

Dedicated to the Memory of Lee E. Teitelbaum (1941-2004)

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DEDICATED TO THE MEMORY OF
LEE E. TEITELBAUM
(1941–2004)

The Board of Editors dedicates Volume 90 of the *Cornell Law Review* to Lee E. Teitelbaum, who served as the fourteenth Dean of Cornell Law School from 1999–2003. Dean Teitelbaum authored numerous books and articles on a wide range of legal issues and was recognized as a leading expert on family law, a subject which he taught at Cornell Law School. In memory of his contribution to law and to Cornell Law School, we offer tributes by two of his colleagues.

Douglas A. Kysar†

While still teaching at the University of Michigan in 1862, Cornell University founding president Andrew Dixon White wrote an important letter in which he first articulated his vision of the ideal institution that, just six years later, would be realized in a small upstate New York town at the edge of Cayuga Lake. In this letter, White articulated nine principles that he believed were necessary to form the foundation of a world-class university.¹ In retrospect, many of the principles that White offered were extraordinarily progressive for their time. He argued, for instance, that it was necessary “to secure a place where the most highly prized instruction may be afforded to *all*—regardless of sex or color.” He also saw the university’s role as encompassing a duty “to turn the current of mercantile morality which has so long swept through this land,” “to temper and restrain the current of military passion which is to sweep through the land hereafter,” and “to give a chance for instruction in moral Philosophy, History and Political Economy unwarped to suit present abuses in Politics and Religion.” In addition to these pronouncements, White also offered a specific vision for legal education, one that later would provide a guiding principle for Cornell Law School: he argued in his letter that a truly world

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¹ See CARL L. BECKER, *CORNELL UNIVERSITY: FOUNDERS AND THE FOUNDING* 156–57 (1943).

class university must “secure the rudiments . . . of a legal training in which Legality shall not crush Humanity.”²

A.D. White would have regarded Lee Teitelbaum with enormous respect, admiration, and gratitude. Serving as Cornell Law School’s fourteenth dean from 1999 to 2003, Lee offered a living example of the meaning and significance of White’s words, for above all else Lee valued and honored Humanity, and he refused to let it succumb to the sometimes crushing force of Legality. Lee’s vision of legal education contemplated the law school’s serving not only as “a diverse community,” “an intellectual community,” and “a professional community,” but also “as a just community and as an ethical community.”³ An accomplished scholar of family law and the legal profession,⁴ Lee studied the virtues of fiduciary, professional, and ethical responsibility. More importantly, his life was an unflinching embodiment of those virtues. Indeed, to me, his every act and deed seemed characterized by an awareness that our lives are bound up with a momentous duty both to respect the inheritances of the past and to serve as guardians for the well-being of the future.

Lee’s sense of formality—expressed most clearly and memorably in his impeccable dress, his social grace, and his ceremonial eloquence—earned admiration from his many colleagues, including those of us whose own moments of slovenly, bumbling, inarticulate informality never attracted so much as a raised eyebrow from Lee. How often, though, did we contemplate *why* Lee so faithfully attended to tradition and decorum? I have thought a great deal about such questions in the past year. Seeing Lee this past spring in Utah, shortly after he had completed a course of chemotherapy, I was deeply struck by his continued fidelity to appearance and graciousness. Upon our arrival at the airport, Lee was there, immaculately dressed in a tailored suit with a perfectly placed handkerchief in his coat pocket, insisting that he carry my wife’s suitcase for her, despite the noticeable physical effects of his treatment. I believe that Lee exhibited these rare and admirable characteristics, not at all out of unthinking convention, but out of a rich appreciation for the larger human currents, of which our individual lives are but fleeting eddies.

Rare too was Lee’s custodial concern for the future, most palpably expressed in his unparalleled commitment to law students. He was dedicated to students in the sense of wanting to promote a rigor-

² *Id.* at 156.

³ Lee E. Teitelbaum, *Ethics in the Law School Community*, 31 U. TOR. L. REV. 757, 757 (2000).

