

LOUIS H. POLLAK, TEACHER AND FRIEND

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When a man has been your friend for twenty years, it is sometimes difficult to remember the moments when the first threads were woven into the fabric of the friendship. With Louis H. Pollak, who was first my teacher, then my colleague, and from virtually the beginning my friend, no such difficulty exists.

I saw Lou Pollak for the first time on a Monday morning in early September 1959, when my classmates and I took our seats in a large lecture hall at the Yale Law School. The course was Constitutional Law. The posted assignment had asked us to be prepared to discuss *Marbury v. Madison*. Lou entered the room and moved tentatively to the podium. This was the first time that any of us had had occasion to see a law professor perform. How untypical a performance we were about to see!

Lou scanned the rows, searching our expectant faces for a very long time, apparently trying to find words appropriate to convey a problematic thought. He began, finally, by saying that most of us probably had finished near the top of our college classes. He suspected that few of us had ever had to come to terms with the consequences of academic performances that were, despite our best efforts, no better than average. We need not fear, he said, that he was about to recite the old chestnut that had been used to initiate a generation of first-year students into the Harvard Law School: "Look to the left of you. Look to the right of you. Next year one of you won't be here." That story told a great deal about the Harvard Law School, he explained, but this was Yale. We all laughed nervously. Why, we wondered impatiently, was he not getting on with the business of *Marbury v. Madison*.

Although this was not Harvard, Lou continued, he did feel compelled to disclose one point. Despite the faculty's most conscientious efforts, he was dismayed to report that it had failed, at least so far, to devise a grading system that did not result finally in placing half the members of a class in the bottom half of the class.

The story told more about Lou than it did about the Yale Law School. It bespoke his understanding that many of us were quietly terrified of the intellectual competition we were about to face. It bespoke his humane desire to help us bring our fears of that uncertain prospect to the surface where we could face them openly,

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rather than allow them to smolder in the secret recesses of our hearts. It bespoke his empathy for those of us who would soon have to come to terms with the dispiriting fact of doing less well academically than we were accustomed to doing. And it bespoke his marvelous capacity to draw upon an understated and playful wit in making a point tellingly and without pomposity.

I soon learned, as did my classmates, that the qualities that Lou Pollak revealed in opening that class—understanding, humanity, empathy, and wit—were only a part of the man. Gradually, I came to appreciate so many of the other qualities that are also a part of the man: a wondrously subtle intellect; an innate courtesy and modesty; an appealing approachability no matter what the situation; an abiding patience and good humor; an unstinting loyalty to the institutions he serves; and an enduring commitment to human dignity and social justice.

Lou Pollak became one of my models during my first year at Yale Law School and he has remained so ever since. When I graduated from law school, I served a federal court clerkship that Lou recommended to me and was instrumental in helping me to secure. When I completed that clerkship, I joined the same law firm that Lou had practiced with shortly after his own graduation from law school. And when Dean Fordham invited me to join the Pennsylvania faculty, it was Lou Pollak whom I called on a wintry Sunday afternoon for advice on whether to accept the invitation. Of course his advice was right, and I took a special pleasure in repaying that debt in kind some years later when Lou asked my advice on whether to accept Dean Wolfman's invitation to join the Pennsylvania faculty. Of course my advice was right, too!

Although Lou and I stayed closely in touch during the early years of my teaching career, I must admit to having been slightly apprehensive, when he joined our faculty in 1974, about making the transition from having been Lou's student to becoming his colleague. Would it, I wondered, be uncomfortable or awkward to establish our relationship on new terms? My concerns were altogether inappropriate. Lou's extraordinary capacity for friendship quite simply dissolved any awkwardness that could conceivably have existed. To Lou, I was neither former student nor present colleague, but friend.

I miss Lou's happy presence in the Law School. But I treasure the fact that our friendship endures, and I rejoice for the Republic that its President had the good sense to recognize Lou Pollak's unique qualifications—his humanity, his wisdom, his courage, his

profound commitment to equal justice under law—to serve the nation in a position for which his entire life has been a special breeding.