names of the persons in each row. If you were absent, he so noted it on his clipboard. If you were absent from mass, I forget how many times, but say two or three times in a two-week period, you were restricted to campus, you couldn't leave it for any purpose. Also in the evening,

3 The College of the Holy Cross is a liberal arts college located in Worcester, Massachusetts.
if you wanted to leave your room after dinner, you had to go to the Jesuit who was the proctor on the corridor and ask his permission to go to the library. Then when you came back, you got to check in with him to let him know you were back.

Then lights, first bell would ring at about 10:30, and everybody had to be in bed by a quarter to eleven, and shortly thereafter the Jesuit would come with a flashlight into each room, make sure that everybody was in bed. (laughter) Women were not allowed on campus during those days except, as I remember, it was Saturday and Sunday afternoons. Then they had to be met in the large area known as O’Kane Hall at that time. Women could not go into dormitories at all, or residence halls. It was a difficult school. I mean, it was very rigorous. I had courses in Latin, Greek, and French and English, and cosmology, epistemology, ontology, ethics. The classes were rigorous and the examinations were rigorous.

At that time, in addition to passing all of your examinations, written exams in your senior year, you had to appear in academic gown before a panel of three Jesuits for about forty-five minutes who would question you on any area of philosophy which you might have studied while in school. So, you had to pass the written examinations and also the senior oral examination in order to graduate. It was tough.

**BULGER:** Okay. So then post-Holy Cross, you said you went to Boston College? If you wouldn’t mind briefly—

**FENTON:** Pardon me?

**BULGER:** If you wouldn't mind just briefly telling me the difference between, like, that time in your life or difference—the move between Holy Cross to Boston College. You said Boston College used to be down here?

**FENTON:** Boston College was right here at 18 Tremont Street at that time, and one of the buildings was just next to the Parker House. And I think it had two floors, my memory was. It had two floors in that office building at that time. It had an excellent faculty. Many of them, the
professors were practicing lawyers and it was just a real excellent group of professors they had. You were well prepared to pass the Massachusetts Bar. I should have said—admitted. I say that after I graduated from Boston College Law School, I went over to Harvard Law School for one year to get a master of laws degree.

**BULGER:** Where did you live during that time? Did you live downtown?

**FENTON:** No, I lived at home.

**BULGER:** Okay, and then you—

**FENTON:** I lived at home in Lawrence while I was going both to Boston College Law School and also Harvard. When I was also going to Boston College Law School, I used to take the train home and I’d study a couple of hours in the afternoon, and then I’d take the train home to Lawrence. And two nights a week, my memory is Monday and Wednesday, I’d walk from the train station over to Lawrence High School where I taught immigrants who were interested in becoming citizens. It was a wonderful experience, I enjoyed it so much. And these were persons from Italy, Germany, Poland, and other European countries. And they desperately wanted to learn English and they desperately wanted to learn about our government. And I taught them from, I think it was, about three years, three or four years. It was a wonderful experience. Most of them worked in the mills in Lawrence at that time. Many of the men were barbers, but they were all wonderful people.

**BULGER:** So, your first teaching experience doing that was when you were how old?

**FENTON:** That was the first teaching experience I had.

**BULGER:** Yeah. No, I'm just curious, how old were you?

**FENTON:** How old was I then? Probably twenty-two, twenty-three, yeah.
BULGER: It makes me want to go out and do something. Did you always know that you were destined for law, or were you interested in law at an early age?

FENTON: Sure. I grew up in a family, my father, as I said, went to this school. He was a lawyer, and he became a chief justice of the Massachusetts land court. So I've always, at least since high school, had an aspiration to be a lawyer. And I also had an aspiration to teach law.

BULGER: So it’s not only an interest of law, you knew you wanted to teach it? You knew you wanted to teach it from an early age as well?

FENTON: What did you say?

BULGER: I'm saying you knew you wanted to teach law from an early age?

FENTON: Yeah, I would say once I got into law school and was exposed to these very, very competent teachers, I decided that I wanted to teach law. And that's one of the reasons I went over to Harvard Law School to get a master of laws degree so I’d be more prepared to join the law faculty. It's interesting, when I was in the Army I got a call from then-Dean Fred McDermott.4 Fred McDermott was one of my professors at Boston College, and he said, “When are you getting out of the Army?” And I said, “About three weeks.” And he said, “Well, I’d like you to come to teach at Suffolk.” I think he was just beginning his second year at that time.

And I went in and talked to him and I decided to do that. I also was approached by another law school in order to teach there. But in view of the relationship my family had with Suffolk, I was delighted to—

BULGER: Take him up on his offer?