⁴ Lee wrote or co-wrote three books on juvenile courts, a casebook on family law, and more than fifty articles on the sociology of law and legal history, juvenile law, family law, evidence, and professional ethics.

ous and fruitful legal education, and also in the sense of caring deeply and genuinely for their welfare. He had boundless zeal for interacting with members of the student body, remarking to me on several occasions that his work with students was the most enjoyable part of a richly enjoyable vocation. Lee's enthusiasm was infectious—wherever he went in Myron Taylor Hall, students were sure to be found, relishing the opportunity to interact with him, to learn from him, and to laugh with him. In the classroom, he fused the wisdom and patience of a teacher who had thirty-five years of experience behind the lectern with the energy and freshness of someone who continued to approach each class as a new opportunity. While at Utah this spring, I had the honor of co-teaching a class on professional responsibility with Lee during his final semester of teaching. Weakened in body, Lee remained undiminished in spirit, his influence over yet another generation of lawyers immediately evidenced by the affection and respect for him that these students exuded.

In addition to the intangible but unmistakable spirit that he projected through the law school community, Lee's dedication to students manifested itself in numerous tangible ways during his time in Ithaca. Under Lee's leadership, for instance, Cornell Law School students benefited from substantial improvements to the school's technology infrastructure, from extensive expansion of law school programs and curricular offerings, from sizable increases to the school's financial aid endowment, and from a significant improvement to the school's public interest loan repayment program—an improvement that Lee hoped would afford students more flexibility in choosing career paths that would provide them with lasting fulfillment and enrichment. Not only did Lee accomplish a similarly impressive list of feats on behalf of students at his former post, as dean of the S.J. Quinney College of Law at the University of Utah, but he also devoted himself to law students across the country through his years of service to the Association of American Law Schools, the Law School Admissions Council, the Journal of Legal Education, the Law and Society Association, and numerous other influential organizations concerned with the state of American legal education.

I can attest further to Lee's commitment to legal educators—particularly untenured, tenure-track legal educators as, for some time during Lee's leadership, I was the only such person on the Cornell Law School faculty. Many new law teachers attend a summer conference, sponsored by the Association of American Law Schools, that is dedicated to presentations, discussions, and workshops on how to become an effective teacher and researcher. In 2000, when I attended this conference, a featured lunchtime presentation was given by Nancy Rapoport, Dean of the University of Houston Law Center.

Dean Rapoport's talk was entitled "What Your Law School Dean Should Do For You," and it included a lengthy tabulation of ways in which a dean can support junior faculty members. I remember thinking to myself at the time of this presentation, "What dean in his or her right mind would take this amount of time to mentor, teach, and advise a junior faculty member?" After three years of working under Lee Teitelbaum, I could only conclude that Lee must not, in fact, have been in his right mind, because he provided for me all of the support that Dean Rapoport mentioned in her presentation and more. I was never clear how he managed to do it, particularly while devoting the time and energy that he did to the rest of the faculty, the student body, the administration, the university, and the alumni, but I cannot imagine a better initiation to legal academia than the one that Lee provided for me. During a critical time in my intellectual and moral growth, he was there, serving simultaneously and with ease the roles of supervisor, mentor, friend, and confidante.

Many observers of legal education have come to the conclusion that the enterprise actually seems designed to do precisely what A.D. White hoped it would not do—to crush the humanity of law students and legal educators alike through constant engagement with an adversarial learning process that requires systematic unsettling of established patterns of belief and modes of thought. They argue that legal education destabilizes one's values and principles by teaching, directly or indirectly, that rules are quite malleable, that precedents can be distinguished, that legal meaning is inherently contestable, and that the job of lawyers is merely to contest. Virtue, the observers claim, cannot long survive in such an atmosphere. Whatever the merits of their claim more generally, these critics never had the good fortune of observing Lee Teitelbaum or of experiencing the humanizing influence that his gentleness, humor, and abiding moral character showered upon his law school community. For those of us who did, our world since September 22, 2004 has been immeasurably sadder.

