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Alvin Benjamin Rubin: Jurist-Scholar-Gentleman Extraordinaire

*Henry A. Politz**

In this issue of the *Law Review* of the law school he loved so dearly, we celebrate and express our appreciation for the life and legacy of our esteemed friend and colleague, Alvin B. Rubin, the consummate lawyer, scholar, teacher, and federal trial and appellate jurist. Professionally he did it all, of that we personally can attest. His accomplishments may have been equaled, but it is not likely that they have been or ever will be surpassed.

Some few people have the enviable talent and genius to be in "high gear" intellectually even when they seem to be completely at ease and "on cruise control." Alvin Rubin numbered amongst this chosen few. His was a remarkable, disciplined mind. If there was ever any wasted space or time in his daily routines, none ever appeared to the searching and tutored eye of one who viewed him for nearly four decades from the vantage points of student, colleague at the bar, fellow teacher, and, finally, colleague on the bench. He regularly and consistently did more of everything in less time and with less apparent effort than anyone I have ever known.

It has been said that every human being, openly or more covertly, aspires to leave a mark showing that he or she passed this way. Alvin Rubin has done that in spades. His mark as a lawyer and legal scholar may be found in his writings published in articles and books and, perhaps more tellingly, in the hearts and minds of his law students during more than forty years of teaching in law schools across the nation. His mark as a judge of the United States District Court may be found in the many innovations he introduced to improve the quality and quantity of justice dispensed by our trial courts. Finally, his mark as a judge of the United States Court of Appeals may be found in nearly 400 volumes of the *Federal Reporter 2d Series*. As one reads his many opinions, one can only marvel at the extent of his wisdom, keenness, and humanity.

Alvin Rubin indeed belonged to a small and select group. Shortly after Judge Rubin's death, at a special *en banc* session of the United States Fifth Circuit Court of Appeals called in his honor, Judge John Minor Wisdom, Judge Rubin's predecessor who shared his intellectual plane, identified the members of that small and select group. Judge

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* Chief Judge, United States Court of Appeals, Fifth Judicial Circuit.

Wisdom concluded that Alvin Rubin's intellect, scholarship, and judicial leadership placed him in an elite group of juridical giants which included Oliver Wendell Holmes, Jr., Benjamin N. Cardozo, Louis D. Brandeis, Learned Hand, and Henry J. Friendly. Judge Wisdom was being characteristically generous to those he thus joined with our Fifth Circuit colleague.

Much can be said about the quality of Judge Rubin's written opinions. One may rightly suggest that they need no spokesman; they loudly and eloquently speak for themselves—today, tomorrow, and for as far into the future as one may presume to see. What is not so easily perceived is the quality and quantity of the contributions he made behind the scenes to improve the administration of justice in myriad ways. His antennae were always up and scanning; his computer was always up and running. The flow of his suggestions, large and small, was a veritable cascade: how to improve the circuit library; how to improve chambers research techniques; how to skillfully move from the printed word resource to the electronic characters displayed on a CRT; how to better the method of preparing memoranda by staff counsel; how to quicken and lessen the paper flow to and from chambers; how best to help lawyers and litigants fathom the mysteries of the appellate process; and how to aid an attorney in the preparation of a useful brief and meaningful oral argument. No matter was too small or too large for his careful eye, from the size of the footnotes in the brief to an attorney's gestures at the lectern. From the smallest of details to the greatest of concepts Alvin B. Rubin could and would quickly, but ever so kindly, tell the fledgling, or senior, lawyer, how to better his professional performance.

He was a perfectionist who inspired all around him to seek, consciously and unconsciously, to achieve a measure of that perfection. He led and guided but never pushed or goaded. We who have known him and have served with him have been blessed; our lives have been enriched because his life and destiny have touched ours. For that we are most grateful.