FENTON: Yeah, to join the Suffolk Law faculty. There were only maybe six or seven full-time people at that time, teaching full-time at the law school.

4 Frederick A. McDermott served as the dean of Suffolk Law School from 1956 to 1964.
BULGER: What type of law did you mainly practice?

FENTON: When I had a law practice, I practiced general practice, concentrating on real estate transactions, conveyancing and also representing business clients. But it was a general practice. I drafted wills, trusts, I did some criminal work. It was a general practice, but I would say the conveyancing was a substantial part of the practice that I had representing banks and granting mortgages.

BULGER: Okay. How did you get into that particular field? Like, when did that interest you?

FENTON: How did I get into the field?

BULGER: Yes?

FENTON: Got a call from a—

BULGER: No, I mean that—you said banks and real estate and that—how did you get into that specific type of law? Like, why did that interest you?

FENTON: It was very interesting to me because as I said, my father was the chief justice of the land court at that time, and I used to talk with him about real estate problems and my interest grew in that area. And how I got into it was I happened to know the presidents of a couple of banks who asked me to represent them.

BULGER: Any banks that are still around in particular? Or are they—

FENTON: No, they’re not around, they’re not around.

BULGER: Do you teach this type of law? Is that your specialty?
FENTON: No. When I first started here, I taught equity and civil procedure which was then called remedies. And then I taught what was called at that time a senior seminar for people in the senior class who were going to graduate after finishing their last semester. And I would go over past bar examination questions with them and have them write answers to them, and then discuss with them proper answers and the way to properly write answers. I’d go over their papers and make comments on them. That's what I did when I first began here.

The Dean, Fred McDermott, at that time taught evidence and he got very sick. I used to visit him occasionally down at Mass General Hospital. He had been there for a while and one day when I went down, he says, “I want you to do something for me.” I said, “What is it?” He said, “I want you to take over my course in evidence.” And, I did. He passed away shortly thereafter, and I took over his course in evidence, and I loved evidence and have been teaching it since, including a class in about an hour.

BULGER: All right. Let’s see.

FENTON: I also taught at the—I was appointed as judge of the land court in 1974 and then I became chief justice of the land court. And then the Supreme Court appointed me to be chief justice administration and management of the entire trial court system. And so, all during those years, I continued to teach in the evening division at the law school. And after I’d finish work at 4:30, I’d rush over here and would usually have a class at six o’clock at night, six o’clock to 7:30, or six to eight. I did that for years.

But, as I say, Fred McDermott specifically asked me to—he was dying, really, he asked me to take over his course in evidence and I did. And I taught it ever since that time. Both evidence and a course called evidence seminar to a smaller group of people, a seminar group. President Sargent at one point asked me to consider becoming the dean of the law school to assist in the

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5 David J. Sargent graduated from Suffolk Law School in 1954, then served as a law faculty member from 1956 to 1973, dean of the law school from 1973 to 1989, president of Suffolk University from 1989 until 2010, and President Emeritus 2010 to present. OH-016 in the Moakley Oral History Project is an interview with President Sargent.
building of this beautiful new law school⁶ and also to attempt to raise money from alumni and other persons to help toward payment. And I accepted that invitation and I became dean of the law school and served for four and a half years. I always indicated that I was not interested in being a dean for a long period of time because I had been involved in court administration for a long period of time. I’d done enough of that. My real interest was in teaching, and he understood that and I—so after I was dean for about four and a half years, I actually got sick. I had developed prostate cancer and I was out for a while, out of school. When I came back, I picked up the evidence course again and continued to teach it. And thank goodness the—I have checkups twice a year and everything has been fine since I had the prostate treatment.

BULGER: So your timeline, other than you said with the cancer, your timeline, you've taught consistently at Suffolk for—?

FENTON: Except for that. I've taught—this is my fiftieth year, I'm in my fiftieth. I started teaching here in 1957. That's when I got the call from Fred McDermott. He said, “When are you going to get out of the Army?” I said, “About three weeks.”

BULGER: So you—sorry.

FENTON: He said, “I want you to come down and see me,” and that's when he told me he’d like to have me teach here; 1957, I've been doing it continuously except for the period of time that I was sick. But that's it.

BULGER: So you received your—you passed the bar in 1954, right? So other than three years and then being sick, you've all been at Suffolk?

FENTON: Say that again?

