

Remembering Nel

BY RAYMOND J. MARVAR, '79 J.D.

The telephone pierced the silence of the early morning quiet, and woke me from a deep sleep. It was my neighbor Nancy Ryan calling to tell me that our mutual friend Ellen Carpenter was in trouble. “She had a massive stroke last night, and they don’t think she’ll make it through.” This devastating news struck me like I had been kicked in the throat. How could this have happened? How do I tell my wife and children? She had just been at our home for the week of Thanksgiving. Nel passed away later that Sunday morning.

Mary Ellen Carpenter—referred to as “Nel” since law school, was my family’s dearest friend. She was as close to us and loved as any relative we had. Indeed, my children referred to her as “Aunt Nel.” Kerry, Lindsey, and Abbey stayed with her in Boston during summers—John, our youngest, now won’t get his chance. She played a major role in all of our daughter’s weddings, and she stayed with us as our house guest in Cleveland for the past 20 years to celebrate the Thanksgiving holiday. All of us e-mailed her or talked to her on the telephone several times a month, every month. We’d call her and she’d call us. She had just given my wife, Diana, roundtrip tickets to fly to Boston for a long “girls” weekend away during the Christmas Holidays. Losing Nel was like cutting off one of our limbs.



Nel with the Marvar sisters (from left to right): Lindsey, Kerry, and Abbey Marvar. Their brother John is shown in the picture on the bookshelf behind Abbey.

I met Ellen Carpenter the first day of law school in August of 1976. Later, we worked together at the Department of Labor in Washington, D.C. In fact, she was instrumental in getting me an interview for that job with now-SEC Administrative Law Judge Robert Mahoney.

That story is just one of many ways she affected my life and that of my family. I have numerous vivid memories and great fun stories about Ellen. Frankly, so does everyone who knew her. All of us agree on one thing for certain: “She lived life large” and knew how to celebrate it every day. Ellen’s death has provided the opportunity for me to talk to many friends and classmates across the country about Ellen. Many have written me, and I thought it important to share some of those thoughts.

Judy Gunderson Muncy, '80 J.D., became a close friend of ours in law school and then joined us at the Department of Labor in Washington

following graduation. She writes, “It’s hard to think of Ellen solely in the past tense, and partly because, when thinking about how best to describe Ellen,

the first words that popped into my head were ‘life of the party,’ a characterization that seems frivolous in light of her many professional accomplishments. The fact remains, though, that when I think of Ellen what I remember most is simply how much fun she was to be with. Looking back on the time we worked together at the Department of Labor, it strikes me that Ellen should have had one of those ‘take-a-

number’ devices outside her office door to control the flow of visitors. Invariably, when I stopped by her office, someone else was already there, usually just to chat, but often to ask Ellen’s advice on some personal or professional problem. As one who frequently availed myself of her counsel (I’m confident she saved me thousands of dollars in therapist’s fees over the years), I can attest that Ellen not only was a patient and careful listener, but also had a knack for coming up with just the right response. When one adds those qualities to her intelligence, it’s no wonder she was such a successful lawyer. But, back to the ‘life of the party’ comment: not to minimize Ellen’s contributions to the legal profession or the Law School, but what I will miss most is the laughing and shrieking (and sometimes singing and dancing) that ensued whenever we were together.”

Hon. David J. Dreyer, '80 J.D., Marion Superior Court (Indianapolis), immediate past president, Notre Dame Law Association, worked with Nel on the

association. He said, “Describing Ellen Carpenter is easy on one hand, and a challenge on the other. She was bright, friendly, faithful, dedicated, passionate, courageous, innovative, Notre Dame-crazy, a leader, fun-loving, bold ... There is simply no way to shorten the list. But there is one unique description that serves Ellen best: a Notre Dame lawyer.

“When the Law School often states its mission to ‘educate a different kind of lawyer,’ then Ellen Carpenter is its poster child. She took law as her vocation, not just a way to make a living. Ellen’s jurisprudence included access for the poor, as well as the highest level of professionalism for her clients. She never allowed justice to be affected by expedience, nor ever bargained principle. On the other hand, she was a pragmatic, common-sense, problem solver. She showed the right kind of balance between the personal and professional—that is, letting her personal faith inform her professional responsibilities. In this way, she became the kind of lawyer that practiced, as Prof. Shaffer once described, the ‘ethics of care.’”

Over the past couple of years, David and Ellen had led the Notre Dame Law Association. “I always marveled as Ellen, the Notre Dame lawyer, approached every problem by first considering the moral elements involved. She took particular care to consider how decisions would affect people, such as board members, students, alumni, or others. The merits of any decision, legal or otherwise, had to square in Ellen’s mind with a human standard. We should all aspire to practice as well, and as right.”

Chris Roach, Nel’s law partner in Boston, brings another perspective. “For 17 years, it was my privilege to be Ellen Carpenter’s law partner. When Ellen first moved to Boston in 1987 to join the United States Attorney’s Office, she

knew exactly two people here. When she left us last month, literally hundreds of people in Boston went into profound mourning.

“Ellen and I liked to refer to one another as ‘Dear Fiduciary.’ And this is the best imagery I can use to convey what Ellen was like as a business partner. True to the meaning of the word, Ellen was unfailingly loyal, generous to a fault, and scrupulously honest, in what we used to like to call an ‘Irish Catholic’ sort of way. Ellen was a master at avoiding subjects she didn’t like. She would procrastinate as long as possible in discussing business decisions. But Ellen knew she couldn’t dodge a direct question from me. So, just before the tough question came, she would spontaneously confess whatever it was I needed to know.

“Most of the joy in practicing law comes from the exchange of ideas. Ellen was an enthusiastic peer, and an equal colleague. She was book smart, street savvy, and strategic. Ellen never forgot a name, a face, or any of the associations that came with them.

“Ellen loved the law, in that old-fashioned way that our generation used to talk about willingly. She believed in our Constitution, its separation of powers, its checks and balances. She believed herself to be an officer of the court, seeking justice through fair process. Never once, no matter how burdensome the task or the people involved, did I ever see Ellen descend into cynicism. She always had the courage to do a good job right.

“But Ellen was not made in Boston. Much as she loved taking over our town, she loved two places more—Bennington, Vt., and the Notre Dame campus. A special sort of comfort and peace would come over her any time she went to South Bend.

“The Notre Dame community helped to forge Nel’s unique values, and continued to sustain her throughout her too-short life. We in Boston are very grateful to all of you for that.”

Nel had a magical gift of being able to easily connect with people on a personal level. She left you feeling as if you were her close friend. And, this gift, when combined with her intelligence and other skills—including the most infectious laugh I have ever heard, caused her to be as successful as she was.

At our graduation from law school on May 20, 1979, Kenneth Ripple, recipient of the Distinguished Professor Award that year, gave the Commencement address on stage in Washington Hall. In his remarks, he said, “Each one of you in this class has received a ‘no-nonsense’ legal education. But, at the same time, because you went to Notre Dame, you have gained, along with that professional acumen, the capacity to view your life as a totality—to lead a ‘life in the law’ but, at the same time, to laugh, and sing, and dance, and pray, and work, and live your own interior life in celebration of life.”

Mary Ellen Carpenter listened well that day to Prof. Ripple, and throughout her career quoted his remarks often. But, I think at graduation, she already knew innately one of life’s lessons hard learned—that tomorrow is promised to no one. And that, in addition to our professional careers, we need to laugh, and sing, and dance ... in celebration of life.

A very bright light has been lost, and the only way to deal with losing a special friend like this, especially this early in life, is just to be thankful for the time we had with Nel and to learn each day some of life’s lessons she tried to teach us.