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In Memoriam – Howard B. Eisenberg

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CRAIG ALLEN NARD^{*}

Howard Eisenberg gave me a chance. You see, I am a graduate of a "regional" law school, which in and of itself, is, to quote Madison, "of inferior moment." But in the world of legal academic hiring, where it is common to measure one's scholarly potential based on one's pedigree, Capital University School of Law was an obstacle. There are serious barriers to entry into this tower, many variables at play, and political machinations aplenty. Indeed, academic hiring at law schools is an intensely competitive process, and law school alma mater, for reasons not entirely unjustified, is one of two factors that is scrutinized the most by would-be colleagues.

Howard transcended this culture. At the time Marquette University Law School hired me for a tenure-track position in 1997, I had already taught as a visitor at two other law schools, where I had unsuccessfully attempted to secure a tenure-track position. Therefore, needless to say, I was immensely grateful to Marquette (with Howard at the helm) when it saw fit to take me on. I'll never forget the phone call I received in January 1997, when Howard extended the offer: "Hello," I said. "Craig, this is Howard Eisenberg." That's all I needed to hear, for in this business "Ma Bell" is a friendlier conduit than the postman.

During my nearly five years at Marquette, I acquired a weighty admiration and respect for Howard. Indeed, as a fledgling law professor, I was most fortunate to have Howard as my first dean. In a world of competing egos, he was never one to engage in self-promotion; rather, armed with a profound social conscience, he led by example. Howard made me feel welcome and that I was making a contribution to that fine Jesuit institution. And despite the sometimes grueling decanal demands, he always had time for me, just as he did for my former colleagues, students, numerous ill-fated persons within our justice system, the Archdiocese of Milwaukee, his family, friends, and Talmudic studies. The first time—and every time thereafter—I walked into Howard's office, thinking, of course, that what was on my mind at that particular moment was the most pressing of all concerns, Howard welcomingly greeted me, and said, "What can I do for you?" And one of the last times I paid him a visit, to tell him that I had been approached by a law school in Cleveland, he smiled—for he knew and appreciated

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that my family in Ohio and Pittsburgh was now part of the calculus—and said, "I knew this day was coming." Nonetheless, consistent with how he treated me throughout, he did his best to keep me at Marquette and wished me his sincere best when I left.

Howard—brilliant, tolerant, caring Howard—was a man who achieved much in legal academe, in the practice of law, and in life. He saw the best in the worst of people; he eschewed the worst in the best of institutions. As dean, Howard recognized that his faculty members could each uniquely contribute to the betterment of Marquette, without consideration from whence they came. It was my good fortune that he also recognized such for aspiring faculty members.

DANIEL D. BLINKA*

On behalf of the faculty, I thank Mr. Habush for his extraordinarily generous and compassionate gift. Speaking as a teacher, I am humbled because it is my honor to reflect for a moment on three lessons that I think students will draw from this occasion.

First, we commemorate this beautiful room, which will provide our students with a place for study, inspiration, and reflection about what lawyers do. I say "inspiration" and "reflection" because there are lessons that cannot be drawn from casebooks and lectures. This room is modeled closely after the English Inns of Court, the fountainhead of many of the freedoms and liberties so dear to us and that both Dean Howard Eisenberg and Robert Habush have devoted their careers to defending and preserving.

And this brings us to the second lesson, which transcends lawyer-like concerns over rights and due process. As students look about this room and reflect on the portraits, the plaques, and the physical space where we now are, they will undoubtedly reflect on Dean Eisenberg and his selfless devotion to the profession and the community, especially his abiding concern for those without representation. I use the word

* The writer is Professor of Law at Marquette University Law School. In reading this and the subsequent piece, one should know that in the year before his death Dean Eisenberg persuaded Robert L. Habush to make a substantial gift to the Law School to make possible the restoration of what had been known for decades as the Grimmelsman Courtroom. The gift was the largest in the Law School's history, and the beautifully restored room was expected to be named after Mr. Habush. Following Dean Eisenberg's death, Mr. Habush requested that the room be named after Dean Eisenberg. The Howard B. Eisenberg Memorial Hall was accordingly dedicated at the Law School on August 29, 2002, and Professor Blinka's and Mr. Habush's remarks on that occasion are printed here—ED.