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⁶ David J. Sargent Hall, located at 120 Tremont Street in Boston, Massachusetts, is the home of Suffolk Law School and the Adams Gallery; it was dedicated on September 10, 1999. Featuring cutting-edge technology, including three thousand high-speed Internet connections and moot courtrooms equipped with advanced media capabilities, Sargent Hall has been ranked as one of the most technologically advanced law school buildings in the United States.
BULGER: I was just thinking, so you passed the bar in 1954.

FENTON: That's correct, yeah.

BULGER: So other than being sick and the three years in the service, everything, you've been teaching at Suffolk since then. I didn't realize that.

FENTON: Oh, yeah. I've been at Suffolk continuously since 1957, even though, as I say, even when I was in the court system, I was teaching still in the evening division. And it has been quite a change. I mean, some of the, you know, the—we didn't have anywhere near enough room over in the old building. I came back to what was called an office, the office at that time was four or five faculty people, just partitions between them; just one big room.

BULGER: Like a cubicle?

FENTON: Cubicles, yes.

BULGER: I was going to ask you, how was—how has Suffolk changed in your fifty years?

FENTON: Well, I'll tell you. When I went in one day, they were all over my desk chair and the floor in my office, underwear, shoes, stockings, pants, shirts, all over the place. I didn't know what had happened until I later found out it was the men's basketball team had undressed in my office to take a picture of the basketball team. (laughter) And they didn't have any space to do whatever they had to do, so they used—they just undressed, put on their suits right in my office. We didn't have—we tried to start different organizations here, but it was always difficult to find room to do what we wanted to do.

I remember, I was advisor to the law review, first advisor and then also first advisor to the moot court program. And when we—what happened, the moot court students do their argument, we didn't have any podia. We’d turn over a waste basket and they’d put their papers down on the
waste basket. (Bulger laughs) So it was a—student organizations didn't have—it was very cramped. We didn't have enough library space; it was just terribly cramped over there.

What else was I—I mean, this building is unique. I mean, it's one of the finest in the United States as far as law schools go. I think the architects were tremendous. I think they won some design awards in designing this building. And I know that other law schools were thinking of building new law schools, come here and get ideas about the buildings that they plan to build. It’s plenty of space here now, classrooms are—we've got enough classrooms and they're convenient and they're wired, each seat is wired for computer utilization. So it’s a very—plenty of room for—we got three courtrooms. The main courtroom here is better than many of the courtrooms out in the Commonwealth. So it’s quite a change.

One thing I forgot to tell you was the year before I became a judge in 1974, I served one year as associate dean of the law school, and David Sargent, now president, was the dean at that time.

**BULGER:** Other than the raising of the monies you said you were asked to do for this gorgeous building, the Sargent Building, did you have any other involvement in the planning process or just anything else?

**FENTON:** In what?

**BULGER:** In the building, in—

**FENTON:** Sure, originally I was part of the team to plan the design of the building. It was my good friend, Professor Clifford Elias, who was named by me to be the so-called project engineer. And he devoted a tremendous amount of his time to working with the design team. There was a group including myself, Professor Elias, President Sargent, and several other people from Tsoi-Kobus. They would all meet every couple of weeks to go over the development of the design of the building, yeah.
BULGER: Okay. Other than the gorgeous structure that is the Sargent Law School now, how would you describe Suffolk Law’s reputation?

FENTON: I think it’s increased tremendously. When I first started here, the student profile used to be students who had graduated from UMass Boston or Boston College, Providence College, some other schools in Rhode Island. There were a few from outside the state, but most of them were from New England. Now, in my class, I just have them fill out a card each year in the beginning and have them put their name and address and college or university from which they graduated. Now, I’m noticing Yale, Harvard, Brown, the Ivy League schools, UCLA, University of Colorado, University of Utah, students from all over the country, are in this law school now. That was not so years ago.

So the reputation has increased, improved. Many of our graduates gained jobs in major law firms or intermediate law firms as associates. Many of them are getting work as public defenders. You take much of public policy in Massachusetts over the years, has been developed by some of the leadership in the House and the Senate. Even now, you have the Speaker Sal DiMasi, who graduated from the school; you have him as a former student. Then you had before him, you had Richard Voke, who was chairman of judiciary, several other representatives who held key leadership positions and committees were graduates of this school.

For many years in the Senate, Patricia McGovern was chair of the Senate Ways and Means Committee, had a great deal to do with public policy of the Commonwealth, financing of them. And several other members of the Senate were graduates of Suffolk Law School. So this school had a tremendous impact, as far as its alumni were concerned, on the public policy of the Commonwealth.