Carl E. Schneider†

And now, perhaps, I ought to have done. But I know that some spirit of fire will feel that his main question has not been answered. He will ask, What is all this to my soul? . . . How can the laborious study of a dry and technical system, . . . the mannerless conflicts over often sordid interests, make out a life? . . . I believe there is an answer. If a man has the soul of Sancho Panza, the world to him will be Sancho Panza's world; but if he has the soul of an idealist, he will make—I do not say find—his world ideal. . . . The law is the calling of thinkers. But to those who believe with me that not the least godlike of man's activities is the large survey of causes, that to know is not less than to feel, I say—and I say no longer with any doubt—that a man may live greatly in the law as well as elsewhere

Oliver Wendell Holmes¹

When I first met Lee Teitelbaum at a conference two decades ago, I was a novice and he a distinguished scholar. Because my colleagues admired him, I rang his room at the hotel and asked him to join me for dinner. He sweetly agreed. When he opened his door to my knock, I realized that he set standards I could never match—sartorial standards. Who was this king of glory? I stood there in my Oshkosh khakis and running shoes, agape and abashed.

Despite this unpropitious start, our friendship ripened, and soon I realized Lee set standards of a finer and rarer sort. In my first years of teaching, I had begun to ask Justice Holmes' question: Can you live greatly in the law? I saw that it isn't good for you to be a teacher, to be deferred to, to be surrounded by people asking you to relieve their ignorance and supply their wants. It isn't good for you to be as sure of your skills and as confident in your conclusions as law faculties are. It surely isn't good for you to be a dean. But what could it mean to "live greatly in the law" in a century which finds so grand a goal disconcerting and even embarrassing? Unassumingly and unpretentiously, Lee's life answered that question.

Lee lived greatly in the law because he was first and always a scholar. His principal field was family law, although he worked in several others. When Lee was young, family law was largely doctrinal in quite a stultifying sense. During his career, the field passed through a time in which empirical investigations opened fresh and fruitful per-

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¹ OLIVER WENDELL HOLMES, *The Profession of Law*, in COLLECTED LEGAL PAPERS 29 (1920). All of the quotations from Justice Holmes in this tribute are from this celebrated lecture.

spectives. Eventually, it entered its present era in which ideological preferences and even passions are critical. Unlike most men of his generation (including, I admit, myself), Lee persevered and prospered in the field throughout these changes.

Lee wrote wisely and justly even amidst the tumult of his chosen field because he brought a genuinely scholarly mind and a wonderfully patient temperament to it. He could discern and use what was good in any perspective; he realized that no perspective can explain more than part of the whole. Most unusually, he recognized with William James that "in a question of significance, . . . conclusions can never be precise. The answer of appreciation, of sentiment, is always a more or a less, a balance struck by sympathy, insight, and good will."² Almost uniquely, Lee brought to family law a talent for the large survey of causes. He was a learned man. He knew with Holmes that, "[i]f your subject is law, the roads are plain to anthropology, the science of man, to political economy, the theory of legislation, ethics, and thus by several paths to your final view of life." Lee trod these several paths and reached a place where he could see family law with stereoscopic vision. And Lee was a literate man. He was a stylist who wrote with leisured grace and ready allusion. Such stylists every field needs and few can boast.

This brings me to a second element of Lee's life in the law. Today, who does not believe Yeats' dictum that "[t]he intellect of man is forced to choose / Perfection of the life or of the work"? But the essence of Lee's life was that he was a good person, and that transformed his work. Lee delighted in his family: He was certainly the most uxorious man I have known, and he himself was almost embarrassed by his pride in his son. So great was Lee's affection for his family that it shaped his scholarship. He thought, for example, that his rewarding marriage made it hard for him to write dispassionately about divorce.

Lee's life in his family transformed his work in another way: He wanted to replicate in his law schools the warmth and generosity he nurtured in his family. This helps explain one of his loveliest qualities—his unflinching and ornate courtesy. Lee was so much a gentleman of the old school that sometimes, in our more protracted contests in courtesy, I thought he might have daunted even Castiglione and Chesterfield. But more fairly, Lee made courtesy a habit to assure himself that he would treat everyone solicitously. To be sure, Lee's courtesy could make it difficult to distinguish genuine from feigned regard. And sometimes that was Lee's intent. But the course of wisdom was to

² WILLIAM JAMES, *What Makes a Life Significant*, in WILLIAM JAMES: WRITINGS 1878-1899, at 873 (1992).

assume his regard was real, for that was Lee's working assumption and his hope.

