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## A Tribute to Monroe Freedman

Stuart Rabinowitz

*Maurice A. Deane School of Law at Hofstra University*

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## A TRIBUTE TO MONROE FREEDMAN\*

*President Stuart Rabinowitz\*\**

Good evening. It is an honor to be with you tonight to celebrate the life and career of Monroe Freedman. As we all know, Monroe Freedman was truly a legal giant; a prolific, thoughtful, and provocative scholar; an advocate for social justice; and an inspired educator.

Earlier this year, I had the privilege of delivering a brief tribute to Monroe at a conference on legal ethics that Hofstra dedicated to his memory. Tonight, I'd like to again share some memories of my personal experiences with Monroe.

I knew Monroe for almost my entire academic life; I was a very young, second-year assistant professor teaching Civil Procedure and Federal Courts when Monroe was selected as Dean to succeed the founding Dean of the law school, Malachy Mahon. Because of Monroe's scholarship, persuasive advocacy, and controversial positions, Monroe's selection as Dean of, the then very young, Hofstra Law School (only five-years old) immediately put Hofstra Law on the map and elevated its reputation and prestige in the legal academy. Monroe as a dean was an interesting phenomenon—anti-authoritarian in orientation, he was in some sense, the anti-dean Dean: inclusive, leading from the bottom up rather than top down, creating a very personal, energizing atmosphere. Monroe was genuinely interested in law students, prospective and enrolled. He felt that LSATs were a poor (and biased) predictor of who would be a good lawyer and spent innumerable hours interviewing applicants who would not have been admitted but for his taking the time to discover the life story and the promise in each such student. Many successful alumni today attribute their successful careers to Monroe's intervention.

Shortly after Monroe joined Hofstra, he asked me to serve as his Associate Dean, thereby beginning my descent into the administrative-

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\* These remarks are a rendition of President Stuart Rabinowitz's speech given at a memorial held for Monroe Freedman on September 30, 2015, at the Hofstra University Club.

\*\* President, Hofstra University; Andrew M. Boas and Mark L. Claster Distinguished Professor of Law.

side of the house (and perhaps indirectly responsible for my later attaining the deanship and now, as president). I learned much from this time as Monroe's associate—as you might expect, Monroe was a charismatic leader, very much a “big picture” leader who did not micromanage and gave me the room to learn the ropes. He was a strong believer in the importance of personal connections, hosting beginning-of-the-year parties for the entire faculty in his home each year. He also invited his students to sign up for lunches with him where they would continue to discuss challenging legal issues in a smaller, more personal environment.

While serving as Dean, Monroe continued to teach, and he was an extraordinary professor. Even in his large classes, he learned the names of each of his students, addressing them as “Mr.” or “Ms.” with the appropriate name; as one student posted on the law school's Facebook page after Monroe's death: “After reviewing a class seating chart and conducting one class, he would remember each student without reference to the chart. Many years after law school, I was eating lunch in a Japanese restaurant in Washington, D.C. Three men entered the restaurant—one was Laurence Tribe, another was unknown to me by face, and the third was Monroe. As the men were waiting to be seated, I looked at him briefly and wondered if he would recall me if I introduced myself. Before I could do so, he looked back at me, smiled, and said: ‘Good afternoon, Mr. Inserra.’ Monroe was and continues to be an inspiration.”

In his classes, Monroe was Socratic to the extreme; he taught his students to think about the importance of every word in an opinion, as well as about the policy choices that each such word embodied. He truly taught his students to “think like lawyers”—a concept that some might find outmoded, but which I believe is still at the core of an excellent legal education. Monroe's students were well prepared for the courtroom or the board room, having learned critical skills of careful reading, the ability to get to the heart of a problem, to analyze with intelligence and creativity, and to advocate with the most powerful arguments possible.

Of course, legal ethics were infused in all of Monroe's courses, particularly in his first-year Contracts course, where Monroe was ahead of the curve in spotting ethical issues in a host of negotiating and bargaining contexts. And being Monroe, his teaching was not without quirks. He would tell his students that they couldn't believe a statement he made, unless he said it three times; his way to encourage skepticism and to discourage students from assuming that the professorial edict should be exempt from challenge and argument. However, for first-year

students, this did create some confusion—just imagine the arguments over how many times he said a certain thing, and was it really three times repeating the same or only a part of the original statement, and on and on. And then, of course, there were his grades; Monroe was known as an extraordinarily difficult grader. He used to say that a “C” was a good grade and anything above that was exceptional; students who received an “A” from Monroe knew that they had done something truly special. One student said: “The A I got from [Monroe] in Ethics, I consider to be the greatest academic achievement of my life.”

I could go on and on about Monroe’s legendary career, but I will not, since there are other tributes to come.

Still, there is one last anecdote I want to share. It’s about Monroe’s history with an attorney who has inspired generations of law students, an attorney who is a cultural and literary icon, an attorney who was revered by just about everyone—except Monroe Freedman.

That attorney is Atticus Finch, the heroic lawyer of *To Kill a Mockingbird* who Monroe famously called out in a 1992 *Legal Times* article as a “passive participant in the pervasive injustice” of the Jim Crow South. “If we don’t do something fast,” Monroe wrote, “lawyers are going to start taking him seriously as someone to emulate. And that would be a bad mistake.”

You can imagine how that went over.

The outcry was swift and fierce—so much so that the *New York Times* did a story about Monroe’s article and the responses it provoked.

This summer, a quarter-century later, Harper Lee’s sequel to *To Kill a Mockingbird*—*Go Set a Watchman* (which had been written before *To Kill a Mockingbird*)—was published. And Monroe’s take on Atticus Finch once again became the subject of a *New York Times* piece—this one the review of *Go Set a Watchman*, which among other things, depicts Atticus as a supporter of segregation and member of the Ku Klux Klan.

“Dismissed by some as the ravings of a curmudgeon,” the *Times* reviewer wrote, “Freedman’s impression of Atticus Finch has now largely been ratified by none other than his creator, Harper Lee herself.”

Among those you will hear from tonight is Abbe Smith, a professor of law at Georgetown University, a long-time co-author and dear friend of Monroe’s—and someone who had long taken issue with Monroe’s argument about Atticus Finch. In July, after the release of *Go Set a Watchman*, she told a Georgia legal journal: “I want to give all the credit to Monroe Freedman. Turns out he’s kind of a genius. He saw something I didn’t see.”

Suffice it to say that Monroe was a man of distinctive vision, an extraordinary and energetic educator, a brilliant advocate and practitioner, a man of enormous integrity whose special kind of genius will continue to be revealed to us, and continue to challenge and inspire us, for many years to come.