It also had, when I was chief justice for administration and management, a tremendous number of judges at that time were graduates of this school, both on the district court, superior court, land court, Boston municipal court, probate and family court, and the housing court, a tremendous number, certainly a majority. No other school had the—no other law school had the number of judges on the bench that this school had. And I remember when I was a chief, there was the chief
justice of the municipal court department, Bill Feeney, was a graduate of this school; the chief justice of the housing court—the housing court was George Daher; he was a graduate of this school. The chief justice of the district court, Sam Zoll, was a graduate of this school. The chief justice of the land court, Robert Culshan, was a graduate of this school. That's quite a thing, it was very unusual.

**BULGER:** No, definitely. Actually, my next question, couple of questions I was going to ask you about Suffolk's relationship with the community, maybe Beacon Hill or Boston, but it seems like you just—(laughter)

**FENTON:** It's extraordinary. We've had people from newsrooms—you know, people—journalists, we've had people who've made tremendous sacrifices to come here. I mean, we used to have, and maybe we still do have, people, women from the Cape, the mid-Cape, who were parents. They'd work as paralegals and then they'd carpool and come up here at night, wouldn't get through until nine o'clock, 9:30, then when you get back home, it's eleven o'clock at night after working all day. And they do that for four years, that's unbelievable. I mean some of the stories of the people who come here and the sacrifices they made in order to get a law degree are unbelievable. Unbelievable.

I remember we had a doctor and his wife, a radiologist up in Vermont, and he used to practice at the hospital up there in the morning and then he and his wife would drive down from Vermont and go to law school at nights for four years, then drive back. They mustn't get home until eleven o'clock, twelve o'clock at night. It's unbelievable.

**BULGER:** It's quite a commute.

**FENTON:** Yeah.

**BULGER:** So you talked a lot about Suffolk's involvement in sort of the community in terms of shaping Boston and stuff. Do you think all students at certain levels should be involved in public service towards the community?
FENTON: That would never happen to all of them, but we have different programs here now with this Rappaport Institute\(^7\) and there was a public service program\(^8\) set up in my name. We give out three scholarships of about eight thousand dollars a year. People apply and they compete and the committee looks them over and recommends these people and they work in public service. The problem with public service jobs is the pay. Many of these people have debts which average, average, maybe between seventy to eighty thousand dollars a year. And public service jobs don’t pay. If they have substantial loans outstanding, it’s very difficult for them to accept those kinds of positions. But an awful lot of people here do go into public service jobs because many members of the faculty, including myself, recommend that they do that.

I think, you know, know one thing I want to leave you with is I think my friend, President Sargent, has done a phenomenal job here. He was the dean of the law school for seventeen years, been president now for several years. It’s incredible to see how not only the law school has improved, but the university has improved under his leadership. The number of buildings that Suffolk now owns, the educational programs they have in other countries. All of that has happened under his leadership and it’s been wonderful to observe. Very glad for him because we started full-time teaching the same year, full-time the same year back in 1957. He had taught part-time a year earlier, I believe. Okay?

BULGER: Yeah, I just have a—

FENTON: Because I got somebody coming. Are you done?

BULGER: Yeah. No, I got, like, one last question.

FENTON: All right.

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\(^7\) The Rappaport Center for Law and Public Service was established in 2006 to support Suffolk University Law School’s legacy of educating, supporting and mentoring students with an interest in public policy and public service.

\(^8\) The John E. Fenton, Jr. Public Service Fellowships, created to honor Judge Fenton's forty-five year legacy of teaching and leadership at Suffolk University Law School, are awarded to students pursuing public interest careers.
BULGER: I was going to say, is there any advice you’d like to give any current students? Any advice?

FENTON: Current what, law students?

BULGER: At any level of Suffolk, actually?

FENTON: Yeah. Whatever task you undertake, whether it be in law school, university, or any job you might take when you get out of school, work hard. Don’t do it halfheartedly, you've got to work hard in order to succeed. It’s tough, because if you don't do it, somebody else coming behind you will do it.

The other thing I would say, read. Read as much as you can. Read good novels. I find a lot of young people today don’t read newspapers. They get information on the Internet. I wish people would read newspapers so they could get information in depth about what is going on in the country and in the world.

And whatever you do, vote! Whoever you vote for is your business, but get out and vote and participate in the unique process that we have in America. People all over the world who don’t have democracies would give their right arm to be able to vote for their leaders at all levels of government. And I observe now the young people starting to vote. I used to talk to people for years and they didn't bother to vote, either in their town elections, state elections or national elections. Vote! Okay?

BULGER: All right, this is to conclude the interview. Thank you very much, Dr. Fenton.

FENTON: Pleasure. Glad to see you.

END OF INTERVIEW