Of course, Lee's gracious manners served subtler purposes. In our therapeutic times, even a tinge of emotional constraint makes one seem reserved, but Lee was reserved even by much higher standards. His reserve protected him from emotional display and preserved his privacy. American law cherishes privacy as never before, but when have Americans been so anxious to recount their psyche's progress? Lee resisted provoking such disclosures and could hardly understand wanting to make them, but he greeted them with sympathy for the unhappiness they uncovered, with tolerance for the idiosyncracies they reflected, and with intelligent help for the problems that prompted them. His courtesy elegantly allowed him to be reserved without being forbidding. But Lee was not reserved because he was cold. Underlying the reserve was a warmth and concern that suffused and shaped his life.

This leads me to another way Lee's personal goodness animated his professional endeavors. I confess that for many years I wondered why anyone would trade the freedom and fascination of a professor's life for the tedium and torment of a dean's life, particularly when law school deans have so much responsibility and so little authority. Finally, another extraordinary dean—Jeff Lehman—told me what I should already have seen—good deans (like good waiters) find their satisfaction in other people's success. This Lee richly did.

Lee borrowed some of the hours and talents most academics spend on scholarship and lavished them on devising ways to help his faculty. He most helped young people, since they most need help. He always and acutely read their manuscripts. He devised ways to bring them into the wider worlds of scholarship. Not least, he set standards of civility that made the scholarly life not just a norm but a pleasure. And Lee led by example: As few deans can do, he continued to write throughout his deanships. So plainly devoted was he to the young that they must have been spurred to the success so many of them have achieved partly by the fear of disappointing him.

Lee's devotion was not just to the young. He knew that deans can free all faculty members from some of the anxieties and burdens that afflict them. He labored to reassure the timorous. He scrimped and scavenged to fund faculty projects. He longed to help colleagues make transitions in their careers gracefully and joyfully. He strove to subdue "the mannerless conflicts over often sordid interests" that law faculties are prey to.

Lee's personal qualities transfigured his professional life in yet another way. Lee carried on the old law school tradition that teaching well matters as much as anything law professors do. Lee had not admired his own law school teachers and spoke with rare harshness

about them. Typically, he preserved the best of what they offered and purged the worst. He esteemed and relished the work of educating the next generation of lawyers, and he insisted that students learn to think rigorously. But in the classroom, in the halls, and in his office he greeted students with such solicitude and—again—such courtesy that they could only be reconciled to rigor. Lee's passion for teaching led him to devote some of his best scholarly efforts to the creation of casebooks that were models of the genre in their intellectual seriousness and pedagogical intelligence.

Lee lived greatly in the law in yet another way, a way crucial to his personal life and to his professional life as teacher, as dean, and as a lawyer proud of his profession. One of the pleasures Lee and I shared in being lawyers was meeting so many people of inspiring integrity. Among my own former classmates and former students are the head of the Washington office of O'Melvény & Myers, a managing partner of Munger, Tolles, & Olson, the head of the Law Department at the U.S. Air Force Academy, my own trusts and estates lawyer, and a partner in a two-man practice in rural Michigan. Each of these fine lawyers is someone clients can confidently and even cheerfully trust with property, freedom, or life. Each of these lawyers would be repelled and revolted by any dishonorable proposal. Lee, of course, was superbly such a lawyer and such a person. Holmes assumed that living greatly in the law might be especially difficult. Perhaps. But the law provides occasions of virtue that few other professions offer. In these Lee shone.

I have written of Lee after his death as I never could have spoken to him during his life. Despite the qualities I have described and the success he achieved, Lee was a diffident man. He always spoke eloquently, but he so much doubted himself that he would write out remarks even for minor occasions, and a conference was a discomfort until he had delivered his paper. Throughout his life, he followed his calling as a thinker in the somber light of Holmes' warning: that you may "work upon the raw material for results which you do not see, cannot predict, and which may be long in coming . . ." But he knew, again with Holmes, that "[n]o result is easy which is worth having."

Still, in the humble modern sense of Holmes' old-fashioned term, Lee lived greatly in the law. He was never a saint and sometimes a sinner, but he lived greatly in the law because he made goodness routine, because in his goodness he delighted his family and his friends, and because he consecrated his professional life to scholarship that might make his own happiness universal and to finding his greatest rewards in the satisfactions of his colleagues. For Lee, as for Justice Holmes, it was "only thus that you can know that you have done what it lay in you to do—can say that you have lived, and be ready for the end."